

# Planning Board Meeting Minutes - May 21, 2018

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A meeting of the Planning Board, Town of Yorktown, was held on **Monday, May 21<sup>st</sup> at 7:00 p.m.** in the Yorktown Community and Cultural Center building located at 1974 Commerce Street, Room 104.

Chairman Rich Fon, called the meeting to order at 7:00 p.m. with the following board members present:

- John Savoca
- John Kincart
- Bill LaScala
- Anthony Tripodi
- Rob Garrigan, Alternate

Also present were John Tegeder, Director of Planning; Robyn Steinberg, Town Planner; Tom D'Agostino, Assistant Planner; Nancy Calicchia, Secretary and Mark Blanchard, Planning Board Counsel.

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## **Board Changes:**

Chairman Fon motioned for the following position changes with all in favor:

- John Savoca - Vice Chair
- John Kincart - Secretary

## **Correspondence / Liaison Reports:**

The Board reviewed correspondence received for items not on the agenda. Items addressed were:

- Crompond Terraces – It was agreed to not move forward until a formal application is submitted and all property owners have authorized the application.
- Lowes – The Board was copied on correspondence to the Town Board regarding the Lowe's off-site sewer extension and that Breslin Realty no longer is stating they will connect the existing homes on Old Crompond Road. Sewering all of the neighbors was an integral part of the Board's support for the sewer extension. This issue will be discussed further at another meeting.

## **Meeting Minutes:**

Upon a motion by LaScala, seconded by Tripodi, and with all others present voting aye, except Savoca who was not present at that meeting, the Board approved the May 7, 2018 meeting minutes as corrected.

## **Motion to Open Work Session:**

Upon a motion by Kincart, seconded by Tripodi, and with all others present voting aye, the Board opened the Work Session at 7:13 pm.

## **WORK SESSION**

### **Shrub Oak International School**

**SBL: 26.05-1-4**

Discussion: Decision Statement  
Location: 3151 Stony Street  
Contact: Zarin and Steinmetz

**Description:** The applicant has requested amendments to the Site Plan and Stormwater Pollution Prevention Plan approved by Planning Board Resolution #17-10 on June 26, 2017. The applicant has also proposed to phase the construction of the development.

**Comments:**

David Steinmetz, project attorney, and Gerry Schwalbe, project engineer, were present. Mr. Steinmetz reported that there were no issues with the resolution. John Tegeder stated that he spoke to the Building Inspector, John Landi, and he indicated that a variance will not be required for the height of the proposed fencing. A written memo should be forthcoming. The Town Engineer's memo was reviewed as follows:

- #1 - Quinn is still reviewing the revised SWPPP.
- #2 - Schwalbe stated the catch basin has already been added to the plan.
- #3 - Schwalbe stated the bioretention area has already been added to the plan.
- #4- A Stormwater maintenance agreement is typically requested prior to a Certificate of Occupancy being issued. The applicant agreed.
- #5 - The site survey has been updated.
- #6- Schwalbe stated that a waste plan for the animal barn will be prepared once the exact animals are known. The Board added this as a condition prior to Certificate of Occupancy.
- #7- The applicant will coordinate with the highway superintendent regarding the site accesses.
- #8 - Schwalbe stated the applicant understands that they will have to come back to the Board if work is proposed in the wetlands in the future. An orange construction fence delineating the wetlands will be added to the plans.
- #9- The applicant agrees to video the existing sewer line before it is put into service.

The Board agreed that item numbers 4, 6, 8 and 9 will need to be addressed and therefore, these items were added as conditions of the resolution. Additional comments:

- Fence – John Kincart pointed out that there may be an encroachment from a neighboring property in the northwest corner of the site. This will need to be addressed prior to the perimeter fence being completed in Phase 2.
- John Kincart confirmed that the building in the first phase will accommodate no more than 80 students, single occupancy, which is noted in the resolution.

**Upon a motion by Kincart, seconded by Savoca, and with all others present voting aye, the Board opened a Special Session.**

**Upon a motion by LaScala, seconded by Kincart, and with all others present voting aye, the Board approved the amended site plan for the Shrub Oak International School with the additional conditions as noted.**

**Upon a motion by Kincart, seconded by Savoca, and with all others present voting aye, the Board closed the Special Session.**

**Village Traditions**

SBL: 15.16-1-32

Discussion: Site Plan

Location: 1821 East Main Street

Contact: Tim Mallon

**Description:** Proposed to remove existing barn and construct a 3,200 sf building for office/retail space with two proposed apartment units on the upstairs level in the C-2R zone.

