

TOWN OF YORKTOWN PLANNING BOARD

Yorktown Community and Cultural Center, 1974 Commerce Street, Yorktown Heights, New York 10598, Phone: (914) 962-6565, Fax: (914) 962-3986

PUBLIC MEETING AGENDA - TENTATIVE YORKTOWN COMMUNITY & CULTURAL CENTER 1974 Commerce Street, Room 104, Yorktown Heights, NY 10598

**May 23, 2016
7:00 PM**

1. **Correspondence/Liaison Reports**
2. **Meeting Minutes - April 11, 2016 and May 9, 2016**

Special Session

3. **322 Kear, LLC aka Marathon Development Group**

SBL: 37.18-2-51

Decision Statement

Location: 322 Kear Street

Contact: Site Design Consultants

Description: Proposed approximately 13,000 square foot, three-story commercial and residential building with associated parking.

4. **JCPC Holdings, LLC**

SBL: 48.07-2-2

Decision Statement

Location: 1560 Front Street

Contact: Albert A. Capellini, Esq.

Description: Proposed 5,000 square foot building for an engine building shop.

Work Session

5. **Shaiken**

SBL: 70.15-1-14

Lot-Line Adjustment

Location: 363 Wooded Hill Court

Contact: Adam Wekstein, Esq.

Description: A lot-line adjustment in New Castle that effects property in Yorktown.

6. **Hearthstone Minor Subdivision**

SBL: 17.18-1-8

Discussion Subdivision

Location: 3138 Hearthstone Street

Contact: 16 Lake Road, Inc.

Description: Proposed to subdivide a one acre parcel into two building lots both to be serviced by public water and sewer lines.

7. **Orchard View Realty Subdivision**

SBL: 36.06-2-78

Discussion Subdivision

Location: 2425 Sherry Drive

Contact: Zappico, LLC

Description: Proposed 9 lot subdivision of a 9.2438 acre parcel in the R1-20 zone.

8. Ianuzzi Resubdivision

SBL: 47.15-1-14,15,16

Discussion Subdivision

Location: 1189 Baptist Church Road

Contact: Site Design Consultants

Description: Proposed resubdivision of 3 lots into 4 lots under the Town's Flexibility Standards.

9. ZBA Referral #31/16 – Countryside

SBL: 35.08-1-17

Location: 3787 Crompond Road– (Brophy Lot)

Contact: Fred Sannacandro

Description: This is an application for a special use permit for an Exterior Storage Yard per 300-44 of the Town of Yorktown Zoning Code. This property is located in a C-4 Zoning District.

10. ZBA Referral #33/16 – Saccente

SBL: 26.05-1-48

Location: 3197 Rocky Place

Contact: Michael Saccente

Description: This is an application for a variance to allow an addition that will have a rear yard setback of 39.2' where 45' are required a decision of the Zoning Board of appeals on May 24, 2001. This property is in an R1-10 Zoning District.

11. Town Board Referral

Proposed Local Law amending Chapter 245-5 of the Code of the Town of Yorktown entitled “Solid Waste.”

12. Spark Steakhouse

SBL: 29.18-1-7.29

Discussion Amended Site Plan and Outdoor Seating

Location: 3360 Old Crompond Road (Crompond Crossing)

Contact: MAP Architecture

Description: Proposed 274 square foot addition, relocation of the trash enclosure, and outdoor dining for 40 seats.

13. Taconic Veterinary and Canine Kindergarten

SBL: 36.05-1-18

Discussion Approved Site Plan

Location: 3655 Crompond Road

Contact: MAP Architecture

Description: Amendments to the approved site plan.

Last Revised – May 19, 2016

Correspondence/ Liaison Reports

Michael Quinn, PE
Town Engineer

Michael J. Grace
Town Supervisor

TOWN OF YORKTOWN ENGINEERING DEPARTMENT


Town of Yorktown Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598, Phone (914) 962-5722, Fax (914) 962-1731

RECEIVED
PLANNING DEPARTMENT

MAY 9 2016

TOWN OF YORKTOWN

MEMORANDUM

To: Planning Department
From: Michael Quinn 
Date: May 9, 2016
Subject: Valley Commons/PEG Realty – Site Plan

The Engineering Department is in receipt of a communication/sketch that shows a curb modification to the above referenced project. We had a phone conference with a representative of the Applicant (Joel Greenberg) on 5/9/16 to further discuss the proposed work.

We have no objection to this site plan amendment and note the following:

1. The change is being made to reduce/eliminate the possibility of delivery trucks striking the curbs, there will be no loss of parking spaces and no change to the parking lot stripping.
2. The catch basin frame and grating will be changed to an open style, suitable for installation in an parking area that receives H-20 truck loading. The contractor will slightly adjust the asphalt grading to direct surface water to the catch basin.

Pease do not hesitate to contact me should you have any questions.

MQ:\mk:F:\ENG\Site Plans\Galaxy_P.E.G_ValleyCommons\pb_memo_05-04-16.doc

cc: Planner, Applicant

Michael Quinn, PE
Town Engineer

Michael J. Grace
Town Supervisor


TOWN OF YORKTOWN ENGINEERING DEPARTMENT

Town of Yorktown Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598, Phone (914) 962-5722

MEMORANDUM

RECEIVED
PLANNING DEPARTMENT
MAY 13 2016
TOWN OF YORKTOWN

To: Planning Board

From: Michael Quinn, P.E. 

Date: May 13, 2016

Re: JP Morgan Chase Bank – Commerce Street
Site Plan – SWPPP Review

Following are the Engineering Department comments on the subject application:

Stormwater Management Report

1. See attached memorandum from Bruce Barber, Town Environmental Consultant

General

2. The plans received by our office do not have the engineers sign & seal, please provide.
3. Applicant is requesting a variance from the Town code requirement that all exterior illumination shall be less than 1.0 foot-candles at the property line. Due to the presence of an ATM machine on the south side of the new building, Applicant requested approval to have light levels that exceed 1.0 foot-candles along the south property line in order to comply with the New York State ATM Safety Act. The Planning Board should consider having the Applicant relocate the ATM machine to the front of the building so it can comply with the Town code, however, it would not be a drive-up ATM as the Applicant is intending to provide. We note that the adjoining property is another commercial business (Wallauer Paint Supply) so the Board may wish to grant the requested variance in this particular case—we have no objection to granting the variance.

Sheet C-2

4. Due to the amount of disturbance along the Town right-of-way, all curbs and sidewalks should be replaced. Include a sawcut detail running a minimum of 2-feet off the curbline and include full pavement restoration.
5. Applicant did not include any details on an exterior sign, if being provided we request review of the proposed signage and mounting details.
6. The plans show three (3) street trees are being removed. Show replacement with new trees. If there is not enough space for three (3) new street trees while maintaining the required sight distances from driveway entrance and exits, possibly Applicant could install at an off-site location.

Sheet C-3

7. Is any construction proposed along the north property line? If any changes to the existing grades are proposed, submit details for review.

Sheet C-4

8. For the work on Commerce Street, a road opening permit will be required by the Town Highway Department.
9. For the new water service, a water connection permit will be required from the Town Water Dept.
10. For the new sewer connection, a sewer connection permit shall be obtained from the Engineering Department. Do we allow PVC pipe?
11. The water quality manhole (Jellyfish filter) requires regular maintenance and also must be inspected after severe rain events. The failure to maintain this water quality measure will adversely affect the Town storm piping in Commerce Street and further downstream. Applicant shall provide a standard maintenance agreement that will be utilized to ensure regular inspections/maintenance will be performed by a qualified firm. Applicant shall file yearly reports with the Town Engineer confirming that all required maintenance and inspection activities have been performed. Applicant shall establish a \$2,500 escrow account with the Town Finance Department that may be used by the Town Engineer if, after due notice has been provided, the Applicant fails to perform the required maintenance activities.

Sheet C-5

12. In Comment #4, we noted the Applicant's request for a variance to exceed the exterior illumination of 1.0 foot-candles at the property line related to the location of a drive-up ATM machine on the south side of the building. Exterior light levels for the north, east and west property lines also exceed the maximum 1 foot-candles as currently shown. Applicant should confirm this and if light levels must be reduced, consider lower light poles spaced closer together or bollard lighting in order to achieve the code required 1.0 foot-candle at the three other property lines.

Sheets CD-1 through CD-4

13. For work that occurs in the Town right-of-way, Town standards shall be followed regardless of what is shown on these construction detail sheets.
14. Sheet CD-3, Trash Enclosure: Provide engineering calculations for the concrete slab and 8-foot walls. Confirm what the finish will be for masonry walls. Confirm if an "optional curb" will be provided.

Sheet SWPPP-1 & SWPPP-2

15. Under the Sequence of Construction, Phase 1, prior to any of the listed activities, a pre-construction meeting shall be held with the Engineering Department to review the field activities that will be performed related to erosion and sediment control. The first listed activity shall be to install tree protection for all trees to remain as shown and indicated on the plan. Re-number all remaining listed activities as #2-#5.
16. This site is located in a busy commercial district, need to provide temporary fencing around the entire perimeter to enclose the work area for the duration of construction.
17. As part of the SWPPP report being prepared for this site, weekly inspection reports of the erosion and sediment control measures must be performed by a licensed professional engineer. Provide copies of the weekly reports to the Engineering Department.

Additional Notes: Prior to issuance of a Certificate of Occupancy:

1. Applicant should be required to perform an exterior light survey of the post-construction condition and confirm light levels are within the Town standard.
2. Applicant shall perform a follow-up traffic study to confirm estimated wait times and levels of service for one of the conditions that were simulated. If service levels are off by more than 20 percent from the predicted levels, Applicant shall retain a design professional to recommend additional changes, which shall be implemented once reviewed and accepted by the Town.

In conclusion, I have no objection to an approval being granted for this project, subject to the comments above being addressed and prior to issuance of a Building Permit.

MQ:\mk:F:\ENG\Site Plans\Chase_Commerce_St\pb_memo_05-13-16.docx

cc: Planning Department, Conservation Board, Highway Superintendent, ABACA, Applicant

RECEIVED
PLANNING DEPARTMENT

MAY 13 2016

Michael Quinn, PE
Town Engineer

TOWN OF YORKTOWN
Michael J. Grace
Town Supervisor

TOWN OF YORKTOWN ENGINEERING DEPARTMENT

Town of Yorktown Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598, Phone (914) 962-5722

MEMORANDUM

To: Michael Quinn, P.E.

From: Bruce Barber, Environmental Consultant

Date: May 13, 2016

Re: JP Morgan Chase Bank – Commerce Street
Site Plan – SWPPP Review

Following are my comments on the Stormwater Management Report, received by the Engineering Department on 3/16/16:

1. It is unclear if the soil percolation test and deep hole excavation have been performed. If not yet done, should be scheduled and will need to be witnessed by representatives from the NYCDEP and Town of Yorktown. Note: Soil testing information and logs should be summarized in the narrative and complete logs, inspection and testing information included in an Appendix of the SWPPP.
2. Provide copy of the Phase I Archeological Report in an addendum to the SWPPP.
3. The project is located in the New York City East of Hudson Watershed, the stormwater practices must be sized to capture and treat the one-year, 24-hour storm (3.1-inches of rainfall). In Section 3:3 of the Applicant's SWPPP it appears that the "P" (rainfall) value used in the calculations is the 90% rainfall event (not the one-year, 24 hour event), please clarify.
4. The Applicant should provide additional narrative on the reason why there is inadequate space for controlling stormwater runoff from the reconstructed area (Drainage Area #2) or what physical constraints exist to prevent meeting the required elements of standard management practices (Drainage Area #3).
5. Applicant proposes to use a proprietary practice for stormwater quality, aka Jellyfish Filter by Contech. The NYCDEP does not currently list this device in their approved proprietary list, please confirm or advise if a different technique will be used. Our understanding is that the NYCDEP would consider the Jellyfish Filter for a new

development project with other “upstream” improvements but that would not apply to this project since it is a redevelopment project. In any event, Applicant needs to fully consider installation of a standard stormwater management practice(s) such as infiltration or swales before selecting a different alternative.

6. The design as presented does not include the 0.05 acres of impervious surface close to the property line, provide the rationale why this cannot be included with the other treatment techniques already being provided as part of the project.
7. Please confirm the Time of Concentration for the post-construction condition is the same or less than the time for the pre-construction condition for Drainage areas No. 1 & No. 2. Same comment also applies to the peak discharge rate.

If you should have any further questions, please call me.

BB:\mk:F:\ENG\Site Plans\Chase_Commerce_St\swppp_review_memo_bb_05-13-16.docx



Emily Lloyd
Commissioner

Paul V. Rush, P.E.
Deputy Commissioner
Bureau of Water Supply
prush@dep.nyc.gov

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May 13, 2016

RECEIVED
PLANNING DEPARTMENT
MAY 13 2016
TOWN OF YORKTOWN

Ms. Robyn Steinberg, Town Planner
Town of Yorktown Planning Board
1974 Commerce Street
Yorktown Heights, New York 10598

Re: Notice of Intent to be Lead Agency
J.P. Morgan Chase
1975 Commerce Street
Town of Yorktown, Westchester County, NY
Tax Map #s: 37.14-2-66
DEP Log#: 2014-MU-0173-SQ.2

Dear Ms. Steinberg and Members of the Planning Board:

The New York City Department of Environmental Protection (DEP) has reviewed the Town of Yorktown Planning Board's (Board) Notice of Intent to act as Lead Agency and short Environmental Assessment Form (EAF) for the above referenced project. DEP does not object to the Board acting as Lead Agency for the Coordinated Review of the proposed action pursuant to the New York State Environmental Quality Review Act (SEQRA).

The project site is located in the Muscoot Reservoir drainage basin of New York City's Water Supply. Muscoot Reservoir is phosphorous restricted; therefore, water quality impacts to the reservoir from pollutant laden runoff must be avoided or mitigated.

The proposed action involves the demolition of the existing restaurant and the construction of a one-story 4,320 sq. ft. bank building with a drive thru lane and 19 parking spaces to be served by municipal water and sewer.

DEP's status as an involved agency stems from its review and approval authority for a Stormwater Pollution Prevention Plan (SWPPP) pursuant to Sections 18-389b(3)(x) of the *Rules and Regulations for the Protection from Contamination, Degradation, and Pollution of the New York City Water Supply and Its Sources* (Watershed Regulations).

Based upon the review of the documents received, DEP respectfully submits the following for your consideration:

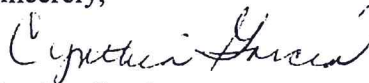
1. The project site is located in a Designated Main Street Area (DMSA) and, in accordance with Section 18-39(a)(11)(i) of the Watershed Regulations, the creation of any new impervious surfaces in a DMSA requires review and approval of a stormwater pollution prevention plan (SWPPP) by DEP.

The SWPPP approved on 1/26/15 for the former Empire Hunan Restaurant proposed at the same location differs significantly than the current site plan. As such, the current proposal will require DEP review and approval of a new SWPPP as new impervious surfaces are proposed in areas that are currently pervious.

2. The EAF should be revised and indicate that the project requires coverage under New York State (NYS) Department of Environmental Conservation General Permit-015-002 for disturbance of greater than 5,000 sq. ft. in the East of Hudson watershed.
3. It is unclear whether or not the proposed dry swale will comply with the requirements of the NYS Stormwater Design Manual (NYSSDM) or that it will provide adequate treatment for the tributary area. In addition, soil testing results has not been provided to demonstrate clearance to groundwater for the practice.
4. The action proposed to use a jelly fish filter to treat most of the stormwater runoff from the site; however, jelly fish filters are not a standard stormwater management practice (SMP) as defined in the Watershed Regulations, and are therefore inappropriate for treatment of new impervious surfaces. Redesign of the SMP will be required to meet the Watershed Regulations.
5. The project sponsor should clarify how the redevelopment criteria in Chapter 9 of the NYSSDM is met.
6. The project site is very limited in size. It is recommended that the project sponsor provide further clarification in the sequencing to demonstrate how material stockpile and removal will be managed within the footprint.

DEP submits this letter to you as lead agency as part of a coordinated SEQRA review. Thank you for the opportunity to provide comments. You may reach the undersigned at cgarcia@dep.nyc.gov or (914) 773-4455 with any questions or if you care to discuss the matter further.

Sincerely,



Cynthia Garcia
SEQRA Coordination Section

X: D. Whitehead, NYSDEC
M. DeWitt, P.E., Core States



Emily Lloyd
Commissioner

Paul V. Rush, P.E.
Deputy Commissioner
Bureau of Water Supply
prush@dep.nyc.gov

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RECEIVED
PLANNING DEPARTMENT

MAY 12 2016

TOWN OF YORKTOWN

May 11, 2016

Mr. Christopher O'Keefe, President
708 Underhill Avenue Corporation
36 Farrington Road
Croton on Hudson, NY 10520

Re: Arrowhead Subdivision (SWPPP)
Underhill Avenue, Yorktown Heights NY,
New Croton Reservoir Drainage Basin
Tax map # 48.13-1-6
DEP Log #2005-CNC-0114-SP.1

Dear Mr. O'Keefe:

The New York City Department of Environmental Protection (DEP) received your May 9, 2016 letter requesting a second extension of the Stormwater Pollution Prevention Plan (SWPPP) Approval Determination issued by DEP on March 25, 2009. In accordance with Section 18-39 (b) (5) of the *Rules and Regulations for the Protection from Contamination, Degradation, and Pollution of the New York City Water Supply and Its Sources* (Watershed Regulations), DEP grants an extension of the SWPPP Approval Determination subject to the conditions noted in the original determination. The renewed Arrowhead Subdivision SWPPP Determination will expire on March 25, 2019. Please note that no further extensions will be granted until all temporary stormwater practices have been converted to permanent stormwater practices and plans for erosion and sediment control during construction of individual lots are deemed acceptable by DEP.

If you have any questions, please do not hesitate to call me at (914) 773-4440 or email me at mgalasso@dep.nyc.gov.

Sincerely,

Mary P. Galasso
Supervisor
Stormwater Programs EOH

C: (T) Yorktown Planning - planning@southeast-ny.gov
(T) Yorktown Engineering - engineering@yorktownny.org

TOWN OF YORKTOWN

ADVISORY BOARD ON ARCHITECTURE & COMMUNITY APPEARANCE

Yorktown Community and Cultural Center, 1974 Commerce Street, Yorktown Heights, New York 10598, Phone (914) 962-6565, Fax (914) 962-3986

MEMORANDUM

To: John Winter, Building Inspector
From: ABACA
Date: May 11, 2016
Subject: Arrowhead Subdivision – Lot 6.2 – 809 Underhill Avenue
SBL: 48.13-1-6.2

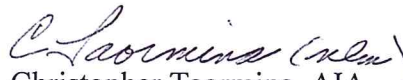
Drawings Reviewed:

Title	Drawing No.	Last Revised	Produced By:
Proposed Exterior Elevation Lot 6	not shown	not shown	Escaladas Associates

The Advisory Board on Architecture and Community Appearance reviewed the subject item during its meeting on May 10, 2016. The comments of the Board are as follows:

1. This lot is in an approved 5-lot subdivision. The ABACA previously reviewed the building elevations on July 29, 2014, during the Planning Board's approval process.
2. The Planning Board approved the ff elevation at 645 and this is acceptable to the ABACA.
3. In 2014, the Board questioned the wood railings on the second floor balconies. According to the applicant, these have been changed to wrought iron to match those on the first floor.
4. Also, the applicant stated that the different column style shown will now all match. Sizes of the columns will remain as shown relative to their location and purpose. The raised corner details will also remain consistent throughout.
5. According to the ABACA application, that was submitted by the applicant, the finish on the house is to be silver mink (grey) stucco, the trim will be a darker (or lighter) to complement the grey stucco, the exterior windows and doors are to be natural and the roof is to be GAF Timberline asphalt charcoal shingles.
6. Based on the plans submitted and reviewed, the Board has no objections to a building permit being issued for this lot.


Mark Connelly (nlm)
Co-Chairman


Christopher Taormina, AIA
Co-Chairman

nlm

cc: Planning Board/Dept.
Chris O'Keefe (email)



Emily Lloyd
Commissioner

Paul V. Rush, P.E.
Deputy Commissioner
Bureau of Water Supply
prush@dep.nyc.gov

165 Columbus Avenue
Alhalla, NY 10595
T: (914) 742-2001
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January 20, 2016

Mr. Joseph C. Riina, P. E.
Site Design Consultants
251-F Underhill Avenue
Yorktown Height, NY 10598

RECEIVED
PLANNING DEPARTMENT
APR 26 2016
TOWN OF YORKTOWN

re: Bonsignore Subdivision.
2483 Hunterbrook Road, (T) Yorktown
New Croton Reservoir Basin
DEP Log #2015-CNC-0626-SQ.1

Dear Mr. Riina:

Thank you for meeting with a representative of the New York City Department of Environmental Protection (DEP) at the above referenced site on January 8, 2016 to determine the presence of watercourses. Our observations and conclusions are discussed herein.

The site is currently a residential lot with one existing residence. A three lot residential subdivision is proposed. A small local wetlands is located within the property. During the January 8, 2016 site visit, no features that would be classified as watercourses as defined in the "Rules and Regulations for the Protection from Contamination, Degradation and Pollution of the New York City Water Supply and Its Sources" (Regulations) were identified on site.

Please call me at (914) 773-4440 if you have any questions. Thank you.

Sincerely,

Mary P. Galasso
Supervisor
Stormwater Programs, EOH

c: (T) Yorktown Planning



Emily Lloyd
Commissioner

Paul V. Rush, P.E.
Deputy Commissioner
Bureau of Water Supply
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May 6, 2016
RECEIVED
PLANNING DEPARTMENT
MAY 9 2016
TOWN OF YORKTOWN

Mr. Joseph Riina, P.E.
Site Design Consultants
251-F Underhill Avenue
Yorktown Height, NY 10598

Via email: JRiina@SiteDesignConsultants.com

re: Hanover Corner - SPPP
1803 Commerce Street, (T) Yorktown
TM # 37.18-2-77, 78
Muscoot Reservoir Basin
DEP Log #2015-MU-0593-SP.1

Dear Mr. Riina:

The New York City Department of Environmental Protection (DEP) determined that the above referenced application was complete on March 7, 2016. Please be advised that the following the following comments must be satisfactorily addressed prior to approval.

A. Hydrology

1. Runoff from proposed new impervious surfaces must be captured and treated and/or reduced through runoff reduction practices. Consider the use of a trench drain or a catch basin at the intersection of the proposed access and existing Commerce Street.
2. If the Time of Concentration (Tc) for DA-1 extends through the site, along Commerce Street, Kear Street, and through the property A 345 Kear Street to the catch basin at Underhill Avenue, the drainage area must be enlarged to include all tributary area to this design point. As analysis of a drainage area of this large size is inappropriate for estimating impacts to hydrology from changes at the site, please consider selecting a design point for DA-1 at a point where runoff from this drainage area leaves the site at the edge of Commerce Street and demonstrate that runoff volumes, peak flows, and time to peak flow are not altered pre to post development.
3. The data source for the time-depth curves used in the pond pack analysis must be noted in the SWPPP report. Please indicate what information was input into the Northeast Climate Center website to obtain the information incorporated in the analysis.

B. Stormwater Management

1. Please verify that the drainage structure inverts, elevations, pipe lengths, and slopes are consistent throughout the plans, profile and analysis. There appear to be several discrepancies.
2. Consider using a lesser infiltration rate to account for potential for clogging of the system over time. Further, since one of the infiltration rates witnessed was only 4 inches per hour, significantly faster rates should be carefully considered.
3. The *New York State Stormwater Management Design Manual (Design Manual)* notes that when runoff is delivered to an infiltration system through piping, the infiltration system must be designed off line. As currently designed, runoff from all design storms will discharge to the infiltration system. Please revise the design accordingly or demonstrate how the proposed design is technically equivalent to design criteria specified in the *Design Manual*.

C. Construction Sequencing, Erosion and Sediment Control

1. If stockpiles will be located on pavement, please provide a detail demonstrating how sediment laden runoff from stockpile runoff will be controlled as the surrounding silt fence or straw bales cannot be keyed into soil.
2. The sequence notes that excess material that cannot be stockpiled due to space constraints will be removed from the site. Will removal occur within a certain timeframe of excavation? If so please specify.
3. If vehicular tires will not be cleaned prior to leaving the site during construction, please provide an alternative measure to minimize sediment tracking onto streets. Please also note that wheel cleaner is still listed in the maintenance schedule on sheet 6 of 9.

D. Plans and Details

Show the locations of all field testing on the plans. Neither the plan set received by DEP on February 12, 2016 nor the plan set received by DEP on April 15, 2016 included this information on the referenced plan sheet or any other sheets.

E. Inspection and Maintenance

Please note that "Exhibit 2" to be attached to the maintenance agreement is not the plans and details. This must be a detailed list of post construction stormwater management measures and must include all inspection and maintenance criteria associated with each measure. Please include this exhibit with the next submission.

If you have any questions regarding this application please call me at (914) 773 – 4440. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mary P. Galasso', with a long horizontal flourish extending to the right.

Mary P. Galasso
Supervisor
Stormwater Programs, EOH

c: Michael Dubovsky, Owner
(T) Yorktown Planning - planning@yorktownny.org
(T) Yorktown Engineering – engineering@yorktownny.org



Emily Lloyd
Commissioner

Paul V. Rush, P.E.
Deputy Commissioner
Bureau of Water Supply
prush@dep.nyc.gov

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Alhalla, NY 10595
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May 6, 2016

RECEIVED
PLANNING DEPARTMENT
MAY 9 2016
TOWN OF YORKTOWN

Mr. Robert Aiello
John Meyer Consulting, PC
120 Bedford Road
Armonk, NY 10504

via email: raiello@jmccllc.com

re: Staples Plaza, BJ's Gasoline Station
3303 3379 Crompond Road
(T) Yorktown
New Croton Reservoir Basin
DEP Log # 2007-CNC-0369-SP.2

Dear Mr. Aiello:

The New York City Department of Environmental Protection (DEP) determined that the above referenced application was complete on January 13, 2016. The following comments must be satisfactorily addressed prior to approval.

A. Runoff Reduction

Please verify that the runoff reduction calculations are accurately labelled for the appropriate areas.

B. Stormwater Management

Please revise elevations, dimensions, and pipe sizes for all drainage structures and pipes for consistency through the various analyses (Appendix B, Appendix C, Appendix D) and the plans.

C. Construction Sequencing/Erosion and Sediment Control

1. Consider moving sequence step H, construction fencing around infiltration areas, etc., to step C.
2. Please show silt fencing on the erosion control plan between the temporary swale proposed to divert runoff and the infiltration system on the plan. Consider showing this silt fence on the detail as well.

D. Plans and Details

1. The piping profiles indicate that proposed stormwater piping will lie directly on top of other stormwater piping in several locations (see profiles for Trench Drain 1 to MH-B-1 and Canopy RDL to Diversion C-2). Please revise as necessary to ensure these systems will function properly.
2. Please provide additional protection for stockpiles to be located on pavement to prevent sediment laden runoff from discharging under the proposed straw bales.

If you have any questions regarding this application please call me at (914) 773 – 4440. Thank you.

