

Planning Board Meeting April 12, 2010

A regular meeting of the Planning Board, Town of Yorktown, was held on April 12, 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
Bob Giordano
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, and Ann Kutter, Conservation Board member.

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	No discussion took place at this time

Regular Session

Upon motion by Flynn, seconded by Savoca, and with all those present voting aye, the Board approved the minutes of March 22, 2010.

Community Bible Church

SBL: 70.9-1-36

Request for Reapproval

Location: 301 Chadeayne Road

Contact: Jerry Faiella

Description: A site plan originally approved by Res #06-04 dated March 13, 2010.

Karen Wagner recused. Jerry Faiella was present on behalf of the Church as was Rick Torres the architect on the project. The project was re-examined and some modifications were made to reduce the scope of work. Torres completed plans but have not been submitted to the building department. The Church can start the project and have a piece of property to sell. They want to complete the project within twelve months. The site plan is modified slightly by making it small to reduce costs. ABACA is same, indicating no additional site disturbance. Footprint of new building is smaller, 294 square feet. The original plan was for 672 square feet.

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

RCB Development

SBL: 36.5-2-60

Request for Reapproval

Location: Old Crompond Road

Contact: Ralph G. Mastro Monaco, PE, PC

Description: A 2-lot subdivision originally approved by Res #08-01 dated January 14, 2008.

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Ralph Mastromonaco, project engineer was present. Board of Health signed plat on March 24, 2010. Note - there are two lots being conveyed that are not shown as a building lot. There are to be conservation easements on the two lots.

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

Martinez Minor Subdivision

SBL: 35.16-1-2

Request 1st 90 Day Time Extension

Location: Jacob Road

Contact: Al Capellini

Description: A 2-lot subdivision originally approved by Res #05-23 dated September 26, 2005.

Al Capellini, project attorney, was present. Capellini stated that the wait from health department and Westchester County is done. Capellini indicated there is a dispute over amount of bond or inspection from engineering that they want to get resolved.

Upon motion by Flynn, seconded by Savoca, and with all those present voting aye, the Board approved the 1st-90-day extension.

Hudson Valley Islamic Community Center

SBL: 15.11-1-17.1

Public Hearing

Location: 3680 Lexington Avenue

Contact: Al Capellini

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

Al Capellini, project attorney, was present. Joe Riina, project engineer and Azhir Ramadan were also present. The building was originally an all girl's parochial high school, Lady Cliff and then a co-ed parochial high school, Franciscan School and now applying for permit for place of worship. Moving to full public hearing. Property is a 7-acre site on corner of Strawberry Road and Lexington Avenue across the street from Lexington Avenue is Cortlandt. The building has been used for 4 years as an Islamic house of worship and community center. Application is to have the site plan approved and whether this should be within §300-54 is questionable because it is a house of worship. Capellini stated that whether the religion is Christian, Jewish or Islamic – it is a place go worship, an educational place for where people can celebrate births, or honor the dead – all the same regardless of faith. The building should be a use as a right. It was operating as a special use permit but, should be a use of a right. Joe Riina explained how the site works regarding Islamic religion. The building is just shy of 64,000 square feet and is a one-story building. Parking existing as shown with 3 entrances to parking lot Strawberry Lane, Lexington Avenue near intersection with Strawberry Lane and further south on Lexington Avenue. There are 190 parking spaces delineated in paved area of parking lot and 140 spaces which are lawn areas and adjacent to parking used for holy days. Planning Board and town staff recommended eliminating entrance at Lexington Avenue near Strawberry Road. Fire Department wants to maintain entrance with crash gate for emergency uses. Fire lane along front of building, location

