

Planning Board Meeting April 26, 2010

A regular meeting of the Planning Board, Town of Yorktown, was held on April 26, 2010, in the Yorktown Community & Cultural Center, Room 104, Yorktown Heights, NY 10598. The Chairman, David Klaus opened the meeting at 7:33 P.M. with the following members present:

John Savoca
Bob Giordano
Darlene Rivera
Richard Fon-Alternate Board Member
John Flynn - Absent

Also, present were: John Tegeder, Director of Planning, Robyn Steinberg, Town Planner, Karen Wagner, attorney to the Planning Board, and Ann Kutter, Conservation Board Co-Chair.

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

Minutes: Upon motion by Savoca, seconded by Giordano, and with all those present voting aye, the Board approved the minutes of April 12, 2010.

Courtesy of the Floor

Old Stone Church

Thomas DeChiaro, owner; Chris Sciarra, project manager; and Louis Spizzirro, attorney, were present.

Sciarra said there was a misconception that no floor plan had been submitted. It was submitted that afternoon. Wants to know parking requirement for special use permit. DeChaira wants to get Planning Board's okay before doing traffic study. Tegeder stated the ZBA referral from March was received. DeChiaro said they submitted square footage and got the parking count, which is pretty much the same as when it was submitted back then by Palmietto. They added additional spots that were not required. Based on what they have, have to flag the lot. DeChiaro believes that is all that is required to be sent back to ZBA. DeChiaro would like to get on the next Planning Board agenda with traffic study and wetland delineated. Tegeder said they are definitely in the ballpark. Tegeder questioned what are the storage areas not included in the square footage? Tegeder spoke to DeChiaro today about parking. Tegeder said they need to have a scaled drawing rather than a sketch, that is not drawn to scale, to get the proper square footage. Scale looks correct but does not include closet space. The portion of the back that sticks out probably won't make much of a difference. DeChiaro asked, can the Planning Board review this now and get them a

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memo between now and the next meeting? Tegeder needs scaled drawings. DeChiaro wants a feel of what the Board wants before the next meeting. Sciarra wants to get this nailed down as to what is required. Klaus said, a scaled copy of the building and we'll talk at the next meeting. DeChiaro said Planning Board has survey. Tegeder said all the information from the two surveys and the two site plans need to comport. DeChiaro will set up meeting with Tegeder. Sciarra said they already have traffic information from Palmietto. Tegeder said is has viable information. They can update Edward & Kelsey's traffic study. Tegeder said they'll look at both. DeChiaro to get own traffic study. Sciarra asked who decides on valet parking. It is ZBA or Planning Board? Tegeder said it's only for a restaurant. Tegeder thinks you can do valet, unofficially for a house.

King Gates & Fence

SBL: 26.19-1-1

Special Permit - Outdoor Service

Location: 3216 Crompond Road

Contact: Louis Gashi

Description: Proposed fence to conceal outdoor service of items on the site.

Louis Gashi, applicant, was present.

Gashi said Tegeder wanted location on the drawing. Klaus wants to how how this shape works. He asked if the fence is in the back also? Gashi claims existing fence is located behind the building. Savoca asked about property line. Rivera asked where the fence is on the property line. Tegeder produced a topography map. Klaus questioned just installing fence on one side. Giordano questioned the location from the Taconic Parkway. Klaus said the Board needed an overlay so we know that the fence is not going outside the property lines. Gashi has to show site plan with location. Tegeder outlined fence on site plan. Klaus read letter from Planning Dept. Klaus said he thought we had asked for the fence to be drawn on the survey the last time the Board looked at this. Gashi said the drawing submitted shows the property line. Klaus wants the survey with the actual fence drawn on it. The Board doesn't know what the dimensions are that are shown on the submission. We don't know where it is hanging. Klaus needs to know how the fence dimensions will work on the site plan. Has to transpose what's on the fence drawing onto the survey. Klaus asked Tegeder to blow up the survey for Gashi. As built survey required. Put this on May 12th agenda.

