

Planning Board Meeting Minutes – January 27, 2020

A meeting of the Planning Board, Town of Yorktown, was held on **Monday, January 27, 2020 at 7:00 p.m.** at the Yorktown Town Hall Boardroom located at 363 Underhill Avenue, Yorktown Heights, NY 10598.

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

- John Kincart, Secretary
- Bill LaScala
- Aaron Bock
- Rob Garrigan, Alternate

Also present were:

- John Tegeder, Director of Planning
- Robyn Steinberg, Town Planner
- Tom D'Agostino, Assistant Planner
- Nancy Calicchia, Secretary
- James W. Glatthaar, Esq.
- Supervisor Matt Slater, Town Board Liaison
- Councilman Ed Lachterman, Town Board Liaison

Chairman Fon welcomed Supervisor Matt Slater and wished him well in his new role on behalf of the Board.

Correspondence / Liaison Report

There were no liaison reports.

The Board reviewed all correspondence.

- Hilltop Hanover Lot 9 correspondence will be reviewed during the work session.
- Silverman Subdivision – An email was received from Mr. Specht with respect to purchasing the portion of the property that was to be dedicated to the town for roadway. Mr. Tegeder noted that the Planning Board and Highway Superintendent determined that they wanted to keep this property. The Board stated that nothing has changed and asked the Planning Department to send a response to Mr. Specht.

Motion to Approve Meeting Minutes

Upon a motion by Rob Garrigan and seconded by Bill LaScala and with all those present voting aye, the Board approved the meeting minutes of January 13, 2020 with corrections as noted.

Motion to Open Regular Session

Chairman Fon motioned to open the Regular Session, and with all those present voting aye, the Board opened the Regular Session.

REGULAR SESSION

Fusco Minor Subdivision

SBL: 16.14-1-10
Discussion: Second 90 Day Time Extension
Location: 3477 Stony Street
Contact: Ciarcia Engineering, P.C.
Description: Approved 2-lot subdivision on 2.72 acres in the R1-20 zone, by Planning Board resolution #19-11, dated May 20, 2019.

Comments:

Dan Ciarcia, P.E. and Laura DiGiovanni were present. Mr. Ciarcia is requesting a second 90 day time extension for the applicant. Chairman Fon asked the Board, Planning Department and Counsel if there were any issues and there were none. Chairman Fon asked the public for comments and there were none.

Upon a motion by Aaron Bock and seconded by John Kincart, and with all those present voting aye, the Board approved the second 90 day time extension for the Fusco Minor Subdivision.

Fiore Minor Subdivision

SBL: 26.15-1-69
Discussion: Second 90 Day Time Extension
Location: 2797 Carr Court
Contact: Site Design Consultants
Description: Approved 2-lot subdivision on 1.14 acres in the R1-20 zone, by Planning Board resolution #19-10, dated May 20, 2019.

Comments:

John Kincart abstained from this agenda item. Joseph Riina, P.E. of Site Design Consultants was present. Mr. Riina is requesting a second 90 day time extension for the applicant. He stated that they are currently addressing the Health Department comments. Chairman Fon asked the Board, Planning Department and Counsel if there were any issues and there were none. Chairman Fon asked the public for comments and there were none.

Upon a motion by Bill LaScala and seconded by Aaron Bock, and with all those present voting aye, the Board approved the second 90 day time extension for the Fiore Minor Subdivision.

Gallinelli Minor Subdivision

SBL: 27.13-1-49
Discussion: First 90 Day Time Extension
Location: 2777 Quinlan Street
Contact: Site Design Consultants
Description: Approved 2-lot subdivision on 1.48 acres in the R1-20 zone, by Planning Board resolution #18-16, dated September 17, 2018.

