

Planning Board Minutes March 14, 2016

A meeting of the Planning Board, Town of Yorktown, was held on March 14, 2016, at the Yorktown Town Hall Board Room, 363 Underhill Avenue, Yorktown Heights, NY 10598. The Chair, Rich Fon, opened the meeting at 7:00 pm with the following members present:

John Savoca
Darlene Rivera
John Kincart

Also present were: John Tegeder, Director of Planning; Robyn Steinberg, Town Planner; Tom D'Agostino, Assistant Planner; Anna Georgiou, Planning Board Counsel, and Bruce Barber, Town Environmental Consultant.

Courtesy of the Floor:

Liaison Reports: Fon stated the Board met jointly with the Town Board and Recreation Commission last week. The boards will continue to work together.

Minutes:

Upon a motion by Kincart, seconded by Savoca, and voted in favor by Kincart, Savoca, and Fon, the Board approved the February 22, 2016 minutes.

REGULAR SESSION

Fieldstone Manor

SBL: 15.11-1-17

Second 90-day Time Extension

Location: Strawberry Road

Contact: Albert A. Capellini, Esq.

Description: Applicant is seeking a second 90-day time extension for a 21-lot cluster subdivision on 22.94 acres in the R1-20 zone that received Preliminary Subdivision Approval by Res 14-02 on February 10, 2014.

Al Capellini, project attorney, was present. Since the last meeting, we have been working with staff on the conservation easement and also who will own the tower, roads, and conservation area. Staff has suggested these elements all be one lot with the manor house. This way the owner of the manor house has an interest in these elements being maintained.

Upon a motion by Rivera, seconded by Savoca, and all those present voting in favor, the Board approved a 2nd 90 Day Time Extension for the Fieldstone Manor subdivision.

Arrowhead Subdivision

SBL: 48.13-1-6

Decision Statement

Location: 809 Underhill Avenue

Contact: Albert A. Capellini, Esq.

Description: Applicant is seeking to file the Phase II Plat and Amended Easement Map.

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Al Capellini, project attorney, was present. Fon stated this is a resolution approving the filing of an additional easement map to account for the realignment of the common driveway. Capellini asked about the Resolved statement that requires the plat, Conservation Easement, Declaration, and Deeds to be filed with the county clerk within 30 days. The Conservation Easement and Deeds are delivered to the town and then must be accepted by the Town Board. The Town would file those. Georgiou stated that the plat and easement map must be filed together within 30 days. The conservation easement and deeds should be separated out. These documents should be filed within 60 days of acceptance by the Town Board.

John Shroeder from the Yorktown Land Trust asked if the additional 10 acres are being deeded to the Town. Tegeder stated there have been no substantive changes to the Conservation Easement. Shroeder requested a copy of the filed Conservation Easement be sent to the Land Trust.

Upon a motion by Rivera, seconded by Kincart, and with all those present voting in favor, the Board approved the filing of the Phase II Plat and Amended Easement Map for the Arrowhead Subdivision.

Bonsignore-Ryder Subdivision

SBL: 36.05-2-57

Decision Statement

Location: 2483 Hunterbrook Road

Contact: Site Design Consultants

Description: Subdivide existing 3.422 acre lot with an existing 2-story dwelling into 3-lots.

Al Capellini, project attorney, Joseph Riina, project engineer, and Brian Bonsignore, property owner, were present. Capellini stated he had no comments on the draft resolution.

Upon a motion by Rivera, seconded by Savoca, and with all those present voting in favor, the Board declared Lead Agency.

Upon a motion by Savoca, seconded by Kincart, and with all those present voting in favor, the Board adopted a Negative Declaration.

Upon a motion by Kincart, seconded by Savoca, and with all those present voting in favor, the Board approved the Bonsignore-Ryder Subdivision.

Orchard View Realty Subdivision

SBL: 36.06-2-78

Public Informational Hearing

Location: 2425 Sherry Drive

Contact: Zappico Construction, LLC

Description: Proposal is to subdivide a 9.2438 acres parcel in a R1-20 zone into 9 lots.