**Comments:**

Mr. Mallon was present. John Tegeder stated a draft of a resolution is provided for consideration by the Planning Board removing requirements for a formal access easement to be filed. Chairman Fon requested permission to open session for Village Traditions at 7:32 p.m. Audience was addressed for public comments regarding this application of which there were none.

**Upon a motion by Kincart, seconded by Savoca, and with all others present voting aye, the Board opened a Special Session.**

**Upon a motion by LaScala, seconded by Kincart, and with all others present voting aye, the Board approved the amended site plan for Village Traditions.**

**Upon a motion by Kincart, seconded by Savoca, and with all others present voting aye, the Board closed the Special Session.**

**Hearthstone Minor Subdivision**

**SBL: 17.18-1-8**

Discussion: Subdivision

Location: 3138 Hearthstone Street

Contact: John Annicelli, Esq.

**Description:** Proposed 2-lot subdivision on 0.96 acres in the R1-20 zone.

**Comments:**

Mr. Annicelli was present. Annicelli stated changes have been made to the plans as directed from the last meeting. The one house has been turned and the driveway and drains were addressed. Large boulders are proposed along the cow path to deter any access from that driveway. Maintenance of the sewer line, until the town takes it over, should be in a maintenance agreement. The Board's attorneys will review the agreement. Per town sewer standards, if more than two houses, town is required to provide sewer, which is also noted in the Town Engineer's memo, item #7. Also, with respect to the path, the boulders are to be placed 6 feet apart not 10 feet apart as originally proposed for barrier. The Board did not feel the hours of construction needed to be shown on the plans. The applicant should follow the Town's noise ordinance. The Board will have a draft resolution for the June 11th meeting. The applicant will submit the maintenance agreement.

**Pied Piper Preschool Addition**

**SBL: 37.14-2-8**

Discussion: Site Plan

Location: 2090 Crompond Road

Contact: MAP Architecture

**Description:** Proposed 4,332 square foot, two-story addition to the existing 3,618 square foot preschool on 0.68 acres in the R1-10 zone.

**Comments:**

The applicants, Kathy and Max Dineen, were present. Dineen gave an update of how the project has been scaled down. The infant program and special services programs were eliminated. The school is now proposing an increase from 66 students to 104 students. The after school program will increase from 35 to 60 students. Times of buses are 6:45 a.m., 8:15 a.m., 3:25 p.m. and 6:00 p.m. Dineen stated the shared access and parking easement with the church was never recorded with the County, but it will be now. John Savoca and Mark Blanchard asked

if the school might want to revise the agreement to address some of the issues with the church that had come up. The Board would like to review the easement language again. The Fire Advisory memo that came out tonight requests they see a new emergency plan. Joe Riina will be working on the stormwater. The Board scheduled a Public Informational Hearing for the June 11th meeting.

### **Bellamy Construction**

**SBL:** 16.14-1-7.1

Discussion: Approved Subdivision

Location: 3423 Stony Street

Contact: Steve Burns, PE

**Description:** Proposed residence on Lot 2 of the Friends Subdivision approved by Planning Board Resolution #07-16 on September 10, 2007.

### **Comments:**

Mr. Burns was present. Burns explained that the property was purchased as a foreclosure under the assumption that it was vacant land only to find out later that there was already a plan approved for a house on the property. Burns would like to change the plan. The driveway for the existing house was addressed. Both homes will have new curb cuts on Ivy Road. The distance between the two driveways will be 40 or 50 feet. More in depth curb cut and drain issue discussion was addressed. John Tegeder asked if the disturbance was still under the threshold for requiring a stormwater plan. The applicant stated that it would be. The Board requested the the applicant try to move the driveway for the new home as far away from Stony Street as possible. John Tegeder stated the plan needs to be amended by the Board because the proposed home shows almost 10 feet difference in finished floor elevation from the approved plan. Burns will revise the plans and return to another work session.

### **Jefferson Valley Mall**

**SBL:** 16.12-1-24 & 25

Discussion: Minor Subdivision

Location: Route 6 & Lee Boulevard

Contact: Washington Prime

**Description:** Proposed subdivision of the mall property for the purpose of dedicating a new Town road.

### **Comments:**

Mr. Gioffre and Mr. Peregrine were present. Gioffre stated that the Board reviewed the site plan for the mall when it was referred to them by the Town Board. The application is to subdivide the mall property in order to dedicate a town road. All documents are in place that are required by the DOT. Fon stated the Board was very much in favor of the plan. The Board scheduled a public hearing for the June 11th meeting. The maintenance agreement for the road is included in section G of the applicant's submission. The agreement will be included in the Board's books for the next meeting.

**Upon a motion by LaScala, seconded by Kincart, and with all those present voting aye, the Board voted to close the meeting at 8:20 p.m.**