

Planning Board Minutes January 9, 2017

A meeting of the Planning Board, Town of Yorktown, was held on January 9, 2017, 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
William Lascala

Also present were: John Tegeder, Director of Planning; Robyn Steinberg, Town Planner; Tom D'Agostino, Assistant Planner; Mark Blanchard and Kristen Wilson, Planning Board Counsel; Bruce Barber, Town Environmental Consultant; and Greg Bernard, Town Board Liaison.

Fon acknowledged John Flynn whose term recently ended in December. Flynn served the Town for 25 years between the Zoning Board and Planning Board. Fon welcomed newly appointed member Bill LaScala as full board member. Fon also welcomed new counsel now representing the Planning Board Mark Blanchard and Kristen Wilson. Fon wished previous counsel, Anna Georgiou, all the best.

Correspondence: The Board received no additional correspondence.

Meeting Minutes: Upon a motion by LaScala, seconded by Kincart, and all those present voting in favor, except Savoca who was not present at that meeting, the December 19, 2016 minutes were approved per the chair's corrected copy.

REGULAR SESSION

Blumberg Subdivision

SBL: 47.15-1-21

Second 90-day Time Extension

Location: 1305-1307 Baptist Church Road

Contact: Albert A. Capellini, Esq.

Description: Two-lot subdivision approved by Planning Board Resolution #16-09 and dated May 9, 2016.

Project Attorney, Al Capellini, was present. Capellini informed the Board that the plan has received Board of Health approval, but just in case the map is not filed by the next meeting, a second 90 day time extension is requested. The Board had no issues with the request.

Upon a motion by Savoca, seconded by Kincart, and all those present voting in favor, the Board approved a Second 90 Day Time Extension for the Blumberg Subdivision.

Colangelo Subdivision

SBL: 35.16-1-4

Public Informational Hearing

Location: 1805 Jacob Road

Contact: Site Design Consultants

Description: Proposed to subdivide the subject property into 5-lots utilizing "Flexibility" provisions in the Town Code. The remainder of the 53.5 acre parcel is to provide for a single-family residence, open space and lands to be used for agricultural use.

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

Present were: project attorney, Al Capellini; project engineer, Joseph Riina; and project environmental consultant, Bruce Donahue. Capellini described the location of the subject property. The applicant is proposing five homes on approximately one acre of land each and a sixth lot with the remaining lot area. The Town Board has granted the Planning Board the authorization to use flexibility standards. The property is in the R1-40 and R1-160 zoning districts. The applicant will petition the Town Board to be included in the Hunterbrook Sewer District and if granted, the Town Board will request the County include this property in the Peekskill Sewer District.

Riina described the subject site location and topography. The northern edge of the property along Jacob Road has a cleared area. Most of the site is wooded. The proposed subdivision is a flexibility layout of 6 lots based on the standards of the one acre zoning district. The proposed lots will be serviced by a 20 foot wide private road which is to be constructed of a pervious surface and entirely contained on Lot 6. The drainage facility and proposed pathway for public access down to a future dog park area are also on Lot 6. The project will be serviced by town sewer and town water. Each of the individual lots will have its own stormwater management. The piece of property along Jacob Road in front of the proposed 5 one-acre lots will be a future farmstand for some future farm use and parking area for the public path. The additional building shown on proposed lot 6 will be a future barn. The property owner will reside on Lot 6.

Riina stated that at the last meeting the applicant proposed sliding the private road over to the west to avoid having to remove several significant trees. Riina presented a red-lined overlay showing how this change might look. Several of the proposed driveways were also redesigned to avoid trees.

Donahue stated the proposed modification moves the private road into the wetland buffer. This was done to save some of the best trees on the subject lot. The houses and drives were relocated to save larger trees or special trees not found in great number on this property. The applicant is hoping to outlet the proposed drainage basin to the wetland area just north of it. This wetland has a very small watershed. The only area in this wetland that has ever been filled with standing water is a small rectangular area dug out by a neighbor for an ice skating rink many years ago. Donahue stated the concept was to put the water back into this area by having the small stormwater basin outlet into it. The plan also includes removal of invasive species in the wetland. The public access pathway is along an old farm path. The trail will connect to an existing trail system along the Hunterbrook. In the future, should this land be used for farming, this path could be brought back up through the fields. Savoca asked if the public path was on the proposed 5 smaller lots. Donahue stated the path is on Lot 6. The five smaller lots are completely contained within Lot 6. This keeps the path all in one owner's control.