Teatown-Gilbert Subdivision

SBL: 69.14-1-8

Minor Subdivision

Location: 1595 Spring Valley Road

Contact: Insite Engineering

Description: Proposed 3-Lot subdivision into 57 acres around the lake, 8 acres for one residence, and 5 acres for the second residence, on 70 acres in the R1-200 zone.

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Fred Koontz and Nancy Felcher of Teatown and John Watson, project manager, Insite Engineering were present. Karen Wagner, recluse herself.

Applicants showed the proposed site plan for 3 lots, showing the property lines. Tegeder, this is a subdivision. Health Department cannot say non-jurisdictional because need to show 3 viable septic areas with expansion. Felcher said they have completed deep hole tests and perc tests will be done next week. Not buildable lots. Felcher said the appraisal is based on 3 lots. Open space lot has the maximum value. Appraisal must show value to open space lot. Open Space Institute is buying lot the same as they did with Shadow Lake subdivision. If they have to show septic for this lot, can't say it's not a subdivision. If so, then Open Space Institute requires an easement or restriction on the 3rd lot after purchase. Will there be recreation fees on the 3rd lot? Klaus feels it would be cheaper to just have market value rather than subdividing it. Klaus said someone will come in and see buildable lots. Tegeder said to make them non-buildable lots. Klaus said you have to show septic systems. Klaus said we have to go back and look at Shadow Lake. Tegeder to contact the Board of Health and explain how we want to go ahead and process it. Tegeder said the appraisal will have to be on the entire lot. If the lot is acquired without restrictions, you wouldn't have to come back. The plat would reflect it's not a building lot. Tegeder to applicant: look at house location and septic and develop plans and we'll look at Shadow Lake but still propose house on 3rd lot. Don't know if variances are needed on setbacks because pre-existing non-conforming lots. Applicant advised to come back to the next meeting.

Aspen & Mill Street Subdivision

SBL: 16.5-1-13

Minor Subdivision

Location: 3810 Mill Street

Contact: Site Design Consultants

Description: Proposed 3 lot subdivision where 1 multifamily and 1 single family existing residences will remain on one of the proposed lots.

Al Capellini, project attorney; Joe Riina, project engineer; and Allan Rothman, the owner, were present.

Capellini said Public Informational Hearing was in January, 2009 for a three (3) lot subdivision and now a four (4) lot one is proposed. Riina passed out letter noting the lot sizes as per Wagner's letter dated 4/26/10. Capellini explained the area of each proposed lot, even if we can't consider the portion though underwater and subject to periodic flooding, the lots still meets minimum lot area as defined in Sec. 300-11 (F). Riina explained one area had a significant driveway, proposed 16' wide, with an island with proposed plantings. The plans now include a parking lot with 14 parking spaces for the multi-family dwelling on lot 3. Conservation Easement has also been added. Tegeder questioned wetlands mitigation. Riina explained it's still sketchy. Klaus said to show the square

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footage with the parking spaces. Klaus said to show how the parking spaces will work. We will need mitigation or restoration: removing material, create wetlands planting at stream level area, planting details, stormwater management for new parking area. Klaus asked are you increasing or decreasing impervious area. Riina said, increase probably. Suggest moving farther from the brook and treating it. Klaus asked if we had anything from the Conservation Board. Kutter said the applicant has addressed the Conservation Board's comments and requests native plantings be used on both side of the driveway and was pleased a Conservation Easement is placed along the stream. The Conservation Board had no additional issues. The applicant was advised a public hearing could take place on May 10th if wetlands mitigation was submitted.

Creative Living Development

SBL: 6.14-1-2

Town Board Referral

Location: Mahopac Street & Navajo Road

Contact: Al Capellini

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; and C. J. Diven, applicant, were present.