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of loading area is to rear off the kitchen area as well as the location of trash. Intent is to pave parking lot, landscape to beautify property to have it more serviceable for center. The building has gone through renovations – upgrade fire and safety aspect, exiting meets all codes and requirements of fire marshall and Department of Health. Flynn asked if there is expansion of structure so that there is no additional problems caused thru storm run off or quality or quantity of water on site. Riina indicated no changes – the building is not being modified and the parking is currently an asphalt parking lot and will be resurfaced – no proposed expansion or change of impacts. Wagner submitted request to identify usages and activities on site from applicant. Open hearing to members of public: Michael Davis, 1770 Strawberry Road, asked if anything changed with new request with regard to legal status of the use of the building. Riina indicated that the legal process is being followed. Davis asked if there were plans to modify the building and if granted as religious institution, does granting a special use permit allow building modifications without an application? Riina stated no, it would still need building permits to renovate the building. John Tegeder stated that Riina mentioned additional landscaping and that the Planning Department had not gotten disclosure regarding landscaping. Riina meant to say clean up and fill in what they had. Tegeder asked about repaving – was there an amendment to parking lot? Riina stated that there would be repaving over existing. Tegeder asked if there were plans to upgrade or add exterior lighting and that if there was, to get it taken care of now rather than later. Azhir Ramadan indicated that they had no plans to do anything with lighting but if they did they are neighbor conscious; if they did it would accommodate neighbors and be within the code. There are no plans on physical expansion. They are taking existing space and upgrading if affordable. Rich Fon questioned about special events – they are part of the use and not separate events. Wagner mentioned that the activity summary didn't mention some things that the website indicated and was requesting clarity on. She asked Riina if handicapp spots will come into compliance with repaving? Riina said that they would and that the required signage and access lines are shown on the site plan. Capellini clarified that houses of worship have to raise money to support their institution. It is important that houses of worship provide a community-oriented center for parishioners and that has a wonderful effect on a community. Bingo, bazaars, feasts all bring money into places of worship and those are positive things and shouldn't be ruled out. Weddings, parties, etc. at the center are part and parcel of a house of worship in communities.

Upon motion by Flynn, seconded by Fon, and with all those present voting aye, the Board closed the public hearing but will leave the hearing open for written comments from public for two weeks.

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

Work Session

PEG Realty Corporation

SBL: 16.8-1-2

Discussion Subdivision

Location: 3699 Hill Boulevard

Contact: Architectural Visions, PLLC

Description: Discussion of approved 2-lot commercial subdivision.

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Joel Greenberg, project architect was present. Anyone in attendance is free to look at site plan. Greenberg indicated that in December the Planning Board approved the subdivision and site plan because of mechanics on how the owners are working with a potential buyer. Greenberg is in possession of a resolution #9/09 for subdivision plat with 3 conditions: 1) all taxes be paid; 2) monuments; and 3) autocad format of the plat. He will take care of those conditions and file map and PEG is in contract to sell. Health Department reviewed plat and everything is in workable condition. Has series of conditions that the buyers will take care of because they want to get site plan approved and signed. Flynn asked what are the provisions with new owner? Goldberg indicated that everything is based on Planning Board's approval. Flynn asked if the buyers are interested to amend the site plan. Greenberg said that a time ago they were thinking of a two-story building and some problems arose and they changed a one-story building and that remains as approved by the Planning Board. Will proceed to get map ready for signature.

Corner Car Care

SBL: 15.19-1-4

Town Board Referral

Location: 1999 East Main Street, Mohegan Lake

Contact: Al Capellini

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

Ciro Interrante, the project architect was present. Al Capellini, the project attorney was present as were the owners of the property. Received correspondence from Planning Department and ABACA and made revisions to drawings with regard to the comments. Applicant was asked to show setback dimensions from property line as opposed to showing from curb line. Setback is 4.6 and required is 10. The canopy is positioned for balance of cars in and out of bays so cars can be maneuvered for clearance. There are two signs that indicate exit right turn only. Cars exiting on Route 6 can only make a right turn. Flynn asked how does opening function with cars being fueled and a canopy. Interrante indicated that those are existing curb openings. He presented as built drawing making curb openings and drainage evaluating stormwater impact – point is the drainage improvements were made by DOT at the same time of the curb openings. He wants to submit for the record that they are the same way they are today and no changes. Comments showed location of a dumpster, striping for parking on site, showed proposed sign and proposing to have identification of a car operating business to be labeled as a Shell station and there would be digital pricing for a sign. Showed pricing sign in Connecticut. Shell logo and pricing below it. This is a family run business and wants to introduce gasoline again to re-use existing sign structure. The project is financed by family and they are trying to keep cost down as much as possible. Light grey sign to match front of building. Signage on canopy will be on edge of canopy (SHELL) – 4 locations on sign saying 'Shell'. Can have 3 signs on premises. Canopy white façade with red stripe. Shell logo on sign. Showing lighting – request to show intersection to see traffic light is further out in intersection because it is on an acute angle. Shows circulation of vehicle delivering fuel to site. Right turn only onto site and exiting back away from traffic light to make turn to go in westerly direction or where it came. There is a dumpster shown and a canopy light. Three pumps in a row but the plan shows two. Looked at possibility of allowing 3 pumps. Interrante noted on his drawing the wrong wordage - should be "MPD multiple product dispenser". The proposed canopy is 4.5 feet where 10 feet is required.