Capellini stated that the private road will be completely contained on Lot 6. This will help the problem of responsibility. All the sewer improvements will be installed by the developer.

Donahue stated that the modified plan saves an additional stonewall by putting in on the property line. Locating stone walls along property lines helps to preserve them since it would take agreement by both owners to remove.

LaScala asked where the sewer and water lines will be on the site. Riina stated both the water and sewer lines will be under the private road. The sewer will be a low pressure sewer system and connect on Catherine Street in front of the Fieldhome.

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Manish Taneja, 1827 Jacob Road

Taneha asked what work is being done on the property right now. Donahue stated that there has been no work on the site pursuant to the subdivision. Taneja stated that there is heavy machinery work every other weekend. Always on Fridays and weekends. Donahue stated there was some tree removal for fire wood and removal of dead wood. Taneja stated that he thought it was ironic that over 200 trees were removed from the site over the past few years yet the applicant is stating they want to relocate the private road to save trees now. Donahue pointed out the exact area on the plan where clearing was done in violation. Donahue also pointed out the current traveled road way on the site. Taneja stated he is representing the neighbors and in his opinion, so many trees have been cut down without permission. Taneja asked where the farm intended to be. Donahue stated that the owner's house on Lot 6 will be the farmhouse. Taneja asked what type of farming would be done. Donahue stated that the exact type of farming was still uncertain, however right now just small plots for neophyte farmers have been interested. There has been some interest also in woodland crops like mushrooms that could be grown without the removal of trees. The property owner has not decided yet. Taneja asked Donahue to point out the proposed and alternate private roads on the plan. Riina pointed out the two road layouts and stated the alternate layout encroached into the wetland buffer approximately 7,500 square feet. There is no proposed disturbance in the wetland. Taneja asked what the project schedule. Riina stated that the applicant hoped to get approval this year and start construction next year. Taneja asked if the five smaller homes would be built to sell. Riina stated that multiple family members are interested in buying some of the homes. Taneja stated that something doesn't seem right when work is being done on weekends and two years ago a logging truck was involved. Kincart asked Taneja if he was living in his home. Taneja stated that he moved out about a year ago.

Pat Cumiskey, member of the Parks & Recreation Commission, stated that the commission discussed this application and the dog park and path ideas at their meeting. The commission is not interested in the dog park.

Randall Pratt, 8 Nathalie Court, Cortlandt Manor

Pratt stated that his home is on adjacent property in the Town of Cortlandt. A year ago he asked for all adjacent homes to be shown on the subdivision plan and they are still not shown. Pratt stated that this is the Public Informational Hearing and there will be a Public Hearing and wanted to ensure proper notice will be required because he did not receive a notice for this meeting. Pratt stated that hearings will have to be repeated if the proper notices are not sent. Pratt also stated that notification signs were never posted on the property.

Steinberg stated that the proper notices were sent certified return receipt requested by the applicant as required and his name and address were on the list. The Town Code requires proof the mailings were sent at the correct time by submission of the receipts from the post office. It is not required for the applicant to submit the return receipt cards.

Capellini stated that there is no requirement for the flexibility request at the Town Board level for the applicant to notice the neighbors. Tegeder stated the Planning Department did receive the photo verification of the Planning Board's posted sign.

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

Riina asked the Planning Board for feedback on relocation of the road. The Board agreed that they agree with the relocation of the private road to save the significant trees. Kincart stated the Board is waiting to see the calculations for redirecting the stormwater to the wetland.

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The Board requested the applicant include a condition in the declaration for the property requiring the stone walls on the property lines be preserved.

Upon a motion by Savoca, seconded by LaScala, and with all those present voting aye, the Board voted to move into the work session portion of the meeting.