Comments:

Joseph Riina, P.E. of Site Design Consultants was present. Mr. Riina is requesting a first 90 day time extension for the applicant. Mr. Riina stated that they have all their approvals in place, however, the Assessors office asked them to make some revisions to the plat of which they are working on. They will then go back to the Health Department to have the plat re-signed and send it back to the Board for final approval. Chairman Fon asked the Board, Planning Department and Counsel if there were any issues and there were none. Chairman Fon asked the public for comments and there were none.

Upon a motion by Bill LaScala and seconded by Rob Garrigan, and with all those present voting aye, the Board approved the first 90 day time extension for the Gallinelli Minor Subdivision.

IBM Helipad – Special Use Permit

SBL: 69.16-1-1
Discussion: Renewal – Special Use Permit
Location: 1101 Kitchawan Road
Contact: Nicolette Visalli
Description: Request for renewal of a Special Use Permit for a Helipad at the IBM site on Route 134, approved by Planning Board Resolution #12-14, dated September 10, 2012.

Comments:

Don DeMouth of IBM was present. Mr. DeMouth is requesting a renewal of a special use permit for the helipad at the IBM site. Mr. Kincart asked if there was a limit for the number of flights per year in the original approving resolution. Mr. Tegeder responded that in the original approving resolution there was a limit with a time frame to see how this would work out. When they came back in for the last re-approval there were few flights taken and there have been no complaints. Mr. DeMouth stated they are currently allowed 18 flights per year. There were only 9 flights in 2019. After discussion, Mr. Kincart motioned to increase the number of flights per year from 18 to 24 with no more than 6 flights per month. The Board agreed. Chairman Fon asked the Board, Planning Department and Counsel if there were any issues and there were none.

Upon a motion by Bill LaScala and seconded by Rob Garrigan, and with all those present voting aye, the Board approved the renewal for the special use permit for a helipad at the IBM site on Route 134 with changes as noted.

CVS-Crompond Road

SBL: 26.18-1-25, 23, & 26

Discussion: Adjourned Public Hearing

Location: 3320 Crompond Road

Contact: Cuddy and Feder, LLP

Description: Proposed construction of a 13,100 sf (with 1,700 sf mezzanine) CVS/pharmacy with a drive-thru.

Comments:

Dan Peveraro, P.E. of The Lauro Group, Lucia Chiochio, Esq of Cuddy and Feder, LLP, Dr. Philip Grealy, Traffic Consultant of Maser Consulting and R.B. Ignatow, Landscape Architect were present. Mr. Peveraro stated that since the last meeting, a few changes were made to the plans. The species of the street trees along Crompond Road is proposed to change from October Glory Maples to Shadblow Serviceberry and Lavalley Hawthorn, which are a smaller species of trees; approximately 20 to 25 feet at mature height. He noted that you will be able to see through the row of trees and they are also wire friendly. In addition, the stop bar on Old Crompond Road was moved to match the previously existing stop bar location closer to the intersection. Mr. Peveraro has also provided a SWPPP as requested by the Board.

Mr. Peveraro stated that the signage has changed from the original proposal of two monument signs. The proposal is for one 15 foot pylon sign on Route 202 and one monument sign on Old Crompond Road. Mr. Lascala asked if CVS could add the existing businesses on Old Crompond Road (*Hudson Valley Steakhouse and Adrian Autobody*) to the pylon sign. Mr. Peveraro responded that the town code precludes having a sign for a business that is not on the site. He also noted that looking towards the future, if and when the rest of the owner's property is developed, allotting signage to a business not on the property would leave less sign area for his tenants. Mr. Kincart asked if the pylon sign would block the signage for the steakhouse. Mr. Peveraro showed the plans to the Board and noted that the pylon sign would be on Route 202. The monument sign on Old Crompond Road will be shorter and will not block the view of the Steakhouse.