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Property line is invisible and is not seen so it would actually be 17 feet from curblines. No plans for Route 6 for a long time for road widening. TB can vary in resolution re: road widening. Addressed all comments from PB, ABACA and stormwater drainage – drainage was built by state and there hasn't been flooding there. Tegeder asked if new tanks were being installed and Interrante said yes and they would be installed by DEC requirements. There was concern on stormwater, pollution control and water quality issues. Ann Kutter commented on pollution from oil dropping from cars. There will be a concrete pad at the canopy and rows of flutes that oil gets trapped in. DEC is to be alerted of spills. The Town Board is worried about dropping from gasoline and run off from the rain. The Planning Board suggested working with Bruce Barber regarding catch basins. Interrante indicated they are expensive. Flynn commented that they can't overlook pollution. Tegeder is concerned about the run off and Interrante said they would fall into traps. Tegeder doesn't think they can do this and should speak to Sharon. As for the dumpster – where does garbage truck come in? Tegeder is also worried about site distance because pumps are changed and will have canopy. Board is suggesting to eliminate parking at the two end spots. Issues regarding parking requirements. There is two parking spots per bay and 5 for convenience store – employees are considered in the 5. Board asked to designate on drawing to put two parking spots at rear. At last meeting, it was indicated that there would be no access from Route 6 if they move canopy. Field delivery showed on diagram – having enough space in front of canopy is important. Board suggested turning angle of canopy more in front of building. In order to have canopy constructed, it will require special support and design – custom canopy is too expensive. Interrante might be able to tweak slightly to make it parallel with building – concern is to be pulled back from the street. Interrante indicated that they will do what needs to be done. Tegeder to send additional comments in addition to conversation regarding the canopy parallel to building.

Hilltop Associates

SBL: 37.6-1-25

Discussion Subdivision

Location: Hilltop Road

Contact: Jack Goldstein, PE

Description: A 3 lot subdivision granted preliminary subdivision approval by Planning Board Res #08-02 on January 14, 2008.

Jack Goldstein, project engineer; Al Capellini, project attorney and Mike Blank, owner were present. Goldstein has been to Health Department, dealt with the DEP and came up with all engineering to prepare preliminary plat for Planning Board consideration for 3 lots. Layout of proposed subdivision shown 3rd lot 9.6 acres over 30,000 square feet will meet requirements of one acre zoning. There has been variances issued to have houses closer to road. The drainage system was designed so there is no erosion problem with water going over hill. There are swales to catch water. There are three septic systems. The stormwater coming down road from hilltop will flow into catch basins. Swales will be rip-rap swales and is collected in culdesac and runs through drainage system where water quality volume goes into infiltrator system and overflow is large enough for 90% of storms. Conservation Board memo is satisfied. Flynn refers to Water Department memo indicating 934 ft. of 8" water main and estimates erosion control, inspections. Work will cost \$65,000 for 3 lots. Belongs to Lot 14 couldn't get there from Yorkhill. Capellini

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indicated that a loop is being recommended by the Water Department but does not serve all the lots. Question – what if adjoining property owner does not grant easement? Tegeder said that to loop is a town desire. The applicant must ask neighbor to understand value of easement or say that we may want to take this issue and refer it to the Engineering Department and Water Department together to discuss. Flynn indicated that the Water Department may want to buy easements rights. 934 feet of 8” pipe is too much. Might have to cut down trees. Flynn suggested engineering and water to get together to discuss. Can use hydrant to flush water lines. Flynn asked Tegeder the criteria to go to final approval regarding new application and this round of details – how will this drainage affect neighbors on Sultana Drive? Process is to clean up details. Goldstein indicated there is nowhere to divert water since it is all woods. Flynn said to refer matter to all agencies. Capellini indicated that a lot has been put into this already but, he would talk to engineering and water regarding the loop. Sharon’s memo given to Goldstein.