Capellini gave an overview of the proposed project. They went to Conservation Board and Recreation Commission. Capellini said no extensive clearing for this part of the project. Riina said basically the field is for soccer, lacrosse and football. The other is overlay field for professional leagues. Property traditionally used for horseback riding trails. Riina said main access from Navajo. Map delineated wetlands. Buffer setbacks shown on map. Provide a gravel access road. Tegeder asked if that's how construction vehicles will get to and from the site? From parking area have access to both fields. Klaus asked Kutter if Conservation Board had issues with the wetlands? They had issues with amount of disturbance to the stream, wetland and buffers to allow emergency access to the fields. (CB letter dated April 22, 2010). Riina said this is a concept of what is planned for the site. Trying to avoid rezoning application and site plan approval. Tegeder right now is there a wetlands buffer? Wetlands buffer shown on plans. Klaus said lots of technical issues but they can be addressed: commercial, industrial area, traffic concerns. Open grass parking area shown fitting 121 spaces. Now showing gravel emergency access with temporary bridges for stream crossing. Culverts in stream with gravel on top for construction vehicles. Site has to be handicapped accessible. Have to capture and treat all runoff from the fields. Riina said drains right through the septic. When constructing northern field, southern field area used for stockpiling. Temporary restroom on northern field must be accessed by truck. Riina said erosion control measures are shown on this plan. Will do a full SWPPP once we know this is a viable plan. Former

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detention pond for Navajo Road Industrial Complex is on this property. Wetland mitigation will utilize making this area usable again. Klaus said issues to consider: traffic, parking, wetland mitigation. Riina said not interested in high volume traffic at this point since it would mean more maintenance. Klaus said there is nothing like this in the area now. Have to think about how operation will work with both fields in operation. Travel teams work differently than leagues. Tournaments are different than leagues and travel teams. How many people will be on the fields? Refer this to Bruce Barber. Klaus is in agreement with what you are doing. Don't know how Town Board feels. Planning thinks it is a good idea but it does have technical issues to work out. Have to work out issues with the Conservation Board. Tegeder said you don't have the wetland mitigation yet. Has ways to go. Traffic issues, overlapping, technical issues have to be addressed. Giordano feels we need to know use over the years. Recommendations to Town Board: it is our understanding not for profit use now; commercial entity later. Conceptual plans okay. Impact can be address by the departments and boards during review of Phase II project. Planning Board supports the project, good use for property, traffic shouldn't overlap with the other uses on Navajo Road, want to see wetland mitigation plan. Wagner to look into the validity of as of right now and meandering to other use later. Planning Board endorses the project and are willing to review technical plans when submitted.

Shaiken Excavation Permit

SBL: 19.3-21-8

Town Board Referral

Location: 363 Wooded Hill Court

Contact: Site Design Consultants

Description: Construction of a swimming pool, pool cabana, tennis court and stormwater practices. Joe Riina, project engineer, was present to discuss this project. Riina said this is in the Wooded Hill Subdivision off of Hog Hill Road. The pool, tennis court, cabana will be built away from the house. The cabana will connect to the existing septic system and they already have the permit. Planning Board is okay as long as the cabana is not habitable or has a full kitchen. Klaus said he was okay with the concept. The project is favorable to the Planning Board and a memo will be issued to the Town Board that there are no planning issues.

Draft Tree Preservation Ordinance

Ann Kutter, co-chair Conservation Board; Linda Miller and Ron Bueller were present to discuss the draft proposed tree ordinance. Kutter said it is still in a rough draft. There are still things to be worked out. Going to Planning Board as part of the process. Going to Zoning Board. Still have some questions. Kutter and Miller identified several section that require the Board's specific review: permit requirements, too onerous on property owners; trees of significance; community forest common out west, but not here; escrow section; involvement of Environmental Inspector. The concept of the draft is similar to the earlier one. Hope to have a balance. Klaus said the

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Board needs time to look it over and will give comments at our next meeting. Send a letter to the Town Board requesting additional time to review draft and make comments.

3J1K Properties, LLC/Jay Hansmann Wetland Permit

SBL: 6.17-1-26

Town Board Referral

Location: 289 East Main Street, Jefferson Valley

Contact: Jay Hansman

Description: As directed by NYSDEC, removal of fill from wetlands as delineated by Bruce Donahue and stabilize disturbed areas.

No representative present.

Steinberg explained the plans were prepared under the direction of the Department of Environmental Conservation (DEC). Klaus asked if it was sent Conservation Board. Klaus send a memo to the Town Board stating there are no Planning Board issues with this project.

Klaus made a motion to close the meeting, all present voted aye.

Meeting adjourned at 9:35 p.m.