Mr. Peveraro provided the Board with two options for the proposed lot line adjustment and showed both exhibits to the Board – option EX1.0 and option EX1.1. The first option would straighten the lot line for the CVS on Lot 25 and leave the entire driveway on Lots 23 & 26. The second option would be to leave the Lot 25 line where it is and move the lot line with Lot 23. This would make it so the driveway is solely on Lot 26. He asked the Board for their feedback. After discussion, the Board decided they preferred option EX1.0. Mr. Tegeder stated that the resolution will indicate that the entrance driveway is intended to be used by all three lots.

Mr. Peveraro stated that the Board was concerned with the visibility of the rooftop mechanical equipment and the height of the parapets. A site section was shown to the Board that takes into account the approximate grade of Route 202 and the rooftop units should not be visible.

Mr. Ignatow restated the change of the tree species for the proposed street trees and added the spacing will remain at 20 feet apart. He noted that these are small trees which you can clearly see under and are wire friendly meaning they will only need to be trimmed. The intent was to mimic the street trees on the BJs side of Route 202 as requested. The canopy of the trees will be at 15 feet and Mr. Ignatow stated that he thought the intent is to get an elevated hedge. Mr. Tegeder responded that the idea is to see through the trees so as not to block the view of the signage of the properties behind, not to necessarily form an elevated hedge. Mr. Ignatow stated these trees would accomplish this objective.

Mr. Peveraro added that they are proposing a 3½ foot screening fence on top of the proposed retaining wall along the rear property line to shield views into the Autobody property. Chairman Fon asked Mr. Peveraro if all the comments from the Planning Department's letter dated 1/21/20 have been addressed and the response was yes. Mr. Tegeder stated that the applicant covered the issues that had been discussed and they will now need to work on the resolution to reflect all the changes.

Chairman Fon asked the public if there were any comments. Public comment as follows:

G. Vakoj, Resident – Ms. Vakoj asked if it would make sense to switch CVS with the parking lot so as not to block the steakhouse. The plans were shown to Ms. Vakoj as she was confused as to the location. Chairman Fon stated that a lot of thought and care went into this process to ensure that the businesses behind were visible.

Upon a motion by Bill LaScala and seconded by John Kincart, and with all those present voting aye, the Board closed the adjourned public hearing.

Chairman Fon asked the Board to place this item on the next meeting agenda to review the resolution with the applicant.

Atlantic Appliance

SBL: 37.15-1-31

Discussion: Public Informational Hearing

Location: 2010 Maple Hill Street

Contact: Site Design Consultants

Description: Proposed two story, 25,720 sf building with mixed uses of office/retail and warehouse use on 1.57 acres in the C-2 zone.

Comments:

Mr. Bock stated that in terms of disclosure, he is the owner of the building next to this property, not the post office side. He stated that he can be open, fair and objective with regards to this application and wants to see a successful business there.

Joseph Riina, P.E. of Site Design Consultants. Steve Marino of Tim Miller Associates and Joey Vakoj were present. Mr. Riina stated that he and Mr. Marino are representing Mr. Vakoj who is the applicant and owner of Atlantic Appliance. The applicant is in contract to purchase two parcels of land that are currently vacant. The first parcel is 1.6 acres, zoned C-2 and located on Maple Hill Street adjoining the post office. The second parcel is 3.13 acres, zoned C-4 and located on the corner of Veterans and Greenwood Street. The proposal is to construct a commercial building on the Maple Hill Street site. The footprint of the building will be 9,700 s.f. On the main level there will be a retail space where the applicant will sell appliances. The lower level will be warehouse space of equal size. There will be a mezzanine level on the second floor which will be a little over 6,000 s.f. of office space. The southerly access will be a two-way main entrance to the site for customers. Along the front of the site is a retaining wall which at the maximum height is 6 feet and will wrap around and curve as shown on the plans. The front area along Maple Hill will be a landscaped. A sidewalk is proposed along the front of the site. The trash receptacle and 20 yard cardboard compactor locations were shown on the plans. Employees will include one person in the warehouse, five sales people, and seven office staff.