WORK SESSION

Orchard View Realty Subdivision

SBL: 36.06-2-78

Discussion Subdivision

Location: 2425 Sherry Drive

Contact: Zappico, LLC

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

Project developers, Jim, Brian, and Brandon Zappi, were present. Brian stated that the applicant had submitted their responses to comments and met with staff. Quinn's revised memo dated January 9, 2017, confirms items discussed with the applicant. The Board reviewed this memo item by item.

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

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

Upon a motion by LaScala, seconded by Savoca, and with all those present voting aye, the Board granted approval for Preliminary Subdivision Layout of the Orchard View Realty Major Subdivision.

Upon a motion by Savoca, seconded by LaScala, and with all those present voting aye, the Board closed the Special Session.

RPG Properties

SBL: 15.15-1-22

Discussion Site Plan

Location: 3574 Lexington Avenue

Contact: RPG Properties, Inc.

Description: Applicant proposes to build a multi-family development consisting of eight (8) residential townhouse style units, served by 22 parking spaces as well as a 12000+/- sf recreation/park area.

Project attorney, Al Capellini, and project developer, Phil Sanders, were present. Capellini stated that the applicant is in front of the Board for direction on which plan, the 80 foot or 90 foot building separation, would be preferred. Fon showed the applicant a letter from Westchester County Planning. Sanders stated the plan has always shown a sidewalk along the frontage. Fon requested the ends of the sidewalk have a concrete curb and be feathered at the ends so that other developments can tie into it. The 80 foot separation allows the buildings to be closer together and the sideyard variances to be slightly less. On the 90 foot separation plan the extra space in the front yards is lawn/landscaped area. This plan complies with the town code for building separation, but requires the side yard variances to be larger. The parking lot,

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sidewalk, and building sizes are all the same on both plans. The project is for two and three bedroom rental units so all maintenance will be provided. LaScala liked the front yards, but thought the larger back yards would be better for the rental families. The Board determined the 80 foot plan was preferred. Capellini thanked the Board and stated the applicant will make an application to the Zoning Board for the variances.

Shrub Oak International School

SBL: 26.05-1-4

Discussion Subdivision and Site Plan

Location: 3151 Stony Street

Contact: David S. Steinmetz, Esq.

Description: Proposed boarding school for autistic children at the former Phoenix House Academy requesting a site plan, 2-lot subdivision, special permit for a private school, and special permit for a helipad.

Present were: project attorneys, David Steinmetz and Michael Cunningham; the applicant, Brian Koffler from K3 Learning; construction manager, Joseph D'Alonzo; and project engineer, Steven Hyman, P.E. from H2M Architects and Engineers. Steinmetz stated the proposed use is a genuine reuse of the Phoenix House building. The applicant is not proposing to knock any structures down. The proposed school is for 300 students from adolescents to early 30s. Staff of several hundred in three shifts a day (150 during the day as low as 60 staff at night). Outdoor education areas with animals are proposed. The area on the south side of the property will probably be an equestrian area and the area on the north side will have other animals. The only new additions are for a porte-cochère at the entrance and a pool enclosure. Security is very important. There will be a state of the art security system to protect the students from wondering. The helipad is proposed for international parents to visit the school and will also be available for first responders to use. Steinmetz stated that a helipad is needed in the northern Yorktown area, especially since the Hudson Valley Hospital no longer has one. The applicant has already engaged a helipad consultant. The application will be for the two special permits [private school and helistop] and a site plan. The cover letter does mention a subdivision however the applicant is deciding whether to complicate the process with the subdivision right now. The purpose of the subdivision would be to separate some of the property so financially the entire property isn't encumbered by the school. The applicant is a for profit institution, so the property will go back on the tax rolls. Steinmetz stated the applicant will also seek to partner with local school districts.

In terms of SEQRA, Steinmetz stated traffic will be one of the most important issues. The applicant has already completed some counts at several intersections recommended by Planning Department. Counts were also taken at a similar type school in Westchester. The Anderson School is larger, but is similarly run. Counts were taken at two intersections near that school to analyze the data. The Shrub Oak School will have two entrances; the main access driveway and the secondary access at the southern driveway, which will be for staff. This southern driveway most likely will need to be widened. This driveway is currently being used as an access to the adjacent fields. The applicant will work with the town to continue to provide this access while it's needed.