Sincerely,



Mary P. Galasso
Supervisor
Stormwater Programs EOH

C: (T) Yorktown Planning Department - planning@yorktownny.org
(T) Yorktown Engineering Department - engineering@yorktownny.org
Andrew Albrecht, Urstadt Buddle Properties, Inc. – aalbrecht@usbproperties.com

Meeting Minutes

April 11, 2016

May 9, 2016

Planning Board Minutes April 11, 2016

A meeting of the Planning Board, Town of Yorktown, was held on April 11, 2016, at the Yorktown Town Hall Board Room, 363 Underhill Avenue, Yorktown Heights, NY 10598. The Chair, Rich Fon, opened the meeting at 7:00 pm with the following members present:

John Flynn
Darlene Rivera
John Kincart

Also present were: John Tegeder, Director of Planning; Robyn Steinberg, Town Planner; Tom D'Agostino, Assistant Planner; Anna Georgiou, Planning Board Counsel, and Bruce Barber, Town Environmental Consultant.

Correspondence: Fon stated there were some hand drawn materials submitted. Tegeder stated that the applicant had planned to come courtesy of the floor, but decided not to.

Minutes:

Upon a motion by Flynn, seconded by Rivera, and voted in favor by Fon, Flynn, and Rivera, the Board approved the March 28, 2016 minutes by the Chair's corrected copy.

REGULAR SESSION

Arrowhead Subdivision

SBL: 48.13-1-6

Decision Statement

Location: 809 Underhill Avenue

Contact: Albert A. Capellini, Esq.

Description: Proposed site plan for Lot 6.2 of the 5-lot subdivision.

Chris O'Keefe, the applicant, was present. O'Keefe thanked the Planning Board for the long process. Last week the Town Board accepted both the 10 acre and 5 acre parcels at the top of the hill as parkland. While we were finishing the plat with staff, we were also reviewing Lot 6.2 with the Planning Board. There were several revisions the Board requested. The Board then had to wait to approve the site plan until the plat was filed. Tegeder stated that the Board is approving the May 22, 2015 plan. Any changes to this plan, will bring this lot back to the Planning Board.

Upon a motion by Rivera, seconded by Flynn, and with all those present voting in favor, the Board approved the site plan for Lot 6.2 of the Arrowhead Subdivision.

Faith Bible Church

SBL: 15.16-2-50, 53, 54 & 15.16-2-9, 10

Request for Second 1-year Time Extension

Location: 3500 Mohegan Avenue

Contact: Albert A Capellini, Esq.

Description: Approved site plan of an 8,000 sf, two-story church and parking granted by Resolution 14-08 dated May 5, 2014.

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Al Capellini, project attorney, was present. Capellini stated that the plans have been signed however a building permit still has not been issued. The applicant is working on the construction plans and therefore the applicant is requesting an extension.

Upon a motion by Rivera, seconded by Flynn, and with Fon, Flynn, and Rivera voting in favor, the Board approved a 2nd One-Year Time Extension for the Faith Bible Church.

PEG Realty Corporation

SBL: 16.08-1-2

Decision Statement

Location: 3699 Hill Boulevard

Contact: Signs Ink

Description: Proposed Master Sign Plan.

Steve Chester of Signs Ink was present. Chester stated the applicant had been to the ABACA and made their requested changes. The Board reviewed the three memos received from the ABACA.

Upon a motion by Kincart, seconded by Rivera, and with all those present voting in favor, the Board approved a Master Sign Plan for the shopping center located at 3699 Hill Boulevard.

Trailside Café

SBL: 37.18-2-79

Special Permit – Outdoor Seating

Location: 1807 Commerce Street

Contact: SI Design

Description: Request for a special permit to accommodate outdoor seating for 29 patrons.

Justin Fagan, café owner, was present. A memo from the Building Inspector was reviewed. Kincart stated that the plan should note that the front sidewalk seating was approved by the Town Board and not the Planning Board. The Board added a condition to the special permit resolution requiring the note regarding the sidewalk seating indicating the Town Board approved this seating area and including the resolution number and date that approval occurred. Fagan stated that the Town Attorney is working on the lease for the sidewalk seating. Fon stated that the Board must decide whether the additional patio will have an effect on the required parking. Fagan stated that the building does not have any parking. The patrons come mostly from the bike path. Rivera stated that the seating was already used last year, prior to obtaining a permit and there were no issues reported.

Upon a motion by Rivera, seconded by Kincart, and with all those present voting in favor, the Board approved a special permit for outdoor seating on the rear patio at the Trailside Café.

JCPC Holdings, LLC

SBL: 48.07-2-2

Public Hearing

Location: 1550 Front Street

Contact: Ciarcia Engineers

Description: Applicant proposes to construct a 5,000 sf building for an engine building shop and off-site wetland mitigation on Town owned property.

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Dan Ciarcia, project engineer, and property owners, John and Patty Cerbone, were present. Ciarcia stated the proposed site plan is for an approximately one-acre vacant site on Front Street. The proposed building will be home to JCM Racing Team and engine building shop. The first action with the Planning Board was to obtain the Board's blessing on a lot line change with the adjacent Crown Delta property. The original lot line had the existing 8 parking spaces for the Crown Delta site on the subject property. That line has been moved. There is a wet area on the front of the site that was created as a result of the construction of Front Street. Currently water flows across the sidewalk and street during rain events. There used to be drainage that drained this area, but upon inspection it was observed that this pipe is broken. The proposed building is 5,000 square feet and parking on an asphalt surface. The additional parking along front street is shown as pavers, but will probably be constructed of grasscrete so that it will look green most of the time. This area is for cars being delivered on trucks and will not be used often. Otherwise there is a limited number of employees so the site will be a low traffic generator.

The applicant is proposing to fill the wet area, which is defined by the Town of Yorktown wetlands ordinance as a wetland. Therefore, in order to comply with the Town's "no net loss" policy for wetlands, the applicant is proposing off-site wetland mitigation. There is approximately 88 acres in the watershed that drains, not to this site, but to Town owned property on the south side of Front Street, adjacent to the UPS site. There is a large pipe that outlets here and the area has been significantly impacted by the high volume of flows that discharge here. There is a lot of erosion and sediment deposited in this area. The proposal is to construct a forebay at the pipe outlet to intercept this high volume of flow. Then an approximately 12,000 square foot area would be excavated, graded, and seeded to create a new wetland area. This would provide treatment for the flow from this watershed before it enters the wetlands.

Flynn asked if the applicant is proposing to go in the direction of the proposed plan or to wait for the East of Hudson (EOH) to finalize their plans for this area. Ciarcia stated that because of the uncertainty in the timing of an EOH project, the applicant prefers to do the work first as oppose to bonding or entering into a long-term agreement for future improvements. The applicant would be mitigating this in the short term. A lot of the site would be prepped and the applicant would create a means to enter the site and maintain the forebay. In addition, with the seed mix bring used, a lot of the shrubs that will grow could be transplanted by EOH in the future. The scope of the future project is unknown. Flynn stated that in the meantime, if the applicant does no mitigation at present, there were be contamination to the wetlands from the site.

Flynn asked about the residential uses adjacent to the applicant's property. Ciarcia stated that there is a large vertical transition from the residential properties to the proposed building. There are trees located in the rear of the property, but the applicant has no objection to adding some pine trees to the rear of the property. Fon asked how tall the building will be. Cerbone stated the building would be 18 feet tall. Kincart asked about the topography of the site. Ciarcia stated the building will be well below the grade of the residences. Ciarcia also stated the grade differential also will aid in any noise, although the use will not generate noise.

Flynn asked the Town's Environmental Consultant, Bruce Barber, to speak about the wetlands and stormwater on the site. Barber stated the NYCDEP has witnessed soil testing on the site. Based upon a conversation Barber had this afternoon with Mary Golasso from the NYCDEP, with some adjustments, the stormwater management would be feasible on this site. There are some elevated ground water conditions however with the pervious pavers, the opportunity for a sand filter, and some other elements

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the site will work. The Board will want to see the concept and details of the stormwater pollution prevention plan, but the concept is headed in the right direction. In terms of the off-site mitigation, there are the three options the Board is considering regarding the mitigation. The proposed wetland mitigation plan complies with both in terms of wetland function and with the “no net loss” of wetlands policy of the current wetlands ordinance. The second option includes the East of Hudson Corporation that is planning a larger regional project on the mitigation site that would include the reduction of Phosphorus, but also additional pollutants that are coming onto the site as well. The EOH has hired an engineer and put this project on its first year of its next 5-year plan, however that process will take time to design, be approved by the NYSDEC, funded, and construction. Since the EOH will hopefully be completing the larger project in the future, should the Board require the forebay and put a monetary amount aside and wait for EOH. Or the third option, should the applicant not complete any mitigation and put a monetary amount aside and wait for EOH. The Board may want to also consider an option 1a, which would also be that the applicant not complete any mitigation, but then prior to a certificate of occupancy being issued, if the EOH project is still far off, the applicant can construct the mitigation as outlined in option 1 and move on. Steve Marino also sent in a letter the Board asked for indicating that filling the wetlands on site is not jurisdictional to the Army Corps of Engineers, which Barber was in agreement with. The applicant has submitted an amended EAF that indicates that there will be some off-site mitigation. The Board may want to request more information for the off-site work with respect to different types of potential impacts to the site. In addition, a separate sediment and erosion control plan will be needed for the off-site work.

No one from the public came forward. Tegeder stated that the Board can choose to adjourn or close the public hearing. There are some additional details that need to be submitted, however these can be worked into the resolution.

Upon a motion by Kincart, seconded by Flynn, and with all those present voting in favor, the Board closed the Public Hearing.

Blumberg Subdivision

SBL: 47.15-1-21

Public Informational Hearing

Location: 1305-1307 Baptist Church Road

Contact: Kellard Sessions Consulting, P.C.

Description: Proposed two lot subdivision to result in a 30.852 acre parcel which includes the main residence and a 12.749 acre parcel which includes farm structures and a residence. No new improvements are proposed.

Al Capellini, project attorney, and John Kellard, project engineer, were present. Capellini stated the application is for a 2 lot subdivision where no new development is proposed. Both homes already have driveways. A public hearing was held with the Zoning Board of Appeals for variances that were needed for the existing structures. The variances were granted. Kellard stated the site is 43.6 acres on the south side of Baptist Church Road. The eastern portion of the property includes the main house where Mrs. Blumberg lives. The lot is proposed to be 31 acres and is shown as Lot 2 on the plan. The western portion of the property includes the farm, paddocks, riding ring, and her daughter Leda & Steve's home. This lot is proposed to be 13 acres and is shown as Lot 1 on the plan. The property is in the R1-160 zone where a farm is a permitted use by Section 300-45 of the town code. The site is within the County Ag District. The district will most likely be reconfigured to only include the farm parcel. The proposed lot line follows the driveway and then goes around the entire paddock area. The main

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house lot has enough area to the east to screen the property from the barns should the lot be sold in the future.

No one from the public came forward. Capellini asked if upon closing the public hearing if the Board would schedule the Public Hearing. The Board agreed and set the Public Hearing for the May 9, 2016 meeting.

Upon a motion by Flynn, seconded by Rivera, and with all those present voting in favor, the Board closed the Public Informational Hearing.

Chase (JPMorgan) Bank

SBL: 37.14-2-66

Public Informational Hearing

Location: 1975 Commerce Street

Contact: Gibbons, P.C.

Description: Proposed 4320 sf bank with one drive-thru lane and one bypass lane, with on site parking and related site improvements.

Jennifer Porter, project attorney, Matthew DeWitt, project engineer, Marc Petrora, traffic consultant, and Michael LeBlanc, project architect, were present. Porter submitted the affidavit of notice for the hearing. DeWitt stated the site is the existing Chinese restaurant located at 1975 Commerce Street. The site is 0.66 acres in the C-2R zone. The proposed project is to demolish the existing building and construct a new 4,529 square foot bank building with associated parking, landscaping, and lighting. The applicant will replace the trash enclosure in the same location as the existing enclosure. The proposed plan complies with all zoning setbacks. The only variance being requested is to vary from the lighting requirement at the lot line due to the ATM required lighting. There is a section in the lighting ordinance that allows this. The proposed plan decreases the impervious area on the site by 3,000 square feet. The applicant received two memos from ABACA dated March 30th and April 6th. The applicant will respond to all of their comments and add more landscaping at the front of the site. The three light poles that will be seen along the frontage will be changed to match the lights in the streetscape. There will be an additional curb cut on the site. The western driveway will be dual in and out. The second driveway will be for exit only; left and right turn lanes. An existing dedicated tree with monument on the site will remain. The wooden railroad tie retaining wall can be replaced and tied into the proposed development. This would have to be coordinated with the neighboring Friendly's since part of the wall is located on their property. DeWitt summarized the stormwater plan for the site. DeWitt showed the Board a rendering of the streetscape and elevations of the building hiding the rooftop mechanical units. The building will be sited approximately 4 feet above the road. Tegeder asked about the retaining wall between the bank and the Friendly's and if it was located on this property. DeWitt stated there is the one wall across the front of the property. About 10 feet of this wall is on the Friendly's property. Then the wall turns and runs along the side lot line, but is entirely on the Friendly's property. The wall is 3 feet away from the property line. The Board reviewed the elevations of the proposed bank.

Marc Petrora from John Meyer Consulting addressed the Board regarding the traffic. The traffic study is complete, but has not been submitted yet. Traffic counts were taken at the Route 118/35/202 and Commerce Street intersection, Commerce Street and Veterans Road intersection, and Commerce Street with the existing site driveway. Traffic counts were taken at these intersections between 4:00 – 6:00 pm on Thursday, March 31, 2016 and Saturday from 11:00 – 2:00 pm. The peek on Thursday was

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found to be between 5:00 – 6:00 pm. The Saturday peak was between 12:15 – 1:15 pm. Volumes were incorporated from the proposed Costco development through the studied areas. NYSDOT volumes from 2005 – 2014 for the state roadways were reviewed. Based on the review of that data from those years, there was actually a downward trend of traffic volume on the roadways so in order to provide a conservative analysis, a projected increase in volumes of 1% per year were used. The projected volumes were estimated to a design year of 2023; estimated time of completion plus 5 years. These projections along with the Costco volumes determined the No Build traffic volumes. The existing restaurant volumes were compared to the ITE (Institute of Transportation Engineers) volumes for an active restaurant. These volumes were included in the No Build scenario. Used the ITE volumes for a proposed bank and compared them to existing restaurant. All the studied intersections would operate at Level of Service (LOS) C or under the build conditions. Based on this analysis, the conclusion is that the bank will not create significant impact to the traffic operations in the study area.

Fon noted a memo from the building department regarding the two site driveways. Fon asked if site distance was an issue. Petraro stated that site distance was not studied, but he didn't think it would be too much of an issue on Commerce Street. Steinberg clarified that the Building Inspector was concerned with there being two exits on the site because both curb cuts will have exits in close proximity. The Board discussed the site driveways in relation to the rest of the buildings on the street. Fon requested the applicant stake or mark out the two curb cuts on the site for the Board to make a site visit.

Porter asked about next steps for the project. The project will return to work sessions to work on the details of the site plan.

Flynn asked the architect to discuss the building in relation to the community center. Michael LeBlanc from Core States Group. Brick was used. Chase has several prototypes that use different materials and the brick design was chosen for this site. Tegeder asked for clarification on the site lighting fixtures. DeWitt stated the proposed lights that can be seen from the frontage will match. The other light fixtures located in the rear of the site are proposed to be different, but could also match if that is wanted. Fon read from the ABACA memo regarding site lighting and the streetscape.

Fon asked if work on the retaining wall will harm the tree. DeWitt stated he did not think the tree would be harmed. The tree is 20 feet away from the wall and the work will be out of the drip line.

Upon a motion by Kincart, seconded by Rivera, and with all those present voting in favor, the Board closed the Public Informational Hearing.

Upon a motion by Rivera, seconded by Kincart, and with all those present voting in favor, the Board closed the Regular Session.

Upon a motion by Flynn, seconded by Kincart, and with all those present voting in favor, the Board voted to enter into an advice of counsel session with the Board's attorney.

Upon a motion by Kincart, seconded by Rivera, and with all those present voting in favor, the Board voted to close the advice of counsel session.

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WORK SESSION

Kelderhouse-Dornoch

SBL: 16.17-1-48.1 & 48.2

Discussion Subdivision

Location: Turus Lane

Contact: Dornoch Development, LLC

Description: Proposal for a combination of 2 lots to form 1 lot for construction of a single family residence.

Bruce Kelderhouse, property owner, was present. Fon stated that staff needs to meet with the Building Inspector to discuss the proposed residence as it relates to the existing subdivision. Kelderhouse stated that the plat exists and he wants to consolidate lots and only build one house instead of two.

Kelderhouse is also proposing to give an easement to the town for water coming across the property from Judy. Fon stated that the Board is concerned about the health, safety, and welfare of the residents and future residents in this area. Kelderhouse stated that he only wants to put in one house. He received letters from all of the referring agencies when he obtained the variance from the Zoning Board of Appeals to allow development of a lot with no frontage on a town road. No one had any issues at that time. Fon stated the Board will do another site visit and hopes the applicant can attend.

Triglia-Rezi

SBL: 16.17-1-51

Discussion Subdivision

Location: 1415 Christine Road

Contact: Albert A. Capellini, Esq.

Description: Proposed to subdivide 1.145 acre parcel to create 1 new additional lot to construct a single family dwelling.

Al Capellini, project attorney, Peter Gregory, project engineer, and Rocco Triglia, property owner, were present. Gregory stated that the applicant had the opportunity to discuss with the Town Board the issues surrounding this property. The applicant also met with all the department heads regarding the utility connections. It was discussed to move the stormwater drainage further away from the homes to free up some back yard space. At the Town Board meeting, the applicant offered to improve drainage on both Christine and Baker streets in lieu of paving. The applicant is here tonight to ask if this Board would consider any flexibility in improving the roadways. Triglia stated the drainage was also discussed with the highway department. Three catch basins are proposed. Gregory stated that currently there is a 12-inch pipe that the applicant would be looking to extend.

Fon stated that the Board has concerns regarding the Health, Safety, and Welfare of the residents and future residents of the area. Fon asked if the applicant knew who owns the roadways. Triglia stated that the Title Company reported that all adjacent owners own to the centerline of all the surrounding roads. The Board asked if the Title report can be submitted. Capellini asked why the ownership of the roads is of a concern since the applicant has been told that improvement of the road is not desirable. Fon stated that it matters because the Board is not necessarily discussing roads to town standards.

Capellini stated that the project needs to move forward. Fon stated the applicant is adding a new house in an unimproved area where conditions are substandard. Flynn stated the Board should make a site visit to see the conditions of the area in the spring.

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Tegeder stated that at the last meeting this Board requested the applicant show an 80 foot distance of road to town standards and that they would be flexible in considering a lesser standard. That has not been submitted. Gregory stated that he did sketch this, but did not formally submit it.

Fon stated the Board would like to schedule another site visit. The Board requested Triglia submit the Title search and the sketch of a road to town standards. Kincart asked staff to develop a memo to the Town Board regarding the flexibility and if the Town Board will accept the town road with its lesser standards or would it be private. Fon asked what the Water Superintendent's concerns about the site are. Triglia stated that the Water Superintendent has no concerns. Tegeder stated staff will request written comments from both the Water Superintendent and the Highway Superintendent.

The Board set the site visit for Saturday, April 23, 2016. The applicant will submit the proposed road plan for the work session meeting on April 25, 2016.

Ianuzzi Subdivision

SBL: 47.15-1-15 & 16

Discussion Subdivision

Location: 1189 Baptist Church Road

Contact: Site Design Consultants

Description: The property owner is proposing to re-subdivide the existing 3 lots into 4 lots under the Town's Flexibility Standards.

Joe Riina, project engineer, and Al Capellini, project attorney, were present. Capellini stated the applicant would like to request a Public Hearing be set for this application. Riina stated that since the last meeting the Town Board granted flexibility, the wetlands were flagged and located by the surveyor, the survey was prepared, and the testing was completed with the Westchester County Health Department. The applicant will address both the NYCDEP and NYSDEC memos. The Board scheduled the Public Hearing for the May 9, 2016 meeting.

Spark Steakhouse

SBL: 26.18-1-7

Discussion Site Plan

Location: 3360 Old Crompond Road (Crompond Crossing)

Contact: MAP Architecture

Description: Applicant is proposing additional outdoor and rooftop seating at an approved restaurant building.

Michael Piccirillo, project architect, was present. Piccirillo stated the existing loading area is actually raised concrete platform and walled off. The restaurant needs this space for storage and coolers and the applicant wants to enclose it. There is also a catch basin within the enclosure. Piccirillo thinks it was to accept the drainage from the loading area only, however because it is raised along with the enclosure little to no flow is entering the basin. The proposal is to work around the catch basin and leave it there. There is a pipe from the parking lot and the roof drains from the building come to the catch basin and then it goes to the south. Would like to move the trash enclosure to the east and have the loading area next to it. The applicants also would like a roof top deck so stairs are needed in the interior and 2nd floor addition. After meeting with staff, a second floor addition will have to be a future development.

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The additional proposed seating would require a parking analysis and the building itself would require another exit from the roof besides the one staircase originally proposed.

Tegeder recalls a discussion of a 2nd floor outside eating area during the Crompond Crossing approval, but it was never approved as part of the approved plans. There is a parking agreement allowing restaurant patrons to park at the Best Plumbing parking area when the store is closed. Tegeder stated a site plan amendment would be required for the new enclosure, a special permit for the outdoor seating on the first floor, and a review of the parking. Piccirillo stated that 2/3 of the roof is a green roof. Deliveries are made when the restaurant is closed so the revised loading area and position of the truck will not affect the parking.

PEG Realty

Tegeder presented the Board with two changes to the approved site plan. The applicant requested to change the street trees from emerald ash to red maple. The Board had no issue. The applicant is also requesting to remove a curb in the southwest corner of the site because trucks will have trouble driving around the building. The Board requested a better sketch on the architect's title block for the record and will review the plan at the next work session.

Upon a motion by Kincart, seconded by Savoca, and with all those present voting aye, the Board closed the meeting at 9:50 pm.

Planning Board Minutes May 9, 2016

A meeting of the Planning Board, Town of Yorktown, was held on May 9, 2016, at the Yorktown Town Hall Board Room, 363 Underhill Avenue, Yorktown Heights, NY 10598. The Chair, Rich Fon, opened the meeting at 7:00 pm with the following members present:

John Flynn
John Savoca
Anthony Tripodi

Also present were: John Tegeder, Director of Planning; Robyn Steinberg, Town Planner; Tom D'Agostino, Assistant Planner; Michael Quinn, Town Engineer; Anna Georgiou, Planning Board Counsel; Bruce Barber, Town Environmental Consultant; and Councilman Gregory Bernard, Town Board Liaison.

Correspondence: The Board did not receive any additional correspondence.

Minutes:

There was not a quorum of the board to review and approve the April 11, 2016 minutes. These minutes will be held over to the Board's next meeting.

Upon a motion by Savoca, seconded by Flynn, and voted in favor by Fon, Flynn, and Savoca, the Board approved the April 25, 2016 minutes by the Chair's corrected copy.

Fon said thank you to Darlene Rivera who is no longer with the Board. Introduced Anthony Tripodi as new member. Fon announced the Board will hold an advice of counsel session after the work session.

REGULAR SESSION

Little Sorrento's Restaurant

SBL: 36.05-1-15

Decision Statement – Outdoor Dining

Location: 3565 Crompond Road

Contact: Gina DiPaterio

Description: Proposed 20 seat patio measuring approximately 300 square feet.

Upon a motion by Rivera, seconded by Flynn, and with all those present voting in favor, the Board approved the site plan for Lot 6.2 of the Arrowhead Subdivision.

Paul and Gina DiPaterio were present. The Board and the applicants reviewed the revised resolution.

Upon a motion by Flynn, seconded by Savoca, and with Fon, Flynn, and Savoca voting in favor, Tripodi abstained, the Board approved a Special Permit for Outdoor Dining at Little Sorrento.

322 Kear LLC aka Marathon Development

SBL: 37.18-2-51

Decision Statement

Location: 322 Kear Street

Contact: Site Design Consultants

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Description: Proposed three story commercial/residential building with associated parking and walks. The building is approximately 13,000 square feet.

Al Capellini, project attorney, was present. John Savoca stated for the record that with respect to this application he has decided to recuse himself. It has come to his attention recently that he may have a possible pecuniary interest in the project. Therefore as a result of that potential conflict he will no longer be participating in any further discussion or voting on this project.

Capellini requested the project be moved to the work session. Fon agreed and stated the project would be discussed in the work session later tonight.

JCPC Holdings, LLC

SBL: 48.07-2-2

Decision Statement

Location: 1560 Front Street

Contact: Ciarcia Engineering, P.C.

Description: Proposed new 5,000 sf building for an engine building shop and off-site wetland mitigation.

Al Capellini, project attorney; Joseph Riina, project engineer; Steve Marino, project environmental consultant; and John & Patty Cerbone, the applicants; were present. Capellini stated that Riina is filling in for Dan Ciarcia on this project. Riina attempted to address many of the straight forward comments on the project. The landscape Plan has not been addressed. The applicant would like to meet with staff to review the details. The photometric plan is being prepared. The sign has been relocated 5 feet inside the property line. The applicant has asked that it be a little closer to the driveway than shown on this plan. The yard setbacks have been modified in response to the determination by the Building Inspector. The zoning schedule has been modified to reflect these changes. The grading for the detention pond was relocated onto the property. Tegeder asked if the detention pond was moved away from Front Street as much as possible. Riina stated that he is still working on the SWPPP (Stormwater Pollution Prevention Plan) and will try to do that as much as possible. This afternoon Riina received the memo from the Town Engineer. Regarding the Environmental Assessment Form, Marino will explain next. In response to #3, the dimensions of the parking spaces are now shown on the plan as well as the backup aisle width. In response to #4, the SWPPP is in progress. In response to #5, the setback issue was clarified. In response to #6, the lighting plan is in progress. In response to #7 regarding the rock outcrop and details of the wall, Riina does not have a response at this time. As part of preparing the SWPPP, an erosion & sediment control plan will be prepared as well as more detail on the grading & utilities, tree removal, and landscaping. #9 will be addressed in the SWPPP. In response to #10, the applicant will obtain additional standard other permits necessary to complete the project.

