

## Planning Board Meeting of May 24, 2010

A regular meeting of the Planning Board, Town of Yorktown, was held on May 24, 2010 in Room 104, at the Yorktown Community and Cultural Center, 1974 Commerce Street. The Chair, David Klaus, opened the meeting at 7:47 p.m. with the following members present:

John Savoca  
Bob Giordano  
John Flynn  
Richard Fon -Alternate Board Member  
Darlene Rivera was absent.

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

Discussion	<b>Creative Living Development.</b> Giordano asked Wagner how do you start off as non-profit and later change to profit? Wagner said they (applicant) have to clarify use. Giordano inquired what are the implications if it doesn't take off, then what? Temporarily give them non-profit status and then change to profit.
Correspondence	No discussion took place at this time.
Liaison Reports	No reports were submitted at this time.
Courtesy of the Floor	No discussion took place at this time..

### Work Session

**Upon motion by Klaus, seconded by Giordano, and with all those present voting aye, the Board approved the minutes of May 10, 2010.**

#### **Mongero Properties, LLC**

**SBL: 37.14-1-44**

#### **Request to Amend Approval Resolution**

**Location:** Saw Mill River Road

**Contact:** Al Capellini

**Description:** Approved 3,848 SF bank on 2.2 acres in the C-1 zone.

Albert Capellini, project attorney, and Joseph Riine, project engineer, were present.

Capellini presented the site plan with the adjacent parking plan. Capellini said parking area has been used since 1991. Klaus replied we talked about getting the resolution and deal with it later. Capellini said the ½ acre property to be conveyed is approved for parking. This could be done by a subdivision but can be done by line line adjustment. Approved by Planning Board to do paving. and stormwater treatment will now be done by buyer, Acme. Before a lot line adjustment, a condition by Planning Board that all the improvements must be made by Acme. Klaus asked what about any maintenance issues. Access easement to maintain stormwater and drainage. Riina

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said parking to be access through Acme property. Capellini will give us access easement. Capellini and Riina representing Mongero and Acme at this meeting. Before the purchase, originally, Klaus said, Mongero would do the improvements and then sell. Now Acme will do them. Klaus does not have a problem who does the improvements: paving and curbing and vortechnic. Capellini said before any lot line adjustment is approved, all improvements associated with parking area are to be completed. If the purchaser (Acme) does not do them, then the applicant (Mongero) will do them. No certificate of occupancy issued until all improvements are completed. Tegeder said Bruce Barber said there is a catch basin north of 118 and Barber felt it should be improved but Tegeder said he didn't think that was part of it. Tegeder said originally once environmental people go out served better with basin. Wagner concerned wetland permit is needed. Planning Board is in favor of lot line adjustment. Tegeder asked, can we amend the resolution and go with the lot line adjustment? Can do a decision statement. Klaus said language is the same. Planning Dept. to work with Capellini to draft amendments and get easement language. Wagner to look over access easement. Decision next meeting on June 14<sup>th</sup>.

### **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.

Joseph Iaropoli was present.

Iaropoli said there was a mistake as to the parking specifics he received. There are 49 parking spaces provided and only 35 are needed. The sanctuary has seating for 140 congregants. Code requires one parking space for each four seats. So 35 spaces are required. Iaropoli showed site plan with parking layout. Parking more than adequate. Tegeder asked the square footage of building? It's was calculated at 864 sq ft. Plans to pave a strip of the driveway. Tegeder said may need excavation permit. Klaus said from Planning perspective, enclosing the existing storage shed doesn't change it use, doesn't cause need for additional parking, no traffic issues and no substantial change. Planning Dept. to send memo to Building Dept. stating there are no Planning objections. Religious Land Use & Institutionalized Persons Act (RLUIPA) prohibits objection anyway.

### **Teatown-Gilbert Subdivision**

**SBL: 69.14-1-8**

#### **Discussion Minor Subdivision**

**Location:** 1595 Spring Valley Road,

**Contact:** Insite Engineering

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**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.

Wagner reclude herself.

John Watson, Insite Engineering, and Fred Koontz, of Teatown, were present.

