

## Planning Board Meeting June 23, 2014

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A meeting of the Planning Board, Town of Yorktown, was held on June 23, 2014, at the Yorktown Community and Cultural Center, 1974 Commerce Street, Room 104, Yorktown Heights, NY 10598. The Chair, Rich Fon, opened the meeting at 7:40 P.M. with the following members present:

Darlene Rivera  
John Kincart  
John Flynn, absent  
John Savoca, absent  
Ann Kutter, absent

Also, present were: John Tegeder, Director of Planning; Robyn Steinberg, Planner; and Karen Wagner, attorney to the Planning Board

**Discussion:** No discussion took place at this time.

**Correspondence:** The Board received one memo from ABACA regarding the Faith Bible Church.

**Liaison Reports:** No reports were submitted.

**Courtesy of the Floor:** No one came forward at this time.

### Meeting Minutes – June 9, 2014

**The minutes of June 9, 2014 were not approved as a quorum was not available.**

### WORK SESSION

#### **Fieldhome Expansion**

**SBL: 35.12-1-3**

*Location:* 2300 Catherine Street

*Contact:* Al Capellini

*Description:* Approved continuum of care facility consisting of independent living units and skilled nursing home replacing existing home with a common facility supporting both communities.

#### **Discussion Field License**

**Agreement & Conservation Easement**

Al Capellini, project attorney, Joe Rinna, project engineer, and John Ahearn, from the Fieldhome, were present. The Board discussed the proposed Conservation Easement and Soccer Field License Agreement that they had reviewed previously. The Board received an email from the Chair of the Recreation Commission requesting the License agreement have a one year renewable term, however since the agreement may be terminated at any time by written notice of either party, the Board felt the Town was not tied to the 20 year agreement. The Town Attorney had reviewed the documents in a meeting today with Town Staff. Tegeder reported that she had a few comments to review with Capellini. Capellini listed several items Fieldhome would like incorporated. In the License Agreement: 1) the Fieldhome would like to be notified of any sign that is posted for the field to make sure it fits in with the neighborhood and 2) If the Fieldhome must relocate the field they would like to give the Town 90 days notice instead of 180 days notice; and in the Conservation Easement: 3) The Fieldhome would like a hold harmless section added to the conservation easement area since there potentially could be people entering the property to implement a forest stewardship plan. The Board requested Staff and the Town Attorney complete revisions of the documents with the applicant for acceptance at the July meeting. Steinberg informed the Board that they approving resolution left the preservation of the land vague and they needed to pass a resolution determining a Conservation Easement is the approved method and then passing the documents onto the Town Board for acceptance.

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## **Hudson Valley Islamic Community Center**

## **Discussion Lighting Plan**

**SBL: 15.11-1-17.1**

*Location:* 3680 Lexington Avenue

*Contact:* Site Design Consultants

*Description:* Amended site plan approved by Resolution 10-09 dated May 10, 2010. Applicant proposes to remove approximately 12,500 SF of impervious parking lot and return it to lawn area which can still be used for overflow parking.

Al Capellini, project attorney, Joe Riina, project engineer, and Sami Jamal and Ziad Ramadan from the Islamic Center, were present. At this time, Riina suggested the fixtures be lowered to the maximum height allowed by the town, which is 16 feet. Lowering the lighting will eliminate any spillover along Strawberry Road and the eastern portion of the property. Wagner asked what the lighting was being used for, and was told soccer games. Tegeder stated people are playing after services and also later in the evening. Steinberg asked if the existing lighting plan had been submitted. Riina stated currently, the lights are 25ft high. Tegeder stated lighting can be restricted. Jamal presented photos of the lights on at night from around the property and on Strawberry Road. Ramadan stated that they met with the residents that live across the street on Strawberry Road and stated that their home was about 600 feet back from the road. He also stated the light poles were already there when they bought the property and only the light fixture on top had been replaced. Tegeder noted however that using the lights as field lights was not part of the site plan or lighting plan that the Board approved. The Board suggested an amended lighting plan be submitted that includes the specifications of the fixtures that were installed. The Board also requested there be limits on the use of the lights for certain days and hours only. They requested the HVICC submit when they plan to have the lights on. The Board will visit the site individually on a Friday before the next Planning Board meeting.

## **Arrowhead Subdivision**

## **Discussion Site Plan for Final Subdivision Lot 11.3**

**SBL: 48.13-1-6**

*Location:* Underhill Avenue

*Contact:* Chris O'Keefe

*Description:* A 5-lot subdivision considered under flexibility standards on 45 acres in the R1-200 zone, which was approved by Planning Board Resolution 07-23 dated October 15, 2007.

