

**RESOLUTION
TOWN OF OSSINING Planning BOARD**

**Application of Armstrong Plumbing & Heating, LLC
Property: 593 North State Road (Section Block and Lot 90.11-1-36 and GB Zone)**

Resolution of Planning Board Approval

Background

WHEREAS, Armstrong Plumbing & Heating, LLC ("Applicant") is seeking a Site Plan Amendment and Wetland Permit to undertake minor changes to the parking lot due to a discovered Town of Ossining utility easement ("Project").

WHEREAS, the Project 593 North State Road, Section Block, and Lot 90.11-1-36 ("Project Site"). The property is located in the GB General Business district.

WHEREAS, the Planning Board confirms that the project is categorized as a Type II action under NYS DEC 617.5(C)(9) as it is the "construction or expansion of a nonresidential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance."

WHEREAS, the Planning Board conducted a duly noticed public hearing on November 17, 2021, at which time all those wishing to be heard were given the opportunity to be heard, and the public hearing was closed on November 17, 2021.

WHEREAS, The Planning Board has carefully examined the Application and the Applicant's materials as follows:

1. Planning Board Application dated July 9, 2021
2. Site Plans by Site Design Consultants last revised October 28, 2021

WHEREAS, the Planning Board has also reviewed and examined letters, reports, and memorandum from the Board's consulting engineer, and planner; and

WHEREAS, all testimony provided at the public hearing was carefully considered, and the Planning Board deliberated in public on the Applicant's request for approval of the Project; and

Planning Board Determination

WHEREAS, the Board is familiar with the property and all aspects of the application and has determined that the proposal is consistent with the standards as set forth in the Town of Ossining Zoning chapter of the Town of Ossining Code ("Code"), Section 200-50; and

WHEREAS, in accordance with Section 200-50 the Planning Board finds the application took into account the public health, safety and welfare and the comfort and convenience of the public in general and of the residents of the proposed development and of the immediate neighborhood; and

WHEREAS, the Planning Board considered, among other things, traffic access; walkways; circulation and parking; stormwater; landscaping and screening; lighting; noise; natural and environmentally sensitive features; and whether the proposed project will exceed the capabilities of existing municipal roads or utility services; and

WHEREAS, the Board has determined that the proposal is consistent with the standards as set forth in Section 105-8 of the Wetlands, Watercourses, and Waterbody Protection chapter of the Code; and

WHEREAS, the Project will require 430 square feet of disturbance of the wetland buffer area, and the Applicant is proposing 430 square feet of wetland buffer restoration per Section 105-10; and

NOW FOR IT BE RESOLVED, the Planning Board determines that based upon the findings and reasoning set forth below, the application for Site Plan Amendment and Wetland Permit is granted subject to the conditions set forth below:

Conditions

1. Approved Plan. Except as otherwise provided herein, all work shall be performed in strict compliance with the plans submitted to the Planning Board and approved by the Planning as follows:
 - a. Site Plans prepared by Site Design Consultants last revised October 28, 2021
 - i. Sheet 1 Amended Site Parking Plan
 - ii. Sheet 2 Current Site Conditions
 - iii. Sheet 3 Erosion and Sediment Control Plans
 - iv. Sheet 4 Area Map