Adrian Auto Body

SBL: 26.18-1-24

Discussion Amended Site Plan

Location: 3330 Old Crompond Road

Contact: Ralph G. Mastromonaco, PE, PC

Description: Proposed building addition and expansion of rear parking area.

Ralph Mastromonaco, project engineer; Joe Adrian and Joe’s son, Joe were present. The submitted site plan has not received written comments from anyone yet. Wetland is on the main property and buffer. Physical use of building is a prep area for the auto body shop. Went to Conservation Board and members want to go look at the property. Flynn is concerned about intrusion of parking into buffer and also the taking down of spruce trees. Conservation Board indicates that the trees are damaged anyway from storms. Mastromonaco indicated that the gravel parking lot is in a buffer. Applicant wants to expand their existing business. They plan on re-grading because of the elevation difference. Five thousand yards needs to be cut – needs permit. Tegeder is concerned about the buffer pattern. There is no change of water pattern because it is vegetated to vegetated or some vegetated to gravel. Tegeder wants to know to what extent is the buffer functional – is it being changed in a negative or positive way. Mastromonaco said buffer is vegetated to vegetated. Tegeder wants to maintain slope, he wants it topsoiled and seeded. Where the water drains to is not changing but excavation is being done in a wetland buffer. Tegeder wants a report to make to make sure vegetation is on the right side of the ridge. Designated main stream area might have to deal with DEP. Applicant is putting in three additional drywalls to make a total of four (there is already one there). Applicant wants to make a two-story rear addition for a total of 1,600 square feet which must accommodate 10 parking spaces for a commercial garage. There was a questions regarding the location of the dumpster. Joe, Jr. said it used to be in front and it was a problem with water run off and customers. Flynn questioned the propane tanks. Applicant indicated that they are going to get rid of them . It does require public hearing. Procedure for public hearing – answer questions regarding buffer – might go through other agencies in town. Memos from Conservation Board and Engineering . Tegeder is concerned about parking for second story if it becomes office space. Joe Adrian indicates they have enough parking for second story.

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Emerald Hills LLC

SBL: 69.19-1-3

Pre-Preliminary Subdivision

Location: 1339 Kitchawan Road

Contact: Hudson Engineering

Description: Proposed six (6) residential lots on 30.88 acres in a R1-80 zone with domestic wells and septic systems.

Michael Stein of Hudson Engineering was present as was Andrew Cortese, the owner of the premises. Stein presented 30.9 acre site plan creating 6 lot subdivisions. All properties are accessed off McDonald Road. Must show recreational areas for all lots. Wetland buffer that discharges offsite to stream. Preliminary testing to determine soils shows predominantly C type soil along site with some B type. Site is a field with scattered trees. Each house may have rain gardens and using swales and catch basins with piping. Will need wetlands permit for wetland buffer to put driveway in. Lot 5 and 6 served by common driveway. Applicant downsized to conserve building space of property. Asking board to be flexible with front yard setback to locate the pool and patio and provide a recreation area for house. Flynn asked if there were any variances. Stein said that there were no variances. Flynn asked if there were different ways to work this out? Stein indicated that they originally had 11 lots but there would be too much impact. Septics are shown with expansion area. The plans are based on 4 bedroom houses and all show pools. Flynn asked if they would consider three houses to one driveway. Stein indicated that it could be done. Stein does not know condition of wetland. Conservation Board walk thru for Saturday April 17th. Flynn indicated that he was concerned about pools built next to neighbor's driveway and other structures on property. Driveway is 500 feet and 14 feet wide for common driveway. Tegeder said that they need to go wider. Should be near to a town road standard. Planning Board will work with applicant to get best arrangement of houses. Applicant to update plan and Board will refer to Bruce Barber.

Creative Living Development

SBL: 6.14-1-2

Town Board Referral

Location: Mahopac Street

Contact: Site Design Consultants

Description: Construction of athletic fields, wood chip pedestrian trails, drainage conveyance system and stormwater management basins, and associated regrading activities. Reconstruction of two existing wood foot bridges.

