

**FINAL SITE PLAN APPROVAL
RESOLUTION OF THE VILLAGE OF PORT CHESTER
PLANNING COMMISSION**

October 12, 2010

**RESTAURANT DEPOT
305 SOUTH REGENT STREET
Section 142.037 Block 1 Lot 1**

WHEREAS, an application for Planning Commission approval of a final site plan for property located at 305 South Regent Street (the “Property”) has been submitted by Restaurant Depot Port Chester (the “Applicant”); and

WHEREAS, the site is located within the M-1 Light Industrial zoning district and is more specifically known and designated as Section 142.037, Block 1, Lot 1 (hereinafter referred to as the “Site”); and

WHEREAS, the action involves the redevelopment and reuse of a 6.3 acre parcel of land located at 305 South Regent Street that currently supports a vacant 142,000 square foot warehouse and distribution center, to support a Restaurant Depot facility. The Restaurant Depot facility involves the partial demolition of the existing building, leaving a 95,382 square foot building consisting of 76,467 square feet of enclosed space and a 18,915 square foot canopy that encloses covered parking. The existing parking lot will be reconfigured to provide 185 parking spaces and a 5 bay loading dock. Additional improvements include the installation of retaining walls, landscaping, site lighting, and associated site improvements; and

WHEREAS, the Project is designated as a Permitted Use in the M-1 zoning district; and

WHEREAS, the final site plan consists of the following plans and drawings:

- A-2 Site Plan, prepared by Rober J. Acciarri, Architect, Lakewood, OH, dated September 10, 2101.
- C-1.1 Tributary Area Maps, prepared by Bohler Engineering, Ronkonkoma, NY, dated June 2, 2010, last revised September 29, 2010.
- C-1 Grading & Drainage Plan, prepared by Bohler Engineering, Ronkonkoma, NY, dated June 2, 2010, last revised September 29, 2010.
- C-2 Utility Plan, prepared by Bohler Engineering, Ronkonkoma, NY, dated June 2, 2010, last revised September 29, 2010.
- C-3 Erosion & Sediment Control Plan, prepared by Bohler Engineering, Ronkonkoma, NY, dated June 2, 2010, last revised September 29, 2010.
- C-4 Landscape Plan, prepared by Bohler Engineering, Ronkonkoma, NY, dated June 2, 2010, last revised September 29, 2010.
- C-5 Lighting Plan, prepared by Bohler Engineering, Ronkonkoma, NY, dated June 2, 2010, last revised September 29, 2010.
- C-6 Detail Sheet, prepared by Bohler Engineering, Ronkonkoma, NY, dated June 2, 2010, last revised September 29, 2010.

WHEREAS, on October 12, 2010, the Village of Port Chester Planning Commission, serving as Lead Agency for the SEQR coordinated review of this Unlisted Action, adopted a Negative Declaration, indicating that the project will not result in any significant adverse environmental impacts; and

WHEREAS, in addition to the public hearing held as required by Village Law concerning the site plan application, all persons wishing to speak on the application at meetings of the Planning Commission held subsequent to said hearing were given an opportunity to be heard; and

WHEREAS, the Planning Commission has considered the final site plan, all other materials submitted by the Applicant in support of this proposal, the comments of Village staff and consultants made via memoranda to the Planning Commission (which memoranda are incorporated herein by reference) and the verbal commentary made during the entire course of the Planning Commission's meetings pertaining to the review for final site plan approval and evaluation of the proposed action, and the comments of the public; and

WHEREAS, the requirements for final site plan approval contained in Section 345-23 of the Village of Port Chester Zoning Ordinance have been met by said application for final site plan approval; and

NOW THEREFORE BE IT RESOLVED, that the application of approval of the final site plan submitted by Restaurant Depot Port Chester, as depicted on the plans identified above is hereby granted subject to the following conditions:

1. This final site plan approval authorizes the Applicant to undertake only the activities specifically set forth herein, in accordance with this resolution of approval and as delineated on the Final Site Plan as endorsed by the Planning Commission Chairman. *Any change in use, alteration, or modification to the Site Plan or to the existing or approved facilities and site shall require the review and approval by the Planning Commission of the Village of Port Chester.*
2. The Applicant shall furnish the Planning Commission with three (3) print sets of the site plan as described above for endorsement by the Planning Commission Chairman, subject to the satisfaction of all approval conditions, which shall then be recorded as the approved Final Site Plan.
3. No changes, additions, erasures, modifications, or revisions shall be made to the Final Site Plan following endorsement by the Planning Commission Chairman. Any changes detected after endorsement of the Site Plan as final shall result in the immediate termination and revocation of this resolution of approval, thereby making it null and void.

4. The Applicant shall pay to the Village of Port Chester any outstanding professional review escrow fees in accordance with Article XIX of the Village of Port Chester Zoning Ordinance.
5. Authorized issuance of a Building Permit by the Building Inspector shall be fully based on and in accordance with this resolution of approval and the signed and filed Final Site Plan. The Building Inspector shall include reference to the Final Site Plan and this resolution of approval on any Building Permit.
6. No construction activity shall take place on the Site prior to the issuance of a Building Permit by the Building Inspector.
7. All comments of the Village Engineer have been satisfactorily addressed prior to the execution of the Final Site Plan by the Planning Commission Chairman.
8. All stormwater management improvements shall be installed and certified as adequate to the satisfaction of the Village Engineer. The approved final Stormwater Pollution Prevention Plan (SWPPP) and a NYSDEC State Pollution Discharge Elimination System (SPDES) General Permit are hereby made part of this approval.
9. All connections to the existing sanitary sewer system shall be designed and the Final Site Plan demonstrates that all connections to the existing sanitary sewer system shall be constructed in accordance with the requirements of the "Recommended Standards for Wastewater Facilities, Chapter 30, Design of Sewer," 1997 Edition, which will conform to the Standards and Specifications of the Westchester County Department of Environmental Facilities and Department of Health.
10. A maintenance agreement, drafted to the satisfaction of the Village Attorney and Village Engineer, shall be prepared and executed prior to the issuance of a Certificate of Occupancy. Said agreement shall address the permanent maintenance of all stormwater management facilities, site utilities, and other associated site infrastructure. Said agreement shall obligate the Applicant and any successors and/or assigns to undertake all maintenance obligations. If the Applicant fails to properly maintain these facilities, the agreement shall give the Village the right to enter upon the site to undertake these necessary maintenance operations at the Applicant's expense, if necessary as a tax lien on the Property.
11. The applicant shall reconstruct all sidewalks and curbs and shall install street landscaping and associated facilities immediately surrounding the site in accordance with the Final Site Plan and Village standards and specifications prior to the issuance of a Certificate of Occupancy.

12. The Applicant shall fund the following traffic mitigation measures and improvements:
- The improvement of sight distances from the site driveway along South Regent Street by the relocation of the existing fence a minimum of 10' back from its current location, the relocation of the existing pump house, and the removal of any overhanging vegetation. A minimum of 225' of sight distance to the left and right of each driveway shall be provided.
 - The posting of "truck driveway ahead" signage on both sides of the truck driveway curb cut on South Regent Street.
 - The widening of the truck driveway curb cut, as documented on the Site Plan (drawing A-2), to accommodate the turning radii of trucks traveling to and from the Site.
 - An agreement to monitor the functional viability of the truck driveway for a period of 6 months, and if, in the opinion of the Village staff; consultants; or Planning Commission, the driveway is found to not operate safely and adequately, to remove the curbed island and replace it with a painted and striped roadway island instead.
 - The re-striping of the South Regent Street/US Route 1 intersection, as depicted on drawing CP-2, subject to the review and approval by the NYSDOT.
 - The adjustment of the signal timing of the traffic light at the South Regent Street/US Route 1 intersection to improve and optimize traffic movement operating conditions, and to restore the right-turn overlap phase at the Pearl Street/US Route 1 intersection, subject to the review and approval of the NYSDOT.
 - All truck deliveries shall be scheduled by Restaurant Depot and shall not exceed 8 scheduled deliveries per hour. Additionally, all truck deliveries shall be directed to approach the site from I-287/I-95.
13. A performance bond shall be posted in an amount established by the Village Engineer that shall assure the completion of all public improvements, including all work within the South Regent Street right-of-way.
14. All easement covenants and restrictions to the extent required to support this application shall be prepared to the satisfaction of the Village Attorney and submitted as part of the Final Site Plan.
15. The building shall be designed in accordance with all New York State Building Code requirements.