The parking areas were shown on the plans. There will be parking, including handicap spaces, in front of the building for patrons. Mr. Riina noted that there are two large green spaces which are to be land banked parking spaces because Mr. Vakoj does not feel that he needs the amount of parking required by the town code. The truck deliveries will occur daily with one or two tractor trailer deliveries usually between 9:30 a.m. and 10:00 a.m. It was noted that most of the time there will be just one trailer delivery. The loading dock and parking for delivery trucks, vans and service vehicles will be around the back of the building.

Mr. Riina stated that the stormwater treatment will consist of a pocket wetland. The majority of the stormwater from the site will go into this system. It will be designed to be oversized to increase the capacity that would normally be required for the 100 year storm by 110 to 120 percent. This measure will help with flood control for the brook on the rear property. There will be green infrastructure practices incorporated as well. The site will need to meet NYCDEP and NYSDEC requirements and will require permits from both agencies. The site will be served by public water, public sewer, and all the utilities will be accessed from the front of the site.

Mr. Marino stated that he reviewed the history of the site to see how the property has developed over the years. The 1947 aerial photo showed the front lot as agricultural in nature and the back piece where the Hallocks Mill Brook

is flowing through as undeveloped since the 40's. The 1970 aerial showed the Triangle Shopping Center and the adjacent professional building. At that time Veterans Road was just built. He noted that there was a traveled way through the site at the back end of the proposed site between the building site and the brook. The current aerial photo shows the post office, professional building, Hartels and the brook, which flows through the site from Junior Lake underneath Veterans and through the property. In summary, Mr. Marino stated that the back parcel has historically been a wetland around the brook and the front parcel was used for agriculture and now has reverted back to woods. There are no wetlands on the property proposed to be developed. When he delineated the wetland, he did not know the second parcel was part of the plan so he had only looked at the part of the wetland that would create buffer on the property proposed to be developed. Recently he delineated the wetlands on the entire second parcel. The flags shown on the plan were picked up by GPS and are not yet shown on the survey.

Mr. Marino went back to the proposed site plan. He noted that the wetlands buffer extends just to the edge of the proposed developed area. The detention basin will be at the rear of the property inside the buffer. The proposed parking lot for the delivery and service vehicles is outside of the buffer. A post and rail fence is proposed along the edge of the parking to differentiate the developed area from the undeveloped area. Mr. Marino stated he has started to form some concepts for plantings in the buffer as well as in and around the detention basin. Mitigation will be proposed for the disturbance to the wetland and wetland buffer. Additional mitigation and wetland restoration will be proposed to increase the storage capacity adjacent to the stream. Photos of the second parcel were shown. Off the corner of Veterans and Greenwood Street there is a wet pocket with fragmites and small red maples and elms. They propose to clear the fragmites and some dead trees and replant wetland plants as part of the mitigation plan. All debris and trash will be removed. There is a second spot along Greenwood street which has an overgrown wetland with fragmites of which they propose to do restoration as well. He will meet with the Conservation Board for input as the project moves forward. Chariman Fon asked if they used sprays to remove the fragmites. Mr. Marino responded that they are removed by hand and do not use a spray. However, in some areas, they will often get approval to use a wand with a sponge that is used to rub a solution on the leaves of the plants.

Mr. Marino noted that the flooding through the entire Hallocks Mill corrdior is always a concern. There is a 100 year flood plain that just barely touches the corner of their property as it moves north. There is a possibility of using the low area at the corner of Veterans Road and Greenwood Street to store water when the brook rises. A connection would have to be made between the wetland and the brook because topograpically there is about one foot difference. Mr. Marino will look into what adjustments can be made that might help with flooding downstream.

Mr. Riina added that they are working on their design documents. They have done the testing for the stormwater which pointed them in the direction of the pocket wetland as there was a high ground water table throughout the site and would not be conducive to infiltration. This method is good for stormwater quality and attenuation. They will come back to the Board with more detailed information in order to move forward with a public hearing.