Marino met with Quinn and Barber a week ago Friday and discussed the wetland issues. Barber was concerned about water when it first comes into the mitigation area. Barber suggested a flow splitter system to separate low and high flows into the site. Marino and Riina met on the site and came up with a gabion containment area to separate the flows and make sure that the area is not washed out. This plan has not yet been reviewed by the Town Engineer or Town Environmental Consultant. The concept is the same as before however, there is no longer an excavated basin in the wetland. Now it is a structure at the inlet to the site. The gabions will be set at different elevations set by Riina. The low flow will go through the new wetland area. The higher flows will be directed into an area for overflow

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and into the existing channel. The ½ inch storm (first flush) is the low flow. Marino presented the original concept plan that was never submitted to the Board. This plan shows 12,000 square foot wetland creation area, a forebay area, area where debris is to be removed, the existing stream channel area to be cleaned up and banks reestablished, an area to place removed sediment, and the creation of a berm, which still allows access for machinery for maintenance and for the future EOH (East of Hudson) project. Marino provided a discussion to be added to the Full Environmental Assessment Form, essentially a Part 3, discussing the function of the existing wetland and the proposed function of the off-site wetland mitigation project. Fon confirmed that the wetland mitigation is proposed off site. The on-site wetlands is approximately 11,000 square feet in size. It is a shallow depression that allows water to collect during storm events and qualifies as a town wetland. A drainage pipe on site is clogged. The runoff runs through the site and to a stream connects directly to the Croton Reservoir. There are DEC wetlands on the town property. The purpose of the mitigation project is to make a better functional wetland to treat the watershed before it enters the stream. Fon confirmed the EOH is the East of Hudson that may complete a larger project in the future. Marino stated that was correct and this project would be the first part of that larger project. Nothing being done now would prevent the future project. Fon stated that the two projects; the applicant's mitigation and the East of Hudson are not connected. The details of all the work proposed by the applicant is not yet complete.

Flynn stated he thought that progress is being made on the project. The off-site mitigation will be a big improvement for the area. In his opinion however, he is not ready to approve a resolution tonight because, aside from the off-site mitigation that has not yet been reviewed, there are many items that are still incomplete. Fon read through the items listed in the draft resolution that have not yet been completed and are listed as conditions.

Capellini requested if the item could be heard at a special session at the next meeting. The Board has approved resolutions with conditions before. Flynn stated that is correct, however the Board has approved site plans conditioned on a few loose ends being completed. There are many items that need to be submitted for this project. Tegeder stated the applicant did submit a preliminary landscape plan and a lighting plan, though it does not include the photometrics. Flynn stated he thought there were still too many uncertainties. The property is adjacent to residential properties and providing a buffer is important. Georgiou suggested the Board indicate what conditions the Board would be comfortable leaving as conditions of an approval. Flynn stated that he would like the mitigation plan a little further along and that it be reviewed by Quinn & Barber, the landscape plan in final form, and a lighting plan that is complete. Quinn stated a stormwater plan has not been submitted at all at this point. A preliminary plan should be submitted prior to a decision. The applicant and staff must at least agree on the approach and then receive the numbers later.

Fon asked if the Board can set up a special session for the May 23rd meeting. Tegeder stated the Board can hold a special session at the work session. Riina stated he was not sure he could submit a stormwater plan in 2 weeks. If the plan needs to be amended, we will come back. The applicant is supposed to be on the ABACA agenda tomorrow night. Flynn stated he had no objection to the project itself, but felt the plans need to be more finalized before the Board could vote.

Blumberg Subdivision

SBL: 47.15-1-21

Public Hearing

Location: 1305-1307 Baptist Church Road

Contact: Kellard Sessions, P.C.

Planning Board Minutes May 9, 2016

Description: Proposed two lot subdivision to result in a 30.852 acre parcel which includes the main residence and a 12.749 acre parcel which includes farm structures and a residence. No new improvements are proposed.

Al Capellini, project attorney, John Kellard, project engineer, and the applicant, Leda Blumberg, were present. Capellini described the existing property. The land has been a farm since the 1930s. The owners wish to divide the property into two portions; one for the farm itself and the second a residential structure that has been the home site since the 1950s when they started the alpaca farm. Both lots will have single family homes on them. The subdivision is for estate purposes. No work on the property is proposed. The Zoning Board of Appeals granted setback variances for several of the existing structures. Kellard stated the site is 44 acres in size and is the Faraway Farm on the south side of Baptist church Road. The subdivision includes a 31 acre parcel with the main house and a 13 acre parcel with another home, the farm, paddock, and accessory farm buildings. The proposed lot line was drawn around these buildings. The plat shows potential septic system expansion areas. Testing has been completed with the health department. The systems were moved to comply with the NYCDEP memo that stated they must be more than 200 feet from a water course.

No one from the public came forward to comment on the application.

Upon a motion by Savoca, seconded by Flynn, and with Fon, Flynn, and Savoca voting in favor, Tripodi abstained, the Board declared Lead Agency.

Upon a motion by Flynn, seconded by Savoca, and with Fon, Flynn, and Savoca voting in favor, Tripodi abstained, the Board adopted a Negative Declaration.

Upon a motion by Savoca, seconded by Flynn, and with Fon, Flynn, and Savoca voting in favor, Tripodi abstained, the Board closed the Public Hearing.

Upon a motion by Flynn, seconded by Savoca, and with Fon, Flynn, and Savoca voting in favor, Tripodi abstained, the Board approved the plat for the Blumberg Subdivision.

Ianuzzi Resubdivision

SBL: 47.15-1-14, 15, & 16

Public Hearing

Location: 1189 Baptist Church Road

Contact: Site Design Consultants

Description: Proposed resubdivision of 3 lots into 4 lots under the Town's Flexibility Standards.

Al Capellini, project attorney, and Joseph Riina, project engineer, were present. Capellini stated this is a four lot subdivision on Baptist Church Road. The application is a resubdivision of 3 lots into 4 lots. There are 3 existing dwellings. One existing dwelling will be removed and 2 new houses will be built. The Town Board authorized the Planning Board to use Flexibility. Primarily the Flexibility was focused on the preserving the common driveways and not building a 700 foot long town road to access the lots. A new town road would only service these four lots and would therefore not be useful for any future development. Riina stated the total site acreage is 20 acres. There are currently three homes on the three existing lots; (1) a 1 acre lot with existing residence, (2) second parcel contains the main residence and two accessory garage structures; (3) third parcel with existing residence. The location of

Planning Board Minutes May 9, 2016

the septic on the 1 acre lot is unknown. The main residence is accessed through a driveway to Baptist Church Road that has a permanent access easement over the aqueduct. The two southern lots are accessed through the common driveway. The main residence has an auxiliary driveway that connects to the common driveway. A wetland delineation was completed for two wetland areas. They have been confirmed by the town wetlands consultant. The lots do meet the bulk regulations for the R1-160 zone. The site was reconfigured and designed to maintain the existing infrastructure, minimizing disturbance, and leave the existing main structures. All the existing driveways will remain. The only new driveway will be to access Lot 1 and the short piece of driveway added to access proposed Lot 4. The Town's fire board requested the gravel driveway be widened, a pull off area was added, and a gravel area was added to allow turnaround of a fire truck on Lot 3. All lots will be served by existing or proposed wells. Once approval is granted from the Planning Board, the applicant will be applying to the Westchester County Board of Health. The site development does not meet any thresholds that would require NYCDEP approval.

Quinn stated the Engineering Department is still completing a technical review of the application. One concern is that the shared driveways all need easements for access. Capellini stated there will be a Declaration filed at the time the map is filed that will impose upon the three lots using the common driveway to maintain and replace the common driveway. Riina stated that the common easements are shown on the plan.

Flynn asked if the septic system locations have been approved. Riina stated yes, all testing has been completed with the health department for the two new homes. After meeting with the Conservation Board, the septic area proposed on Lot 4 was very close to the 100 foot buffer on that property. This septic system has been moved. Tegeder asked whether clearance is required between the well and septic area on Lots 3 and 4. Riina stated that there is a dip in the topography so the separation shown is allowed. The Board of Health has approved this location. Flynn asked if a tree survey was completed. Riina stated he thought the Board had discussed the requirement for a tree survey early on and it was decided that a tree survey for this property was not going to be prepared. The Board agreed that they had made a site visit. Riina suggested a tree survey be required prior to the building permit for each lot. Tegeder reminded the Board that the tree permit approval is the Planning Board's approval. Quinn stated that in order to complete the subdivision, the road upgrade will have to be completed. The common driveway is being widened and improved for fire department access. Riina stated the common driveway will be a consistent 12 feet wide for its entire length. The driveway will remain gravel. The additional gravel between Lots 3 and 4 could be grass pavers because the only use of the area is for if a fire truck had to turn around.

No one from the public came forward to comment on the application. Capellini requested the Board close the hearing.

Upon a motion by Savoca, seconded by Flynn, Tripodi abstained, The Board closed the Public Hearing and left a written comment period open for 10 days.

Upon a motion by Savoca, seconded by Flynn, and with all those present voting in favor, the Board closed the Regular Session.

WORK SESSION

322 Kear LLC aka Marathon Development

Planning Board Minutes May 9, 2016

SBL: 37.18-2-51

Decision Statement

Location: 322 Kear Street

Contact: Site Design Consultants

Description: Proposed three story commercial/residential building with associated parking and walks. The building is approximately 13,000 square feet.

Savoca recused himself from the discussion. Al Capellini, project attorney; Joseph Riina, project engineer; and the applicant, Mark Beida were present. Riina stated that since the last meeting a full set of drawings and a stormwater plan were submitted. Riina met with Quinn on the stormwater plan and an additional meeting is necessary. Quinn stated that there are some fundamental disagreements on the stormwater plan. Quinn stated he does not think the applicant has enough stormwater retention on the site. In the rear of the site, there is a depressed curb, so overflow would runoff onto the adjacent property. Once a site is developed, it is the property owner's responsibility to deal with the water on the site. Capellini stated in his opinion, the responsibility should not go beyond the current condition on the site. Riina stated the applicant could propose a little more, however his approach is an acceptable listed practice in the NYSDEC Design Manual. The grass pavers have a gravel reservoir underneath that will accommodate the 100 year storm on the site. Riina conceded that the entire storm is not contained, but that the stormwater plan does not increase the peak rate of runoff from existing conditions. The increased flow rate is 2 cfs (cubic feet per second), which is a very low flow and this only happens under the 100 year storm condition. There is a slight increase on Kear Street side as well, however the applicant is showing many streetscape improvements and there is not much room for any other treatment. Again the increase is a very small increase only for the 100 year storm. Quinn stated he agrees that the post-construction site runoff must not exceed the pre-construction site runoff, however he does not agree with numbers used in the report. More underground storage is needed. Any overflow should go into an existing storm sewer in Kear Street and not onto another site. Tegeder asked where runoff goes now. Riina stated that runoff from the site overflows into the parking lot behind the old Food Emporium building, then it runs out to Commerce Street. This runoff does not flow into the larger drainage system underground on the neighboring site, however both drainage systems connect to Commerce Street and then into the Hallocks Mill. Riina stated that under the Town Stormwater Ordinance, the site does not meet the threshold requiring issuance of a Town SWPPP Permit. Tegeder stated that the site was in the NYCDEP watershed therefore the Town should be aware of the stormwater plan even if we are not approving a permit.

Barber was concerned that both green infrastructure and standard practices should be used in concert. Pavers and gravel can fill over time leading to less and less voids in the practice over time. In addition, water in the voids can freeze in winter. Barber asked if snow storage was proposed to be on the east side of site where the landscaping buffer is also proposed in the same 10 foot strip. Barber stated his concern with the increase in flow towards the Food Emporium is because the drop curb creates a design point and changes the concentration of flow to the trench drain at the Food Emporium loading dock. On Kear Street side, Barber was concerned with even the very low increase post-construction because the two catch basins on Kear Street flood during large storms. Barber is not asking the applicant to fix this problem, but the development should not exacerbate the situation.

Riina stated that maintenance is the underlying key to making stormwater systems sustainable. Maintaining a surface practice is easier than maintaining an underground practice. The applicant has agreed to add infiltrators to handle the roof runoff. Riina is against the idea of bringing the drainage collected in the rear to the front of the site against gravity. This would require raising the back of the

Planning Board Minutes May 9, 2016

site and it doesn't make sense to add more flow to this system when Barber just stated the Kear Street basins flood in large storms. Capellini asked if the plaza can be removed. Barber asked if the plaza can be permeable instead. Quinn stated that any improvement in the town right-of-way needs to be to town standard. Tegeder suggested a strip drain be added to hold the water long enough. Riina stated a strip drain would be in the town right-of-way between the sidewalk and the grass next to the road.

Capellini stated a SEQR determination is the critical path for this project. Fon requested to look at the other plans the applicant submitted. Riina showed the Landscape Plan. Quinn asked if there would be any street trees. Riina pointed out the trees on the sides of the site, which are on the site, not in the right-of-way. ABACA will review the plan tomorrow night. Riina stated the double yellow can be relocated and allow for 11.5 foot travel lanes. Tegeder asked between which points on the road the double yellow line would be moved. Riina pointed out where the modification would start and end, but stated the Highway Superintendent would make the final determination. Quinn suggested angling the on-site parking since one-way access. Riina stated that he did try to angle the parking, but doing so did not work well. The Board viewed the Lighting Plan. All LED wall-packs are proposed. The Board noticed dark areas in the corners of the site and suggested the applicant investigate using bollard type lights instead of pole lights to light these areas without spilling onto the neighboring property.

The Board discussed the on-site parking. The proposed plan is short by 9 parking spaces. A total of 37 parking spaces are required and 28 parking spaces are shown. The applicant is requesting the Board waive the 9 parking spaces. Flynn stated that if the retail spaces will not be used in the evenings, the applicant does have a minimum of 2.2 spaces for each of the 12 apartments. Tripodi asked how the shared parking would work on Saturdays. Riina stated that Saturdays would not be significantly worse than any other peak hour on the site. Flynn asked if the apartments would have dedicated or assigned spaces. Beida stated that the parking spaces would not be assigned. Tripodi asked how many bedrooms per apartment. Capellini stated there would be both one and two bedroom apartments. Riina gave a quick summary of the analysis the applicant performed for parking, including a study of the Underhill Apartments site located on Underhill Avenue and also owned by the applicant. Capellini stated the applicant did not consider the on-street parking on Kear Street available spaces when conducting the traffic analysis. Flynn asked if the apartment leases would specify the number of automobiles allowed on the property per unit. Beida stated that there would not be a set limit of vehicles per apartment. Flynn asked if the Board could set a maximum number of vehicles per unit in the resolution. Georgiou stated that such a condition would be unorthodox. One and two bedroom apartments typically do not generate as much parking as three or four bedrooms. There are also occupancy restrictions on the apartments pursuant to the county affordability program. In addition, such a condition would be difficult to enforce. Flynn thought the town had rules like that multifamily complexes cannot wash cars in parking lot. Flynn stated he lives in a complex that is also made up of one and two bedroom apartments and there are a lot of cars. Capellini stated that the town's parking lot next to the highway department would be open at night should there be overflow, however Beida's study at the Underhill Apartments showed 1.5 spaces per apartment would provide enough parking.

Capellini stated the applicant is concerned about timing and losing funding and requested the Board declare a Negative Declaration on the next work session. Georgiou asked if the EAF was complete, if the Board had conducted a coordinated review, and if the involved agency comments were received and addressed. Tegeder stated yes, the EAF is complete and letters have been received from outside agencies. The applicant and staff will work towards an agreement on the approach to handling the stormwater before next meeting.

Planning Board Minutes May 9, 2016

Brophy, Stephen

SBL: 35.08-1-17

Discussion Site Plan

Location: 3787 Crompond Road

Contact: Site Design Consultants

Description: Proposed to convert existing building into a restaurant with a patio for outdoor seating and associated parking.

Joseph Riina, project engineer, and the applicant Steve Brophy, were present. Brophy is looking to convert the used car dealership into a sandwich shop. Riina stated the proposed plan does not add any new impervious area. There will be a reduction in the amount of impervious area. There is an existing outdoor storage area in rear. The property owner has made an application to the Zoning Board of Appeals to have this expired permit reapproved. A landscape contractor uses the outdoor storage area. Tegeder requested background paperwork for the site be submitted to the Planning Board. Currently there are two curb cuts from the site onto Route 202. Riina stated the property owner does not want to close either of the curb cuts. Tegeder stated that there is a long standing effort to limit curb cuts and asked what the second curb cut is used for. Riina stated keeping the curb cut is the property owner's request. Riina stated the applicant would be willing to make the second curb cut not easily useable or close it temporarily with planters. The curb cut is not needed for the proposed use. Though narrow, the access around the building is safe, but not used on a regular basis. The home in the rear of the property is a two-family home that is rented and not used by the landscaping contractor. Tegeder stated that if the Planning Board is approving a site plan then they are blessing the entire site, not just the front. Savoca asked the Riina how left turns going north towards Peekskill would be handled. The site will be busier than it is now. Georgiou requested a history of the site from the Building Inspector. The uses seem to be pre-existing non-conforming uses, but there is a lot happening on the site. Georgiou asked if the residence has been consistently occupied. Riina requested the Public Informational Hearing be scheduled. Quinn asked what other application materials have been submitted; an existing site survey, drainage, etc. Flynn stated the proposed sandwich shop would be a beneficial use for the site. D'Agostino stated his memo had listed several questions regarding the submitted EAF. Riina stated he will be submitting a revised EAF. The Board scheduled a Public Informational Hearing for the June 13th meeting.

Town Board Referral

Proposed Local Law amending Chapter 245-5 of the Code of the Town of Yorktown entitled "Solid Waste."

Tegeder summarized the draft local law stating the purpose is to require refuse enclosures for all sites, includes existing built out sites. If a site received a violation, the property owner would have to come to the Planning Board. Councilman Bernard stated that the genesis of the proposed law was the nuisance of open dumpsters with trash blowing out. The DeCicco's site has been the main concern. Garbage comes out of the dumpsters and blows across East Main Street. The DeCicco's dumpsters are all enclosed. It is all the other uses in the strip that are mostly food related businesses that generate a large amount of trash. The law would apply to commercial and residential complexes. As proposed, the law currently does not include a waiver provision. Fon asked if multiple dumpsters at strip plazas could be consolidated and a compacter be required for all to use. Councilman Bernard responded that compacters would make sense, but then all tenants would need to use a certain contractor even if there is a cheaper alternative. Fon stated the proposed law was an excellent idea and needs to be done,

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however the Planning Board might have to deal with the loss of parking spaces, whether recycling now needs to be added, any new environmental issues that may arise during the review, hearing and notice requirements, the costs of an amended site plan application, etc. Tegeder stated that the way the law is written, when the property owner comes to the Planning Board, the box gets opened. It will depend on the extent of the changes, whether an amended site plan would be needed. Councilman Bernard stated hoped most sites will not require removal of parking spaces. Fon stated there needs to be plan on how to pick up violations once the law is in place; town wide or certain areas at a time. Enforcement cannot be selective. Flynn asked if the law addressed damage to enclosures. Bernard stated damage and disrepair would be part of enforcement. The Planning Department will draft a memo to the Town Board for the Board to review at the next meeting.

Upon a motion by Savoca, seconded by Flynn, and with all those present voting aye, the Board voted to go into an advice of counsel session with the Board's attorney.

Upon a motion by Savoca, seconded by Flynn, and with all those present voting aye, the Board closed the meeting at 10:15 pm.

322 Kear, LLC
**(Marathon Development
Group)**

TOWN OF YORKTOWN ENGINEERING DEPARTMENT

Town of Yorktown Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598, Phone (914) 962-5722, Fax (914) 962-1731

MEMORANDUM

To: Planning Board
From: Michael Quinn 
Date: May 20, 2016
Subject: Marathon Development – 322 Kear Street – SWPPP

The Engineering Department met with the Applicant's engineer on 5/12/16 to review a revised site plan and to further discuss the previous comments related to the Stormwater Management Plan.

Engineering Comment #1: The site is currently undeveloped and contains grass areas, shrubs, trees, etc. The existing topography is mostly flat but generally slopes toward the rear of the property. The applicant is proposing a post-construction condition where any storm flows which cannot be contained on site will overflow to an adjoining, privately owned parking lot to the north (behind the former Food Emporium building). This Department is concerned this will result in modification to the nature of the discharge under the current, unimproved subject site condition. The proposed system will result in sheet flow across the rear parking area of the adjoining site and subsequently to a drain at the base of a loading dock. Applicant should consider connecting overflow piping to the storm sewers that run along Kear Street or another alternative that will prevent storm flow from the developed site to affect adjoining properties.

5/12/16 Update: Applicant agreed to modify the site design so there will be storm overflow off the rear of the property. All storm flows will be captured and treated through the use of on-site measures including cultec units to retain storm water under the parking lot.

Engineering Comment #2: The applicant is proposing to address storm water quality and runoff retention by using porous pavers and porous pavement constructed over a gravel base. The voids in the pavers/pavement and the gravel are used as storage area for treatment of the stormwater. The voids are highly susceptible to clogging unless frequently maintained and performance is adversely affected during the cold weather months when the ground is frozen. As noted in #1 above, the overflow would end up on the adjoining property and could cause drainage problems for that property owner. Applicant needs to consider alternative means to address runoff retention such as infiltration structures (i.e. drywells or other manufactured devices), filtering practices and/or open-channel practices.

5/12/16 Update: Applicant agreed to modify the site design per #1 above.

Engineering Comment #3: The subject soil classification is "Urban Land" based on USDA Natural Resource Conservation Service (NRCS) mapping. The Hydrological Soil Group (HSG) is class "D". The Applicant has assumed HSG class "C", additional supporting documentation is needed to substantiate this classification.

5/12/16 Update: Applicant will utilize soil classification "D" in his calculations.

Engineering Comment #4: The subject property is located in a NYSDEC phosphorous enhanced watershed and a NYCDEP Designated Main Street Area, therefore, a design storm defined as the one-year 24 hour storm must be considered in the evaluation. A rainfall volume of 3.4-inches should have been used; Applicant should re-check the standards and confirm why they utilized lower rainfall volumes in their calculations.

5/12/16 Update: Applicant provided the necessary supporting documentation for his use of 2.9-inches of rainfall. The Town recommended standard of 3.4-inches was recently published by Cornell but has not yet been formally adopted by the NYCDEP. Applicant agreed his use of the lower rainfall amount will ultimately have to be accepted by the NYCDEP.

In conclusion, we are now in agreement with the Applicant's approach to storm water management for this proposed development. Any approval granted to this application should be conditioned upon approval by the Engineering Department of the final SWPPP report, which the applicant is now working on.

If you should have any further questions, please do not hesitate to contact my office.

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cc: Planner, ABACA, Conservation Board, Highway Superintendent, Applicant, Town Engineer

TOWN OF YORKTOWN

ADVISORY BOARD ON ARCHITECTURE & COMMUNITY APPEARANCE

Yorktown Community and Cultural Center, 1974 Commerce Street, Yorktown Heights, New York 10598, Phone (914) 962-6565

MEMORANDUM

To: Planning Board
From: ABACA
Date: May 12, 2016
Subject: Marathon Development – 322 Kear Street
SBL: 37.18 – 2 - 51

Drawings Reviewed:

<u>Title</u>	<u>Drawing No.</u>	<u>Last Revised</u>	<u>Produced By</u>
Proposed Building Elevations	SPA-2 & SPA-3	04/27/16	Warshauer Mellusi Warshauer

The Advisory Board on Architecture and Community Appearance reviewed the subject item during its meeting on May 10, 2016. The comments of the Board are as follows:

1. The applicant's representative explained that the materials and color scheme for the proposed 3-story building will consist of the following: Dormers clad in AZEK trim boards, double fascia trim, twin double hung windows, AZEK panels below windows, architectural fiberglass roof shingles, Certainteed monogram series (blue) vinyl siding, canopy roof is to be architectural fiberglass roof shingles, hardi-panel siding alongside of entrances.
2. The ABACA recommends keeping the finish uniform on the first floor by changing the siding around the sides of the structure to hardi-panel so that the commercial portion of the structure will appear uniform and consistent.
3. The proposed elevations have been modified to include a low-pitched roof canopy over the main commercial entrance centered on the façade. This roof is currently detailed to have roof shingles similar to the low-pitched roofs over the two flanking entries. The ABACA recommends that the applicant maintain the added canopy over the Main Entrance as a flat roof and to avoid attempting to install shingles later. This canopy can and should read different than the others since it is identifying a different use within the structure and is being mounted to the face of the building while the others occur between projections. The applicant could consider including brackets or cables to represent support for this projection if necessary.
4. The Board would like to know how the applicant intends to screen or separate its property from the gas station to the right and the vacant supermarket to the rear. Since development extends to the property line and landscaping would not be possible, the board thinks that a fence might be appropriate but is requesting the applicant to make a proposal. It is understood that there has been some discussion with the Planning Board to maintain a connection with the parking lot to the rear and if this is the intent, the ABACA would like to understand the rationale for maintaining this connection, how the applicant intends to enhance or divide this relationship.

Mark Connelly
Co-Chairman

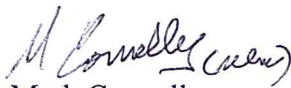
Christopher Taormina, AIA
Co-Chairman

TOWN OF YORKTOWN

ADVISORY BOARD ON ARCHITECTURE & COMMUNITY APPEARANCE

Yorktown Community and Cultural Center, 1974 Commerce Street, Yorktown Heights, New York 10598, Phone (914) 962-6565

5. Recessed lights will be installed into the underside of the three canopies along the front of the building and the decorative sconces have been omitted. The board feels that the applicant should try to keep the decorative sconces at the main entrance regardless of adding to the recessed lights to further highlight its importance and to add additional detail and character to the façade. Otherwise, the lighting plan and wall pack fixtures as submitted are acceptable to the Board.
6. The Landscaping Plan as submitted is acceptable to the Board.



Mark Connelly
Co-Chair



Christopher Taormina, AIA
Co-Chair

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cc: John Winter, Building Inspector (email)
Vincent Mellusi, Architect (email)
Site Design Consultants (email)
Mark Beida (email)

Michael Quinn, PE
Town Engineer

Michael J. Grace
Town Supervisor

TOWN OF YORKTOWN ENGINEERING DEPARTMENT

Town of Yorktown Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598, Phone (914) 962-5722, Fax (914) 962-1731

MEMORANDUM

RECEIVED
PLANNING DEPARTMENT

MAY 9 2016

TOWN OF YORKTOWN

To: Planning Board
From: Michael Quinn 
Date: May 9, 2016
Subject: Marathon Development – 322 Kear Street – Site Plan

The Engineering Department has reviewed the conceptual site plan and Stormwater Management Plan dated April 2016 for the above application.

In addition, a meeting was also held on 5/5/16 with the Applicant's site engineer, Joe Rina, to further discuss the project.

We have significant concerns with this project as presently proposed, in regards to the stormwater management plan.

1. The site is currently undeveloped and contains grass areas, shrubs, trees, etc. The existing topography is mostly flat but generally slopes toward the rear of the property. The applicant is proposing a post-construction condition where any storm flows which cannot be contained on site will overflow to an adjoining, privately owned parking lot to the north (behind the former Food Emporium building). This Department is concerned this will result in modification to the nature of the discharge under the current, unimproved subject site condition. The proposed system will result in sheet flow across the rear parking area of the adjoining site and subsequently to a drain at the base of a loading dock. Applicant should consider connecting overflow piping to the storm sewers that run along Kear Street or another alternative that will prevent storm flow from the developed site to affect adjoining properties.
2. The applicant is proposing to address storm water quality and runoff retention by using porous pavers and porous pavement constructed over a gravel base. The voids in the pavers/pavement and the gravel are used as storage area for treatment of the stormwater. The voids are highly susceptible to clogging unless frequently maintained and performance is adversely affected during the cold weather months when the ground is frozen. As noted in #1 above, the overflow would end up on the adjoining property and could cause drainage problems for that property owner. Applicant needs to consider alternative means to address runoff retention such as infiltration structures (i.e. drywells or other manufactured devices), filtering practices and/or open-channel practices.
3. The subject soil classification is "Urban Land" based on USDA Natural Resource Conservation Service (NRCS) mapping. The Hydrological Soil Group (HSG) is class "D". The Applicant has assumed HSG class "C", additional supporting documentation is needed to substantiate this classification.