Al Capellini, project attorney; Joe Riina, project engineer; Charlie Divin, applicant and Steve Marino were present. Premises is zoned residential and applicant is applying for excavation and wetland permits. Applicant wants to construct two outdoor multi-purpose fields and ultimately build a dome and multi-story building with parking underneath buildings into hillside with fields on roof. The complex is to be dedicated to sport featuring a full size baseball diamond and multipurpose field for lacrosse, etc. Property was previously used for horses. It is within the

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buffer of state wetland. Proposing improved parking area. Pedestrian access pathways around fields, woodchip paths and fix footbridge up to access other field area. Plans show bleachers – not sure if using. Flynn asked if was being used as a private park. Diven wants to take local clubs and schools and give access to fields to encourage tournaments. Local teams will be anchors for teams coming in to play our teams. Local teams will play for free . Tegeder questioned how the fields will be maintained. Diven said that the infield will be turf and a pitcher’s mound and there is no clay. They will maintain the grass. They will provide organic plan on how the fields will be maintained. Tegeder asked how the maintenance will be funded? Diven said that the group that plays will collect the fees for tournament which will fund the field and maintenance charges. They will maintain the field for about two years and has a budget set aside for that purpose. Will have attached to tournaments a fee to cover field (after 2 year period). Tegeder said that this is not an as of right use – may require permits i.e., parking can get tear up grass during a tournament and a lot of rain. Management with wetlands. Divin indicated that for two fields, there is one parking lot for 40 cars when two fields are playing. Giordano asked if large crowds are expected. Divin estimates one parent per child and that there would be no more than 15 parents at a game. Parents can carpool. Looking at 7th grade to 12th grade players. Flynn asked if it was zoned in residential, Capellini said it is non –commercial purposes and would require a change of zone to commercial recreation. Flynn asked what is next step. Application for excavation of temporary fields. Looking at this summer to get in complex. Applicant to contact Bruce Barber, DEC to schedule site walk to confirm flagging. Wagner questioned how it is not for profit but teams would pay to play in tournament. Divin provide a grant to put fields into place. If it becomes long term (2 years) the tournaments would agree to provide a certain amount of money to play. Diven replied that Shrub Oak runs a tournament and the profits from that game are used to give to the 12 year olds to go to Cooperstown. Costs is the officials – tourney will charge a fee. After two year limit, a team would provide certain money or services to keep up maintenance. A 501C3 for each of the teams. Divin as asked friends who run camps to help organize tournaments to come up with plan. Has a narrative in regard to temporary fields. Riina indicated that 20,000 yards of excess fill is being taken out. Tegeder asked about water tests and to what extent does construction comport with future dome in terms of grading. Riina indicated that they will have to lower the area a little bit when doing the dome and plan is to culvert a portion of wetland and construct the building over it. Tegeder asked about emergency responder problems if you have to cross a stream? Riina said that he will present everything together. Diven will give opportunity for community to demonstrate a need for fields that the town is in need of. Flynn asked how they will deal with chemicals? Riina to put together a program to use an organic way to maintain fields by capturing most of the run off from fields going through system.

Friends United Church

SBL: 37.19-1-44

Building Department Referral

Location: 1829 Hanover Street

Contact: Joseph Iaropoli

Description: Enclose existing open pavilion-type detached accessory storage structure into an enclosed meeting rooms.

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Joseph Iaropoli, project engineer and member of the church was present. There is a building on the property entitled storage shed. It is open on two sides. It is unsightly and doesn't work well and is limited in what to store. Church is thinking of using the space for storage and meetings. Applicant provided a sketch to the Building Department and asked to provide comments. Use that it would have would be a meeting room but would become storage on holidays to store materials for plays, etc. Design should be around the idea of meetings. Type of use that would take – the board, ladies' groups, children and would be well used and would decompress the actual church building which is lacking the space. Flynn asked what the Building Department concerns were The Building Department wants to know what type of walls, the energy code, means of egress (handicapp accomodation), ramp from blacktop. Flynn wants to know if there are zoning issues. This is a pre-existing issue. Applicant indicated that it is unsightly to have two walls open. It is now used for storage that is not affected by the weather. Parking is on gravel. Vacation bible school will be held over the summer and applicant would like to have this done. Flynn asked if the Building Department has to rule on whether it is an exspansion of a non-conforming use. Glen Sneyd from the Building Department wants to know about parking. Applicant is just re-utilizing the existing space, they are not expanding. One space per 4 seats in the pew. Tegeder is concerned about the parking. Iaropoli does not see any issue with parking.

Upon motion by Flynn, seconded by Savoca, and with all those present voting aye, the Board adjourned the meeting at 10:45 p.m.

Minutes prepared by Maria Ricci.