Chairman Fon asked how long Atlantic Appliance has been in business. Mr. Vakoj responded that it will be 45 years next month that the business has been in Yorktown and they are family owned. Mr. Vakoj stated that he decided to purchase the second lot to help with the stormwater concerns in the area. Chairman Fon noted that the additional flood capacity for the stream is helpful.

Mr. Kincart stated that he thought the turning movement to park in front of the building seemed difficult. He also questioned why the parking spaces were not perpendicular to the front of the building. Mr. Riina responded that the row of spaces was on an angle to maximize the number of spaces they could fit. This also allowed for the sidewalk in front of the building to be wider to use for outdoor display of grills, etc. He noted that there is enough room to make the turns. The site entrance is wider than typical because it was designed to accommodate the 53 foot tractor trailer.

Chairman Fon asked the public if there were any comments. Public comments as follows:

Jay Kopstein, resident – Mr. Kopstein stated that he thought the proposed development was a great project. His concern is the route taken by the tractor trailer. He noted that Veterans Road has a daycare center, VFW, American Legion, a park entrance, and a theater. He recommended all tractor trailer traffic be directed to and from Routes 202/35/118 on Maple Hill Street.

Mr. Bock responded that the intersection of Route 202 and Maple Hill Street is not signalized and it can be difficult to turn left there, whereas there is a signal at Veterans Road and Commerce Street.

Mr. Kopstein responded that there is the issue of a number of pedestrians and bicycles that have been struck by large vehicles and is concerned for their safety. Veterans Road in particular is not a wide road and is not designed for commercial traffic. He feels that we need to be aware of the schools and park along Veterans Road. Mr. Bock agreed the trucks should stay on Maple Hill Street as those that service the Triangle Shopping Center.

Mr. Kincart asked about the deliveries. Mr. Vakoj responded that as of now the warehouse is in Buchanan. The small trucks/vans leave for the warehouse in the morning. They always use Maple Hill Street. The store receives one tractor trailer delivery a day between 9:30 a.m. and 10:30 a.m. The route usually taken is from Route 684 to Routes 202/35, and a left onto Maple Hill Street. Mr. Vakoj feels the trucks will most likely go back on Maple Hill Street, to Route 202/35, to get back to Route 684. Mr. Kincart stated that maybe the Town Board should look into limiting the tractor trailer traffic on Veterans Road and noted that maybe Mr. Vakoj could inform his suppliers to continue with the same route in order to avoid Veterans Road.

Mr. Garrigan asked if this site was a destination for the water runoff from the 2040 Greenwood Street site. Mr. Riina responded that this site's runoff goes directly into the Hallocks Mill. He then pointed out on the plans where the 2040 Greenwood Street site runoff comes across under Greenwood Street and then into the Hallocks Mill.

Mr. Riina stated that they are scheduled to meet with the Conservation Board at their next meeting and are close to having an architect for the project. He will provide more information at the next work session.

Upon a motion by John Kincart and seconded by Aaron Bock, and with all those present voting aye, the Board closed the public informational hearing.

The Board asked the Planning Department to set up a Public Hearing for the February 24th meeting agenda if the applicant is able to submit the additional requested details in time.

Motion to Close the Regular Session and Open the Work Session

Upon a motion by Bill LaScala and seconded by Rob Garrigan, and with all those present voting aye, the Board closed the Regular Session and opened the Work Session.

WORK SESSION

387 Granite Springs

SBL: 27.14-1-74
Discussion: Minor Subdivision
Location: 387 Granite Springs Road
Contact: American Custom Builders
Description: Proposed subdivision to create a building lot for a 0.479 acre parcel transferred by deed in the R1-20 zone.