Brian and Branden Zappi of Zappi Construction, were present. Fon stated the Board made a site visit to the site this past Saturday. Brian stated the project is located at 2425 Sherry Drive and is approximately 9.2 acres. The proposed plan is to subdivide the property into nine half acre lots. One lot is larger and encompasses the basin. An existing home is on this lot. There is 4 feet of cut proposed where the cul-de-sac begins. This soil will be used as fill at the lower end of the cul-de-sac. Therefore the applicant is not proposing to remove or bring in fill to the site. The underground stormwater management is beneath the cul-de-sac. All lots on the west side of the road will have walk out basements. There is an

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existing utility easement to bring the sewer and water in from Pine Grove Court. The water main will be looped from Sherry to Pine Grove Court. The sewer is a gravity sewer. There is no pump station proposed. The stormwater system is designed to treat all proposed impervious surfaces. The existing basin is a regional basin that was constructed for the neighboring subdivisions. Currently the applicant is not proposing to do any work to the basin. There is an existing water course that runs through the property. A hammerhead road is proposed to minimize the wetland disturbance. There is no disturbance in the wetland proposed; only the buffer. Trees will be planted around the homes and between the homes to buffer between the homes. A wetland study was completed by Paul Jaehnig. The wetland delineation was verified by Bruce Barber when the first home was built.

Brian showed additional layouts that were considered by the applicant prior to submitting the proposed plan. Both plans showed two cul-de-sacs and 10 lots. Both plans complied with town code. The applicant however felt the plans were too aggressive a development for the site and therefore were not chosen to be submitted. To preserve trees the proposed plan does not show clearing in the back yards. This can be expanded.

Susan Siegel, 419 Granite Springs Road

Siegel asked if there is adequate access to regional basin for maintenance. Brian stated there is already access at the end of Sherry Drive. The applicant was not proposing any work in this area, but will provide additional right-of-way.

Sean Smith, 2404 Sherry Drive

Smith stated his principal concern is that adding 9 houses would dramatically change the nature of the Sherry Drive neighborhood. It is a nice quiet street. Increasing the number of households by 30-40% is significant. The drop off on the western lots seems too steep. There is a lot of water that comes up from the ground that should be considered. When the existing home was built, there was a lot of truck traffic.

Brian stated that test holes were dug for the septic system. We dug a little over 7 feet and did not hit ground water. He requested the Board circulate their intent to be Lead Agency. Tegeder agreed that could be done.

Upon a motion by Rivera, seconded by Savoca, and with all those present voting aye, the Board closed the Public Informational Hearing.

Upon a motion by Rivera, seconded by Savoca, and with all those present voting aye, the Board closed the regular session.

WORK SESSION

Blumberg Subdivision

SBL: 47.15-1-21

Discussion Subdivision

Location: 1305 Baptist Church Road

Contact: Kellard Sessions Consulting, P.C.

Description: Proposed two lot subdivision to result in a 30.852 acre parcel which includes the main residence and a 12.749 acre parcel which includes farm structures and a residence. No new improvements are proposed.

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John Kellard, project engineer, Al Capellini, project attorney, and the applicants Leda & Steve Blumberg, were present. Kellard stated the applicant went to the Zoning Board of Appeals to obtain the variances required for the subdivision, which were granted. The 42 acre parcel is on the south side of Baptist Church Road. There are no improvements proposed. The Board scheduled a Public Informational Hearing for the April 11, 2016 meeting.

JCPC Holdings, LLC

SBL: 48.07-2-2

Discussion Site Plan

Location: Front Street

Contact: Ciarcia Engineers, P.E, P.C.

Description: Applicant proposes to construct a 5,000 sf building for an engine building shop and to store and repair cars.

