

Planning Board Minutes May 8, 2017

A meeting of the Planning Board, Town of Yorktown, was held on May 8, 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
Anthony Tripodi
William LaScala
Robert Garrigan, alternate

Also present were: John Tegeder, Director of Planning; Robyn Steinberg, Town Planner; Tom D'Agostino, Assistant Planner; and Kristen Wilson, Planning Board Counsel.

Courtesy of the floor: The Town's street map includes an extension of Crystal Court into the property as a paper road for the future. Tegeder explained that this was never supposed to be the case. No future road was planned in this location nor is a road shown on the plat. The development will be the one house on the one lot. The Board agreed the paper road was not the intent and the paper road should be removed from the town street naming map. Tegeder will write a memo Town Engineer and Town Board.

Correspondence: The Board received no additional correspondence.

Meeting Minutes: Upon a motion by Savoca, seconded by Kincart, and with all those present voting aye, the April 17, 2017 Meeting Minutes were approved with the corrections noted.

REGULAR SESSION

Shrub Oak International School

SBL: 26.05-1-4

Public Hearing

Location: 3151 Stony Street

Contact: David S. Steinmetz, Esq.

Description: A proposal for a site plan, a special use permit for a helistop, and a special use permit for a private school, for autistic adolescents through young adults, at the former Phoenix House Academy.

Present were: project attorneys, David Steinmetz and Michael Cunningham, from Zarin & Steinmetz; project engineer, Steve Hyman, traffic engineer, Ron Hill, and architects Renee Marcus & Maria DiNatale, from H2M Architects and Engineers; and aeronautical consultant, Ray Syms, from Heliexperts International.

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

Steinmetz introduced the application and the applicant's consultants that were present at the meeting. The property was originally the Loyola Seminary and was later converted to the Phoenix House, which was also used as an educational and residential facility. Proposed use is not all that different. The proposed use is too an educational facility with a residential component and a lot of open space. There are still some religious artifacts on the property and they will be preserved properly. The site is designed to accommodate roughly 300 students from adolescents through young adults. Students will be within the autism spectrum. There will be hundreds of jobs generated by this project from temporary construction jobs to new jobs at the completed facility. The entity is a private, for-profit, tax paying entity that will put

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the property back on the tax rolls. Working with animals has been proven to help those with autism. The site plan includes an equestrian area. Another area with sheep and some other animals is also proposed. The applicant proposes to preserve as many of the existing buildings on site as possible. The proposal includes a helistop. Steinmetz stated the Town has long wanted a helistop for first responders in northern Yorktown. This site is ideal to locate a helistop and will be a benefit for the school as well. The building needs a lot of work on the inside to make it fit for use again. There will be a security system. The projected start date for the school to open is September 2018. There is a lot of parking already on the site. Improvements will be made including additional parking. The project engineer is now designing the stormwater system. Part of the site is located in the NYCDEP watershed and the plan will be designed with their requirements for approval. A porte-cochere will be added to the front entrance of the building. The applicant states this will be a private use that is complimentary to the property and neighborhood. This facility is not being built to serve the school districts, but will partner with the school district as a resource. There will be approximately 350 – 500 jobs generated by this use, making up the 24-hour staff. Because of this, one of the most important issues for this project is traffic. A traffic analysis was performed and will be presented by the traffic engineer, Ron Hill. Steinmetz stated that the problems on East Main Street already exists, however the applicant is prepared to do its fair share contribution to the issues at the intersection. The applicant has agreed to provide access to the proposed town park from the southerly entrance to the site. And will work with the town and the town's attorneys on this access. The architects have met with the architectural review board two times so far. Many of the architectural elements have been discussed and the applicant is addressing them. This project has commanded attention from Westchester County as well. The Westchester County Industrial Development Agency (IDA) is working on the final approach on inducing this project. This IDA has determined the project could utilize assistance and an agreement has been reached on a tax assessment agreement with the Town.

As a result of a zoning compliance analysis, certain setbacks must be accommodated from the existing buildings so the helistop was moved a little further north. As a result of the relocation of the helistop, the flight paths have also been revised so helicopters will not fly over the playing fields at the proposed new park.