Comments:

Jon Farrell was present. Mr. Farrell is proposing to place a colonial modular home on the site. Mr. D'Agostino reminded the applicant to re-submit a revised wetland permit application as a section was not filled out properly along with the fee to the Planning Department. Discussion followed regarding the wetland flagging. Mr. Farrell thought he was told that the Town Engineer flagged the wetlands. Mr. Tegeder advised the applicant that typically the applicant hires someone to flag the wetlands and then the town reviews and accepts the delineation. Mr. Farrell stated that he is not sure how much he can encroach into the wetland to avoid NYCDEP and NYSDEC. Mr. Tegeder stated that there is no minimum amount of disturbance that triggers permitting from the NYCDEP or NYSDEC. If there is any disturbance in the wetland or wetland buffer, a permit is needed. Ms. Steinberg stated that the site did not contain a NYSDEC wetland. Mr. Bock stated that verifying the wetland delineation is key and there may be mitigation involved. Mr. Farrell stated that Elliot Senior dug the test pits. The stormwater will be filter systems

underneath the driveway. He added that the rest of the water is proposed to be piped to the stormwater drain on Granite Springs Road.

Mr. Farrell stated that he is using the original house plan for this lot from the 1960's, but would like to add a front porch. He feels that this would add character to the home and the neighborhood. The porch requires 6 feet, but he is already at the front yard setback, so he needs to move the house back into the wetland buffer or obtain a variance. He noted that he switched the driveway to the left side of the house so it's further away from the intersection with Granite Springs Road. Discussion followed with respect to the backyard. Mr. Tegeder suggested that the plan be modified to show the 6 ft. front porch, a useable backyard, and rear deck. In addition, a mitigation plan and border (*wall or fence*) should be planned to indicate the buffer to protect the wetlands. Mr. Farrell asked if there would be a recreation fee associated with the application as this is part of a subdivision. Mr. Tegeder thought there would be a recreation fee because the lot is not currently a legal building lot.

Mr. Kincart asked about the address change. Mr. Farrell responded that he wants the driveway to be on Gregory Street. Mr. Kincart asked about the setbacks. Mr. Farrell mentioned the front yard setback again being the only variance he thought was needed. Mr. Kincart thought that since this is a corner lot, the home will also need a variance for the side facing Granite Springs Road because that setback will also be 40 feet. The applicant was advised to go to the Building Department to confirm the zoning setbacks.

The Board advised Mr. Farrell to have the wetlands flagged and confirmed by the Engineering Department. It was also suggested that the applicant submit an application to the Zoning Board with respect to the variances. The Board advised Mr. Farrell to meet with the Planning Department for guidance if needed. The Board requested that the Planning Department schedule a Public Informational Hearing for the February 24th meeting.

Nestle Waters

SBL: 35.08-1-16
Discussion: Site Plan
Location 3775 Crompond Road
Contact: Site Design Consultants
Description: Proposed to renovate the existing building and parking plan for office and warehouse uses in the C-4 zone.

Comments:

Joseph Riina, P.E. and Emilio Diaz, Regional Project Manager were present. Mr. Riina stated that the applicant is proposing to renovate and re-purpose the existing building on Route 202 to be used by Nestle Waters. The applicant plans to use the building as a distribution site. The project is tenant driven. The interior of the building will be renovated. There will be new rolling gates at the exit, an additional porous paver walkway to the new front door location and the removal of the rear addition loading dock. The existing fence was already replaced by the tenant. The curb cuts and parking for the employees and visitors were shown on the plans. They will be adding ADA parking spaces and signage. The tractor trailer deliveries will be overnight. The trucks will head out for deliveries around 6:30 a.m. in either direction. Mr. Diaz stated that they are leasing the property and there will be a total of 35 to 40 employees, which includes 14 permanent all day employees.

Mr. Kincart asked about the zoning for the warehouse use. The response was that C3 and C4 are zoned for warehouse use. Mr. Bock noted the Town Engineer memo dated 1/24/2020. Chairman Fon asked if anything would be done to the appearance of the building and the response was that they are just planning to move in. Chairman Fon asked if there were any issues concerning the NYSDOT. Mr. Tegeder stated that the NYSDOT is always looking to eliminate or consolidate curb cuts and noted the site has four. Mr. Riina stated that they are proposing to close one curb cut.

