

## **Planning Board Minutes April 9, 2018**

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A meeting of the Planning Board, Town of Yorktown, was held on April 9, 2018, at the Yorktown Town Hall Board Room, 363 Underhill Avenue, Yorktown Heights, NY 10598. The Chair, Richard Fon, opened the meeting at 7:00 pm with the following members present:

John Savoca  
John Kincart  
Anthony Tripodi  
William LaScala

Also present were: John Tegeder, Director of Planning; Robyn Steinberg, Town Planner; Tom D'Agostino, Assistant Planner; and Kristen Wilson, Planning Board Counsel.

**Correspondence:** The Board reviewed correspondence received for items not on the agenda.

### **Meeting Minutes:**

Upon a motion by LaScala, seconded by Savoca, the March 26, 2018 Meeting Minutes were approved.

### **REGULAR SESSION**

#### **Faith Bible Church**

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

#### **Request for 1st One Year Time Extension**

Location: Sagamore Avenue

Contact: Albert A. Capellini, Esq.

Description: Approved Special Use Permit, Site/Parking Plan, Stormwater Pollution Prevention Plan Permit, Wetland Permit, and Tree Removal Permit for an 8,000 sf, two-story church and parking granted by Resolution #14-08, dated May 5, 2014.

Joseph Riina, project engineer, was present. Riina stated that since the applicant was before the Board, he asked to demolish part of the building and to construct a portion of the parking area on the east side of the building. At this point the church is working on fund raising. The Board had no issue with the request.

**Upon a motion by LaScala, seconded by Savoca, and with Fon, Savoca, Tripodi, and LaScala voting in favor, the Board approved a First One Year Time Extension for the Faith Bible Church.**

#### **Fieldhome Expansion**

**SBL: 35.12-1-2, 3, & 4**

#### **Request for Reapproval Site Plan**

Location: 2300 Catherine Street

Contact: Albert A. Capellini, Esq.

Description: A continuum of a care facility consisting of independent living units and a skilled nursing home approved by Resolution #12-08 on April 9, 2012.

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Joseph Riina, project engineer, was present. Riina stated the Board reviewed a lot line adjustment for the property. Until a part of the property is sold, the Fieldhome is looking to keep the site plan approval valid. The Board had no issue with the request.

**Upon a motion by LaScala, seconded by Tripodi, and with Fon, Savoca, Tripodi, and LaScala voting in favor, the Board reapproved the site plan.**

### **Adrian Auto Body**

**SBL: 26.18-1-24**

#### **Request for 1st One Year Time Extension**

Location: 3330 Old Crompond Road

Contact: Ciarcia Engineering

Description: Approved building addition to an existing autobody shop of 3,900 sf in the C-3 zone by Planning Board Resolution #17-05 on April 17, 2017.

Dan Ciarcia, project engineer, was present. Ciarcia stated the applicant has simply not obtained a building permit yet. The Board had no issue with the request.

**Upon a motion by Savoca, seconded by LaScala, and with Fon, Savoca, Tripodi, and LaScala voting in favor, the Board approved a First one year time extension for the Adrian Autobody.**

### **Hearthstone Minor Subdivision**

**SBL: 17.18-1-8**

#### **Adjourned Public Hearing**

Location: 3138 Hearthstone

Contact: John Annicelli, Esq.

Description: Proposed to subdivide a one acre parcel into two building lots in the R1-20 zone to be served by town water and sewer.

Fon stated that the Board had adjourned the hearing due to deficiencies with the notices that have since been corrected.

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

Fon stated the Board received one letter regarding issues that have been addressed, but will enter the letter into the record.

**Upon a motion by Kincart, seconded by Savoca, and with all those present voting in favor, the Board closed the Public Hearing and allowed a written comment period of 10 days.**

**Upon a motion by LaScala, seconded by Tripodi, and with all those present voting aye, the Board closed the Regular Session.**

**WORK SESSION**

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## **Anderson Minor Subdivision**

**SBL: 58.9-1-20**

### **Discussion Subdivision**

Location: 1695 Croton Lake Road

Contact: Ciarcia Engineering

Description: Proposed 2-lot subdivision on 15.72 acres in the R1-80 zone, where one residence currently exists. To be served by a well and septic.