Dan Ciarcia, project engineer, and the applicant Patty Cerbone, were present. Ciarcia stated the wetlands were not reflagged. The plan uses wetlands flagged from the prior site plan approval for Crown Delta. There is no project without a wetland mitigation plan. The applicant went to the Conservation Board who sent a memo to the Planning Board. There is a report from the Environmental Consultant, Bruce Barber. Both memos were favorable of the concept of the wetland mitigation. The proposed mitigation is on town owned property therefore the applicant went to the Town Board. The mitigation plan shows a forebay and a larger area. Barber indicated that the plan complies with intent of the law regarding functional values and no net loss. The Conservation Board made a recommendation to the Town Board to utilize this land for this purpose. The Town Board authorized this at their meeting last Tuesday. The Town Board would allow the applicant to apply for a wetland permit on this property. The EAF should be modified to add this work to the project. The East of Hudson (EOH) Corporation wants to utilize this as wetland creation project for phosphorus reduction. The applicant doesn't want to wait for EOH to create a larger project. The proposed forebay will increase the wetland function by removing sediment from the runoff before it enters the wetland. The no net loss is the additional 12,000 SF shown to be graded and seeded. This applicant can grade this area in preparation for the larger EOH project or bank the remainder of the cost to be used in the future. The Board discussed an estimate for the work if the remainder of the project were to be banked. Marino will send a memo to the Planning Board memorializing that the project does not meet the qualifications to be under U.S. Army Corps of Engineers jurisdiction. Any new information can be submitted for the next work session. The Board scheduled the Public Hearing for the April 11th meeting.

Marathon Development Group

SBL: 37.18-2-51

Discussion Site Plan

Location: 322 Kear Street

Contact: Site Design Consultants

Description: A proposed three story commercial/residential building with associated parking and walks.

Joseph Riina, project engineer, Al Capellini, project attorney, and the applicant, Mark Beida, were present. The applicant went to the Zoning Board of Appeals (ZBA) at their February meeting. The ZBA sent a memo to the Planning Board dated February 29, 2016 asking for more information about

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the project's traffic impact on Kear Street. The ZBA was reviewing the EAF because they are conducting an uncoordinated SEQR for the variance. Riina sent an email to John & Robyn summarizing the ITE trip generation for the proposed development. The assumption was made that there would be a combination of office and retail in the commercial space. The Board requested the counts be for all retail use. On the weekend, there would be a 30% decrease in residential and a 20% increase in commercial trip generation. Georgiou stated it would be helpful if there was a recommendation made to the ZBA stating what the traffic impact is. Tegeder will write a memo summarizing the ITE traffic generation numbers and rates and stating it is not a significant impact.

A resident asked the Board if the submission of new information, the traffic numbers, requires the reopening of the public hearing in front of the Planning Board. Fon stated no the information supplements what we've already been discussing, that the traffic impact is not significant.

Brophy, Stephen

SBL: 35.08-1-17

Discussion Site Plan

Location: 3787 Crompond Road

Contact: Site Design Consultants

Description: Proposed to convert existing building into a 1-story restaurant with a patio for outdoor seating and parking to accommodate 21 cars.

Joseph Riina, project engineer, and the applicant Steve Brophy, were present. Dan Brophy was also present. The existing building is less than 800 square feet. The property owner owns the residence in the back and rents it out. Tegeder asked about the use of the residence. Riina did not know, but stated there are commercial landscaping vehicles parked behind it. Riina stated that the applicant would like to convert the used car sales building into a deli and possibly a BBQ restaurant with 50 total seats inside and outside. The property owner does not want to close the second entrance onto Route 202 even though it is not proposed for patron use. Kincart thought the second access would be a good one-way, right turn only exit for the landscaping trucks from the rear of the property to not interfere with the traffic circulation of the proposed deli. Tegeder stated a new site plan encompasses the entire site and will need to include information for the entire site and all the uses. Riina stated an architect will be dressing up the front of the building and designing the interior renovations. Brophy stated the deli would be called the Log Cabin Sandwich Shop. The Board asked if the propane tank could be relocated underground. Riina said he could look into it. The Board will need a report from the Building Inspector on the uses. D'Agostino stated that the width of the one-way did not comply with the bulk regulations. The one-way must be 17 feet wide. Fon summarized the Board's review: traffic flow, propane possibly underground, smoker smell, architect for building, the uses on the site, and proposed lighting. Fon suggested the applicant meet with staff.

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