Hyman discussed improvements to the entrances, parking, stormwater, the helistop, and the fire inspector's request to accommodate access around the building. The main entrance off Stony Street will be for visitors and deliveries. The southern entrance will provide an entrance to the town park and an entrance to the site for employees. Hyman showed the proposed plans for defining the lanes of the two entrances to the site. The applicant will also add a left turn lane into the southern entrance to the site. Hyman showed tracing paper indicating where the helipad was relocated to near the northern animal area, which will have to be relocated slightly to accommodate this. A proposed port-cochere will be added at the front entrance and proposed enclosed pool. Proposed equestrian building and another barn are proposed new buildings. Currently there are 90 parking spaces on the site. The proposed plan currently shows 340 parking spaces. Additional parking has been added around the existing parking areas. The applicant has had several meetings with the Town Engineer and the NYCDEP, both in their offices and on the site. The watershed line has been defined on the plan and agreed upon by the NYCDEP. The NYCDEP also confirmed there are no water courses within the watershed. Based on NYCDEP's advice, after a conceptual plan is prepared, the applicant would like to meet with the NYCDEP to discuss the proposed treatment options. At this point the applicant is prepared to have this meeting. Once the methods are determined and finalized the NYCDEP will advise the applicant of the geotechnical requirements on the site and both the Town Engineer and the NYCDEP will be notified to witness that testing. There will likely be green infrastructure in the form of rain garden along the northwestern parking areas. The Fire Marshal did request access to all parts around the building. This will be provided.

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Ron Hill, traffic engineer, explained how the proposed traffic generation from the site was developed with a combination of counting the Anderson School (Anderson Center for Autism) in Staatsburg, New York which has 13 times the number of beds and includes other offices on the site. Most of the traffic that will come to this facility will be generated by the employees. Counts were performed, last year when school was still in session, at the intersections the town requested; East Main Street at Strawberry Road, East Main Street at Stony Street, East Main Street at Barger Street, Stony Street at Crompond Road, Stony Street at the Bear Mountain Parkway, and the Bear Mountain Parkway and Route 202. The analysis also included traffic to be generated by several developments that might be in operation before the school opens; the Lowe's, Crompond Terraces, the restaurant at Crompond Crossing, and the proposed town park at Granite Knolls. The improvements made by New York State at the three southern intersections have all worked well and produced better traffic flow. East Main Street works well, but has issues. Most of traffic coming to the site will come from the Taconic State Parkway, to Bear Mountain Parkway, and north on Stony Street. The next most traffic will come from the west and south. There was no significant change in the intersections with added traffic from the proposed development. The one outlier was the intersection at Stony Street & East Main Street. This intersection is already not working well without the project. The Board requested a traffic signal warrant study be performed at this location. The intersection meets one warrant now and once all the projects considered are complete, will meet a second warrant. East Main Street is a narrow road with horizontal curves therefore site distance is less than optimal. A traffic signal may be a solution, but needs more evaluation. The site's southern driveway will work well with the proposed lane improvements.

Renee Marcus, project architect, stated H2M was hired to perform a full architectural review of the entire structure. So far the applicant has met with the architectural review board twice. On the exterior of the building will be a full window replacement, mostly for energy efficiency. Most of the existing windows are single pane and/or inoperable. All water damage will be repaired. All the landscaping and lighting will be upgraded. The applicant does not proposed to reconfigure the building. The dormitories will be used in the same way and just upgraded. Environmental abatement will be performed as required. In addition there will be ADA upgrades, bathroom upgrades, ventilation upgrades, air conditioning will be added throughout the building (only the larger rooms have air conditioning now), upgrade all light fixtures, electrical service upgrade, telephone, data, and security system, fire alarm system, fire sprinkler, and the exterior of the building will be insulated as much as possible. All exterior walls are currently not insulated. Bringing everything up to current code. The applicant will also be responding to the Fire Inspector's memo from February.

Ray Syms from Heliexperts gave a presentation on the proposed helistop. Syms showed the new location of the proposed helipad, the two proposed flight paths, and his sound analysis. Steinmetz stated there is no helicopter associated with the school and the applicants do not own or operate a helicopter. The applicant predicts about 1-3 trips per month for the site. The town most likely has more of a need.