Page 2
Marathon Development

4. The subject property is located in a NYSDEC phosphorous enhanced watershed and a NYCDEP Designated Main Street Area, therefore, a design storm defined as the one-year 24 hour storm must be considered in the evaluation. A rainfall volume of 3.4-inches should have been used; Applicant should re-check the standards and confirm why they utilized lower rainfall volumes in their calculations.

In conclusion, we would request approval not be granted until such time that the Applicant addresses the items listed above. It is very likely that significant design changes will be needed to accommodate our concerns so we feel the Planning Board will need to review/approve revised plans before proceeding with an approval resolution.

If you should have any further questions, please do not hesitate to contact my office.

MQ:lmk:F:\ENG\Site Plans\Marathon Development_Kear St\pb_memo_05-09-16.doc

cc: Planner, ABACA, Conservation Board, Highway Superintendent, Applicant

**PLANNING BOARD
TOWN OF YORKTOWN**

**RESOLUTION APPROVING
SITE PLAN FOR
322 KEAR LLC
AKA MARATHON DEVELOPMENT GROUP**

RESOLUTION NUMBER:

DATE:

On motion of _____, seconded by _____, and unanimously voted in favor by Fon, Flynn, Tripodi, 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 "322 Kear Street," prepared by Site Design Consultants, dated April 26, 2015, and last revised January 26, 2016, was submitted to the Planning Board on behalf of 322 Kear Street LLC (hereinafter referred to as "the Applicant"); and

WHEREAS the property owned by the Applicant is located at 322 Kear Street, also known as Section 37.18 Block 2 Lot 51 on the Town tax map, 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 \$4,098.00 covering 0.41 acres 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 _____
3. A negative declaration has been adopted on _____, on the basis of a Short EAF dated July 28, 2015.

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

1. A cover sheet, titled "322 Kear Street," prepared by Site Design Consultants; and
2. A drawing, sheet 1 of 8, titled "Site Plan," prepared by Site Design Consultants, dated December 2, 2015, and last revised April 18, 2016; and
3. A drawing, sheet 2 of 8, titled "Existing Site Conditions," prepared by Site Design Consultants, dated April 26, 2015, and last revised April 18, 2016; and

4. A drawing, sheet 3 of 8, titled “Erosion and Sediment Control Plan,” prepared by Site Design Consultants, dated December 2, 2015, and last revised April 18, 2016; and
5. A drawing, sheet 4 of 8, titled “Grading & Utility Plan,” prepared by Site Design Consultants, dated April 26, 2015, and last revised on April 18, 2016; and
6. A drawing, sheet 5 of 8, titled “Landscape Plan,” prepared by Frank Giuliano, Landscape Architect, dated April 26, 2016 and last revised April 27, 2016; and
7. A sheet, sheet 6 of 8, titled “Erosion & Sediment Control Details,” prepared by Site Design Consultants, dated April 18, 2016; and
8. A sheet, sheet 7 of 8, titled “Site Details,” prepared by Site Design Consultants, dated April 18, 2016; and
9. A Sheet, sheet 8 of 8 titled “Site Details,” prepared by Site Design Consultants, dated April 18, 2016; and
10. A cover sheet, titled “322 Kear Street,” prepared by Warshauer Mellusi Warshauer Architects; and
11. A drawing, SPA-1, titled “Floor Plans,” prepared by Warshauer Mellusi Warshauer Architects, dated January 4, 2016 and last revised April 27, 2016; and
12. A drawing, SPA-2, titled “Exterior Elevations,” prepared by Warshauer Mellusi Warshauer Architects, dated January 4, 2016, and last revised April 27, 2016; and
13. A drawing, SPA-3, titled “Site Lighting Plan,” prepared by Warshauer Mellusi Warshauer Architects, dated January 4, 2016 and last revised April 27, 2016; and
14. An email, with the subject as, “322 Kear Street - Traffic Generation,” from Joseph C. Riina, P.E. of Site Design Consultants, dated March 14, 2016; and
15. A traffic survey, performed by the Applicant and submitted by letter dated December 3, 2015; and
16. A letter from the project attorney, Albert A. Capellini, Esq., dated February 2, 2016; and
17. A Stormwater Pollution Prevention Plan, prepared by Site Design Consultants, and dated April 2016; 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	01/14/16, 05/12/16
Building Inspector	08/10/15
Fire Inspector	10/02/15, 11/20/15
Planning Department	08/19/15, 09/14/15, 12/10/15, 12/21/15, 02/17/16, 03/23/16, 04/22/16, 05/06/16
Town Engineer	05/09/16
Zoning Board of Appeals	02/29/16
NYSDEC	10/23/15
NYCDEP	01/04/16
Westchester County Planning Board	12/14/15
NYS Homes and Community Renewal	01/11/16

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 subdivision application and plat at the Town Hall in Yorktown Heights, New York on September 21, 2015; 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 was held in accordance with §195-39B(2) of the Yorktown Town Code on the said site plan application commencing on January 11, 2016, and continuing and closing on February 8, 2016 at Town Hall in Yorktown Heights, New York; and

WHEREAS per Section §300-21C(10)(a)[2] Residential apartments are allowed in the C-2R Zone (Commercial Hamlet Center District), provided that each apartment is limited to 2 bedrooms per unit, with no more than 1,000 square feet per unit, and is located above a first floor commercial use; and

WHEREAS Section §300-182A(1) requires 2.2 parking spaces per dwelling unit and §300-182A(3) requires 4 parking spaces per 1,000 square feet of gross floor area of commercial space, the parking requirement for this site plan is thirty-eight (38) parking spaces; and

WHEREAS the proposed site plan shows twenty-eight (28) parking spaces and the Applicant has requested a reduction in the required parking; and

WHEREAS pursuant to Section §300-182C(2) of the Town Code, the Planning Board may approve the elimination of the construction of a portion of such required parking to allow for the joint use of parking space by two or more establishments on the same lot, provided that said Board finds that the number of spaces to be provided will substantially meet the intent of the requirements by reason of variation in the probable time of maximum use by the patrons or

employees of such establishments; and

WHEREAS in addition to varying maximum use, the Planning Board also considered the availability of allowed on-street parking and the availability of public parking within 500 feet of the subject site, as well as, pedestrian access from adjacent commercial developments; and

RESOLVED after due consideration, the Planning Board finds the commercial and residential tenants will not have the same peak usage and therefore the required parking should not be set by the sum required for each use; and

RESOLVED the twenty-eight (28) parking spaces provided on the site plan will provide adequate off-street parking and therefore substantially meet the intent of the off-street parking requirements; and

RESOLVED the Planning Board finds the first floor commercial square footage shall not be used for any allowed restaurant or food service establishment that the Building Inspector determines requires adherence to Section §300-182(A)(5) of the Town Code; and

RESOLVED the Applicant must file in the Westchester County Clerk's office the appropriate covenants, approved by the Board, which shall provide that approval of such joint use and parking reduction shall be a condition of the site plan approval for the Applicant, his successors, and assigns; and

WHEREAS the Property is located within a Designated Main Street Area and must receive approval from the New York City Department of Environmental Protection prior to the site plan is signed by the Planning Board Chairman; and

WHEREAS the proposed disturbance required to construct the site is less than one acre, but more than 5,000 SF, it requires the filing of a Notice of Intent (NOI) with the NYSDEC and the Town of Yorktown as the MS4, and the preparation of an Erosion and Sediment Control Plan; 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 Marathon Development for the approval of a site plan titled "322 Kear Street," as prepared by Site Design Consultants, dated April 26, 2015 and last revised April 18, 2016 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. Proposed grading.
2. All curbs labeled as 6 inch concrete curbs.
3. On-street parking space dimensions.
4. The full width dimensions of Kear Street where the double yellow line will be shifted to the south and the limits of re-striping.

Additional requirements prior to signature by the Planning Board Chairman:

1. Submission of a revised Stormwater Pollution Prevention Plan accepted by the Town Engineer.
2. Submission of fees as per town requirements in the form of separate checks made payable to the Town of Yorktown:

General Development	\$2,020.00
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2. Submission of fees and security to the Engineering Department as required by the Town Engineer. The fees are to be determined after the Planning Board approval and the complete final set of drawings are submitted to the Town Engineer.

Additional requirements:

3. Applicant must submit final plans including an as-built with all improvements in AutoCAD DWG readable format.
4. Applicant must obtain all necessary permits from outside agencies.

BE IT FURTHER RESOLVED that unless a building permit has been issued within 360 days of the date of this resolution, **May 18, 2017**, this approval will be null and void.

**JCPC Holdings,
LLC**

TOWN OF YORKTOWN

ADVISORY BOARD ON ARCHITECTURE & COMMUNITY APPEARANCE

Yorktown Community and Cultural Center, 1974 Commerce Street, Yorktown Heights, New York 10598, Phone (914) 962-6565

MEMORANDUM

To: Planning Board
From: ABACA
Date: May 18, 2016
Subject: JCPC Holding – 1560 Front Street – Proposed Landscaping Plan
SBL: 48.07 – 1 – 2

Drawings Reviewed:

<u>Title</u>	<u>Drawing No.</u>	<u>Last Revised</u>	<u>Produced By</u>
Proposed Landscaping	L1	05/10/16	Ciarcia Engineering

The Advisory Board on Architecture and Community Appearance reviewed the subject item during its meeting on May 10, 2016. The comments of the Board are as follows:

1. The Board is extremely pleased with the progress of the project to date since the applicant has addressed its comments and concerns and has issued an updated Landscaping Plan.
2. The revised plan has been updated to include the 4- season maintenance program, graphic scale and north arrow as requested.
3. An updated Lighting Plan with photometric levels has been completed but was not available for review during this meeting. The applicant will provide the board this plan for its review when received.
4. The Board is concerned about the removal of the 26" dia. tree due to pond but is not sure if the tree's condition character and type. The Board assumes that pond configuration and location will not be changed at this point but would like to understand the reasoning for the removal of this tree and if anything could be done to avoid removing this tree if possible. It is likely that the grading work is occurring under the tree's canopy will affect its ability to survive over time and even if it could be saved now would likely not make it.
5. The Board at the previous meeting requested for the applicant to provide a tree inventory listing tree types and conditions. While the board understands that the development of the property requires the tree removal shown and that many of these trees are not necessarily pristine, it would like to have a clear understanding of what quality or character trees are being removed, if any and how many of these will remain.

TOWN OF YORKTOWN

ADVISORY BOARD ON ARCHITECTURE & COMMUNITY APPEARANCE

Yorktown Community and Cultural Center, 1974 Commerce Street, Yorktown Heights, New York 10598, Phone (914) 962-6565

6. The trees data table is slightly confusing so the Board is requesting for this to be clarified. It indicates 72 trees being removed and 32 to remain and states that 21 will remain in ROW. Not sure which ROW is being considering since graphically there are less trees shown in the paper road than listed and the applicant has indicated that all the trees on the paper road have not been surveyed and shown.
7. The simple concept described in our previous memo was enhanced with some additional plantings near and around the pond. The board assumes that the added plantings between the trees near the pond are required by the planning board comments. The row of maple trees along the street is a nice homage to the history of the town's streetscape and character.
8. The plan also seems to still show the original arborvitae graphically along the street but they are not labeled. The board assumes that this is an oversight and that these tree designations should be eliminated from the final plan to avoid confusion.
9. The Board would expect for the landscape around the sign to be identified and designed to enhance its appearance or the plantings should be eliminated. As shown, it appears to block the sign but this is truly unknown without additional detail being provided. The Applicant has mentioned that the sign would be moving to be adjacent to the main driveway entrance and when the final location is determined, the landscaping should be updated as required. The Board assumes that when this occurs, the tree located in the area would be moved to the right to coordinate.
10. The board feels that in the absence of a complete designed and realistic building foundation planting plan that the ilex and hydrangea as shown on the plan in this area should be removed. The lack of quantity and differentiation will detract from the building instead of enhancing it. While the board appreciates the applicant incorporating these plantings since there are so few, it will be better to have nothing here.
11. The Landscaping Plan indicates the incorporation of screening in two locations. The board feels that the size of the trees being represented is inaccurate since they seem to be drawn larger than they will actually be. These trees should be depicted on the plan as per Landscape Design standards.
12. The Board suggests for the three (3) white spruce trees in front of the rock outcropping, to be modified to be a staggered row of five (5) white spruce trees with a spacing of 15' o.c.
13. The board requests for the applicant to verify that the screening shown within the Paper Road along the East side of the property line is adequate as shown and to confirm that it will be permitted. If not permitted, the applicant is to provide an alternate plan. This plan could consist of a combination of trees above the rock on the property and as possible within pockets in the rock that can be identified as adequate for planting.

Mark Connelly
Co-Chairman

Christopher Taormina, AIA
Co-Chairman

TOWN OF YORKTOWN

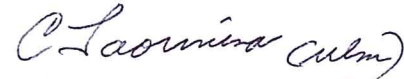
ADVISORY BOARD ON ARCHITECTURE & COMMUNITY APPEARANCE

Yorktown Community and Cultural Center, 1974 Commerce Street, Yorktown Heights, New York 10598, Phone (914) 962-6565

In summary, the Board is requesting the following:

- An updated photometric lighting plan
- A plan that shows the correct location of the sign as well as landscaping around that sign
- Removal of Arborvitae still shown graphically along Front Street left over from previous version
- Removal of foundation plantings or provide a complete foundation planting plan
- More accurate portrayal of screening trees on the landscape plan
- Verify that the Screening within the Paper Road is possible and adequate or provide an Alternate Screening Plan


Mark Connelly
Co-Chairman


Christopher Taormina, AIA
Co-Chairman

nlm

cc: Site Design Consultants (email)
John Cerbone (email)

Michael Quinn, PE
Town Engineer

Michael J. Grace
Town Supervisor

TOWN OF YORKTOWN ENGINEERING DEPARTMENT


Town of Yorktown Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598, Phone (914) 962-5722,

MEMORANDUM

RECEIVED
PLANNING DEPARTMENT

MAY 9 2016

TOWN OF YORKTOWN

To: Planning Board
From: Michael Quinn 
Date: May 9, 2016
Subject: JCPC Holdings – Site Plan

The Engineering Department has reviewed a revised conceptual site plan prepared for JCPC Holdings, revision date 2/3/16.

We support a conditional approval of this project, subject to the following items being addressed:

1. We understand the Applicant is revising the Environmental Assessment Form (EAF) for this project and will review once provided. The Applicant proposes to fill in wetlands that currently exist on the property and provide an equivalent amount of wetlands on a nearby Town-owned parcel. There was a meeting with the Applicant's wetland consultant on 4/29/16 and we await engineering plans on how this work will be accomplished.
2. The Engineering Dept. needs to review a revised building floor plan & the building elevations when finalized by the project architect. The doors that lead to the rear of the new building do not work with the grades as currently shown. We also want to review the front elevations where the Applicant will be installing a front entry door and overhead doors to the garage area.
3. A site plan that shows all the parking with space dimensions, back-up distances and parking lot circulation was not provided. Also request to see a summary on the plan of parking required by the Yorktown Zoning Code versus parking provided as part of this development project (we understand no exceptions have been taken to parking requirements). Note: a minimum of one (1) handicap parking space is required to be provided.
4. We understand the Applicant is still finalizing the Storm Water Pollution Prevention Plan (SWPPP) for this project, once a copy has been provided the Engineering Department will review and provide any comments. Please note this plan will also need to be reviewed and approved by the NYCDEP.
5. It appears from the plan that the front corner of the proposed building encroaches into the rear yard (50-foot rear yard setback is required). We will review with the Planning Department to confirm whether an adjustment to the building footprint is required.

6. A preliminary exterior lighting plan dated 4/26/16 was provided, however, no photometric lighting levels were provided. Plan must be revised to include this information. We also note the light fixtures on the rear of the building will likely cause light spillage onto the adjacent property (the Yorktown code permits a maximum of 1 foot-candle at property lines. Suggest the Applicant consider bollard lighting or short light poles to keep exterior lighting within the required levels.
7. It appears a minimal disturbance to the rock outcropping is proposed, please confirm this. A retaining wall is also shown, must provide details related to materials of construction, height, structural support if applicable, drainage details, etc.
8. There are other documents that are required as part of a site plan application that have not been provided, Land Survey (existing site), Erosion & Sediment Control Plan, Grading & Utilities Plan, Tree Removal & Landscape Plan and Site Details.
9. Miscellaneous Comments: Must clarify what happens in the rear of the building, is this a paved or grass area (how will grading and drainage be handled?). Are roof drains or leaders proposed to handle storm water from the roof area? How will flow be conveyed to the on-site storm collection system?
10. For work that occurs in the Town right-of-way, all standards from the Yorktown Town Code will apply. A separate road opening permit must be obtained from the Highway Department. A sewer connection permit must be obtained from the Sewer Department. And a water connection permit will be required from the Water Department.

In conclusion, we have no objection to conditional approval being granted, provided that all the comments noted above have been addressed to the satisfaction of the Town Engineer.

MQ:\mk:F:\ENG\Site Plans\JCPC Holdings\pb_memo_05-09-16.doc

cc: Planning Department, ABACA, Conservation Board, Highway Superintendent, Applicant

**PLANNING BOARD
TOWN OF YORKTOWN**

**RESOLUTION APPROVING
SITE PLAN LOT FOR
JCPC HOLDINGS, LLC**

RESOLUTION NUMBER:

DATE:

On the motion of _____, seconded by _____, and unanimously voted in favor by Fon, Flynn, Kincart, and Savoca, 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 "JCPC Holdings," prepared by Ciarcia Engineering, P.C. dated August 17, 2015, and last revised April 4, 2016, was submitted to the Planning Board on behalf of John Cerbone (hereinafter referred to as "the Applicant"); and

WHEREAS the property owned by the Applicant is located at 1560 Front Street, also known as Section 48.07 Block 2 Lot 2 on the Town Tax Map, 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 \$4,306.00 covering 0.94 acres 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 _____.
3. A negative declaration has been adopted on _____ on the basis of a Short EAF dated March 25, 2016; and

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

1. Sheet 1 of 1 titled, "Site Plan," prepared by Ciarcia Engineering, P.C, dated August 17, 2015, and last revised April 4, 2016; and
2. Sheet 1 of 1 titled, "Off Site Wetland Mitigation," prepared by Ciarcia Engineering, P.C, and dated February 12, 2016, and last revised April 4, 2016; and
3. Sheet L1 titled, "Landscape Plan," prepared by Ciarcia Engineering, P.C, and dated April 26, 2016; and
4. Sheet L2 titled, "Lighting Plan," prepared by Ciarcia Engineering, P.C, and dated April 26, 2016; and

WHEREAS as per Section §300-21C(17)(a)[3][a] the proposed use is allowed in the Planned Light Industrial Zone (I-2); and

WHEREAS pursuant to Section §300-182A(11) of the Town of Yorktown Town Code, the parking requirement is 10 spaces plus 1 space for each 2 persons working in such establishment, therefore a total of eleven (11) parking spaces is required and the applicant has provided thirteen (13) parking spaces; 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	04/14/16, 04/29/16, 05/18/16
Building Inspector	04/15/16
Conservation Board	02/08/16, 03/03/16
Fire Inspector	05/06/16
Planning Department	02/05/16, 04/22/16, 05/06/16
Town Engineer	12/30/15, 05/09/16
Water Department	03/14/16
Environmental Consultant	01/21/16, 03/02/16, 04/20/16
NYSDEC	03/14/16
NYCDEP	04/06/16

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 §195-22A(5) of the Yorktown Town Code on the said site plan application and plat at the Town Hall in Yorktown Heights, New York on February 8, 2016; 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 on the said site plan application commencing and closing on April 11, 2016 in Yorktown Heights, New York; and

WHEREAS the property is located within a Designated Main Street Area and must receive approval from the New York City Department of Environmental Protection prior to the site plan being signed by the Planning Board Chairman; and

THEREFORE, BE IT NOW RESOLVED that 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 that 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 John Cerbone for the approval of a site plan titled "JCPC Holdings, LLC" as prepared by Ciarcia Engineering, P.C, dated August 17, 2015 and last revised April 4, 2016, 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. Revise Landscape Plan legend to include all proposed plant species, the number to be planted, and proposed plant spacing. Revise landscape plan to include a four-season maintenance plan, planting detail, tree screening, and north arrow.
2. Submit a photometric plan.
3. Relocate the proposed free standing sign to be 5 feet within the property line.
4. All setbacks as set forth by the Building Inspector.
5. Reorient the detention pond to be entirely on the property.

Additional requirements prior to signature by the Planning Board Chairman:

1. Final Landscape Plan must be reviewed by ABACA and approved by the Planning Board.
2. Final Lighting Plan must be reviewed by ABACA and approved by the Planning Board.
3. Submission of an Erosion and Sediment Control Plan, for review and approval by the Planning Board.
4. Submission of a Wetland Mitigation Plan with all details and planting schedules.
5. Submission of a Stormwater Pollution Prevention Plan accepted by the Town Engineer and approved by the Planning Board.

6. The applicant must return to the Planning Board for review and approval of Stormwater Pollution Prevention Plan Permit, Wetland Permit, and Tree Permit **#FSWPPP/WP/T-095-15**.
7. Submission of fees as per town requirements in the form of separate checks made payable to the Town of Yorktown.

General Development	\$700.00
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8. Submission of fees and security to the Engineering Department as required by the Town Engineer. Fees to be determined after Planning Board approval and complete final set of drawings are submitted to the Town Engineer.

Additional requirements:

9. Applicant must submit final plans including as-built with all improvements in AutoCAD R14 readable format.
10. Proposed plan must comply with all current applicable ADA standards.
11. Applicant must obtain all necessary permits from outside agencies.

BE IT FURTHER RESOLVED that unless a building permit has been issued within 360 days of the date of this resolution, which is **May 18, 2017**; and

State Environmental Quality Review
NEGATIVE DECLARATION
Notice of Determination of Non-Significance

Project Number _____

Date: _____

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The _____ as lead agency, has determined that the proposed action described below will not have a significant environmental impact and a Draft Impact Statement will not be prepared.

Name of Action:

SEQR Status: Type 1 **G**
 Unlisted **G**

Conditioned Negative Declaration: **G** Yes
 G No

Description of Action:

Location: (Include street address and the name of the municipality/county. A location map of **Section** appropriate scale is also recommended.)

Reasons Supporting This Determination:

(See 617.7(a)-(c) for requirements of this determination ; see 617.7(d) for Conditioned Negative Declaration)

If Conditioned Negative Declaration, provide on attachment the specific mitigation measures imposed, and identify comment period (not less than 30 days from date of publication in the ENB)

For Further Information:

Contact Person:

Address:

Telephone Number:

For Type 1 Actions and Conditioned Negative Declarations, a Copy of this Notice is sent to:

Chief Executive Officer , Town / City / Village of

Other involved agencies (If any)

Applicant (If any)

Environmental Notice Bulletin, 625 Broadway, Albany, NY 12233-1750 (Type One Actions only)

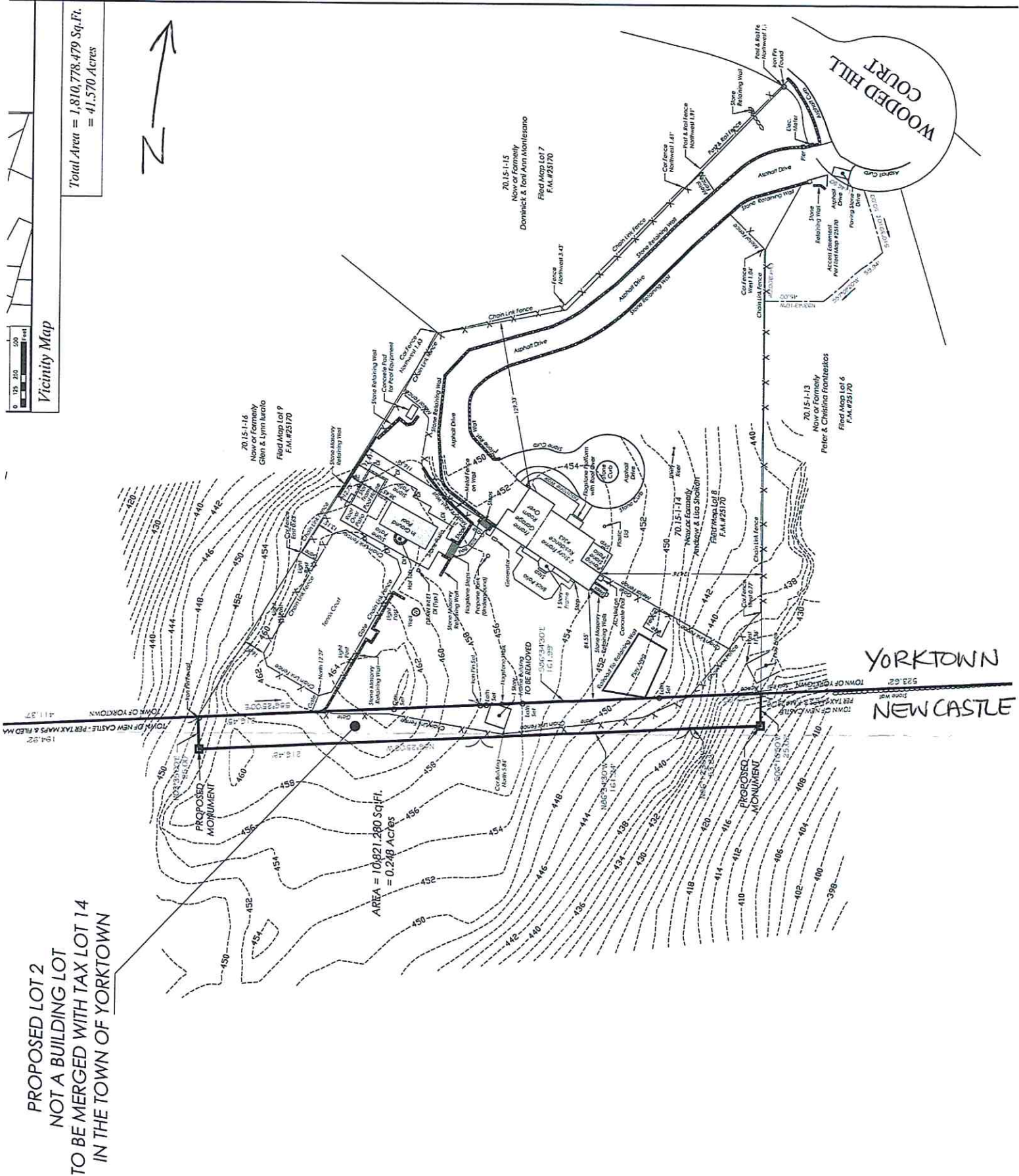
Shaiken

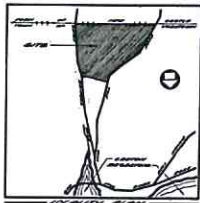
PROPOSED LOT 2
NOT A BUILDING LOT
TO BE MERGED WITH TAX LOT 14
IN THE TOWN OF YORKTOWN

