

Planning Board Meeting May 10, 2010

A regular meeting of the Planning Board, Town of Yorktown, was held on May 10, 2010, the Yorktown Town Hall, 363 Underhill Ave, Yorktown Heights, NY 10598. The Vice Chair, John Flynn opened the meeting at 8:00 P.M. with the following members present:

John Savoca
Darlene Rivera
Richard Fon-Alternate Board Member

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

Discussion	No discussion took place at this time
Correspondence	No discussion took place at this time
Follow-up Correspondence	No discussion took place at this time
Liaison Reports	No discussion took place at this time

Courtesy of the Floor

Mongero Properties a/k/a Commerce Bank

Al Capellini addressed the Board. Approved resolution to transfer title of parking lot. Capellini asked if the resolution can be amended for lot change. Flynn said yes. Planning Board to draft amendment and put on next work session

Old St. George's LLC

Chris Sciarra addressed the Board. Applicant is attempting to find a use. They are on right track – special use is moving forward. Winery did not take up ancillary use. They are back to two spots that they are looking to get resolved. Applicant is working with the Planning Department. Did Planning Department ever see where two spots were worked out and was a special consideration done? Flynn indicated that they were two spots short. Tegeder said he would sit with applicant and help out over required parking. Received scaled drawing and came up with 41 required spots. They originally were saying 37 but could provide 39. It is still subject to professionally design drawing. The 41 spots are before provisions are applied. There is a code that the Planning Board can reduce the parking count up to 25%.

Granite Knolls

John Schroeder from Open Space Advisory Committee addressed the Board. He is gathering support to assist the Town Board in finishing up the purchase of Stoney Street. They are close to closing. The Town Board should be told there is support behind the various Boards. He wanted to let the Planning Board know this and to lend support to moving this project forward. Schroeder is all for the town purchasing Granite Knolls for open space. Phase I of an environmental study of property done. Owner has completed a clean up and is awaiting the certificate of compliance from DEC. Town Board voted in favor of purchase the property 3-2. There may be some asbestos issues. The town attorney and seller's attorney are talking regarding the contract. Roof and portions of floor are in bad shape and it is uncertain if the building can be saved. Open Space Committee is gathering support of various town boards. This property is at

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the center of two very large town properties - Taconic Woods and Sylvan Glen. Mohegan Quarry started on property in 1830s. The Town Board authorized town to borrow up to \$5 million dollars for open space. Interest and payments would come to \$365,000. Taxes generates \$400,000 a year so there would be an increase in expenses. The open space would provide great recreation and wonderful opportunities for ball fields, etc. Current zoning is 4 acre. Granite Knolls subdivision called for 125 houses on that property. Never got to preliminary approval when one of the principals died. Planning Board to send a supporting letter to the Town Board from a planning standpoint that there are biological benefits to this project. There is significant wetlands on property; it is beautiful property with plenty of boulders. One boulder is largest boulder on east coast. Good for town but tax penalties keep adding on. Schroeder is concerned that contract will not go through and a developer would purchase property. Environmental concerns are oil leak and asbestos in building. Flynn advocates writing a letter. Savoca thinks it is a political decision as a 'resident' of Yorktown and not a Board member. Fon asked to stick to planning issues only i.e., traffic issues, environmental, reduction of development, preservation of open space and linking open space. Two years ago, the Planning Board conducted a study how to link Hudson Valley Greenway to State Walkway. There are two ways to get over and connect Hudson Valley Greenway – one goes up north and the other goes down the Bear Mt. Parkway. Granite Knolls gets you to more direct open space areas. Fon wants to know what if we didn't write a recommendation but Planning Board wants to put down certain points.

Regular Session

Upon motion by Savoca, seconded by Rivera, and with all those present voting aye, the Board approved the minutes of April 26, 2010.

Kirschenbaum aka Weinberger aka Hong Subdivision

SBL: 36.14-1-5

Request for Reapproval

Location: 1374 White Hill Road

Contact: Ralph G. Mastromonaco, P.E., P.C.

Description: A 3 lot subdivision on 3.896 acres in the R1-40 zone approved by Res 07-27 on November 19, 2007 and reapproved by Res 08-25 on November 10, 2008.

Ralph Mastromonaco, project engineer was present. Applicant is seeking reapproval and spent over a year working with the health department to approve and they have approved it as of 2/8/10. Motion to reapprove subdivision.

Upon motion to reapprove subdivision by Savoca seconded by Rivera, and with all those present voting aye, the Board approved the request for reapproval.

Glassbury Court at Hunterbrook

Decision for Changes to Wetland Mitigation Plan

Location: Catherine Street

Contact: Wilder Balter Partners

Description: Additional wetland mitigation designed to account for field changes to approved plans.