Fon opened the hearing to the public:

Jay Kopstein, 2239 Van Cortlandt Circle

Kopstein stated he is in favor of the special use permit for the school, but that he is opposed to the special use permit for the helistop. Kopstein stated conducting flight operations from this site will be noisy and distracting. Medivac helicopters do not need special use permits or specialized facilities. First responders can land helicopters when and where they need to. The only need for a special permit is to perform flight operations. A low flying helicopter coming over the area roads will be distracting especially with their landing lights on. The only need is to fly in wealthy passengers. The convenience of this should not be held over the safety of its residents. Kopstein hopes the Board rejects the special use permit for a helistop on the site.

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Mark Lieberman, 3305 Wells Street

Noise is very disturbing to autistic children. The most noise from the helicopter will be right at the school. Has the applicant thought through the effect of a helistop on the students? The traffic study made no mention of the traffic coming in and out of the ballfields or the Lowes complex. What are the impacts when including this traffic? If there are going to be landings and take offs, it is going to be guaranteed 1-3 flights per month?

Patrick Francois, 1632 Central Street

Francois stated that he is a retired social worker and is concerned that there was no information given about the program aspects of the facility. Francois stated he spent his career moving people out of facilities like Letchworth and into community based facilities. Why do we need a facility isolated and self-contained rather than a community?

Philip Robben, 3381 Sunny Court

Robben stated the use of the helistop seems to be a moving target. In February the applicant stated the traffic would come mostly from New York City. Then it was stated it would be primarily for medical uses, but now they are saying it may include visitors and emergencies. Seems odd that you need a helistop when the Hudson Valley Hospital Center is so close. Robben asked why night flight operations are part of the discussions. Mr. Syms report also has a section that talks about air space easements. Is there any reason to seek an easement for anything here? Robben stated that all of the examples of levels of noise were urban examples and asked what Syms' chart would look like with examples of noise typically heard in a suburban environment. The original plan showed three flight paths. Is there now only two and what is their precise location? Finally, the traffic study report includes an Appendix, where on page A-5 it states the proposed development will not contribute to the degradation of the intersections over other projects already in the mix. Will the applicant's contribution be proportional to their impact?

Francine DiBernardo, 2268 Hunterbrook Road (just south of Jacob Road)

DiBarnardo stated she is not in favor of the helistop. She already hears enough noise pollution from both helicopters and low flying planes at all hours of the night with her windows closed. A helistop is not for Yorktown Heights.

Paul Moskowitz, 2015 Hunterbrook Road

Moskowitz stated he heard there will be daytime and nighttime staff. What are the qualifications of the employees during these times? Moskowitz stated that he had previously asked this question of the Underhill Avenue drug rehabilitation site and was told by the Town Board that his question was inappropriate. Moskowitz stated he thinks it is an appropriate question that should be answered.

Marcia Stone, 1251 Williams Drive

Stone stated she lives in Shrub Oak and the Shrub Oak Park Association area. Stone stated the initial flight path of the helicopter at the school has been given, however the route of helicopter, has not been given. We should see where the helicopter is going, whether to Westchester Medical Center or Hudson Valley Hospital Center, so we could tell how many residential areas it would fly over. The presentation listed the decibels of the helicopter at 1,000 feet. What are the levels lower at takeoff and landing? The intersection at Stony and East Main is already a problem. Stone stated she did not see the need for a helistop in Yorktown. It is a difficult site to get to. Not a great access road for ambulances. Stone would like to know why the Board thinks a helistop is a good thing.

Susan Siegel, 419 Granite Springs Road

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Siegel stated she is also opposed to helistop and agreed with a previous speaker, that helicopters can land anywhere. The use from the school seems exceedingly minimal. They can make a generous contribution elsewhere, like fully funding the cost of the traffic light at Stony and East Main Streets. At a previous meeting someone asked about the animals and manure. Is this proposed in the DEP area? Please explain the assistance from the IDA and the specifics of the PILOT agreement with the Town. Siegel also wanted to make all present aware that the site has been on the tax rolls since the Phoenix House vacated the building. The traffic consultant said they used similar schools to figure out the traffic generation for the site. What schools were used by the town's assessor to come up with the PILOT agreement? What type of certification from the State does the school have, which ties into the previous question about requirements for the staff?