Vicinity Map

0 125 250 500 Feet

Total Area = 1,810,778.479 Sq.Ft.
= 41.570 Acres





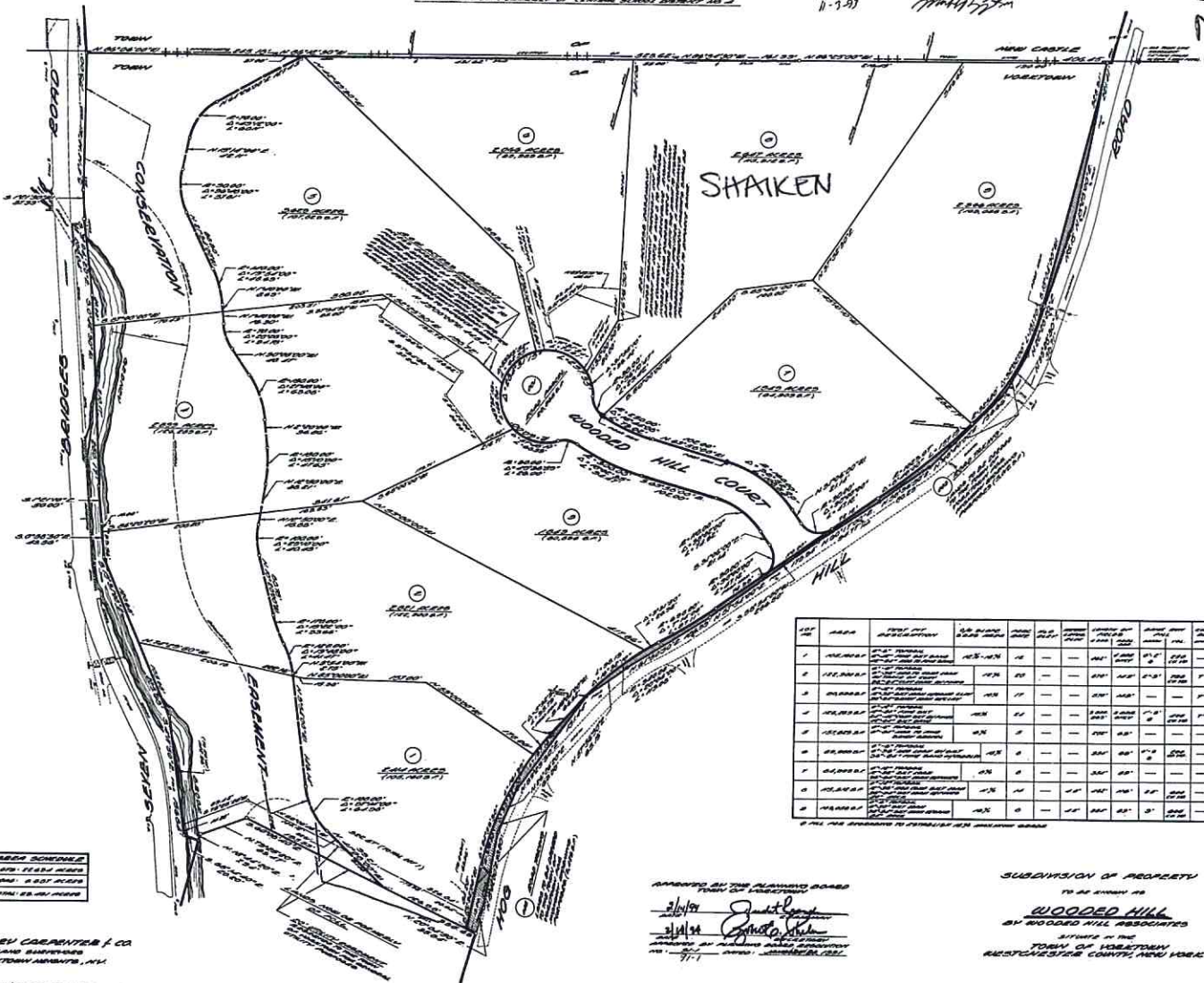
EXISTING TOWN ZONING STATUS: R-1
TOTAL AREA OF SUBDIVISION: 15.14 ACES
TOWN FILE MAP IDENTIFICATION: 10-1-1-1-1

CONVEYANCE NOTE
THE UNDERSIGNED HEREBY CERTIFY THAT THE ABOVE DESCRIBED PROPERTY IS NOT SUBJECT TO ANY EASEMENTS, RIGHTS OF WAY, OR OTHER INTERESTS OF ANY KIND, AND THAT THE SAME IS NOT SUBJECT TO ANY LIENS OR ENCUMBRANCES OF ANY KIND, AND THAT THE SAME IS NOT SUBJECT TO ANY OTHER INTERESTS OF ANY KIND.

RESTRICTED COUNTY COMMISSION OF LANDS
COUNTY OF WESTCHESTER, NEW YORK
THE COUNTY COMMISSION OF LANDS HEREBY CERTIFIES THAT THE ABOVE DESCRIBED PROPERTY IS NOT SUBJECT TO ANY EASEMENTS, RIGHTS OF WAY, OR OTHER INTERESTS OF ANY KIND, AND THAT THE SAME IS NOT SUBJECT TO ANY LIENS OR ENCUMBRANCES OF ANY KIND, AND THAT THE SAME IS NOT SUBJECT TO ANY OTHER INTERESTS OF ANY KIND.

This Map Filed in the Office of the
Clerk of the County of Westchester
on April 19, 1994, as Map No. 25120.

APPROVED BY: [Signature]
DATE: 10-4-91
10-7-92
11-7-92



LOT	AREA	PERCENTAGE	ACRES	PERCENTAGE	ACRES	PERCENTAGE	ACRES	PERCENTAGE	ACRES	PERCENTAGE	ACRES	PERCENTAGE	ACRES	PERCENTAGE	ACRES
1	0.10	0.67	0.007	0.67	0.007	0.67	0.007	0.67	0.007	0.67	0.007	0.67	0.007	0.67	0.007
2	0.10	0.67	0.007	0.67	0.007	0.67	0.007	0.67	0.007	0.67	0.007	0.67	0.007	0.67	0.007
3	0.10	0.67	0.007	0.67	0.007	0.67	0.007	0.67	0.007	0.67	0.007	0.67	0.007	0.67	0.007
4	0.10	0.67	0.007	0.67	0.007	0.67	0.007	0.67	0.007	0.67	0.007	0.67	0.007	0.67	0.007
5	0.10	0.67	0.007	0.67	0.007	0.67	0.007	0.67	0.007	0.67	0.007	0.67	0.007	0.67	0.007
6	0.10	0.67	0.007	0.67	0.007	0.67	0.007	0.67	0.007	0.67	0.007	0.67	0.007	0.67	0.007
7	0.10	0.67	0.007	0.67	0.007	0.67	0.007	0.67	0.007	0.67	0.007	0.67	0.007	0.67	0.007
8	0.10	0.67	0.007	0.67	0.007	0.67	0.007	0.67	0.007	0.67	0.007	0.67	0.007	0.67	0.007
9	0.10	0.67	0.007	0.67	0.007	0.67	0.007	0.67	0.007	0.67	0.007	0.67	0.007	0.67	0.007
10	0.10	0.67	0.007	0.67	0.007	0.67	0.007	0.67	0.007	0.67	0.007	0.67	0.007	0.67	0.007

J. HANLEY COOPER & CO.
LAND SURVEYORS
ROCKY HILL, CT 06067

APPROVED BY THE PLANNED BOARD
TOWN OF WOODSTOCK
[Signature]
DATE: 10-4-91

SUBDIVISION OF PROPERTY
TO BE KNOWN AS
WOODDED HILL
BY WOODDED HILL ASSOCIATES
SITUATE IN THE
TOWN OF WOODSTOCK
WESTCHESTER COUNTY, NEW YORK

SCALE: 1" = 50'

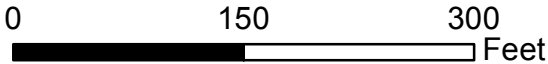
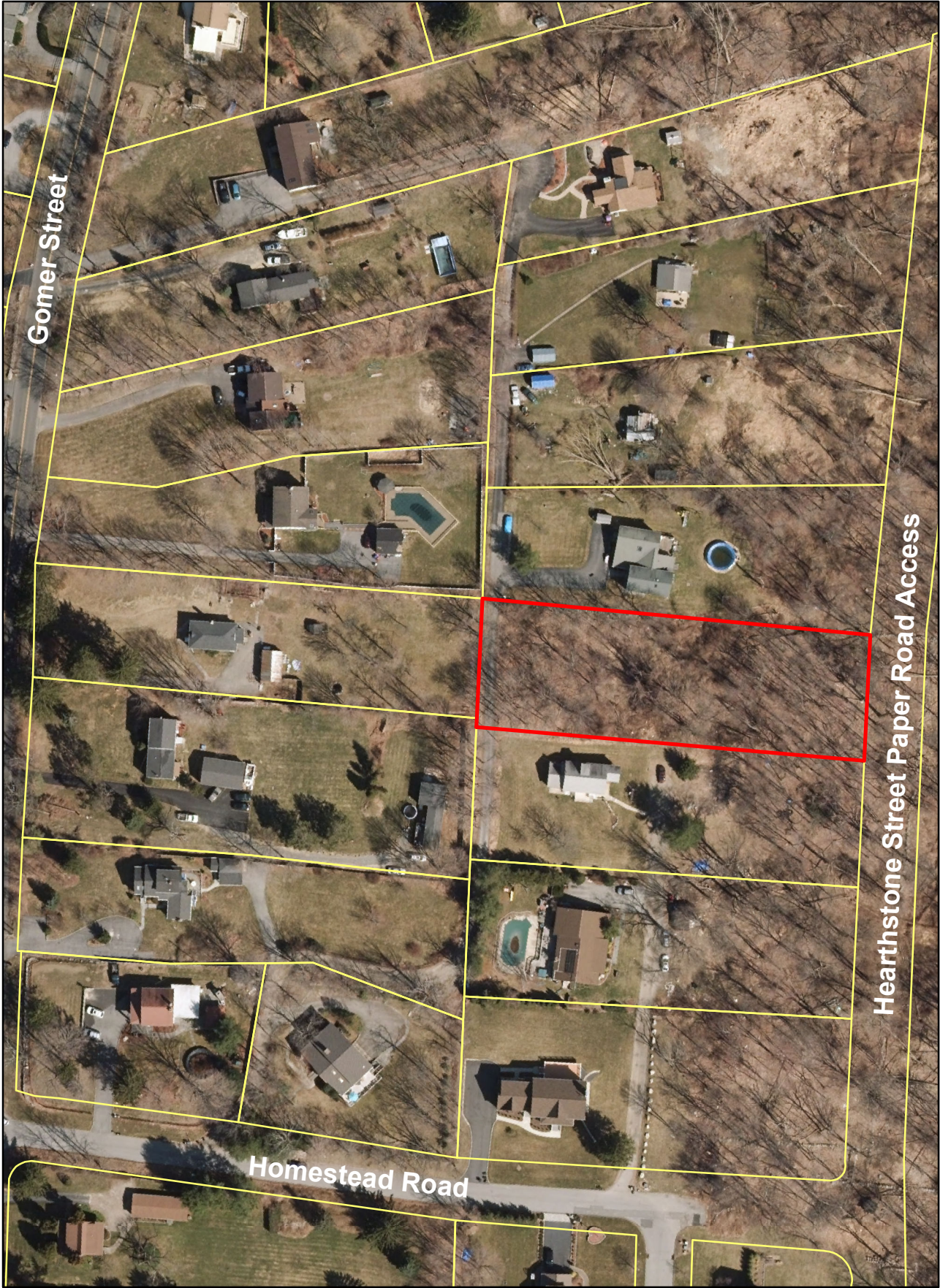



THIS MAP IS A TRUE AND CORRECT COPY OF THE ORIGINAL MAP AS FILED IN THE OFFICE OF THE CLERK OF THE COUNTY OF WESTCHESTER, NEW YORK, ON APRIL 19, 1994, AS MAP NO. 25120.

THESE MAPS WERE PREPARED BY THE SURVEYOR AND ARE NOT TO BE USED FOR ANY OTHER PURPOSE.

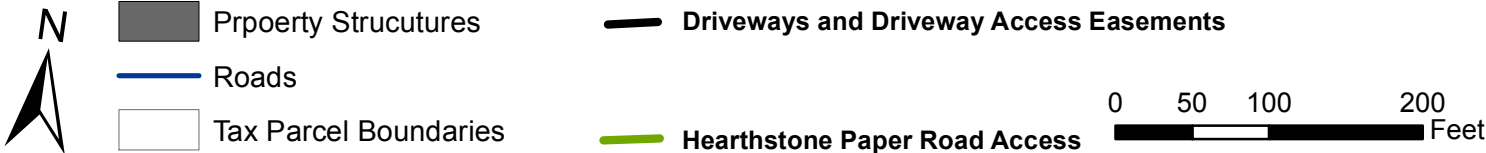
Hearthstone Minor Subdivision

Hearthstone Minor Subdivision Aerial



 Subject Parcel

Hearthstone Easement Access Map



TOWN OF YORKTOWN PLANNING BOARD

Yorktown Community and Cultural Center, 1974 Commerce Street, Yorktown Heights, New York 10598, Phone (914) 962-6565, Fax (914) 962-3986

PRE-PRELIMINARY APPLICATION

Date APRIL 1, 2016

1. Tax Map Designation: Section 17.18 Block 1 Lot 8
2. Zone: R1-20 Acreage: 0.95Ac
3. Type of Development: ☐ Site Plan ☒ Subdivision
4. If subdividing, how many total lots are proposed? 2

5. A brief description of the proposed development:

2 lot SUBDIVISION OF A ONE ACRE PARCEL OF LAND
SERVED BY PUBLIC WATER AND SEWER LINES

6. Applicant:

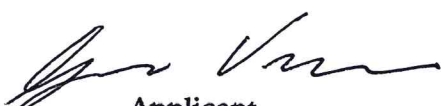

Name 16 Lake Rd., Inc.
Firm _____
Address PO Box 508
Bedford NY 10506.
Phone 914-273-3682
Fax 914-273-3682
Email -

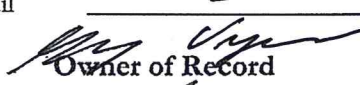

7. Owner of Record:

Name 16 Lake Rd Inc.
Address _____
Phone _____
Fax _____
Email _____

8. Designated contact person for this application:

Name G. Vignogna.
Fax # 914-273-3682
Email -


Applicant

SIGNATURE
George Vignogna.
PRINT NAME
4/12/16
DATE


Owner of Record

SIGNATURE
George Vignogna.
PRINT NAME
4/12/16
DATE

Note: By signing this document the owner of the subject property grants permission for Town Officials to enter the property for the purpose of reviewing this application.

F:\Office\WordPerfect\APPLICATION FORMS\APPP.wpd
This form last updated: December 2011



U02885260

LIBER 8215 PAGE 111

Standard N.Y. Form 8002-2-73 - Bargain and Sale Deed with Covenant against Grantor's Acts - Individual or Corporation (single sheet)

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT - THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.THIS INDENTURE, made the 14th day of Sept, nineteen hundred and eighty-fiveBETWEEN VINCENZO LABRICCIOSA and DOMENICA LABRICCIOSA, his wife,
residing at 12 Garrigan Avenue, Pleasantville, NY,party of the first part, and ANGELO CASASANTA and TERESA CASASANTA, his wife,
residing at Sheather Road, Mt. Kisco, NY,

party of the second part.

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situated, lying and being in the Town of Yorktown, County of Westchester and State of New York, bounded and described as follows:

BEGINNING at a point, which is the northwest corner of Lot 44 and the southwest corner of Lot 45, the parcel being conveyed herein, as those lots and the northwest and southwest corners thereof are shown upon Map 5045 filed on or about October 24, 1939, in the Division of Land Records of the County Clerk's Office of the County of Westchester; running thence northerly 14 feet along a course North 7°17'52" East to a point; running thence further northerly 100 feet along a course North 7°43'52" East to a point; running thence further northerly 14 feet along a course North 6°43'52" East to a point; running thence easterly 349.60 feet along a course South 80°55'30" East to a point on the westerly boundary of Hearthstone Road as said road is shown on the aforementioned map; running thence southerly along the westerly boundary of Hearthstone Road 118 feet along a course South 6°38'45" West to a point on said westerly boundary of Hearthstone Road; running thence westerly 351.66 feet along a course North 80°56'05" West to the point or place of beginning.

Together with an easement of ingress and egress and to install and maintain utilities over Lots 42, 43 and 44, as laid out and delineated by the grantor, and as shown on "Map of Sec. No. 1, Cording Heights" filed Oct. 24, 1939, as Map No. 5045. Said premises being also known and designated as Section 6.03, Parcel 15, Lot 45 on the Tax Assessment Map of the Town of Yorktown.

TOGETHER with all right, title and interest, if any, of the party of the first part of, in and to any streets and roads abutting the above-described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

Vincenzo Labricciosa

Domenica Labricciosa

STATE OF NEW YORK, COUNTY OF

On the 14th day of SEPT. 1987, before me
personally came

VINCENZO + DOMENICA LABRICCIOSA

to me known to be the individual described in and who
executed the foregoing instrument, and acknowledged that
they executed the same.

John P. Tucciarone

JOHN P. TUCCARONE
Notary Public, State of New York
No. B338875
Qualified in Westchester County
Commission Expires March 30, 1988

SS:

STATE OF NEW YORK, COUNTY OF

SS:

On the _____ day of _____ 19____, before me
personally came

to me known to be the individual described in and who
executed the foregoing instrument, and acknowledged that
executed the same.

STATE OF NEW YORK, COUNTY OF

SS:

On the _____ day of _____ 19____, before me
personally came
to me known, who, being by me duly sworn, did depose and
say that he resides at No. _____

that he is the
of _____

the corporation described
in and which executed the foregoing instrument; that he
knows the seal of said corporation; that the seal affixed
to said instrument is such corporate seal; that it was so
affixed by order of the board of directors of said corpora-
tion, and that he signed his name thereto by like order.

STATE OF NEW YORK, COUNTY OF

SS:

On the _____ day of _____ 19____, before me
personally came
the subscribing witness to the foregoing instrument, with
whom I am personally acquainted, who, being by me duly
sworn, did depose and say that he resides at No. _____

that he knows _____

to be the individual
described in and who executed the foregoing instrument;
that he, said subscribing witness, was present and saw
execute the same; and that he, said witness,
at the same time subscribed his name as witness thereto.

Bargain and Sale Deed
WITH COVENANT AGAINST GRANTOR'S ACTS

TITLE No.

VINCENZO & DOMENICA LABRICCIOSA

TO
ANGELO & TERESA CASASANTA

SECTION

BLOCK 6.03

LOT

COUNTY OR TOWN of Yorktown

Recorded At Request of American Title Insurance Company

RETURN BY MAIL TO:

STANDARD FORM OF NEW YORK BOARD OF TITLE UNDERWRITERS

Distributed by


american title
insurance company
north east region

A Member of The Continental Insurance Companies

CHARLES M. POLLOCK, ESQ.

24 Douglas Road

P.O. Box 331

Chappaqua, NY 10514

Zip No.

RESERVE THIS SPACE FOR USE OF RECORDING OFFICE

LIBER 8215 PAGE 112



WESTCHESTER COUNTY CLERK RECORDING PAGE
(THIS PAGE IS PART OF THE INSTRUMENT)

RECEIVED
WESTCHESTER COUNTY CLERK

TYPE OF INSTRUMENT DEED DATE 1985 SEP 17 AM 9:04

STATUTORY CHARGE 5- MTGE ANT

RECORDING CHARGE 6- EXEMPT YES NO

FILING CHARGE 1- REC'D TAX ON ABOVE MTGE

CROSS REFERENCE BASIC \$

CERT/RECEIPT ADDITIONAL \$

EXD BY C 12- SUBTOTAL \$

SPECIAL \$

TOTAL \$

SERIAL NO

02 BEDFORD
06 CORTLANDT
09 EASTCHESTER
11 GREENBURGH
12 HARRISON
16 LEWISBORO
17 MAMARONECK
19 MT KISCO
20 MT PLEASANT
21 MT VERNON
22 NEW CASTLE
23 NEW ROCHELLE
24 NORTH CASTLE
26 NORTH SALEM
28 OSSINING
30 PEEKSKILL
31 PELHAM
35 POUND RIDGE
36 RYE CITY
37 RYE TOWN
38 SCARSDALE
39 SOMERS
42 WHITE PLAINS
43 YONKERS
44 YORKTOWN

CONSID 28,000-

RECEIVED
\$ 112-
REAL ESTATE
SEP 17 1985
TRANSFER TAX
WESTCHESTER
COUNTY

ANDREW J. SPANO
WESTCHESTER COUNTY CLERK

TERMINAL NO 821023 TRANSFER FEES NO

DATE RET'D

61972

0804B001 09/17/85CPA

12.00

		SECTION BLOCK LOT VILLAGE TOWN COUNTY				
		RECORD AND RETURN TO:				

THE FOREGOING INSTRUMENT WAS ENDORSED FOR THE RECORD AS FOLLOWS:

THE PROPERTY AFFECTED BY THIS INSTRUMENT IS SITUATE IN THE

☒ TOWN ☐ CITY OF YORKTOWN, COUNTY OF WESTCHESTER

N.Y. A TRUE COPY OF THE ORIGINAL DEED RECORDED

IN THE DIVISION OF LAND RECORDS OF THE COUNTY CLERK'S OFFICE OF

WESTCHESTER COUNTY ON SEPT. 17, 1985 AT 9:04A M. IN

LIBER 8215 PAGE 111 IN THE BOOK OF Deeds

WITNESS MY HAND AND OFFICIAL SEAL:

Andrew J. Spano
ANDREW J. SPANO, COUNTY CLERK

Orchard View Realty

Orchard View Realty Subdivision
Meeting with Town Staff and the Applicant – April 26, 2016
2425 Sherry Drive / SBL – 36.06-2-78

Detention Basin Options:

1. Underground stormwater tanks under the cul-de-sac to treat the stormwater runoff. The Applicant (Zappico) is willing to satisfy maintenance through an H.O.A. (Home Owners Association).
2. Underground stormwater basins for the individual lots would be installed after soil testing and an analysis of the site topography are performed.
3. An above ground stormwater detention basin to be maintained by either an H.O.A. or the Town of Yorktown.

To Do/Next Steps for Stormwater Basin Options:

1. The Applicant is to submit a narrative of all the stormwater treatment schemes.
2. It was suggested that plans be submitted for stormwater treatment options.
3. The Applicant is to investigate the stormwater infrastructure at the southern portion of the proposed road, at the end of Sherry Drive, for water quality requirements.
4. In the event of an H.O.A. is formed, there must be a provision for the Town to conduct maintenance of infrastructure on an emergency basis. Such maintenance costs must then be assessed to the individual property owners.

Floodplain and the Next Steps:

1. The Applicant will provide a HEC-RAS model to determine the floodplain boundary and elevations.

Site Plan and the Next Steps:

1. The Applicant should submit an alternate layout which continues Sherry Drive and crosses the brook to the north.
2. Orchard View Court will be constructed to Town Road Standards. Whether it should be donated as a Town Road or a Private Road is still to be determined.
3. The Applicant should investigate relocating the cul-de-sac further south and reduce the cul-de-sac in size. The Town standard cul-de-sac width is 80 feet.
4. Investigate code requirements for emergency vehicle access turning radius requirements for a cul-de-sac.

Miscellaneous:

1. The Applicant has petitioned to the Town Board for acceptance to the Peekskill Sewer District.
2. The Sherry Drive cul-de-sac will be reviewed and potentially removed and returned to a 24 foot wide standard-width Town Road.



ZAPPICO
REAL ESTATE DEVELOPMENT

194 Brady Avenue, Hawthorne, NY 10532

Office: 914-232-1342

Fax: 914-579-2183

RECEIVED
PLANNING DEPARTMENT
APR 27 2016
TOWN OF YORKTOWN

April 27, 2016

To: Yorktown Heights Planning Board

*RE: Application for Orchard View Realty Subdivision
2425 Sherry Drive, Yorktown Heights, NY 10598
Section 36.06, Block 2 Lot 78*

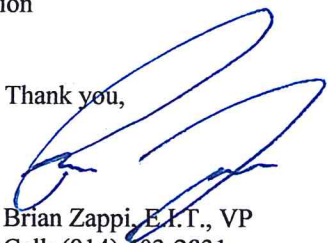
Dear Mr. Tegeder and Members of the Planning Board,

Thank you for taking the time to review our plans. As we mentioned at the first meeting, we have been working on the design of this project for well over a year - analyzing all the features of the site, and coming up with alternative layouts. The attached Sketch Plan Layout A & B were the first layouts designed for the subdivision. These initial layouts were based off of the design of the previous applicant, who was before the board many times. After analyzing the lot layouts and taking into account all the environmental features of the site, we had prepared Sketch Plan Layout D because it has the least impact on the property. This layout was further designed to include zoning conformance, grading, utilities, profiles, S&E, and Stormwater. After the board and planning department had reviewed the plans it was requested that the road be shortened and the ROW/ Cul-De-Sac be reduced. This layout is attached as Sketch Plan Layout C. It was also requested that alternatives to the stormwater management system be provided. However as discussed, we cannot provide alternatives until we conduct deep test holes and perc test holes. I will be coordinating the testing so that both the NYS DEP and Town Engineer will be available to witness. I would also like to address the town building inspector's memo regarding the 100 year flood zone. This will be addressed by running a HECRES model of the site to determine the actual 100 year flood elevation. Once this has been done it will be shown on both the plans and survey.

Attached:

- Sketch Plan Layout A : Proposed Lots (10) – Hammerhead Intersection
- Sketch Plan Layout B : Proposed Lots (10) – Continuation of Sherry Drive
- Sketch Plan Layout C : Proposed Lots (9) – Road Shortened 50' with Reduced ROW & Cul-De-Sac
- Sketch Plan Layout D : Proposed Lots (9) – Original Submission

Thank you,


Brian Zappi, E.I.T., VP
Cell: (914) 403-2831
Email: Brian@zappico.com



Emily Lloyd
Commissioner

Paul V. Rush, P.E.
Deputy Commissioner
Bureau of Water Supply
prush@dep.nyc.gov

465 Columbus Avenue
Valhalla, NY 10595
T: (914) 742-2001
F: (914) 742-2027

April 22, 2016

RECEIVED
PLANNING DEPARTMENT
APR 22 2016
TOWN OF YORKTOWN

Ms. Robyn Steinberg, Town Planner
Town of Yorktown Planning Board
363 Underhill Avenue, P.O. Box 703
Yorktown Heights, New York 10598

Re: **Notice of Intent to be Lead Agency**
Zappico Orchard View Realty Subdivision
2425 Sherry Drive
Town of Yorktown, Westchester County, NY
Tax Map #s: 36.06-2-78
DEP Log#: 2015-CNC-0419-SQ.1

Dear Ms. Steinberg and Members of the Planning Board:

The New York City Department of Environmental Protection (DEP) has reviewed the Town of Yorktown Planning Board's (Board) Notice of Intent to act as Lead Agency and short Environmental Assessment Form (EAF) for the above referenced project. DEP does not object to the Board acting as Lead Agency for the Coordinated Review of the proposed action pursuant to the New York State Environmental Quality Review Act (SEQRA).