Mr. Glatthar, Planning Board Counsel asked about the drivers and trucks coming in the same entrance and noted that this may be a problem. Mr. Riina responded that it is the ADA access entrance.

Mr. Tegeder asked about the site lighting. Mr. Riina stated that the existing light poles will remain. Mr. Diaz responded that they will upgrade the light fixtures. Mr. Tegeder stated that a lighting plan will need to be submitted

for approval. Mr. Tegeder asked if the delivery trucks load in the building. He questioned the security of the site and if the site would be active 24 hours. Mr. Diaz responded that there were hours the site would be closed including weekends.

The stormwater was discussed. Mr. Tegeder asked if there was any stormwater treatment currently on the site. Mr. Bock asked about the adjacent wetland and what measures have been taken on this site to protect the wetland. Mr. Riina stated that there is currently pavement right up to the wetland, however the site drains towards Route 202. The catch basins were shown the plans. Mr. Riina noted that some of the stormwater goes through an oil water separator which he is trying to figure out how the system is connected.

Chairman Fon stated that the site was cleaned up and repaved and asked if there were permits required. Mr. Riina responded that they checked with the Building Inspector and Town Engineer and noted that with replacement in kind no permits were required. The tenant did what was in their legal right and want to move forward with these elements at their own risk. The use is permitted and no additional parking is proposed.

The Board asked what they were doing to the building to accommodate the tractor trailer. Mr. Kincart noted that there are a lot of trucks. Mr. Tegeder stated that they need to evaluate how the site operates to see if the business is appropriate for this site. The curb cuts, lighting plan and circulation and operation of the site will need to be reviewed. The Board asked the Planning Department to schedule a site visit for February 9th.

Town Board Referral – The Weyant

Discussion: Proposed 23 townhome style units at 2040 Crompond Road. This is a discussion to present the option of renting approximately half of the units and putting a remainder of the units on the market.

Comments:

Mr. Bock recused himself from this item. Joseph Riina, P.E. and John Devito were present. Mr. Devito stated that they were referred to the Planning Board from the Town Board. Mr. Devito is proposing to sell some units as condos and rent the remainder of the units. He is requesting a change in the language in the Town Board resolution to reflect this. He stated that the Town Board had no issues. Chairman Fon asked the Board and Counsel if there were any issues and there were none. Mr. Tegeder noted that the Planning Board could still be involved with reviewing the homeowners' association requirement such as, maintenance of the fence, screening, and backyards, etc. Tony Grasso stated that the Senior Advisory Committee is in favor of this change as there may be seniors who are interested in downsizing and living closer to the town, but they prefer to buy. The Board asked the Planning Department to send a memo to the Town Board stating that they have no issues with whether the units are sold or rented.

Par 3 Golf Course

SBL: 16.07-1-38

Discussion: Site Plan

Location: 795 Route 6

Description: Proposed Par 3 golf course on Town owned Parkland.

Comments:

James Martorano, Jr., Parks & Recreation Superintendent, Frank DiPeri, Project Manager, Al Avitabile and Patrick Cumiskey of the Recreation Commission, and Sean Murphy were present. Mr. Martorano stated that they are in discussion with Arnold Palmer with respect to this project. They are working on moving into the next phase of this plan. He stated that they stayed within their disturbance limits around the property and stayed within one acre as well. They have not completed the drainage as yet. He noted that the drainage for the site is shown on the plans. They are currently working on the building and have a building permit.

Mr. Kincart asked where the Planning Board comes into the process. Mr. Tegeder responded that there is a Health Department permit for seating in the restaurant. A Par 3 Golf Course is an allowed main use in the CR zoning district, but must follow the requirements listed in the special permit section for Par 3 Golf Courses (that are allowed with approval from the Zoning Board of Appeals in residential zones).