Revised drawings presented showed proposed dwelling on Lot 1, driveway, and septic. A single family dwelling is shown for the intention of the applicant (Teatown) that the lot is for open space and cannot be subdivided again. Board said the plan is to show wetland crossings and wetland buffer on Lot 1. Include engineering details. Flag wetlands - below 1000 sf threshold. Watson got memo from Engineering Dept. today. No big issues, just standard things. Show expansion and primary areas for both existing homes. Watson will not jurisdictionally have to show staging area. Klaus said to subdivide but we can't have that language on it. It's really for tax purposes. Lot is to be for open space. Klaus said we ran into this with Shadow Lake. Klaus questioned is there any way we can approve as subdivision. We can approve for one lot. Giordano said language should be in there that says it is a buildable lot but in reality it is not. Klaus said it is a buildable lot but not being marketed as such. Giordano said there should be language in there to prevent them from further subdividing. Klaus said we are talking about open space and not developing it. He asked would you (applicant) have objections to placing conservation easement on the property? Klaus said place easements on different areas of the property. Koontz said it would reduce the value of the property, as far as fundraising goes. Flynn said we don't have any grounds to place conservation easement. Klaus said to place conservation easement on Lot 1 and that would tie it up. Tegeder asked, when this is done how the deal is going to work while the Gilberts wait for you to do fundraising? Klaus ask if we can put a time limit on the subdivision. Watson replied, one year. Klaus said they would have to come back. Tegeder said if Teatown cannot raise the funds or the county says no, Gilbert can sell it as a building lot. Klaus said if someone wants to perjure themselves. Giordano said if that scenario plays out then that big lot cannot be subdivided if Teatown cannot raise the funds. Tegeder said you can get to the last movement of it with a signed map. Applicant can't do the assessment without it. Plat can be approved but not signed. Watson said it can be approved but not signed for one year. He said state in Albany has their own rules. Can you have a resolution without a signed map? Enough to get an assessment. Klaus said there has to be some language that it is not a buildable lot, the purpose is to create 3 lots for assessment only. Public Informational Hearing June 14<sup>th</sup>.

### **Aspen & Mill Street Subdivision**

**SBL: 16.5-1-13**

#### **Discussion Minor Subdivision**

**Location:** 3810 Mill Street

**Contact:** Site Design Consultants

**Description:** Proposed 4 lot subdivision where 1 multifamily and 1 single family existing

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residences will remain on two of the proposed lots.

Albert Capellini, project attorney, and Joseph Riine, project engineer, and Allan Rothman, the owner, were present.

Riina showed landscaping and mitigations plans dated 5/03/10 prepared by Bruce Donohue. Capellini wanted to advertise for public hearing but then found out they were too late. Got report from Bruce Barber and Conservation Board. Riina said Barber would rather not see a much bigger basin for flood but a vegetated area. Barber feels it is more desirable to remove invasive species along the watercourse and plant a dense stand of trees in existing gaps rather than enlarge the basin. Riina would agree. NYSDEC application would be easier that way. Landscaping plan shows line of trees along drive and parking area. Landscaping in parking lot. Klaus asked what was the mitigation? Riina said the buffer before doing the driveway. Riina said there was a short sediment in the drive and they moved the driveway. Conservation Board is okay with the plans since we relocated the driveway further away from the stream and provided a way to control the stormwater with a swale and detention basin. Riina wants to meet with Barber and see what he wants before going back to Conservation Board and before setting up a public hearing. Riina said they are at the point of going to DEC. Klaus said a similar situation where their original mitigation created a bay and the state came back and said absolutely not. Klaus suggested Riina sit down with Barber and come up with a solution. Public Hearing on June 14<sup>th</sup>.

### **Proposed Master Fee Schedule and Professional Review Fees Town Board Referral**

Discussion between board members. Giordano said people need to know in advance what the fees are. You can't say here's a bill, people need to have a say. Wagner added particularly with charge back such as legal fees. Klaus said he sees Savoca's point (in his email) about making the applicant aware of the fees associated with the project when they first come in. Giordano said all the people should have the cost up front to see if they want to proceed. What fees are involved. Klaus said you tell them when they come in with an application. You tell them they need an engineer, an architect, a wetland consultant, whatever. Tegeder said such as with Bruce Barber. His fees are difficult to figure ahead of time. Tegeder said Town Board needs the Board's comments for tomorrow's meeting. Tegeder asked the Board, what do you want in the memo? Steinberg said the traffic study is an issue. Can't tell them afterwards. Klaus said can't necessarily say 35 hour a week for consultants. Tegeder said traffic study in not a good example. Klaus said there may be issues that may arise after the project is started such as environmental consultant fees. Tegeder said there is a wide range between fees for a three (3) lots (subdivision) to a larger one. Wagner agrees with Savoca, give the applicants some idea as to the costs involved when they first come in. Copies of the vouchers and invoices should be provided to the applicant, should be a requirement, not on request. Needs to figure fees for consultants when applicant first comes in. Needs rates for consultants. The Planning Board supports the basic concept of the master fee schedule and Tegeder will send memo to the Town Board.

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**Upon motion by Giordano, seconded by Savoca, and with all those present voting aye, the Board adjourned the meeting at 9:05 p.m.**

Submitted by Nancy L. Milanese