The proposed site is located in the New Croton Reservoir drainage basin of New York City's Watershed. New Croton Reservoir is phosphorous restricted; therefore, water quality impacts to the reservoir from pollutant laden runoff must be avoided or mitigated.

The proposed action involves the subdivision of a nine acre parcel into a 9-lot residential subdivision to be served by municipal water and sewer, although the area is not currently within a sewer district. Access will be via a new cul-de-sac off of Sherry Drive.

DEP's status as an involved agency stems from its review and approval authority of a Stormwater Pollution Prevention Plan (SWPPP) pursuant to Section 18-39(b)(3)(ii) & (iv) of the *Rules and Regulations for the Protection from Contamination, Degradation, and Pollution of the New York City Water Supply and Its Sources* (Watershed Regulations). DEP also maintains review and approval of the sewer collection system pursuant to Section 18-37 of the Watershed Regulations.

Based upon the review of the documents received, DEP respectfully submits the following for your consideration:

1. Access to the site crosses a perennial watercourse via an existing culvert; however, DEP has not visited the site to confirm the presence or status

(intermittent or perennial) of any watercourses on the property, as defined in the Watershed Regulations. The presence of watercourses on or adjacent to the site may significantly impact the project layout; thus, the agency recommends that a site walk be scheduled with DEP staff. The project sponsor may contact Mary Galasso, Supervisor of Stormwater Programs at (914) 773-4440 to schedule a site visit. If the applicant's representative provides DEP with a surveyor's map which includes a representation of the flagged watercourses, DEP will confirm or annotate the findings on the map. Please note that mapping certification is optional, and not required under the Watershed Regulations.

2. The project sponsor must also make arrangements with DEP to witness soil testing in the areas proposed for the stormwater management practices to determine soil suitability and feasibility for meeting regulatory requirements. According to the EAF, the predominate soil type is Paxton loam which is known as having a seasonally high groundwater wetness that may not support the area of the proposed infiltration stormwater practice for its intended use.
3. According to the Stormwater Layout Plan, there is one large area and where stormwater runoff is directed to for attenuation and treatment underneath the cul-de-sac. As per the *New York State Stormwater Management Design Manual*, infiltration practices must be designed off-line when runoff is delivered through a storm drain pipe (see page 6-35); therefore, the stormwater management system must be redesigned to comply with this regulatory requirement.
4. In addition, the proposed stormwater practice, as shown, does not provide treatment for all new areas of impervious surfaces including the proposed residences, driveways and road entrance; thus, it has not been adequately demonstrated that impacts to land and water quality have been avoided or mitigated.
5. The project sponsor must provide documentation regarding the approval to expand the sewer district to demonstrate that this is a viable option. As mentioned earlier, Paxton soils are known for seasonal wetness and slow permeability, thus the design and placement of septic systems may not be a reasonable alternative.
6. The location of the subsurface treatment system (SSTS) installed in 2015 for the single family residence that is now proposed as Lot 9 must be shown on the plans in relation to the proposed development.
7. The EAF states that the local wetland was flagged by Paul J. Jaehnig, Wetland Consultant, and that there is some minor encroachment into the 100' wetland buffer. Development in the wetland buffer, is a practice that DEP has consistently discouraged as incursion and disturbance to the wetland buffers alters the natural water quality enhancements that such areas provide.
8. The EAF indicates that there are no federal or state listed species but the NYSDEC Environmental Resource Mapper indicates that both threatened or endangered species and archeological sites may be present in the vicinity. These will require further investigation to determine if these occur on-site or if the subject site provides critical habitat. A letter should be requested from the New York Natural Heritage Program and State Historic Preservation

Office for clarification and, if necessary, appropriate surveys should be performed and reports of findings provided for review.

9. A hammerhead roadway off of Sherry Drive is shown on Drawing C-2. Please have the project sponsor provide clarification and indicate if the intention is to gain access to the neighboring parcel.
10. In order to demonstrate that potential post-development water quality impacts from the proposed action can be avoided or mitigated, it is recommended that the project sponsor provide a pre- and post-pollutant loading analysis to assess the impacts of the action on stormwater discharges from the site and the ability of the proposed stormwater treatment practice to mitigate those impacts.

C-4 Sediment and Erosion Control Plan:

- If any areas will not be permanently converted to lawn or landscaping and will not be mowed on a regular basis, then consideration should be given to use of native meadow seed mixes for permanent stabilization to provide habitat and aesthetic appeal, increase stormwater mitigation, and reduce incursion of non-native species into nearby natural areas or wetlands.
- No seed mix is proposed for temporary stabilization. To assure permanent seed mixtures become well-established, temporary seed mix should be selected to assure that they either will not persist or will contribute to permanent stabilization.

Drawing C-5 Tree Preservation Plan:

- It appears that there are a few existing trees that may be impacted by site grading and/or planting activities on lots 2, 4 and 5. Please review existing tree locations to determine if root disturbance by these activities may be an issue. One-third of the area within the dripline of the tree is a general rule-of-thumb for excessive disturbance.
- Tree planting details show use of stakes and guy wires as well as tree wrap. These materials are no longer recommended industry standards unless slope steepness, exposure to high winds and sun scald, or other conditions exist to require their use. If used, guy wires should be removed within one year of planting (during the guarantee period) to assure they are not left in place. Guying materials that are not removed will damage trees and cause mortality. Tree wrap provides a place for insects and diseases to hide. It is recommended to either remove from the plan or add a requirement to remove the tree wrap within one year after planting.
- Please note that Norway spruce is not native to North America and has shown a tendency to escape cultivation, especially in wetland areas. Please consider replacing this species with a native evergreen, such as white spruce (*Picea glauca*) or eastern red cedar (*Juniperus virginiana*).

DEP submits this letter to you as lead agency as part of a coordinated SEQRA review. DEP urges the Board to require additional information prior to issuing a determination of significance. Thank you for the opportunity to provide comments. You may reach the undersigned at cgarcia@dep.nyc.gov or (914) 773-4455 with any questions or if you care to discuss the matter further.

Sincerely,



Cynthia Garcia
SEQRA Coordination Section

X: D. Whitehead, NYCDEP
F. Beck, WCDH
D. Ciarcia, P.E., Ciarcia Engineering

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 3
21 South Putt Corners Road, New Paltz, NY 12561-1620
P: (845) 256-3054 | F: (845) 255-4659
www.dec.ny.gov

RECEIVED
PLANNING DEPARTMENT

APR 20 2016

April 15, 2016

TOWN OF YORKTOWN

Robyn Steinberg
Town of Yorktown
363 Underhill Avenue
Yorktown Heights, NY 10598

RE: SEQR Review: Orchard View Realty – 9 lot subdivision at 2435 Sherry Drive
Project ID: **6391**
Town of Yorktown, Westchester County

Dear Ms. Steinberg:

We have reviewed the SEQR lead agency coordination request for the above referenced project which our office received on March 24, 2016 and offer the following comments.

LEAD AGENCY DESIGNATION

The New York State Department of Environmental Conservation (DEC) has no objection to the Town of Yorktown Planning Board assuming lead agency status for this project.

DEPARTMENT JURISDICTION

Protection of Waters

☒ There are no waterbodies that appear on our regulatory maps at the location/project site you identified. If there are no waterbodies present at the project site, then no Protection of Waters permit is required. However, if there is a stream or pond outlet present at the site with year-round flow, it assumes the classification of the watercourse into which it feeds, and a Protection of Waters permit may or may not be required. If there is a stream or pond outlet present at the site that runs intermittently (seasonally), it is not protected, and a Protection of Waters permit is not required.

If a permit is not required, please note: the project sponsor is still responsible for ensuring that work shall not pollute any stream or waterbody. Care shall be taken to stabilize any disturbed areas promptly after construction, and all necessary precautions shall be taken to prevent contamination of the stream or waterbody by silt, sediment, fuels, solvents, lubricants, or any other pollutant associated with the project.

Freshwater Wetlands

☒ The project/site is not within a New York State protected Freshwater Wetland. However, please contact the United States Army Corps of Engineers in New York City, telephone 917-790-8511, for any permitting they might require.



Department of
Environmental
Conservation

Projects requiring a SPDES Stormwater Permit may be covered by one of two Statewide General Permits or may require an individual permit. For information on stormwater and the general permits, see the DEC website at <http://www.dec.ny.gov/chemical/8468.html> or contact the Department's Division of Water, at 914-428-2505. For a description of steps to authorization by a Statewide General Permit, see the DEC website at <http://www.dec.ny.gov/chemical/43133.html#Steps>.

If this project requires a SPDES Stormwater Permit and qualifies for the General Permit, and the project site is within an MS4 (Municipal Separate Storm Sewer System) area, a Stormwater Pollution Prevention Plan (SWPPP) must be reviewed and accepted by the municipality and the MS-4 Acceptance Form must be submitted to DEC. If the site is not within an MS4 area and other DEC permits are required, the sponsor must provide two copies of the required SWPPP with the permit application for DEC review and approval.

☒ This site is within an MS4 (Municipal Separate Storm Sewer System) area.

☒ It appears that this project site is within the NYC Department of Environmental Protection (NYCDEP) East of Hudson Croton Watershed and will disturb more than 5000 square feet of land, requiring a SPDES Stormwater permit. Please also contact the NYCDEP at 914-773-4470 for any permitting they might require.

Please note that this letter only addresses the requirements for the following permits from DEC:

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> Protection of Waters | <input checked="" type="checkbox"/> Freshwater Wetlands | <input checked="" type="checkbox"/> Water Quality Certification |
| <input checked="" type="checkbox"/> State-Listed Species | <input checked="" type="checkbox"/> Water Withdrawal | <input checked="" type="checkbox"/> SPDES Sanitary |
| <input checked="" type="checkbox"/> SPDES Stormwater | | |


ADDITIONAL COMMENTS

Other

☒ Other permits from DEC or other agencies may be required for projects conducted on this property now or in the future. Also, regulations applicable to the location subject to this determination occasionally are revised and you should, therefore, verify the need for permits if your project is delayed or postponed. This determination regarding the need for permits will remain effective for a maximum of one year unless you are otherwise notified. Applications may be downloaded from our website at www.dec.ny.gov under "Programs" then "Division of Environmental Permits."

Please contact this office if you have questions regarding the above information. Thank you.

Sincerely,



Jean McAvoy

Region 3, Division of Environmental Permits

Telephone: 845/256-3165

Email: jean.mcavoy@dec.ny.gov



Parks, Recreation, and Historic Preservation

ANDREW M. CUOMO

Governor

ROSE HARVEY

Commissioner

RECEIVED
PLANNING DEPARTMENT

APR 12 2016

TOWN OF YORKTOWN

April 12, 2016

Ms. Robyn Steinberg
Town Planner
Town of Yorktown
363 Underhill Ave
PO Box 703
Yorktown, NY 10598

Re: DEC
Orchard View Realty Subdivision
2435 Sherry Drive, Yorktown Heights, NY
16PR02313

Dear Ms. Steinberg:

Thank you for requesting the comments of the Office of Parks, Recreation and Historic Preservation (OPRHP). We have reviewed the project in accordance with the New York State Historic Preservation Act of 1980 (Section 14.09 of the New York Parks, Recreation and Historic Preservation Law). These comments are those of the OPRHP and relate only to Historic/Cultural resources. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8) and its implementing regulations (6 NYCRR Part 617).

Based upon this review, it is the New York State Office of Parks, Recreation and Historic Preservation's opinion that your project will have no impact on archaeological and/or historic resources listed in or eligible for the New York State and National Registers of Historic Places.

If further correspondence is required regarding this project, please be sure to refer to the OPRHP Project Review (PR) number noted above.

Sincerely,

Ruth L. Pierpont

Deputy Commissioner for Historic Preservation

Ianuzzi Resubdivision

**PLANNING BOARD
TOWN OF YORKTOWN**

**RESOLUTION APPROVING
A SUBDIVISION PLAN FOR THE
IANUZZI SUBDIVISION**

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 subdivision plan titled "Stephen and Betty Ianuzzi Subdivision," prepared by Site Design Consultants, dated May 6, 2015, and last revised May 11, 2016, was submitted to the Planning Board on behalf of Stephen and Betty Ianuzzi (hereinafter referred to as "the Applicant"); and

WHEREAS the property owned by the Applicant is located at 11 85, 1189, and 1195 Baptist Church Road, also known as Section 47.15 Block 1 Lots 14, 15, & 16 ("the Property") on the Town of Yorktown Tax Map and the applicant has represented to this board that they are the lawful owners of the land within said site plan; and

WHEREAS pursuant to Town Code Section §195-12, in the case of a resubdivision, the same procedure, rules, and regulations shall apply as for an original subdivision; and

WHEREAS an application fee of \$2,160.00 covering 20 acres 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 _____.
3. A negative declaration has been adopted on _____ on the basis of a Short EAF dated July 29, 2015; and

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

1. A cover sheet, titled "Stephen and Betty Ianuzzi Subdivision," prepared by Site Design Consultants; and
2. A drawing, Sheet 1 of 8, titled "Site Plan," prepared by Site Design Consultants,

dated May 6, 2015, and last revised May 11, 2016; and

3. A drawing, Sheet 2 of 8, titled "Existing Conditions," prepared by Site Design Consultants, dated May 6, 2015, and last revised May 11, 2016; and
4. A drawing, Sheet 3 of 8, titled "E&SC Plan," prepared by Site Design Consultants, dated May 6, 2015, and last revised May 11, 2016; and
5. A drawing, Sheet 4 of 8, titled "Improvement Plan," prepared by Site Design Consultants, dated May 6, 2015, and last revised May 11, 2016; and
6. A drawing, Sheet 5 of 8, titled "Stormwater Plan," prepared by Site Design Consultants, dated May 6, 2015, and last revised May 11, 2016; and
7. A drawing, Sheet 6 of 8, titled "E&SC Notes & Details," prepared by Site Design Consultants, dated May 6, 2015, and last revised May 11, 2016; and
8. A drawing, Sheet 7 of 8, titled "Improvement Details," prepared by Site Design Consultants, dated May 6, 2015, and last revised May 11, 2016; and
9. A drawing, Sheet 8 of 8, titled "Downstream Defender Details," prepared by Site Design Consultants, dated May 6, 2015, and last revised May 11, 2016; and

WHEREAS the Planning Board has reviewed the recreation needs created by the subject subdivision 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 the majority of open space available within the subject subdivision is environmentally sensitive and unsuitable for active recreation; and

WHEREAS while additional recreation land is needed to meet the recreational needs created by the subject subdivision, as well as the surrounding neighborhood, recreation lands of suitably character or adequate size cannot be properly located within the subject subdivision or is otherwise not practical; and

BE IT RESOLVED pursuant to Town Code Section §195-16, the Planning Board accepts cash in lieu of land dedicated for park, playground, and recreational purposes, and said cash in lieu provided by the applicant shall be, pursuant to Town Code Section §168-1, \$10,000.00 per one new lot to satisfy the recreational needs created by the subject subdivision and to help meet the present and anticipated needs of the surrounding neighborhood; and

WHEREAS Town Board Resolution #467 dated December 15, 2015, granted the Planning Board the authorization to use Town Code Section §300-22, Flexibility standards, in order to promote development that is sensitive to the land by means of modifying the application of the zoning code's bulk requirements with respect to yard setbacks, building height, lot frontage, lot coverage, lot area, and minimum floor area; 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
Building Inspector	08/10/15, 04/11/16
Conservation Board	08/06/15, 04/11/16
Fire Inspector	10/02/15
Planning Department	09/14/15, 04/07/16, 05/06/16, 05/13/16
Environmental Consultant	12/07/15
NYCDEP	11/13/15
NYSDEC	11/13/15

WHEREAS the proper endorsement of the County Health Office has not been obtained; and

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 §195-22A(5) of the Yorktown Town Code on the said subdivision application and plat at the Town Hall in Yorktown Heights, New York on September 21, 2015; 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 on the said site plan application commencing and closing on May 9, 2016, with a 10 day period open for written comment at Town Hall in Yorktown Heights, New York;

WHEREAS the proposed disturbance required to construct the site is less than one acre, but more than 5,000 SF, it requires the filing of a Notice of Intent (NOI) with the NYSDEC and the Town of Yorktown as the MS4, and the preparation of an Erosion and Sediment Control Plan; 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 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

BE IT NOW RESOLVED that the application of Stephen and Betty Ianuzzi for the approval of a subdivision plan titled, "Stephen and Betty Ianuzzi Subdivision," as prepared by Site Design Consultants, dated May 6, 2015 and last revised May 11, 2016, be approved subject to the following modifications and conditions and that the Chairman and Secretary of this board be and hereby are authorized to endorse this board's approval on said plat upon compliance by the applicant with such modification and additional requirements as noted. If such modifications are not made and such conditions are not fulfilled within 180 days from the date of this resolution, or an extension of the approval granted, the plat shall be deemed disapproved.

Modify the plat and improvement plans to show:

1. Add a note stating, "This subdivision was approved in accordance with Chapter 300, Section §300-22: Clustering & Flexibility Standards of the Town of Yorktown Town Code as granted by Town Board Resolution dated December 15, 2015."
2. Add a note stating, "All utilities shall be underground."
3. Add a note to the Stormwater Plan stating the maintenance of the stormwater is the responsibility of the property owner.
4. Provide a map legend on all improvement plans.

BE IT FURTHER RESOLVED that said plat map shall not be endorsed by the Planning Board until:

1. The Applicant must submit the Declaration that will be filed with the plat in the Westchester County Clerk's Office to effectuate the use and maintenance of the common driveway.
2. Submission of a statement signed by the Town's Tax Collector that all taxes due on this parcel have been paid.
3. Submission of fees as per town requirements in the form of separate checks made payable to the Town of Yorktown:

ABACA Review	\$300.00
Recreation	\$10,000.00
General Development	\$720.00

4. Submission of fees and security to the Engineering Department as required by the Town Engineer. Fees to be determined after Planning Board approval and complete final set of drawings are submitted to the Town Engineer.

BE IT FURTHER RESOLVED that upon submission of building permit applications for Lots 1 and 4, the owner shall submit a site plan, to the Planning Board and ABACA, at a minimum scale of 1" = 20' showing the following:

- a. The location of the proposed house.
- b. The proposed finished floor elevation of the first floor, garage, and basement.
- c. The proposed grade at the garage entrance.
- d. The percentage slope of the proposed driveway.
- e. All existing and proposed topographic contour lines. All contour lines must extend a minimum of 10'-0" beyond the property line.
- f. The line of all delineated wetland, wetland buffers, easements, etc.
- g. A line indicating the limit of the area which will be disturbed by construction.
- h. Any other pertinent information as shown on the subdivision and improvement plan.

BE IT FURTHER RESOLVED prior to the issuance of building permits for Lots 1 and 4, said site plan shall be approved by resolution of the Planning Board, at which time such plan may also be subject to the issuance of a Tree Permit by the Planning Board; and

BE IT FURTHER RESOLVED that upon application for a building permit for lots in this subdivision, the building inspector shall review the proposed building elevations to determine the requisite grading. Should the building inspector determine that the requisite grading exceeds by plus or minus two (2) feet the elevations the Planning Board approved on the final construction plans, the applicant shall apply to the Planning Board for approval of the proposed building plan. The Planning Board shall review such application to

determine whether the proposed excavation is limited to the greatest extent practicable and does not create adverse environmental or aesthetic impacts. The board shall approve or deny the proposed additional grading by resolution; and

BE IT FURTHER RESOLVED that no certificates of occupancy be issued for any lot unless and until the Environmental Officer has reported that all required erosion control measures are in place and functioning properly on entire site; and

BE IT FURTHER RESOLVED that no certificate of occupancy will be issued unless the lot bounds are staked out and possession survey of premises is filed with the Building Inspector containing legend that stakes have been set as shown thereon; and

BE IT FURTHER RESOLVED that no certificate of occupancy will be issued unless the Applicant submits the plat in AutoCAD DWG readable format; and

BE IT FURTHER RESOLVED that upon consideration by the Board the installation of street trees and sidewalks required by Town Code Sections §195-15 and §195-31 respectively, are hereby waived; and

BE IT FURTHER RESOLVED that upon due consideration by the board no other requirements of these regulations be modified; and

BE IT FURTHER RESOLVED that the approved plat shall be recorded and filed in the County Clerk's office within 30 days from the signature on the plat, otherwise such signature constituting approval shall become null and void and reapplication shall be made to the Board.

ZBA Referral

#31/16-Countryside



TOWN OF YORKTOWN

Town of Yorktown www.yorktownny.org

APR 11 2016

Town Hall, 363 Underhill Avenue, Yorktown Heights, NY 10598
Tel. (914) 962-5722 ext.233 Fax (914) 962-1731

BUILDING DEPARTMENT

Application for a Special Use Permit

Page 1 of 2

(Please legibly complete all lines on the application)

Dated: 3/28, 20 16

To: Zoning Board of Appeals
Town of Yorktown, New York

The undersigned, as owner of certain premises located on the South side of
3757 Crompond rd and known as Section 35-05, Block 1 Lot 17, on
(Street, Road, Drive) (North, South, East, West)
the Tax Map of the Town of Yorktown, does hereby make application for a Special Use Permit to
(Describe proposed use) STORAGE YARD

In the event the permit is issued, the undersigned applicant will comply with all provisions of the Code of the Town of Yorktown and all other applicable laws, codes, rules and regulations of any Federal, State or County Government, bureau or department thereof, having jurisdiction over said premises and the use to be conducted thereat.

Attached hereto is a plot plan of the area prepared by Site Design
and dated the 1 day of APRIL, 20 16, and building plans prepared by
and dated the _____ day of _____, 20 ____
all of which are made part of this application, together with the required fee (\$625.00 for original application, \$312.00 for renewal of an existing permit).

3787 Crompond rd Yorktown NY.

Address of subject property

3787 Country Side Properties
Name of owner (Please print)

Fred Spannicandro
Name of applicant (if other than owner, Please print)

[Signature]
Signature of owner

[Signature]
Signature of applicant (if other than owner)

Address of owner

914. 352-3694

Daytime telephone number

914. 930-7583

Fax number and/or email address

(Continued on Page 2)

Address of applicant (if other than owner)

Daytime telephone number

Fax number and/or email address

- The applicant or applicant's representative **must** appear before the Zoning Board of Appeals, which generally convenes the fourth Thursday of each month unless otherwise noticed.
- Please carefully read all application instructions (available at the Building Department).
- Do not mail the *Notice(s) to Interested Parties* until directed to do so by the Zoning Board of Appeals at the meeting.
- All applications must be submitted to the office of the Building Department **before noon on the Thursday preceding the scheduled meeting.**

(Office use only)

Application received on the _____ day of _____, 20 ____.

Fee of \$625.00 (Renewal \$312.00) received on the _____ day of _____, 20 ____.

Application submitted to the Board of Appeals on the _____ day of _____, 20 ____.

Tax I.D. Number Verified by _____.

Application received by _____.

Notes _____

617.20
Appendix B
Short Environmental Assessment Form

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part I. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

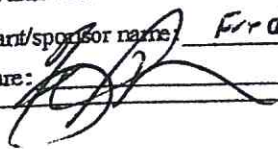
Part 1 - Project and Sponsor Information			
Name of Action or Project:			
Project Location (describe, and attach a location map):			
Brief Description of Proposed Action: <div style="text-align: center; font-size: 1.2em; margin-top: 10px;">STORAGE / TOOLS</div>			
Name of Applicant or Sponsor:		Telephone:	
3787 Countryside Properties INC		E-Mail:	
Address: 3787 Grampson rd			
City/PO: Bretland + MNR		State: NY	Zip Code: 10567
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input checked="" type="checkbox"/> YES
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO <input checked="" type="checkbox"/> YES
3. a. Total acreage of the site of the proposed action? 0.5 acres 7500 sq ft			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland			

	NO	YES	N/A
5. Is the proposed action, a. A permitted use under the zoning regulations?	<input checked="" type="checkbox"/>		
b. Consistent with the adopted comprehensive plan?			
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	<input checked="" type="checkbox"/>		
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	<input checked="" type="checkbox"/>		
b. Are public transportation service(s) available at or near the site of the proposed action?	<input checked="" type="checkbox"/>		
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	NO	YES	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____			
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	<input checked="" type="checkbox"/>		
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO	YES	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	<input checked="" type="checkbox"/>		
b. Is the proposed action located in an archeological sensitive area?	<input checked="" type="checkbox"/>		
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	<input checked="" type="checkbox"/>		
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	<input checked="" type="checkbox"/>		
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	<input checked="" type="checkbox"/>		
16. Is the project site located in the 100 year flood plain?	NO	YES	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES		

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO	YES
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO	YES

I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor name: Ford Samirandro Date: 3/28/16

Signature: 

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	X	
2. Will the proposed action result in a change in the use or intensity of use of land?	X	
3. Will the proposed action impair the character or quality of the existing community?	X	
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	X	
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	X	
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	X	
7. Will the proposed action impact existing: a. public / private water supplies? b. public / private wastewater treatment utilities?	X X	
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	X	
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	X	

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	X	
11. Will the proposed action create a hazard to environmental resources or human health?	X	

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.	
<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.	
_____ Name of Lead Agency	_____ Date
_____ Print or Type Name of Responsible Officer in Lead Agency	_____ Title of Responsible Officer
_____ Signature of Responsible Officer in Lead Agency	_____ Signature of Preparer (if different from Responsible Officer)

ZBA Referral

#33/16-Saccente



Town of Yorktown www.yorktownny.org

Building Department

Town Hall, 363 Underhill Avenue, Yorktown Heights, NY 10598
Tel. (914) 962-5722 ext.233 Fax (914) 962-1731

Page 1 of 2

APPLICATION FOR A ZONING VARIANCE

Dated: 4/21, 2016

TO: THE ZONING BOARD OF APPEALS
TOWN OF YORKTOWN, NEW YORK

RECEIVED
PLANNING DEPARTMENT
MAY 3 2016
TOWN OF YORKTOWN
TOWN OF YORKTOWN

The undersigned, owner of the property herein described, does hereby make application for a variance to certain provisions of Chapter 300 of the Code of the Town of Yorktown affecting said premises, which are located on the West side of Rocky Pl (St./Rd.) near Nabby Hill and known as Section 26.05, Block, 1, Lot(s) 48 on the Tax Map of the Town of Yorktown, New York.

Title to said premises was acquired by the applicant on the _____ day of
Sept, 2006 and the same is now improved with a _____
single family dwelling
(Type of Building or Structure)

THE VARIANCE REQUESTED IS AS FOLLOWS:

The proposed structure will have a rear yard set back of 39.2' whereas 45' is required per the decision of the zoning board of appeals of the Town of Yorktown dated May 24, 2001.

in a(n) RI-10 zoning district.

Attached hereto is a survey map or plot plan showing all existing and proposed buildings and structures, all data relating to the variance, and a check for the sum of **\$210.00** as the required application fee.