Ed Ciffone, 2635 Dunning Drive

Ciffone asked if the southern entrance drive that is proposed to be shared with the ballfields will be widened and improved. Currently two cars cannot pass each other on this driveway. Will noise at the fields affect the school? Kids walking on the driveway will be hazardous if it is not improved.

Mark Lieberman

Lieberman asked if there is ever a need for an evacuation, where do the students get taken.

Tony Grasso, representing the Yorktown Chamber of Commerce

Grasso stated that looking at the project from the perspective of business it is a worthy project. Grasso stated he understands the noise concerns, but the noise will be temporary and smaller helicopters do not make as much noise. Looking at the proposed development from the Chamber's point of view, the scope of the income from the site, its employees, and the purchasing power of the facility from the community are all benefits. The Chamber endorses this project.

Steinmetz will respond in writing to all the comments, however responded to some comments tonight:

- In response to Lieberman – If the Board decides to proceed with the special use permit for the helistop, the applicant will comply with restrictions on its use. The number of flights can certainly be limited in the decision. No night flights would be associated with this facility on a voluntary basis. Any night flights would only be in the event of emergency use by EMS or other emergency services. There will be conditions in any approval regarding hours of operation and number of flights.
- In response to Kopstein – Helicopters can land anywhere there is a field, however landing without a planned facility is not as safe.
- In response to Francois – The applicant will provide a level of service not found in a community based facility.
- In response to Moskowitz – Steinmetz stated there will be a number of super professionals that will work at the facility in the daytime. At night there will be a full time academic leader or provost living on site at the facility, a nurse, and at least 30 staff awake on site. The applicant has discussed this with the Board and will share the school's intended programming.
- In response to Stone – The noise tests were performed at 1,000 feet because the nearest residents are on Amelia Drive and the helicopter will be at 800-1,000 feet in elevation at the time it will fly over those residences.
- In regards to IDA Assistance, the Westchester County IDA under New York State law is legally authorized to provide the following benefits: they can provide mortgage tax exemption, sales tax exemption, real property benefits in the form of a Payment in Lieu of Taxes (PILOT), and they also provide bond financing. The Kofflers are currently evaluating with the County what benefits if

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any are appropriate for this site. The applicant anticipates that the County will extend mortgage tax exemption benefits, sales tax exemption benefits, as well as accepting a PILOT agreement.

- In response to Ciffone – The driveway will be widened to access the town park.

Steinmetz concluded that any other questions that were asked tonight will be addressed in writing and requested the public hearing be closed.

Kincart added that Lieberman had mentioned that the traffic generated by the Lowe's was not included in the traffic study, but this is not true. The applicant did take into account in the traffic study the proposed impact of the Lowe's project in addition to the town park, the restaurant at Crompond Crossing, and the Crompond Terraces project, even though this project has not yet been approved.

Trippodi asked the following questions: How much livestock on the property in terms of manure? Steinmetz stated he learned the horses and equestrian area should be furthest from the proposed surrounding neighborhoods as possible which is why it is proposed south of the existing building. Initially there will be six horses and thirty sheep on the site. The quieter sheep will be kept on the northern side of the site. The horses will be kept enclosed in a barn and manure will be addressed on a daily basis. There will be 300 residents of the school that will also require a peaceful environment. The site will be designed so that the people living on the property have the same noise concerns as the surrounding neighborhoods.

Fon asked if Steinmetz could give more detail about the prior use of the building. Steinmetz stated his limited understanding was there is not a lot of written record regarding the historical uses; exactly how many people were living and working there. There are enough rooms for 300 residents. When the Phoenix House took over, the intensity wasn't quite as high. There was certainly as much as 100 – 150 employees. Currently there are 90 parking spaces existing on site. Fon asked what the operation of the Phoenix House was. Steinmetz stated he believes it was drug rehabilitation including residency and counseling. The use was both educational and therapeutic and though similar, the proposed program will be different.