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Steve Marino from Tim Miller Associates, project engineer was present. Jim Wendling from Wilder Balter Partners was also present. Wetland mitigation program to offset some town regulated wetlands. Went through process of putting mitigation together and came up with 12,000 sq. feet. Put together a plan to add wetland enhancement. 19,000 originally and they over 21,000. Bruce Barber is satisfied with work being done to wetland mitigation. There are housekeeping issues that need to be cleaned up and they are prepared to move forward with that. Barber indicates it is satisfactory and recommends to have an as built map when completed. Barber suggests a bond. Marino talked about an area on Catherine Street and they had good recruitment and survival of plants. Tied into 5 year maintenance program - what part require 5 year and what part requires less. Tegeder said some areas were just done and some were done incorrectly and were just amended. They should start 5 years from now. Who is responsible for maintenance for the next five years. Tegeder to talk to town attorney regarding bond issue. Will bring issue back to Planning Board. Approves resolution.

Upon motion by Savoca, seconded by Rivera, and with all those present voting aye, the Board approved additional wetland mitigation.

Hudson Valley Islamic Community Center

SBL: 15.11-1-17.1

Decision Statement

Location: 3680 Lexington Avenue

Contact: Site Design Consultants

Description: Amended Site Plan & Special Permit for a Place of Worship.

Joe Riina, project engineer was present. Al Capellini, project attorney was present. On for decision statement. Has looked at proposed resolution. Resolution has some blanks. Planning Board must approve a negative declaration. Communication from Westchester County Planning Department that Riina responded to. Are there further changes to resolution. Wagner suggested putting on for next meeting. Upon advice of counsel and would not cause any adverse impacts, Flynn wants to wait to move a resolution and will consider the correspondence from the County and put on for next work session. Applicant, Azhir Ramadan, was present. Wants a resolution this weekend to help with mortgage because they are refinancing and the issues were addressed at last Planning Board meeting. Applicant has a mortgage commitment for another 30 days. Flynn looked over County correspondence and didn't see anything that would change resolution. Applicant concerned over mortgage. Request from County is generic and everything is answered. Flynn asks Board to move for negative declaration. Flynn would like to make a resolution to declare a negative declaration for environmental impacts. Make motion to declare Planning Board lead agency on project so moved by Savoca, Rivera seconded. Make motion to approve negative declaration as described in April 12th memo, moved by Savoca, Rivera seconded. Resolution approving site plan and special use permit, motion to approve with exception that the dates would be filled in on resolution. Modification plan on page 3 – are we adding anything - Flynn suggests that there is nothing to add.

Upon motion by Savoca, seconded by Rivera, and with all those present voting aye, the Board approved the application.

Next Meeting on May 24th at YCCC.

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

Work Session

Corner Car Care

SBL: 15.19-1-4

Town Board Referral

Location: 1999 East Main Street

Contact: Al Capellini

Description: Restore new pumps to site and install canopy over them.

Ciro Interrante, project architect was present. Al Capellini, project attorney was present. Interrante referring to ABACA memo. Agreed to shifting canopy to more than 4'6" and requested color chips of paint. Shell Corp. sent color samples of paint. Submitted print out of samples. Also received memo from Sharon Robinsin, Town Engineer, and she had no issue with stormwater. Remaining issue is to shift canopy. Same size. Pulled corner back and in compliance with 10 foot setback on Lexington Avenue. Seven feet on Route 6 but 8' on Lexington Avenue side. Applicant is trying to maintain enough circulation space for service to bay and for fuel delivery. Interrante prefers other plan. It works better and there is no encroachment on Lexington Avenue and allows more space in front of building for auto repair. Town Board retained authority and will give approval. The Mobile canopy down the road is in line with curb. Flynn – canopy is about the same on both plans. Flynn – on second part of plan, it shows a truck pulling through and it looks like upon exiting, the truck's rear wheels will have to go over the curbing. Interrante said the trucks will have room to come out and turn sharp and the wheels will pivot. Drawing is flawed. Flynn asked to fix the drawing. Flynn asked what the area in back is used for. It is empty space. Having cars parked on property line is not right and would like to see cars parked in back in the empty space. Park customer cars in back. Flynn would like to see front spaces go. Marked as three spaces in front. Flynn requested to show grass on plan. Tegeder not sure if it is zoned residential behind the gas station. Applicant says the back area is not big enough to park cars. Fon doesn't think it is a good area to park because it is grass and there is a residence. Planning Board would be approving spots on State right of way. Fon asked if any spots can be put on the side of the building. Spots are vital to business. Spots are needed because they are busy. Flynn doesn't see how they can grant spaces in right of way. Interrante says that property line is an invisible line. Tegeder said not to stripe parking area and it would not be advocated as parking spaces. Don't memorialize spaces. Eliminate striping and take note off about three cars on plan. Planning Board will send memo to Town Board.

Proposed Master Fee Schedule and Professional Review Fees.

Al Capellini wrote a lengthy opposition. Wagner said other municipalities charge fees. It is appropriate not to have the municipality pay the whole application. It is an equitable procedure. Tegeder says municipality should have the ability to establish escrow and enforce payment of fees although there have been some written refusals not to pay. Tegeder can draft letter or discuss at other work session.

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Upon motion by Flynn, seconded by Savoca, and with all those present voting aye, the Board adjourned the meeting at 9:20 p.m.

Minutes prepared by Maria Ricci.