Koffler stated the dorm facility will primarily be single occupancy rooms. There will be some double occupancy rooms when it is better for the students. Ages 14 – 21 is the primary age group 22 – 30 is an additional age group to be added in a second phase. There are several outbuildings on the property. There will be at least two full time occupants who will live on the site; the head of the school and the head of maintenance.

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LaScala asked what other schools the applicant has run. Koffler stated his company has built 10 programs from the ground up both building and operating the schools. Two in Manahattan are the Rebecca School and the Aaron School.

Kincart asked if the students would all be full time residential occupants. Koffler stated that 300 students will all be full time residents. The school can also accommodate day students from local school districts if that happens. Staff will be shuttled from train stations.

Fon asked about access to the existing fields on the adjacent property. Steinmetz stated that until the Town's Granite Knolls is completed, the public access will remain on the southern driveway.

Councilman Bernard asked if there was any historical traffic data on the Phoenix House operation. Steinmetz stated that they have tried and will try, however he did not think there was much information about the previous operation.

Kincart asked if the applicant had any plans for the 12 acres across the street. Steinmetz stated, no the applicant has no plans for this property.

Hyman pointed out the new parking spaces next to the building on the east side and some new spaces in the semicircle areas on the northwest side of the building.

Kincart asked how many family members come to visit. One of the existing houses will be allocated as visitor housing. There will not be many parents on site at once.

Fon stated the major issues for the project will be updating the building to comply with current building code and the traffic. Hyman stated that there will be a full code analysis of the building. Fon asked what intersections the applicant would be analyzing. 1) Stony Street at East Main Street; 2) Stony Street at the Bear Mountain Parkway, 3) Stony Street at Crompond Road, 4) Crompond Road at the Bear Mountain Parkway. Hyman stated counts have already been done at these intersections.

Fon requested the applicant add Route 6 & East Main Street at both ends. Fon also asked the applicant to request accident reports along Stony Street and East Main Street. Hyman stated that these two intersections were also already counted, however they were not studied, so they will now be included. The traffic consultant is Ron Hill from H2M.

Councilman Bernard stated a traffic signal at East Main Street and Stony Street may be necessary. Fon stated that this intersection is already an issue without the school.

Kincart if there was any proposed use for the western portion of the property. Steinmetz stated the client does not need this land and no development on this land is part of this application right now.

LaScala asked if the applicant has estimated the taxes that would be generated. Steinmetz stated that this has not been completed yet, however the applicant will be talking to the Tax Assessor in preparing the EAF [environmental assessment form].

Kincart asked where the employees would be coming from; current employees being relocated or new employees. Koffler stated that all the employees would be new and he would prefer them to be local.

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LaScala asked the applicant's proposed schedule. Steinmetz stated the applicant would like approval within 4-6 months. They would like to start on environmental abatement now, possible redo bathrooms, etc. prior to building permit. The school would like to be open for September 2018. The building will be renovated in phases. The core of the main entrance, core of the building, and one wing first. Then move onto the second wing.

Steinmetz asked if the board would schedule a Public Information Hearing for the project. Tegeder stated the Board should know the potential traffic improvements, have a preliminary stormwater scheme, and additional information on the helipad, in terms of noise and flight numbers.

The Board requested the applicant come back to the work session and then the Board can set up for the hearing in February.

Town Board Referral - Wetlands Ordinance

Description: Proposed local law to repeal Chapter 178 entitled, "Freshwater Wetlands," and replace it with a new Chapter 178 entitled, "Freshwater Wetlands Protection Ordinance."

Barber reviewed the changes proposed in the new wetlands ordinance. Tegeder asked about 50 foot buffer proposal. Barber stated that this was not included in Draft 2 of the ordinance by the Town Board.

Fon asked if any outside consultants have been referred the ordinance; like Bruce Donahue, Beth Evans, etc. Barber stated no, he did not think the law has been referred to any outside consultants.

The Board asked that review of the proposed law be on the Jan 23rd agenda.

Upon a motion by LaScala, seconded by Kincart, and with all those present voting aye, the Board voted to close the meeting at 9:45 pm.