Fon asked if the circulation comment from Fire Inspector will be addressed. Steinmetz stated that the applicant did not receive the February memo from the Fire Bureau and that they were upset that it was not addressed. Once the applicant did receive the memo, the chairman of that Board was contacted and the issues are being addressed. The building will have all necessary access for code compliance. The Mohegan Fire Departments also are aware of the project.

Fon asked if Syms could provide routing for helicopters for the school's use. Previously the Board discussed this would probably be along the road corridors. Fon asked that the routing please be made more clear.

Steinmetz stated it is true that only two approaches will now be used because of the relocation of the helipad and they will not fly over proposed athletic fields.

Lieberman asked what the impact of the helicopter noise would be on the horses and the sheep.

Dan Strauss, 3176 Woodfield Court

Strauss stated his understanding is that a helicopter usually lands where an accident occurs. Why would an emergency helicopter have to land on the school property? Helicopters have landed on the Taconic State Parkway. What is the point of the helicopter landing at the school? If it was in a neighborhood, it would land there? Strauss doesn't see the need for an emergency situation needing a helicopter to land at the school unless it's a medical emergency at the school.

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Elise Graham, Croton Heights Road

Graham asked on average, how often do the Kofflers use helicopter transportation themselves.

Tom Dunn, Yorktown

Done thanked the Kofflers for coming to Yorktown to provide jobs. When is the last time we've had anything this large coming to Yorktown? There are always questions and things to work through, yes, but this is a good reuse. My son is autistic and if they can provide a service it should be wanted.

Susan Siegel

Siegel wanted to make it clear that many people have questions about the application, but we are not against the school.

Tony Grasso

The question was raised why a heliport is important. We have a command center for officials to meet. If we have an emergency, having a place to land is beneficial.

Steinmetz responded to Graham's question regarding use of helicopters for transportation by the Kofflers stating that the Kofflers do not travel by helicopter and that is not the intention of the site. Yes helicopters will land where they have to if there is nowhere else to land. Steinmetz respectfully requested the hearing be closed.

Kincart responded to the comment that there is a hospital so close to the school. The New York Presbyterian Hudson Valley Hospital Center no longer has a trauma center. Trauma patients must be transported to Westchester Medical Center. That is where the importance of having a helicopter is.

Steinmetz stated that all the public safety and first responders the applicant has contacted have endorsed the concept of attempting to do this if at all possible. None of them have responded that they will just land their helicopters in some neighborhood, please don't consider this.

Fon asked Tegeder for next steps, once the public hearing is closed. Tegeder stated the Board must analyze what was heard tonight. The staff and the Board have also been working on details that will bring the project to a place where the Board can make a determination. The stormwater design needs to be worked on as well. We have been working with DEP on a conceptual level plan.

Kincart suggested the Board close the hearing and leave a written comment period open for additional public comments.

Upon a motion by Kincart, seconded by LaScala, and with all those present voting aye, the Board closed the public hearing leaving a 14 day written comment period ending May 22, 2017.

RPG Properties

SBL: 15.15-1-22

Public Hearing

Location: 3574 Lexington Avenue

Contact: Phil Sanders

Description: A proposal to build a multi-family development consisting of 8 residential townhouse style units, on a 1.1 acres parcel, in the R-3 zone.

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

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Project attorney, Al Capellini, and applicants Phil Sanders and Gerry Walsh, were present. Capellini stated that this is the 4th public hearing this application has had between the Town Board rezone, the Planning Board, and the Zoning Board of Appeals. The Zoning Board granted the side yard variances and a variance for the separation between the two buildings. It is now for this Board to decide on the layout.

Sanders stated the Board's desired layout required the variances from the Zoning Board. There is landscaping proposed around the dumpster and against the adjacent residences. Sanders showed a rendering of the elevation of the proposed buildings. The target rents for the units will be under \$2,000/month. Landscaping and maintenance will be done by professional management.

Mark Lieberman, 3305 Wells Street

Lieberman stated there is an apartment house being built in downtown, there were the two-family homes built on Route 202, and now these apartments on Lexington Avenue. Lieberman stated he is against all of this apartment building.