Property Owner Chris O'Keefe was present. He explained that he was working to complete Phase I of the subdivision so that he could file the Phase II plat. He is scheduled to pave the entire road tomorrow. Tegeder stated the Board has no reference to go back to except the last revised plans that were approved by the DEP and the permanent swale installed to the south of the residences seems to be in conflict with the proposed grading plan for the residence on this lot. The swale must be shown on the plans. Also on the submitted site plan the proposed residence seems to be about 28 ft from the eastern property line and only about 9ft from the northwestern property line, depending on what the actual structure of the decking that is shown in front of the house and whether that also is considered a structure that must comply with setbacks, in which case it is about 2ft from the northwestern property line. This will have to be reviewed by the Building Inspector. In either case, the applicant should label the proposed setback distances. O'Keefe requested permission from the Board to go to the ABACA for architectural review of the proposed residence even though he has not gotten the Phase II plat signed and filed. The Board did not have an issue with that since the Planning Board could not approve the site plan for the lot until the plat

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was filed. Steinberg stated O'Keefe will have to submit the improvement plans and mylar plat for the Chairman's signature.

### **Staples Plaza – Building 2**

### **Discussion Site Plan**

**SBL: 36.6-2-76**

*Location:* 3333 Crompond Road

*Contact:* John Meyer Consulting

*Description:* Request for amended Site Plan approval for Building 2.

Tony Romano, project architect, Rob Aiello, project engineer, and Paul Tepfer, architect were present. Aiello presented the updated site plan for Staples Plaza Building #2. Aiello explained that although the tenant has changed, the improvements continue to be a 2,500 sf restaurant with associated façade improvements and a new elevated walkway/outdoor dining area. The curved stairs that were located at the corner of the building have been changed to a straight set of stairs. The applicant is proposing more impervious area in the NYC DEP Designated Main Street Area therefore they will be completing a SWPPP for the DEP application. The new grassed island will include a planter. Tepfer explained the front stairs are now straight and immediately adjacent is a handicap ramp. Also, the stairs on the west side of the building were moved to the front of the building instead of the side. Since there are no new tenants for the building at the moment, the façade has been revised to match the materials approved on Building #1. Tegeder stated the building lighting must conform to the Town Lighting Ordinance. The Board scheduled a Public Hearing for this application at the July 14<sup>th</sup> meeting.

Rivera recused herself from the Yorktown Farms discussion because she lives in the subdivision. This left the Board without a quorum and the meeting was adjourned.

**Upon motion by Kincart, seconded by Rivera, and with all those present voting aye, the meeting was adjourned at 8:45pm.**

After the adjournment, the remaining Board members held an informal discussion with Richard Cohen, owner of Yorktown Farms Lot 15, and Dan Ciarcia, project engineer for Yorktown Farms Lots 16 and 22.

### **Yorktown Farms Lot 15**

### **Discussion Wetland Permit**

**SBL: 17.06-2-32.15**

*Location:* Gay Ridge Road

*Contact:* Property Owner

*Description:* A 22 lot subdivision approved by Resolution 08-03 dated February 11, 2008.

Richard Cohen was present. Tegeder stated that the wetland adjacent to his property was a NYS DEC regulated wetland and the town would have to find out whether a DEC permit would be required for installation of the fence. Kincart stated he had visited the site on Saturday and there were a number of vines climbing up the trees in the rear of the property. Removing the vines may qualify for mitigation of the disturbance in the buffer. A memo from the Conservation Board had not been received. Cohen stated the Conservation Board was okay with his clearing of the buffer if he limited it to 25 feet beyond the original limit of disturbance shown on the approved subdivision plans. Cohen is not able to be

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present at the Board's July 14<sup>th</sup> meeting however the Board will still discuss this item since they were not able to formally discuss it with all the members tonight.

### **Yorktown Farms Lots 16 & 22**

### **Discussion Site Plans**

**SBL: 17.06-2-32**

*Location:* Gay Ridge Road

*Contact:* Ciarcia Engineering

*Description:* A 22 lot subdivision approved by Resolution 08-03 dated February 11, 2008.

Dan Ciarcia, project engineer, was present. He stated the proposed site plans for Lots 16 & 22 did not change from the approved subdivision plan. The Board will review these lots at their July 14<sup>th</sup> meeting.

**Upon motion by Rivera, seconded by Kincart, and with all those present voting aye, the Board voted to close the meeting at 9:30 pm.**