Dan Ciarcia, project engineer, was present. A few members of the Board made a site visit this past Saturday. Ciarcia stated that the applicants are happy with the proposed driveway and house location. They would like to turn the home closer to the side yard bordering the NYC DEP. This will need a variance from the Zoning Board. The Board scheduled a Public Informational Hearing for the May meeting and the applicant will apply to the Zoning Board for the variance.

## **RPG Properties aka Mohegan Court**

**SBL: 15.15-1-22**

### **Discussion Residential Site Plan**

Location: 3574 Lexington Avenue

Contact: Phil Sanders

Description: Proposed 8-unit townhouse development on 1.1 acres in the R-3 zone to be served by town water and sewer.

Phil Sanders and Doug Hahn from Hahn Engineering were present. Hahn stated Town Engineer, Michael Quinn, still has two remaining items to be addressed. Hahn explained that the Westchester County Health Department requires the town own and maintain the force main. Quinn would like this to be approved by the Town Board. The applicant will maintain the pumps. The sewer connection is completely in the Town of Yorktown. The second issue was the sump pit. Hahn explained that these are usually allowed to daylight, but the site would require a pump in order to do that, so he decided to pump this water into the infiltrator. Quinn required additional infiltrators be added to accommodate this extra flow, which are shown on the plans. Cortlandt did not want a connection made to the drainage in the road. The applicant will address the details of the elevations that require revision.

## **Prestige Renovations and Remodeling**

**SBL: 16.10-4-8**

### **Discussion Minor Subdivision**

Location: 3511 Buckhorn Street

Contact: Site Design Consultants

Description: Proposed 2-lot subdivision on 0.95 acres in the R1-20 zone to be served by town water and sewer.

Fon recused himself from this application.

Joseph Riina, project engineer, was present. Riina stated the last meeting for this application was the Public Informational Hearing. Riina is proposing a straight line across the rear yard from where the property juts out for a Conservation Easement. It will allow the property owner to use the wetland

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buffer just as lawn area, not for structures. Riina stated that the only open issues are the NYS DEC wetland verification, which can't be scheduled until May, and then whether the existing bridge over the stream is removed or not. The town has verified the wetlands already. The Board requested to know if there is access across the adjacent properties up to East Main Street. The Board requested the yellow shaded area shown as a recreation parcel be the same width as the adjacent First National property. Riina will come back to the April work session with additional survey info for the Board.

### **Ianuzzi Subdivision**

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

#### **Discussion Approved Subdivision**

Location: 1189 Baptist Church Road

Contact: Site Design Consultants

Description: Approved 4-lot Subdivision by Planning Board Resolution #16-11 on December 13, 2016.

Joseph Riina, project engineer, was present. Riina had submitted a response to the Engineering Department memo from February. Riina objects to revisiting the stormwater because he has already completed a Full SWPPP to satisfy the NYSDEC and town requirements. All of the required easements and declarations were reviewed by the previous Town Attorney. The previous Building Inspector already determined that the garage did not have to be removed because the subdivision would not increase the non-conformity. The subdivision makes the property with the existing home and garages larger, which actually decreases the non-conformity.

Riina stated the topography used for the site plans is from Westchester County GIS. The surveyor used this information. Riina produced a design drawing and the Board approved it. Tegeder stated that if there are issues in the field where something has changed, the applicant will have to come back to the Board. Riina stated there is a maintenance agreement in the Stormwater Pollution Prevention Plan (SWPPP) for each lot containing structures. Regarding memo item #8, there is no requirement to address existing homes. However, stormwater coming off the existing driveway is going into an existing catch basin on the property. Kincart stated that this catch basin should be included in the maintenance agreement. Riina stated there is a note already on the plans that all new electric will be underground. The applicant is not going to upgrade the existing properties. An updated tree permit has been submitted. Fire documentation has been obtained. As soon as property owner comes back into the country, the permit will be signed and fee paid. The Board will approve this permit as part of the subdivision. Quinn is requesting testing be witnessed. Riina stated the perc tests were already completed when the SWPPP was designed and witnessing the tests was not required by the engineering department at that time. Tegeder will draft a memo from the Planning Board to the Town Engineer for the Planning Board to review.