Paul Moskowitz, 2015 Hunterbrook Road

Moskowitz noted that this complex is slated for a single-family neighborhood and this is inappropriate. More and more in Yorktown high density housing is being built. Moskowitz was a member of the Comprehensive Plan Committee. A lot of discussion was regarding where more development should happen; in the north end of town or south end of town. Instead of limiting development in northern Yorktown, we are building more.

Capellini stated that the project is surrounded to the south by a congregate care facility, across the street is multi-family, to north is a 6-7 family house. The development is facing Lexington Avenue, not the residential single-family homes behind to the east. Capellini requested the hearing be closed.

Fon noted the Board has made site visits to the site. Kincart noted the parcel is zoned multi-family.

Dan Strauss, 3176 Woodfield Court

Strauss stated he didn't say anything when the rezone was before the Town Board. At that hearing, a gentleman that lived behind this development asked if the Town Board would like this in their backyard. The decision was made. It's no longer about that. The Town Board approved the rezone and this is the layout this Board is now reviewing. In my opinion, this is not appropriate here, so I don't understand the process. If the Town Board already said it is okay, this Board can't say it's not okay.

Marcia Stone, 1251 Williams Drive

Stone asked how many trees will be cut down for this development and if an alternative would cut down fewer trees.

Upon a motion by Kincart, seconded by LaScala, and with all those present voting aye, the Board closed the Public Hearing leaving a 10 day written comment period, ending May 18, 2017.

Fieldstone Manor

SBL: 15.11-1-17

Second 90-Day Time Extension

Location: 3680 Lexington Avenue

Contact: Albert A. Capellini, Esq.

Description: A 21-lot cluster subdivision on 22.94 acres in the R1-20 zone that received Final Subdivision Plat Approval by Resolution #16-16 on August 8, 2016.

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Project attorney Al Capellini was present. All the conditions of the resolution have been met. The applicant is working on submitting fees to the town.

Upon a motion by LaScala, seconded by Savoca, and with all those present voting aye, the Board approved a Second 90 Day Time Extension for the Fieldstone Manor Subdivision.

Hilltop Associates

SBL: 37.06-1-25

First 90-Day Time Extension

Location: Hilltop Road

Contact: Albert A. Capellini, Esq.

Description: A 3-lot subdivision approved by Planning Board Resolution #08-02 on January 14, 2008.

Project attorney Al Capellini was present. Capellini stated that the last time a request for an extension was made, the Board requested the applicant meet with the Board at a work session regarding the attempted connection to the sewer. The applicant would like to discuss with the Board in the work session tonight. The Board agreed to have further discussion in the work session.

Upon a motion by Kincart, seconded by LaScala, and with all those present voting aye, the Board approved a First 90 Day Time Extension for the Hilltop Associates Preliminary Subdivision Plat.

Fon stated the Board is working on a policy governing the work sessions. Fon asked the public to please allow the applicant to sit at the table and that no members of the public stand behind the board. The audience can move as close as they can to hear, but please allow the Board to discuss the applications with the applicants.

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

WORK SESSION

Hilltop Associates

Present were project attorney, Al Capellini; project engineer, Joseph Riina; and property owners Mike Blank and Patrick Fahey. Blank has been trying to contact various neighbors to try to get a sewer easement from Yorkhill Road, Yorkhill Court, or Sultana Drive. One neighbor seems willing at a high cost. Kincart stated he would like to see the three lots developed if possible. The applicant will keep working on obtaining an sewer easement from a neighbor.

Unicorn Contracting Corporation

SBL: 37.18-2-73, 74, 85, & 86

Request the Board's Intent to be Lead Agency

Location: 355 Kear Street

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

Description: Applicant proposes to demolish the existing restaurant and construct a three (3) story, 40,000 sf, building with a mix of retail and office uses. A new 2,925 sf bank building is also proposed.

John Savoca recused himself from this application.

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Present were project engineer, Dan Ciarcia; applicant, Paul Guillaro; one of the property owners, Patrick Murphy. Ciarcia requested the Board circulate intent for lead agency. Guillaro showed a proposed elevation of the new building. Ciarcia stated there is room to soften the view from the road with the landscaping. Fon would like diamond tree islands added to break up the parking.