(Continued on page 2)

ADDRESS OF SUBJECT PROPERTY: 3197 Rocky Place

Michael Saccente
Name of Owner (please print)

Michael Saccente
Name of Applicant (please print)

[Signature]
Signature of Owner

[Signature]
Signature of Applicant

3197 Rocky Place
Address of Owner/Applicant

(917) 337-6075
Daytime Telephone Number

()
Fax Number

msaccente@titanconcretecorp.com
Email address (please print clearly)

Applicant or representative must appear on meeting date of Zoning Board, which is held at 6:30 p.m., generally on the fourth Thursday of each month unless otherwise noticed.

All applications must be submitted to the office of the Building Department *before* noon on the Thursday preceding the scheduled meeting.

(OFFICE USE)

Application received on _____ day of _____, 20____

Fee of \$210.00 received on the _____ day of _____, 20____

Application submitted to the Zoning Board of Appeals on the _____ day of _____, 20____.

Tax I.D. Number Verified by _____ of the Assessor's Office on _____.

DECISION OF THE ZONING BOARD OF APPEALS OF THE TOWN OF YORKTOWN

May 24, 2001

Alfus, Marjorie
No. 028/01

Application is made for an area variance to combine nine tax lots into two building lots with no frontage on a Town road where 80 feet is required in an R1-10 zone. The premises are located on the west side of Rocky Place near Nabby Hill Road (a/k/a Section 3.19, Parcel 222, Lots 230, 231, 233, 234, 236, 238, 239, 240 and 241 on the Tax Map of the Town of Yorktown).

Upon reading and filing of the application of Marjorie Alfus, the Certificate of Notice, the memorandum from the Planning Board dated May 24, 2001, and upon the testimony offered and received at the public hearing of this application, it is found and determined as follows:

This is an application for an area variance to combine nine tax lots into two building lots with no frontage on a Town road where 80 feet is required in an R1-10 zone.

The Board, having considered and applied the criteria set forth in Section 267-b(3)(b) of the New York State Town Law has found and determined that the benefits which will inure to the applicant as a result of granting the requested variance outweigh any detriment to the health, safety and welfare of the neighborhood or community which may be occasioned by such grant.

The Board grants the requested variance, subject to the following conditions:

1. One building lot is to be approximately 20,000 square feet and the second building lot is to be approximately 30,000 square feet;
2. The access driveway is to be paved up to the driveway of the second building lot and is to be constructed to standards acceptable to the Planning Board, Town Engineer and Fire Marshall;
3. The proposed lots must have water and sewer service available prior to construction;
4. Lot 230 is to have the following minimum setbacks:

Side Yard - 22 ft.
Front Yard - 29 ft.
Rear Yard - 45 ft.;
5. The proposed structure on Lot 231 is to be shifted east 10 ft so as to permit a minimum front yard setback of 28.87 ft.; and



617.20
Appendix B
Short Environmental Assessment Form

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or finding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Name of Action or Project: <u>Saccante</u>			
Project Location (describe, and attach a location map): <u>3197 Rocky #1</u>			
Brief Description of Proposed Action: <u>Area variance for a proposed sunroom.</u>			
Name of Applicant or Sponsor: <u>Jim Flandreau</u>		Telephone: <u>914 733-2214</u>	
Address: <u>2287 Mark Rd</u>		E-Mail: <u>jimflandreau@yahoo.com</u>	
City/PO: <u>Yorktown</u>		State: <u>NY</u>	Zip Code: <u>10598</u>
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input checked="" type="checkbox"/> YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO <input checked="" type="checkbox"/> YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? <u>20,000 SF</u> acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland			

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO	YES
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO	YES
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE. Applicant/sponsor name: <u>Jim Flandreau</u> Date: <u>4/13/16</u> Signature: _____		

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?		
2. Will the proposed action result in a change in the use or intensity of use of land?		
3. Will the proposed action impair the character or quality of the existing community?		
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?		
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?		
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?		
7. Will the proposed action impact existing: <div>a. public / private water supplies?</div> <div>b. public / private wastewater treatment utilities?</div>		
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?		
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?		

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?		
11. Will the proposed action create a hazard to environmental resources or human health?		

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

- ☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- ☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Name of Lead Agency

Date

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)



Town of Yorktown www.yorktownny.org

Building Department

Town Hall, 363 Underhill Avenue, Yorktown Heights, NY 10598
Tel. (914) 962-5722 ext.233 Fax (914) 962-1731

Notice of Denial

To: Michael Saccante
3197 Rocky Place
Yorktown

Date: 4/21/16

Regarding:

Application Number: 2016-0240 Date of Application: 4/12/16

Name of Applicant: Saccante

Proposed Use/Development: sun room addition

Location of Proposed Use/Development: 3197 Rocky Place

Tax #: Section: 26.5 Block: 1 Lot(s): 48

Type of Application:

☒ Building Permit

☐ Special Use Permit Type of Proposed Use: _____

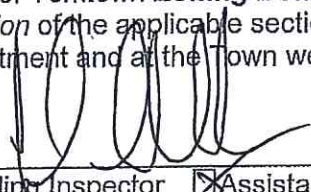
☐ Other (specify): _____

Zoning district: R1-10

Please Take Notice that your application is denied on the following grounds:

The proposed structure will have a rear yard
setback of 39.2' whereas 45' is required per
the decision of the zoning board of appeals of the
Town of Yorktown. Dated May 24, 2001.

Please Take Further Notice that it is the right of the property owner or his/her authorized representative to appeal this determination to the Town of Yorktown **Zoning Board of Appeals** by applying for a *use variance*, *area variance* or *interpretation* of the applicable section of local law. Appeals applications are available at the Building Department and at the Town web site at www.yorktownny.org


☐ Building Inspector ☒ Assistant Building Inspector

DECISION OF THE ZONING BOARD OF APPEALS OF THE TOWN OF YORKTOWN

May 24, 2001

Alfus, Marjorie
No. 028/01

Application is made for an area variance to combine nine tax lots into two building lots with no frontage on a Town road where 80 feet is required in an R1-10 zone. The premises are located on the west side of Rocky Place near Nabby Hill Road (a/k/a Section 3.19, Parcel 222, Lots 230, 231, 233, 234, 236, 238, 239, 240 and 241 on the Tax Map of the Town of Yorktown).

Upon reading and filing of the application of Marjorie Alfus, the Certificate of Notice, the memorandum from the Planning Board dated May 24, 2001, and upon the testimony offered and received at the public hearing of this application, it is found and determined as follows:

This is an application for an area variance to combine nine tax lots into two building lots with no frontage on a Town road where 80 feet is required in an R1-10 zone.

The Board, having considered and applied the criteria set forth in Section 267-b(3)(b) of the New York State Town Law has found and determined that the benefits which will inure to the applicant as a result of granting the requested variance outweigh any detriment to the health, safety and welfare of the neighborhood or community which may be occasioned by such grant.

The Board grants the requested variance, subject to the following conditions:

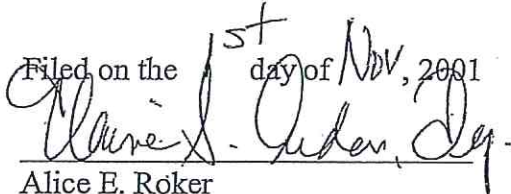
1. One building lot is to be approximately 20,000 square feet and the second building lot is to be approximately 30,000 square feet;
2. The access driveway is to be paved up to the driveway of the second building lot and is to be constructed to standards acceptable to the Planning Board, Town Engineer and Fire Marshall;
3. The proposed lots must have water and sewer service available prior to construction;
4. Lot 230 is to have the following minimum setbacks:

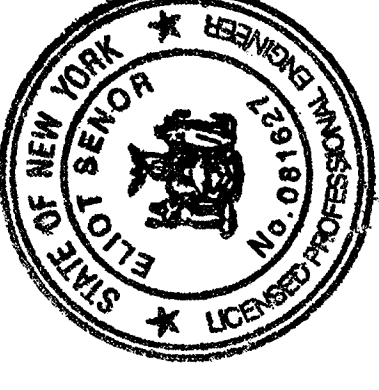
Side Yard - 22 ft.
Front Yard - 29 ft.
Rear Yard - 45 ft.;
5. The proposed structure on Lot 231 is to be shifted east 10 ft so as to permit a minimum front yard setback of 28.87 ft.; and

6. Landscape screening, satisfactory to the Town Building Inspector is to be planted along the rear of the approved lots.

It is further determined that the above action is a SEQRA Type II action, which action requires no further review.


Margaret Derevlany
Chairman, Zoning Board of Appeals

Filed on the ^{5th} day of Nov, 2001

Alice E. Roker
Town Clerk



I, ELIOT SENOR, THE SURVEYOR WHO MADE THIS MAP DO HEREBY CERTIFY THAT THE SURVEY OF THE PROPERTY SHOWN HEREON WAS COMPLETED FEB. 6, 2001 AND THAT THIS MAP WAS COMPLETED NOV. 29, 2004.

ELIOT SENOR, L.S. LICENSE # 049822 DATE 12-1-04

APPROVED FOR FILING IN THE WESTCHESTER COUNTY CLERK'S OFFICE DIVISION OF LAND RECORDS.

DATE DEC. 29, 2004
MARJORIE ALFUS
799 PARK AVENUE
NEW YORK, NEW YORK 10021-3275

WESTCHESTER COUNTY DEPARTMENT OF HEALTH

APPROVED PURSUANT TO CHAPTER 873, ARTICLE X, SECTIONS 873.951 AND 873.1021 AND ARTICLES VII AND XXII OF THE WESTCHESTER COUNTY SANSITARY CODE, SUBJECT TO THE PROVISIONS OF PUBLIC WATER SUPPLY AND PUBLIC SEWERAGE, HEREIN, THESE FACILITIES, ARE TO BE INSTALLED IN ACCORDANCE WITH LAND IMPROVEMENT PLANS AND SPECIFICATIONS APPROVED BY AND FILED IN THIS OFFICE PRIOR TO THE CONSTRUCTION OF SUCH BUILDING.

EACH PURCHASER OF PROPERTY SHOWN HEREON SHALL BE FURNISHED A TRUE COPY OF THIS PLAT SHOWING THIS ENDORSEMENT, ANY ERASURES, CHANGES, ADDITIONS OR ALTERATIONS OF ANY KIND, EXCEPT THE ADDITION OF SIGNATURES OF OTHER APPROVING AUTHORITY AND THE DATE THEREOF MADE IN THIS PLAN AFTER THIS APPROVAL, SHALL INVALIDATE THIS APPROVAL.

APPROVED BY THE ASSISTANT COMMISSIONER OF HEALTH ON BEHALF OF THE DEPARTMENT OF HEALTH
Michael J. Feltz DATE 9/27/05

UNAUTHORIZED ALTERATION OR ADDITIONS TO THIS MAP IS A VIOLATION OF SECTION 7209 SUB-SECTION 2, OF THE NEW YORK STATE EDUCATION LAW.

APPROVED UNDER AUTHORITY OF A RESOLUTION ADOPTED BY THE PLANNING BOARD OF THE TOWN OF YORK TOWN OF YORKTOWN PLANNING BOARD APPLICATION # Res # 04-16 October 18, 2004, N.Y.

APPROVAL DATE 9-12-05
Robert J. Giordano
SECRETARY TO THE PLANNING BOARD
ROBERT GIORDANO
Asst. Secretary

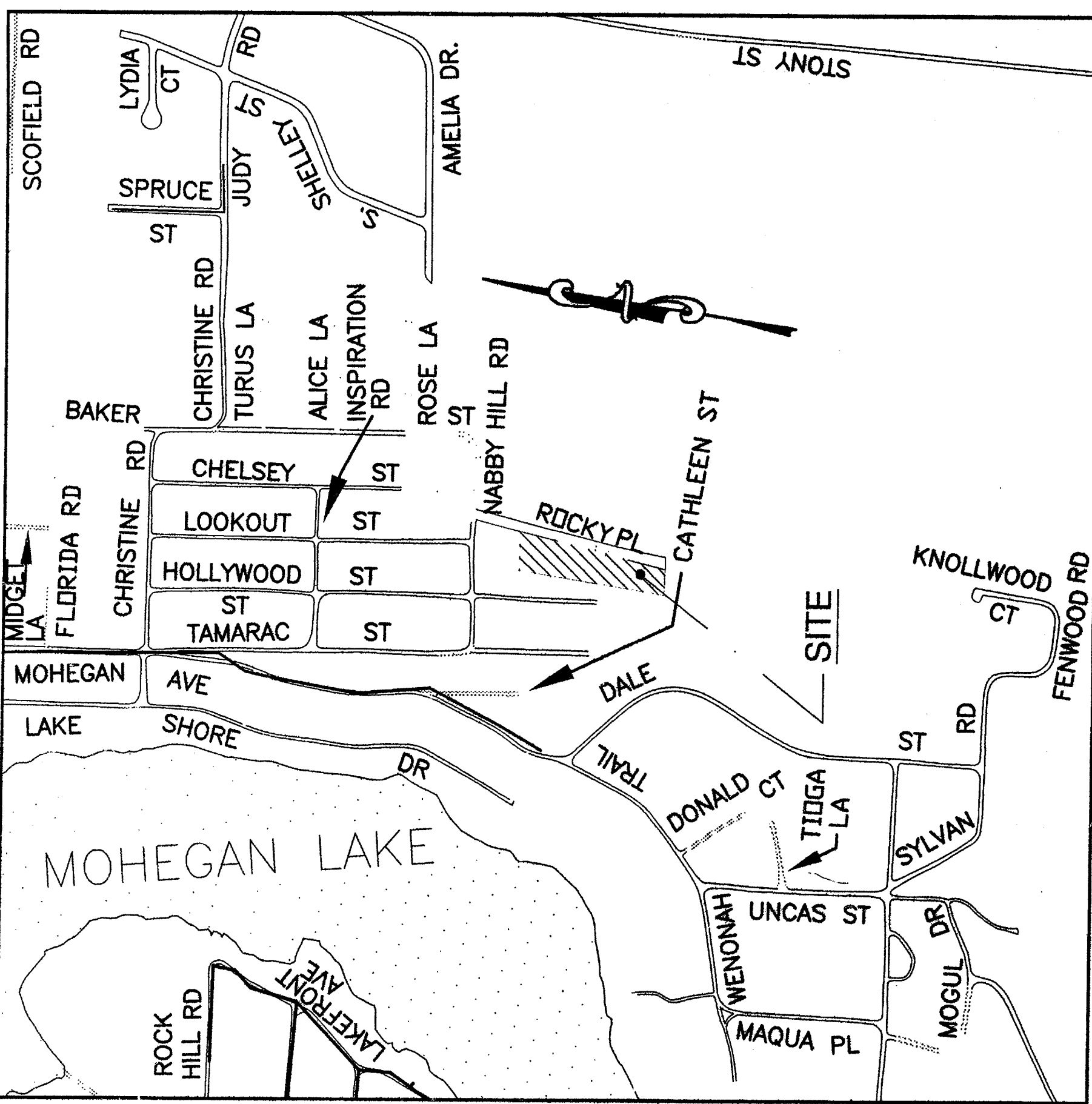
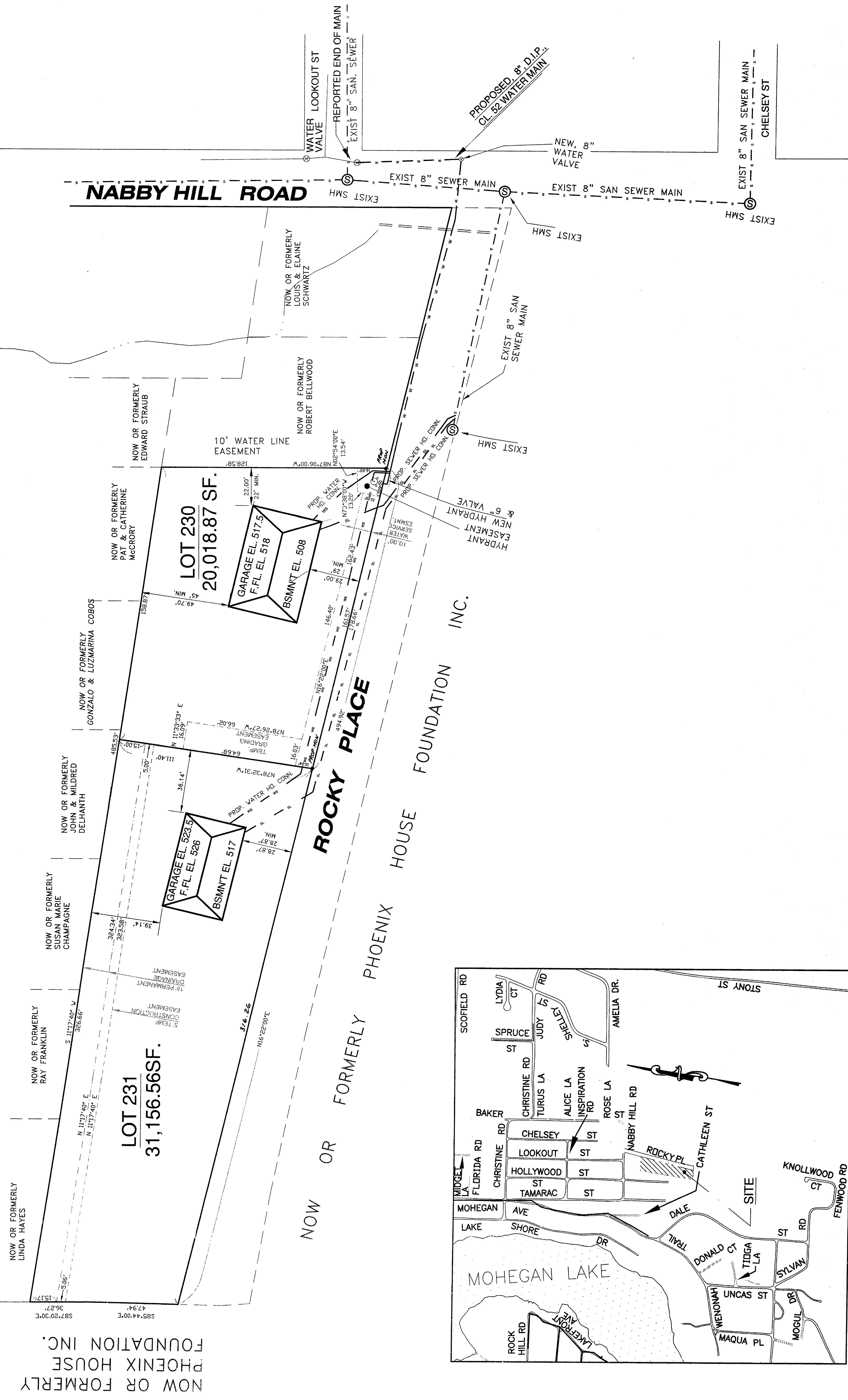
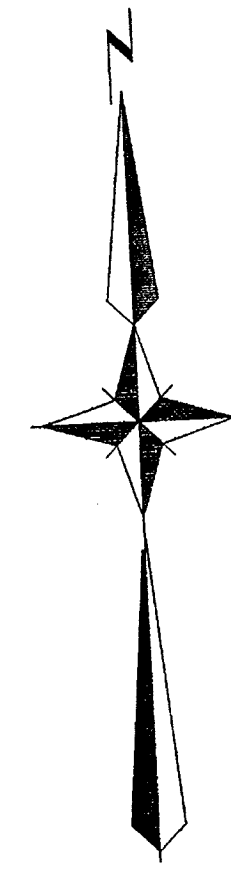
Robert J. Giordano 9/9/05
Chairman Planning Board

SUBDIVISION MAP PREPARED FOR
MARJORIE ALFUS
ROCKY PLACE

LOCATED IN THE
TOWN OF YORKTOWN
WESTCHESTER COUNTY, NEW YORK
COUNTY SHEET: 278 BLOCK: 11302

SCALE: 1" = 30' DATE: NOV. 29, 2004

PO# 27653
9-16-2005



LOCATION MAP 1" = 800'

SITE ENGINEERING ON ATTACHED OR APPENDED DRAWINGS
PREPARED BY JACK GOLDSTEIN P.E., LIC. NO. 047555
Jack Goldstein, P.E. DATE: DEC. 30, 2004

NOTE: LOCATION OF SANITARY SEWER AND WATER MAINS ARE SCHEMATIC ONLY.

GABRIEL E. SENOR, P.C.
CONSULTING ENGINEER & LAND SURVEYOR
90 NORTH CENTRAL AVE., HARTSDALE, NEW YORK 10583
(914) 422-0070 422-1554

Town Board Referral

TOWN OF YORKTOWN PLANNING BOARD

Yorktown Community and Cultural Center, 1974 Commerce Street, Yorktown Heights, New York 10598, Phone (914) 962-6565, Fax (914) 962-3986

MEMORANDUM

To: Town Board
From: Planning Board
Date: May 24, 2016
Subject: Proposed Local Law Amending Chapter 245 Solid Waste

The Planning Board, at its meetings on May 9, 2016 and May 23, 2016, discussed the proposed local law to amend Chapter 245. The Board had the following comments:

1. The Planning Board is in agreement that garbage and refuse compactors should be formalized in the town code and properly maintained. However, the Board is concerned that the law may result in the necessity for approval of amended site plans, depending on the significance of the modifications necessary on the site to comply with the proposed law. Conditions that may require an amended site plan approval include the loss of parking spaces, the discovery of modifications that have been made to the site since approval, or the absence of a site plan approval. Under any of these circumstances, an amended site plan would be required, which requires the submission of drawings signed and sealed by a design professional, an environmental review, application fees, and notice for two public hearings.
2. As written, there is no provision for any type of waiver. One might assume that since the first preferred location for refuse containment is inside the primary structure or building, that any property owner claiming to contain garbage inside, has complied with the law. This should be clear. In rare instances where an applicant has asserted that a refuse enclosure is not required for their specific use, because for example all waste is shredded and removed from the site, the Planning Board has required a receptacle enclosure be shown on the approved site plan, but not built until a future use requires it to be. A section should be added to the local law that allows the Planning Board to waive the construction of a refuse enclosure under special circumstances.
3. As written, Section 245-20-1(F)(3) states “any property owner that fails to comply with the new law must apply to the Planning Board for a Receptacle Enclosure Permit within 30 days of the enactment of this chapter.” Section 245-20-1(F)(4) states “violations issued by the Building Inspector must be remedied within 30 days.” The Planning Board recommends the Town Board have a plan for the initial compliance with the law so that the Planning Board does not become inundated with permit applications.

4. A provision should be added that requires the Receptacle Enclosure to be maintained in good condition.
5. In Section 245-20-1(E)(2), change the word “will” to “shall” to read, “The Planning Board shall exercise...”
6. In Section 245-20-1 (F)(3), change the word “the” to “to” to read, ...”in which any Receptacle fails to comply...”

Should you have any questions, please do not hesitate to call this office.

Respectfully submitted,

Robyn A. Steinberg, AICP, CPESC
Town Planner

F:\Office\WordPerfect\TownBoard\Local Laws\PBmemo-SolidWaste-05.24.16.wpd

Dumpster Enclosure Local Law –

Kim Angelis changes 5-12-2016

A LOCAL LAW to amend Chapter 245 of the Code of the Town of Yorktown entitled “SOLID WASTE,” by amending §245-5 entitled “DEFINITIONS” and adding a new §245-20-1 entitled “RECEPTACLES; STANDARDS AND PLACEMENT” and adding a new § 245-20-2 entitled “GARBAGE AND REFUSE COMPACTORS”

Be it enacted by the Town Board of the Town of Yorktown as follows:

Section I. Statement of Authority.

This Local Law is authorized by the New York State Constitution, the provisions of the New York Municipal Home Rule Law, the provisions of the Statute of Local Governments, the relevant provisions of the Town Law of the State of New York, the laws of the Town of Yorktown and the general police power vested with the Town of Yorktown to promote the health, safety and welfare of all residents and property owners in the Town.

Section II. Chapter 245 of the Town Code entitled “**SOLID WASTE,**” is amended by the amendment of **§245-5 entitled “DEFINITIONS”** to read as follows:

§245-5: DEFINITIONS

As used in this chapter, the following terms shall have the meanings indicated:

APPLICABLE AREA OR ZONE

Any areas classified in the Zoning Code as

- (i) Commercial Area or Zone (any areas classified in the Zoning Code as a C-1; C-2; C-2R; CR; C-3; C-4; CC; CRC; IN; OB and O Districts, or any area where any of the uses permitted in the aforesaid zones are in lawful operation);
- (ii) Industrial Area or Zone (any area classified in the Zoning Code as I-1 and I-2, or any area where any of the uses permitted in the aforesaid zones are in lawful operation); or

- (iii) Multi-Family Uses (a detached building containing three or more dwelling units) or
- (iv) any area classified by the Town Board as a Transitional Zone or any area where any of the uses permitted in the aforesaid zones are in lawful operation.

GARBAGE

Garbage shall include

- (i) Non-Recyclable Refuse including but not limited to combustible trash, glass crockery and other mineral waste, boxes, barrels, wood, wood and plastic furniture, bedding, packing materials, plastic wrappings, wastes resulting from the handling, preparation, cooking and consumption of food, wastes from the handling, storage and sale of produce, swill, bones, offal, fat, parts of slaughtered animals or livestock but shall not include construction and demolition debris, solid or chemical wastes resulting from industrial processes and manufacturing operations;
- (ii) Recyclable Refuse including but not limited to noncombustible trash recyclables, paper, cardboard, cardboard cartons or cardboard boxes, bulk metals, containers that held food, beverages or soapy cleaners made of glass, tin, aluminum, or plastic, metal furniture, and contents of litter receptacles or any other materials defined by the Westchester County Source Separation Law.

Garbage shall not include bulky household items as designated by the Town's Refuse and Recycling Department and collected as part of scheduled and announced bulk trash collections.

PERSON

Any person, employee, servant, agent, firm, partnership, association, corporation, company or organization of any kind.

RECEPTACLE

Containers of galvanized metal or other durable material for the storage of Garbage. Such containers shall include but are not limited to compactors, trash cans or containers, containers specified for recyclable materials, dumpsters or similar such containers.

Section IV. Chapter 245 of the Town Code entitled **“SOLID WASTE,”** is amended by the addition of a new section **§245-20-1 entitled “RECEPTACLES; STANDARDS AND PLACEMENT”** to read as follows:

- A. Garbage shall be placed and maintained in Receptacles.
- B. It shall be the duty of every Person having the ownership, management or control of or occupying any land or building in any Applicable Area or Zone to provide,

for the exclusive use of such land or building or part thereof, sufficient Receptacles to hold Garbage ordinarily accumulated by the occupants of such land or building, each in separate Receptacles, and allocate an area for storage of such Receptacles in the interval between regular collections.