16. A site clearance protocol and construction management plan shall be filed with the Building Department simultaneously with the submission of an application for the issuance of a Building Permit.
17. The hours of construction activity shall take place in conformance with the applicable Village Regulations.
18. Prior to the commencement of any site work or construction activity, erosion and sedimentation controls shall be installed in accordance with the Erosion and Sediment Control Plan (drawing C-3) and shall be subject to continual inspection and maintenance and additional controls as may be required by the Building Inspector. Stormwater runoff shall be controlled at all times during construction to prevent erosion of the site area under construction and to prevent sedimentation and dust dispersal upon areas not under construction, particularly off-site locations. Silt fencing, hay bales, anti-tracking aprons, and all other required erosion and sedimentation control measures shall be regularly inspected and maintained in an orderly and functioning manner. Additional supplies of silt fencing and hay bales shall be kept on the Site during construction for immediate use, if needed.
19. In the event that it becomes necessary to excavate bedrock material by blasting, the Applicant shall prepare a Blasting Plan for approval by the Building Inspector and Village Engineer. The Blasting Plan shall be reviewed and approved by the Building Inspector and Village Engineer prior to commencement of any blasting on the Site.
20. All Site utilities shall be installed underground.
21. All landscaping shall be installed in accordance with the Landscape Plan (Drawing C-4). Any substitutions to listed plant materials shall be submitted to the Building Inspector prior to installation of same. Should the Building Inspector determine that the substitutions constitute a substantive change to the Landscape Plan or approved Final Site Plan, the Applicant shall file an Amendment to the Site Plan Approval, which shall be reviewed and approved by the Planning Commission prior to the installation of the landscaping materials.
22. All site landscaping shall be maintained in a healthy state; should any plantings become damaged or die, said plantings shall be immediately replaced in-kind.
23. A clean and legible copy of this Resolution (as signed by the Planning Commission Chairman) and a copy of the signed Final Site Plan shall be maintained at the Property at all times.
24. Prior to the issuance of a Certificate of Occupancy by the Building Inspector, an "As-Built" Plan showing the installed and completed improvements, certified by a

New York State licensed Land Surveyor shall be prepared at the sole expense of the Applicant. Said As-Built Plan shall be provided to the Building Inspector, documenting satisfactory completion of all approved and authorized construction activities and zoning compliance.

25. Failure to comply with any of the conditions set forth herein shall be deemed a violation of this approval and may lead to the revocation of the Approval and/or Certificate of Occupancy in accordance with the applicable provision(s) of the Village of Port Chester.
26. The applicant shall obtain all other applicable permits and approvals and shall pay all other fees as a part of the execution of the final site plan.

BE IT FURTHER RESOLVED, that this Site Plan Approval shall remain valid for a period of one hundred and twenty (120) days from the date of its approval. This Site Plan Approval shall become null and void on February 9, 2011, unless construction is commenced pursuant to an authorized Building Permit, or unless this approval is extended in accordance with the provisions of section 345-23 H (6).

BE IT FINALLY RESOLVED that this Final Site Plan approval resolution shall have an effective date of October 12, 2010.

On motion of Commissioner _____, seconded by Commissioner _____, the resolution was adopted by the following vote

Ayes:

Nays:

Abstained:

Michael Antaki, Chairman

This resolution was thereupon duly adopted