Mr. DiPeri stated that the restaurant was approved by the Health Department to have 46 seats. The building will be serviced by a new septic system and fields. They would like to connect to the sewer in the future. Chairman Fon asked how much of the work has been done and what is left to do. Mr. DiPeri responded that they have installed erosion control measures and photos were shown to all. The property is all level in one area to use for a future ice hockey rink. There is hay and seed to stabilize the ground. The Board asked if there were any comments from the Town Engineer with respect to the erosion control, if the NYSDEC was involved, and if so, if a permit application was filed. The Board asked about the legal document with the town and if it notes who is responsible for obtaining any required permits. Mr. DiPeri stated that he was told by the town he could start and noted that he has maintained a strict schedule. The legal document was reviewed by Mr. Glatthaar, the Planning Board Counsel, who stated that it appears that the lessee is responsible for the required permits.

Mr. Kincart asked how the project was started. Mr. Martorano responded that the Recreation Commission approved this project with Rocco Cambareri and after his passing it was derailed until Mr. DiPeri got involved. An amendment to the legal agreement was signed in May of 2018 and this agreement allowed them to move forward with this schedule. Mr. Kincart asked if the Commission was overseeing the project and allowed the trees to be taken down last year. Mr. Murphy responded that 95% of the trees were rotted out and dangerous. Mr. Martorano stated that there is a tree plan that proposes to plant double the amount of trees that were removed. Mr. Kincart noted that one of his concerns is that the trees were removed without permits or adhering to the tree law as is required for all. Because the property is owned by the town, this would open us up to outside scrutiny. Councilman Lachterman stated that after the trees were removed, the Town Board was told the trees were accidentally cut down over the weekend. Again Mr. Martorano stated that there is a tree planting plan that will replace the trees.

Councilman Lachterman stated that there is a process to be followed which should have been figured out beforehand. Chairman Fon asked if they received a building permit and Superintendent Martorano responded yes. Chairman Fon also questioned if there have been any inspections thus far. He noted that the Planning Board will now have to work with what was done at the site and begin from there.

The Board stated that they are not opposed to this plan, however, they will need to evaluate all the details for this project. Chairman Fon stated that this project is before the Board for site plan approval and cannot move forward until the plan is reviewed. The Board advised Mr. Martorano to meet with the Planning Department to discuss the next steps. Mr. DiPeri stated that they have a report from Arnold Palmer with respect to what trees, plants and vegetation should be on the site and will provide a copy to the Board. After additional discussion, Mr. Tegeder stated that they will need to see a site plan, evaluate the parking requirements to see what the demand will be, look at the tree restoration plan, the stormwater, and erosion and sediment control plans.

Patrick Cumiskey asked what as a Commission, was done wrong with this project so it does not happen again. He stated that he thought that the Parks and Recreation Commission controls what happens inside parks. Mr. Tegeder responded that if you follow the zoning code, there is a section that requires a site plan if parking is being affected. Mr. Cumiskey stated that the Recreation Commission has plans to work on the Holland Sporting Club and asked if there was a procedure. Mr. Tegeder responded that it would be a referral. The Board advised Mr. Cumiskey to speak with the Planning Department.

Additional Discussion - Hilltop Hanover – Lot 9 / SBL: 48.19-1-26

The Board discussed the correspondence received regarding the Hilltop Hanover subdivision, Lot 9 with respect to the proposed relocation of the turf filter strip area. The filter strip is proposed to be behind the home instead of on the other side of the stone wall as approved. The trees on the other side of the stone wall where the filter strip was approved will no longer be cut down. It was noted that the Town Engineer had no objection to the proposed change. The Board had no issues with the change.

Motion to Close Meeting

Upon a motion by Aaron Bock and seconded by Bill LaScala and with all those present voting aye, the Board closed the meeting at 10:00 p.m.