- C. Objective. Receptacles used in an Applicable Area or Zone must be enclosed and/or screened with a suitable material. This provision does not apply to temporary construction containers. This chapter shall retroactively apply to all existing Receptacles in any Applicable Area or Zone.
- D. Enclosure and screening material. All Applicable Area or Zone Receptacles shall meet the following requirements:
 - (1) The enclosure shall provide complete visual screening constructed of wall or solid fencing. The enclosure must be large enough to accommodate sufficient Receptacles to handle the flow of Garbage generated. All lids on Receptacles are to remain completely securely closed at all times. No Receptacles or overflow of Garbage shall be placed outside of the enclosure.
 - (2) The enclosure shall be compatible in material and color with the principal structure on the lot.
 - (3) The enclosure shall have gates or doors, with an appropriate mechanism for holding the doors open only during collection operations, but which, when opened, do not block or interfere with the public right of way.
 - (4) The enclosure shall sit on an impervious surface.
 - (5) The enclosure and/or screening shall be kept in good repair or condition, and all Garbage shall be kept only within the Receptacles and permit the lids on said Receptacles to remain completely closed at all times.
 - (6) The Planning Board may also require a roof if the site is sloped and adjoining neighbors are at a higher elevation, making the Receptacles visible.
 - (7) Notwithstanding the requirements set forth above, the Planning Board may waive or alter these requirements based on field conditions.
 - (8) The enclosure shall be located to allow direct servicing by the collection vehicles.
- E. Enclosure location.
 - (1) No Applicable Area or Zone Receptacle shall occupy a right-of-way. The Planning Board may specify a minimum distance from the property line of an adjoining property for the proposed location.

- (2) The Planning Board will exercise the following preferences with regard to the proposed Receptacle location:
 - (a) The first (most) preferred location is inside the primary structure or building on the lot.
 - (b) The second preferred location is the rear yard.
 - (c) The third preferred location is the side yard.
 - (d) The fourth (least) preferred location is the front yard.
- (3) The Planning Board shall use the following criteria to assess the proposed location:
 - (a) The more visible a proposed location is to adjoining properties, pedestrians and passing vehicles, the less preferred the location will be.
 - (b) A lesser preferred proposed location shall be required to have more screening and a higher quality aesthetic value than a more preferred location.

F. Enclosure review, approval and enforcement of compliance.

- (1) The Planning Board shall review and grant a Receptacle Enclosure Permit for any enclosure and/or screening that is proposed as part of a site plan application, using the standards contained herein.
- (2) The Planning Board shall review and grant a Receptacle Enclosure Permit for any new enclosure and/or screening or change to an existing enclosure and/or screening on a lot that has already received site plan approval.
- (3) The application fee for such Receptacle Enclosure Permit shall be \$50.00.
- (3) Any Person having the ownership, management or control of or occupying any land or building in any Applicable Area or Zone in which any Receptacle fails the comply with enclosure requirements as set forth in this chapter shall apply to the Planning Board within 30 days of the enactment of this chapter for a Receptacle Enclosure Permit and shall be fully compliant with the provisions of this chapter 60 days after the issuance of the Receptacle Enclosure Permit.

- (4) Any failure to comply with the provisions of this chapter will result in the issuance of a notice of violation by the Building Inspector, which shall be remedied within 30 days.

G. Criminal sanctions.

- (1) Any Person who violates the provisions of this chapter shall be guilty of a violation punishable by a fine that shall not exceed \$1,000 per violation and/or a term of imprisonment of 15 days as well as comply with the provisions of this chapter.

Section V. Chapter 245 of the Town Code entitled **“SOLID WASTE,”** is amended by the addition of a new section **§245-20-2 entitled “GARBAGE AND REFUSE COMPACTORS”** to read as follows:

- A. No Person shall cause or permit the installation or alteration of a garbage and refuse compactor without first obtaining a Compactor Permit from the Building Inspector.
- B. Garbage and refuse compactors shall meet the following criteria, which are deemed necessary to provide basic and uniform regulations in terms of performance objectives, establishing reasonable safeguards for the safety, health and welfare of the occupants of the building and the users of the equipment and making adequate performance the test of acceptability:
 - (1) Equipment shall be designed, installed and located so that, under normal conditions of use, such equipment and systems will not be a potential danger to health or welfare, a danger because of structural defects or a source of ignition and will not create excessive noise or otherwise become a nuisance.
 - (2) Equipment and systems shall be made of approved materials, shall be free from defective workmanship and shall be designed and installed as to be durable, without need for frequent repairs or major replacements (New York State Uniform Fire Prevention and Building Code).
 - (3) The applicant for a Compactor Permit shall:
 - (a) Certify, by letter, that the component/electrical parts are approved by Underwriters' Laboratories, Inc., or other accepted authoritative agency.
 - (b) Furnish the Building Inspector with an operation and maintenance manual and parts list.
 - (c) Secure a building permit for the installation and secure plumbing and electrical permits where necessary.

- (d) Pay the application fee for such Compactor Permit in the amount of \$50.00.
- (6) Rules for compactor construction.
 - (a) Access doors which open to the hopper or compaction area shall be equipped with an electric interlock switch to prevent the operation of the machine by the normal operating devices unless the access door is closed. The interlock switch contacts shall be maintained in the opened position by the action of gravity or by a restrained compression spring, or both. The access doors shall not open in a manner to expose a Person to the hazard of deflected objects in a chute-fed compactor.
 - (b) A means shall be provided to shut off the chute of a chute-fed compactor. The shut-off means must withstand the same impact as that of the striker plate. It may be part of the compactor or installed in the chute.
 - (c) A striker plate shall be provided as part of the equipment to receive the impact of falling objects in the refuse chute. The striker plate shall be so constructed as to withstand the impact of a five-pound steel ball falling from the level of the uppermost charging door without permanent deformation of the plate.
 - (d) Provision shall be made to adjust the density of the compacted refuse. The density of the compacted refuse shall be established between 450 pounds per cubic yard and 750 pounds per cubic yard.
 - (e) An approved type sprinkler head shall be provided in the compactor or chute adapter. The temperature rating of the sprinkler shall be one hundred forty degrees to one hundred sixty-five degrees Fahrenheit (140° to 165° F.), maximum. An electrically controlled valve thermostatically actuated may be provided to shut off an open sprinkler head, or an on-off sprinkler head approved by Underwriters' Laboratories may be used.
 - (f) If the refuse chute is part of the refuse room ventilation system, provision must be made for access for the air through the compactor system from the room to the chute.
 - (g) The storage capacity of the compactor system shall be sufficient to handle the refuse generated over a twenty-

four-hour period at the installation without attendance. The standards proposed by the Incinerator Institute of America for the quantities of waste produced in each class of building and the average weight of each type of refuse shall apply. (For apartment house refuse Type 2, consider four pounds per sleeping room and 15 pounds per cubic foot of refuse.)

- (h) The refuse contact areas of the compactor system shall be designed to be washable from the required hose bibs without damage to the electrical system or any other component.
- (i) Accessibility for lubrication, maintenance and repair must be provided to the design and construction of the compactor system. Broom space under and around the equipment is required.
- (j) Each compactor shall be equipped with a hydraulic, mechanical, electric or other means to remove the compaction force when it exceeds the normal controls regulating the maximum working force by not more than 125%.
- (k) Where the design conditions exist on a hydraulic system that may cause overheating of the hydraulic oil, a high temperature limit switch should be installed to remove the electric power from the system before the auto-ignition temperature is approached.
- (l) Oil-storage tanks or reservoirs shall be covered and suitably vented. They should be provided with a means for checking the oil level. Such means should be accessible without the removal of the cover or any other part.
- (m) A switch should be provided in the reservoir of a hydraulic-powered compactor to make the machine inoperative before the oil level in the reservoir reaches the minimum operating level.
- (n) The extrusion-type compactor using the sausage bag method of tying off continuous lengths of plastic tubing is granted approval until June 1, 1980. The use of existing materials and methods indicate improvements must be made in the safety and sanitary conditions that occur. Since heavy-duty gloves are a necessary part of the compactor operation of this type of compactor, the manufacturer or installer should be responsible for the presence of heavy leather gloves with full heavy leather gauntlets or equal at the equipment when installed.

- (o) No part of the hopper or refuse contact area should be positioned at an angle of less than 55° from the horizontal, but in no case shall the angle be less than 45°.

Section VI. Severability.

If any clause, sentence, phrase, paragraph or any part of this local law shall for any reason be adjudicated finally by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this local law, but shall be confined in its operation and effect to the clause, sentence, phrase, paragraph or part thereof, directly involved in the controversy or action in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that the remainder of this local law would have been adopted had any such provisions been excluded.

Section VII. Repeal

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

Section VIII. Effective Date.

This Local Law shall become effective upon filing in the office of the Secretary of State in accordance with the provisions of the Municipal Home Rule Law.

Spark Steakhouse

**TOWN OF YORKTOWN
PLANNING BOARD**

RECEIVED
PLANNING DEPARTMENT

MAY 12 2016

Yorktown Community and Cultural Center, 1974 Commerce Street, Yorktown Heights, New York 10598, Phone (914) 962-6565, Fax (914) 962-3986

TOWN OF YORKTOWN

APPLICATION FOR SITE PLAN APPROVAL

Date 5.11.16

1. Name of Project: SPARK STEAK HOUSE

2. Tax Map Designation (Section, Block, Lot) 26.18-1-7.29

3. Zone: C2 Total Acreage: 0.692

4. Is a statement of easements relating to property attached? ☐ Yes ☒ None exist

5. Project narrative (brief description of proposed development):

ENCLOSURE OF EXISTING LOT WITH AREA

6. Contact Person - CHOOSE ONLY ONE:

☐ Applicant
☐ Attorney

☐ Owner
☐ Engineer

☒ Architect
☐ Surveyor

☐ Wetland Scientist
☐ Landscape Architect

7. Applicant

Name MICHAEL PICCIBILLO
Firm MAP ARCHITECTURE PLLC
Address 345 KEAR ST SUITE 203
Phone 914 368 9838
Fax 914 302 2933
Email michaelempicibillo@architect.com

8. Owner of Record

Name OLD CAMPONO RD LLC
Firm _____
Address 2 DEANFIELD DRIVE GREENWICH CT.
Phone 914-263-1768
Fax _____
Email njdelocal@yahoo.com

9. Attorney

Name _____
Firm _____
Address _____
Phone _____
Fax _____
Email _____

10. Engineer

Name _____
Firm _____
Address _____
Phone _____
Fax _____
Email _____
Lic. No. _____

11. Surveyor

Name _____
Firm _____
Address _____
Phone _____
Fax _____
Email _____
Lic. No. _____

12. Architect

Name MICHAEL PICCIRILLO
Firm MAP ARCHITECTURE PLLC
Address 345 KEAR ST , suite 203
Phone 914 368 9838
Fax 914
Email michaelpiccirillo@architect.com
Lic. No. 028090

13. Wetland Scientist/Specialist

Name _____
Firm _____
Address _____
Phone _____
Fax _____
Email _____

14. Landscape Architect

Name _____
Firm _____
Address _____
Phone _____
Fax _____
Email _____
Lic. No. _____

15. Is this project within 500 feet of the Town line? ☐ Yes ☒ No
16. Is this project within 500 feet of the Putnam County line? ☐ Yes ☒ No
17. Is this project within the Sustainable Development Study Area? ☐ Yes ☒ No

18. Is this project within 500 feet of:

- The right-of-way of any existing or proposed state or county road? ☐ Yes ☒ No
The boundary of an existing or proposed state or county park or any state or county recreation area? ☐ Yes ☒ No
The boundary of state or county-owned land on which a public building/institution is located? ☐ Yes ☒ No
An existing or proposed county drainage line? ☐ Yes ☒ No
The boundary of a farm located in an agricultural district? ☐ Yes ☒ No

19. Does the entire development plan for this project propose the disturbance of more than 5,000 SF of land? Note: If project is phased, include all phases in determination. ☐ Yes ☒ No

20. This project requires the following permits or approvals from the Town of Yorktown:

- ☐ Wetland Permit
☐ Stormwater Permit
☐ Tree Permit
☒ Planning Board special permit: OUTDOOR SEATING
☐ Town Board variance or approval: _____
☐ Zoning Board of Appeals variance or special permit: _____

21. This project requires the following permits or approvals from other outside agencies:

- ☐ Westchester County Board of Health
☐ NYC DEP
☐ NYS DEC
☐ Other: _____

22. This parcel is in the following districts:

School District YORKTOWN Water District YCWD #1
Fire District YORKTOWN Sewer District PEEKSKILL

A Long Form/Full EAF with the original signature of the applicant must be attached to this application when submitted. The signature of the applicant's design professional or attorney is not acceptable.

The applicant agrees to comply with the requirements of the Road Specifications, the Land Use Regulations, Zoning Ordinance, Tree Removal and Excavation ordinance, and any additions or amendments thereto.

The applicant agrees to execution and delivery of deeds and required documents for reserved parks/recreation/open space/drainage control, roads and road widening strips and descriptions of easements at the time of the public hearing. Such execution and delivery shall not operate to vest title of said property in the Town of Yorktown until such dedication is accepted in the form of a resolution adopted by the Town Board at a regular meeting of said Board.

The execution and delivery of the deeds to the roads in the proposed subdivision as provided for by the terms of the deeds to the roads in the proposed subdivision as provided for by the terms of the approving resolution shall not operate to vest title of said roads in the Town of Yorktown until such deed is accepted in the form of a resolution adopted by the Town Board at regular meeting of said Board.

This application shall be considered complete when all plans and data required by Town of Yorktown Town Code Chapter 195: Land Development Regulations, including final reports from the Director of Planning and Town Engineer, are received by the Board.

Applicant

NAME (PLEASE PRINT)

SIGNATURE

DATE

Owner of Record

ON CLAMP RD LLC

NAME (PLEASE PRINT)

[Signature]

SIGNATURE

5/16/16

DATE

Note: If the property owner is not the applicant for this application, in addition to the signature above, the owner of the property must also complete and have notarized one of the owner affidavits on the following page.

Note: By signing this document the owner of the subject property grants permission for Town Officials to enter the property for the purpose of reviewing this application.

REFER TO AFFIDAVITS ON THE FOLLOWING PAGES

ONE OF THE FOLLOWING AFFIDAVITS MUST BE COMPLETED

AFFIDAVIT TO BE COMPLETED BY OWNER, OTHER THAN CORPORATION

STATE OF NEW YORK; COUNTY OF WESTCHESTER SS.:

_____, being duly sworn, deposes and says that he is the owner in fee of the property described in the foregoing application for consideration of preliminary plat, and that the statements contained therein are true to the best of his knowledge and belief.

Sworn before me this _____ date of _____, 20 ____

Notary Public

AFFIDAVIT TO BE COMPLETED BY CORPORATION OWNER

STATE OF NEW YORK; COUNTY OF WESTCHESTER SS.:

_____, being duly sworn, deposes and says that he resides at _____ in the County of _____ and State of _____. That he is the _____ of _____ the corporation which is owner in fee of the property described in the foregoing application for _____ and that the statements contained therein are true to the best of his knowledge and belief.

Sworn before me this _____ date of _____, 20 ____

Notary Public

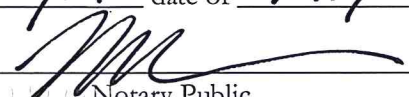
AFFIDAVIT TO BE COMPLETED BY AGENT OF OWNER

STATE OF NEW YORK; COUNTY OF WESTCHESTER SS.:

MICHAEL PICCIRILLO, ^{**AIA**} being duly sworn, deposes and says that he is the agent named in the foregoing application for _____ and that he has been duly authorized by the owner in fee to make such application and that foregoing statements are true to the best of his knowledge and belief.



Sworn before me this **9th** date of **MAY**, 20 **16**



Notary Public

MARIALISA ZYWOTCHENKO
NOTARY PUBLIC-STATE OF NEW YORK
No. 01ZY6279437
Qualified in Westchester County
My Commission Expires April 29, 2017

F:\Office\WordPerfect\APPLICATION FORMS\APPSITEPLAN.wpd
Last updated: December 2011

**Declaration of Reciprocal Cross Easements for Drainage, Utilities, Ingress,
Egress and Parking**

THIS DECLARATION OF RECIPROCAL CROSS EASEMENTS FOR DRAINAGE, UTILITIES, INGRESS, EGRESS AND PARKING AND RESTRICTIONS ("Declaration") made as of the 7th day of October, 2014, by **CROMPOND CROSSING HOUSING DEVELOPMENT FUND COMPANY, INC.**, organized pursuant to both the Not-For-Profit Corporation Law of the State of New York and Article 11 of the Private Housing Finance Law of the State of New York, having an office and place of business at 55 South Broadway, Suite 2, Tarrytown, New York 10591 (the "Declarant") and **OLD CROMPOND ROAD LLC**, a New York limited liability company with an address at 2 Dearfield Drive, Suite 3, Greenwich, Connecticut 06831 (the "Developer").

WHEREAS, the Declarant is the nominal owner of Lots 7.01 through 7.29 (the "Lots" or the "Entire Premises") located in the Town of Yorktown and County of Westchester, State of New York, as shown on the Revised Subdivision Map prepared for Old Crompond Road LLC by Ward Carpenter Engineers Inc. dated April 11, 2014 and filed on July 30, 2014 in the Westchester County Clerk's Office as Map No. 28792 (the "Subdivision Map"); and

SEE ATTACHED SCHEDULE A

WHEREAS, the Developer is the former owner and beneficial owner of the Entire Premises; and

WHEREAS, Lots 7.01 through 7.26 are improved with single-family townhomes; and

WHEREAS, Lot 7.27 is comprised of vacant land to be owned by Crompond Crossings Homeowners Association, Inc., a New York not-for profit corporation; and

WHEREAS, Lot 7.28 is improved by a commercial building; and

WHEREAS, Lot 7.29 is improved by a commercial building; and

WHEREAS, the Town of Yorktown, in approving the Subdivision and Site Plan for the Entire Premises, imposed certain conditions precedent, including requiring access, utility and drainage easements in favor of the owners of one or more of the Lots; and

WHEREAS, it is the desire of Declarant to establish for the benefit of Declarant, Declarant's grantees, heirs, legal representatives, and its successors and assigns, certain reciprocal easements for the benefit of the Entire Premises (hereinafter "Reciprocal Rights"); and

NOW THEREFORE, the Declarant, as owner of the Entire Premises, for itself, its grantees, heirs, legal representatives, and their successors and assigns, in order to create and establish reciprocal rights in the Common Facilities (as hereinafter defined) and to provide for the enjoyment of the reciprocal rights herein created, by owners and mortgagees of one or more

of the Lots, declares that the real property shown on the Subdivision Map is and shall be held, transferred, sold, conveyed and occupied, subject to the permanent easements and restrictions hereinafter set forth.

1. Grant of Easements: Declarant does hereby establish and create for the benefit of the Entire Premises, and does hereby give, grant and convey and establish the following permanent, irrevocable, mutual, reciprocal and non-exclusive easements over the Common Facilities, all as shown on the Subdivision Map:

- a. a 46-foot wide driveway access easement, more particularly described in Exhibit A annexed hereto and made a part hereof;
- b. a drainage easement #3, more particularly described in Exhibit B annexed hereto and made a part hereof;
- c. a 20-foot wide drainage easement, more particularly described in Exhibit C annexed hereto and made a part hereof;
- d. an infiltration easement #2, more particularly described in Exhibit D annexed hereto and made a part hereof;
- e. a varying width emergency reciprocal access easement, more particularly described in Exhibit E annexed hereto and made a part hereof;
- f. a drainage easement to commercial, more particularly described in Exhibit F annexed hereto and made a part hereof; and
- g. a 24-foot wide driveway access easement, more particularly described in Exhibit G annexed hereto and made a part hereof.

The "Common Facilities" shall mean (a) driveways, passageways and parking areas for pedestrian and vehicular ingress, egress and parking extending to Crompond Road and between the Lots; (b) pumps, (c) manholes, (d) valves; (e) utility lines including, but not limited to, water, sewer lines, storm water drainage, storm water retention, (e) walkways and sidewalks connecting the buildings, parking areas and roadways

2. Beneficial Use of Easements: The easements, rights and privileges established, created and granted hereby shall be for the benefit of, and restricted solely, to the owner(s) and mortgagee(s), from time to time of the Entire Premises.

3. Maintenance Costs. The cost of any construction, maintenance, repair and installation of Common Facilities situated upon the Entire Premises, shall be borne and paid for in total by the owner(s) of the Lot or Lots developed, improved or maintained.

4. Restoration of Common Facilities. In the event it becomes necessary to excavate or otherwise disrupt existing Common Facilities in carrying out the maintenance, repair or

development of any Lot, all such excavation, modification or other disruption shall be restored to its original condition as speedily as reasonably possible at the expense of the owner carrying out such maintenance, repair or development.

5. Management of Common Facilities. The responsibility for the maintenance, operation and management of the Common Facilities shall be the duty and obligation of the owner of the Lot on which the Common Facility is situated so that each owner shall maintain, operate and manage the Common Facilities located on their respective Lots. The responsibility for the administration and enforcement of the terms, covenants, conditions, restrictions and obligations of this Declaration shall be the duty and obligation of the owner(s) of the Lots. The responsibility for the maintenance, operation and management of the Common Facilities located on just one of the Lots shall be the duty and obligation of the owner of the Lot on which the Common Facilities are situate. Notwithstanding anything to the contrary set forth in this Declaration or any other recorded instrument affecting the Entire Premises, it shall be the responsibility of the Homeowners Association to clear, maintain, repair and replace all walkways, including, but not limited to keeping them free of snow, ice, leaves and debris, and the Homeowners Association shall have an easement over each Lot to the extent that walkways are partially located on such Lot.

6. Covenants to Run With the Land. The terms, conditions and undertakings herein contained shall run with the land and shall bind and inure to the benefit of Declarant, the owner(s) of the Entire Premises, their heirs, grantees, mortgagees, legal representatives, successors and assigns.

7. No Termination. No party shall have the right to terminate this Reciprocal Easement Agreement.

8. Enforcement of Reciprocal Rights. Any beneficiary hereunder shall be authorized to commence and maintain legal proceedings, whether at law or for damages, or else in equity seeking injunctive or other relief for specific performance of the terms hereof or for any other remedy available upon violation of any of the terms or conditions herein contained, which remedies shall be cumulative. Election of one or more such remedies shall not be deemed a waiver of any other remedy available.

9. Failure to Comply; Self-Help. The easements granted or reserved shall be perpetual and appurtenant and shall run with and continue to burden the respective premises. This Declaration shall create grantees privity of contract and estate with and among all grantees of and any part of the Entire Premises, their successors and assigns. In the event of a breach by any owner of any part of the Entire Premises of any terms, covenants and conditions of this Declaration, any one or all other owners shall be entitled to full and adequate relief by injunction and all other remedies, from the consequences of such breach, including reasonable attorneys fees and disbursements, provided, however, that such injunctive relief shall not include enjoining the use of the easement itself. All the costs of such suits or proceedings shall be assessed against the non-prevailing party and, should such non-prevailing party fail to pay the amounts due, the prevailing party shall be entitled to a money judgment. These easements shall not be deemed waived due to the failure of any part to enforce them. Prior to commencing an action for breach

hereunder, an owner must first give the other owner written notice of said default and thirty (30) days to cure or remedy such default, or if the default or omission complained of shall be of such a nature that the same cannot be completely cured or remedied within said thirty (30) day period, the other owner must diligently commence to take action towards curing such default within such thirty (30) day period and thereafter with reasonable diligence and in good faith proceed to remedy or cure such default. If, after the expiration of the aforementioned cure period, the defaulting Lot Owner fails to comply, the non-defaulting Lot Owner shall have the right to take corrective action as is reasonably necessary and the cost of such corrective action shall be reimbursed by the defaulting Lot Owner.

10. Waiver. The failure of any party hereto to any owner of any Lot to enforce this Declaration or any provision herein contained, shall in no event be deemed a waiver of any rights whatsoever hereunder available or granted, as to the same violation or breach, whether or not of a continuing nature, or as to any other violation or breach occurring, and whether or not such violation or breach occurred prior or subsequent thereto.

[Remainder of this page intentionally left blank]



April 20, 2016

Town of Yorktown
Planning Department
363 Underhill Avenue
Yorktown Heights, NY 10598

Re: Spark Steakhouse
SBL: 26.18-1-7

Planning Department,

Attached find revised site plan for your review based on your comments dated April 13, 2016.

We are showing the trash enclosure and details.

Sincerely,

Michael Piccirillo, AIA

TOWN OF YORKTOWN PLANNING BOARD

Yorktown Community and Cultural Center, 1974 Commerce Street, Yorktown Heights, New York 10598, Phone (914) 962-6565, Fax (914) 962-3986

SPECIAL USE PERMIT APPLICATION

If this application is not being made in conjunction with a request for site plan approval from the Planning Board, a site plan/plot plan and Short EAF must also be submitted with this application. The required fee is \$625.00 for new applications and \$312.00 for requests to renew an existing permit.

Date 4.15.16

1. Tax Map Designation (Section, Block, Lot) 26.18-1-7.29

2. Property Address 3360 OLD CROMBOD RD

3. Zone: C2

Total Acreage: 0.6921 AC

4. Indicate requested special use permit:

- | | | |
|-------------------------------------|------------------|---|
| <input type="checkbox"/> | §300-21(8)(a)[1] | Outdoor Service in commercial districts. |
| <input type="checkbox"/> | §300-40 | Bus Passenger Shelter. |
| <input type="checkbox"/> | §300-54 | Religious institutions, social, cultural, charitable and recreational nonprofit uses. |
| <input type="checkbox"/> | §300-69 | Valet parking at banquet halls. |
| <input type="checkbox"/> | §300-71 | New and/or used car automobile sales. |
| <input type="checkbox"/> | §300-73.1 | Permanent seasonal outdoor sales in commercial districts. |
| <input type="checkbox"/> | §300-75 | Warehouse or storage in retail shopping centers. |
| <input type="checkbox"/> | §300-78 | Cemeteries. |
| <input type="checkbox"/> | §300-79 | Self-storage centers. |
| <input checked="" type="checkbox"/> | §300-80 | Sidewalk cafes. (<u>Any</u> outdoor dining for more than 12 seats) |
| <input type="checkbox"/> | §300-81.1 | Helistops. |

5. Description proposed use (if applying for outdoor dining, indicate proposed dining area square footage and number of seats):

OUTDOOR AREA DINING (ON PREMISES) - 600 SF ⇒ 40 SEATS

6. Applicant/Business Name:

Name MICHAEL PICCIRILLO
Address 345 KEAR ST sr 203
YORKTOWN HEIGHTS
Phone 914 368 9838
Fax _____
Email _____

7. Property Owner of Record:

Name OLD CROMBOD ROAD LLC
Address 2 DEARFIELD DRIVE
GREENWICH CT 06831
Phone 203 422 6700
Fax _____
Email _____

In the event the permit is issued, the undersigned applicant will comply with all provisions of the Code of the Town of Yorktown and all other applicable laws, codes, rules and regulations of any Federal, State or County Government, bureau or department thereof, having jurisdiction over said premises and the use to be conducted thereat.

Applicant



SIGNATURE

MICHAEL PICCILLO

PRINT NAME

4.15.16

DATE

Owner of Record

X 

SIGNATURE

Klevis Tana

PRINT NAME

4/15/16

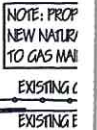
DATE

Note: By signing this document the owner of the subject property grants permission for Town Officials to enter the property for the purpose of reviewing this application.

F:\Office\WordPerfect\APPLICATION FORMS\APP-SpecialPermit.wpd
This form last updated: August 2015

Taconic Vet and Canine Kindergarten

EX. EDGE OF MACADAM PAVEMENT



APPROVED SITE PLAN