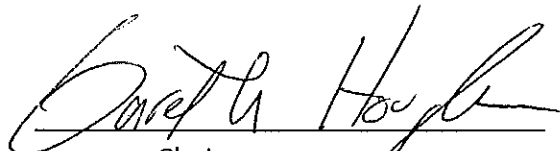
- v. Sheet 5 Sight Distance
 - vi. Sheet 6 Lighting Plan
 - vii. Sheet 7 Erosion and Sediment Control Details
 - viii. Sheet 8 Site Details
 - ix. Sheet 9 Stormwater Management Details
 - x. Sheet 10 Downstream Defender Details
 - xi. Landscape Plan
2. General Conditions. The following conditions must be met before the Planning Board Chair may sign the approved Site Plan ("Final Site Plan"):
- a. The Planning Board's approval is conditioned upon Applicant receiving all approvals required by other governmental approving agencies without material deviation from the Approved Plans and evidence of such must be submitted to the Town Planning and Building Department.
 - b. The Applicant must address to the full satisfaction of the Town Engineer, all outstanding stormwater, and engineering issues raised in the hearings and documents submitted to the Board, including a required stormwater maintenance agreement.
 - c. If as a condition to approval any changes are required to the Approved Plans, the Applicant shall submit: (i) final plans complying with all requirements and conditions of this Resolution, and (ii) a check list summary indicating how the final plans comply with all requirements of this Resolution. If said final plans comply with all the requirements of this Resolution as determined by the Town Engineer and Town Planner, they shall also be considered "Approved Plans."
 - d. The Applicant shall pay all outstanding consultant review and legal fees in connection with the Planning Board review of this Application.
 - e. Force and Effect. No portion of any approval by the Planning Board shall take effect until (1) all conditions are met, (2) the Final Site Plan is signed by the chair of the Planning Board and (3) the Final Site Plan signed by the Planning Board has been filed with the Town Clerk.

- f. Field Changes. In the event the Building Inspector agrees that, as a result of conditions in the field, field changes are necessary to complete the work authorized by the Approved Plans and deems such changes to be minor, the Building Inspector may allow such changes, subject to any applicable amendment to the approved building permit(s). If not deemed minor, any deviation from or change in the Approved Plans shall require application to the Planning Board for amendment of this approval. In all cases, amended plans shall be submitted to reflect approved field changes. The Applicant is subject to all permits, time limits, and applicable fees as set forth in NYS Town Law and the Town Code.
- g. Landscaping.
 - i. All landscaping on the Approved Plans shall be installed in a healthy and vigorous state and shall be inspected at the beginning and end of the growing season within the first, second, or third year of installation. Individual species that do not survive beyond the first, second, or third year shall be replaced at the beginning of the next growing season with another native species suitable for the site conditions.
 - ii. All bamboo located on the Project Site will be removed.
 - iii. The Landscape Plan should note Ilex verticillate and Lindera benzoin as possible replacements plants for the Viburnum.
- h. Commencing Work. No work may be commenced on any portion of the Project Site without first contacting the Building Inspector to ensure that all permits and approvals have been obtained and to establish an inspection schedule. The Project must adhere to all applicable State and Town Codes.
- i. Prior to Issuance of Certificate of Occupancy. The Building Inspector shall inform the Board of the Applicant's request for a Certificate of Occupancy and the Board reserves the right to make a field inspection of the Project Site prior to the issuance of said Certificate of Occupancy, and to require any reasonable modifications to site details, which modifications shall be a condition of said Certificate of Occupancy.
- j. Issuance of Final Certificate of Occupancy. A Final Certificate of Occupancy shall be issued for the Project Site upon completion of

all improvements shown on the site development plan and, if applicable, all easements and property interests have been duly granted or dedicated to the Town. The Applicant must enter into an agreement with the Town for the operation and maintenance of the storm water system. This agreement must satisfy the Town Engineer.

- k. Expiration of Site Plan. In accordance with section 200-50 C (9) site plan approval shall expire if:
- i. All of the conditions required to be fulfilled prior to the signing of the site plans by the Planning Board Chairman are not fulfilled within one year from the date of the adoption of site plan approval and if said plans are not submitted for endorsement by the Chairman within said one-year period.
 - ii. All required improvements are not maintained and if all conditions and standards of the site plan approval are not complied with throughout the duration of the approved use.
 - iii. A bona fide application for a building permit or a certificate of occupancy is not made within one year from the date of the endorsement of the site plans by the Planning Board Chairman.
 - iv. All required improvements are not substantially completed within two years from the date of the endorsement of the site plans by the Planning Board Chairman. The staging of a development over a longer period may be specifically provided for by the Planning Board in its resolution of site plan approval.

Dated as of November 17, 2021


Chairman

Motion by: Carolyn Stevens
Seconded by: Donna Sharrett
In Favor: All
Opposed: None
Abstaining: None