Upon a motion by Kincart, seconded by Tripodi, and with all those present voting aye, the Board voted to circulate their intent to be lead agency.

Village Traditions

SBL: 15.16-1-32

Discussion Amended Site Plan

Location: 1821 East Main Street

Contact: Timothy Mallon

Description: A proposal to construct a 3,200 sf building for offices with an apartment on the upstairs level.

Property owner Tim Mallon was present. Mallon stated that he has had three surveys done on the property and two of them had the same dimensions to the building on the western property line, and one of them was different. The one the engineer used to create the new plans is the third survey that shows the distance to the property line as only 10 feet on the western side yard. Project engineer John Karell is working on the stormwater plan. Mallon stated Karell has verified that the existing stormwater system is adequate for the proposed new building. Tegeder stated this certification must be submitted. Tegeder stated the proposed changes are now all shown on the drawing. If the Board is satisfied with the general concept, the applicant can move forward with the design, however if the applicant wants retail in the rear building, he needs a rezone from Office to a commercial zone. An amended site plan resolution can include removing the requirement for the formal filed access easement to the neighboring property. The Board agreed with the rezone request and directed the applicant to make an application to the Town Board. Tegeder will send a memo in favor of the zone change to the Town Board.

Hearthstone Minor Subdivision

SBL: 17.18-1-8

Discussion Subdivision

Location: 3138 Hearthstone Street

Contact: John P. Annicelli, Esq.

Description: A proposal to subdivide a 1-acre parcel in the R1-20 zone.

John Annicelli and applicant, George Vignogna, were present. Annicelli stated that the front lots were subdivided by the Board and a 20 foot easement was placed between them. The current proposal is for two homes at the end of the shared access. Annicelli requested the easement continue at 20 feet in width. The applicant will bring the public sewer up from the existing manhole to a new manhole within the subdivision. The water department requested to separate water lines from the street be brought up the common driveway to service the two new homes. The adjacent two lots in between are still on septic. The applicant offered to connect both homes to the sewer line free of charge. The existing driveway is between 8-10 feet wide. The applicant proposes a 12 foot wide paved driveway. Annicelli stated the Board suggested maintenance agreement. The one neighbor immediately to the south has no objection, but won't sign anything because he cannot afford to connect to the sewer. Annicelli explained that if all properties connect to the new sewer line, it would have to be a public main and an easement would need to be given to the town, however since the neighbors are not connecting, the line would remain private for now.

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Again, the applicant offered to connect a lateral to neighbor for free. Already paying sewer taxes. The access easement allows for utilities. One lot is allowed without frontage. The second lot will require a variance from the Zoning Board. Tegeder stated the width of the common driveway needs to be accepted by the Fire Inspector. Should be constructed to the standards of a public sewer so that eventually when the neighbors need to connect, they can and then the proper easements can be given to the town. Annicelli stated the properties are in the Peekskill sewer district. Fon requested the application be referred to the County Health Department to make sure the sewer lines and connections are made properly and allow for possible future connections. The Board does not want to have many “spaghetti lines” under the common driveway. Annicelli said he spoke to Marion Poppa in the County DEF and they weren’t interested if private. Fon suggested the applicant talk to the Town Engineer who used to work for County DEF. The Planning Department will refer the project formally as well.

Pied Piper Preschool Addition – *Withdrawn by Planning Board*

SBL: 37.14-2-8

Discussion Site Plan

Location: 2090 Crompond Road

Contact: Site Design Consultants

Description: A proposal for a 14,022 sf addition to the existing 3,618 square foot preschool, for a two-story building with total square footage 17,640 square feet, on 0.68 acres in the R1-10 zone.

Town Board Referral – 712 Kitchawan Road

SBL 70.06-1-4

Description: A proposal for a re-zone for the premises known as 712 Kitchawan Road, from the Single Family Residential (R1-200) Zoning District to the Office (O) Zoning District in accordance with Section 300-206 of the Zoning Code of the Town of Yorktown.

The PB had no objections to the proposed zone change, but would like to review the site plan.

Upon a motion by Kincart, seconded by LaScala, and with all those present voting aye, the Board voted to close the meeting at 10:00 pm.