### **Shrub Oak International School**

**SBL: 26.5-1-4**

#### **Discussion Site Plan**

Location: 3151 Stony Street

Contact: Zarin & Steinmetz

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Description: Applicant requests to eliminate secondary access road to Granite Knolls Park and instead construct an alternate secondary access to school and leave existing driveway to Park. Several other accessory buildings are also proposed. A site plan, special use permit for a helistop, and special use permit for a private school for autistic adolescents through young adults at the former Phoenix House Academy was approved by Planning Board Resolution #17-10 on June 26, 2017.

Michael Cunningham, project attorney from Zarin & Steinmetz; Donna Maiello, from Divney Tung & Schwalbe project engineers; Renee Marcus, from H2M Architects; and Brian Koeffler, the applicant, were present. Cunningham stated the applicant is in front of the Board to review the proposed Phase I of the development, which will be for around 50-55 students. Phase II would include the secondary access. Marcus will explain what has already been completed inside the building. Cunningham stated that most of the religious artifacts were removed prior to the applicant obtaining title to the property. The last two items will be donated. The large cross on the building will be donated to the Marion Shrine & Don Bosco Retreat Center in Stony Point. The holy water basins, or stoups, will be donated to the Diocese of Brooklyn. Maiello reviewed items that have been added or changed on the plan since it was approved. In Phase I, there will be an 8 foot high perimeter fence and site lighting. Three different types of lights are proposed around the site, depending on what purpose they serve. A different type of perimeter fence is now proposed instead of chain link. Fon asked about the weight the fence could support. Maiello stated the weight depends on the thickness of wire used, spacing of posts, and how the wire is attached to the posts. There will be post and rail fences proposed around the animal areas. A stockade fence is proposed near the northern property line along the existing parking lot. Maiello explained that the fence was pulled inside the property and the landscaping will be on the neighbor side of the fence. A sidewalk will be added from the far parking area to the front door. Phase I of fencing will be around the school itself. A Phase II fence will be installed around the western property lines and will connect to the Phase I fence, but the Phase I fence will remain as installed. The secondary access now proposed for Phase II will include a new improved driveway that will connect to the park parking lot. This will no longer be a road improved to town standards. This will allow the access to be a little steeper. Fon was concerned that there is no longer a cul-de-sac near the park. Fon would like the Fire and Highway Superintendent to review the design when it is submitted. Maiello stated that the road and driveway have not been designed yet. The applicant is not proposing to build all of the new parking in Phase I. Marcus stated the residential buildings on the site will be replaced or upgraded. An existing two-family house will become a one-family home, and an existing one-family home will be replaced with a new two-family home. The only new building proposed is the equestrian arena, which will be part of Phase II.

Tegeder stated the Board can approve Phase I and sign a plan. Then the Board can review Phase II and determine what SEQRA review may be required, review by the NYC DEP, and the design for the secondary access road. The Board scheduled a Public Hearing for May 7, 2018 meeting.

### **Building Department Referral – Hill Boulevard Diner**

**SBL: 16.08-1-1**

#### **Discussion Site Plan**

Location: 3667 Hill Boulevard

Contact: Nixon Architecture

Description: Proposed restaurant in an existing retail building. No exterior work is proposed.

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Lydia Biffer, the property owner, was present. Fon stated that his biggest concern about the application was compliance of the site with the current site plan and how it became in the condition it is today. There are many structures in the back of the building that seem to be for storage. Biffer said that the garbage dumpsters have been condensed into two parking spaces. Tegeder stated that the owner needs to put the site back to existing or come back to the Board to amend the plan. Dumpsters are supposed to be in enclosures. Fon summarized that the Board is okay with the diner application however the site needs to be cleaned up. There is definitely a storage problem and maybe more storage is needed inside the building. Fon stated that space from the diner might need to be allocated to the existing restaurant for storage. The Board agreed they were not ready to go forward with any decisions on the diner at tonight's meeting.

**Upon a motion by Kincart, seconded by Savoca, and with all those present voting aye, the Board voted to close the meeting at 8:30 pm.**