

## Planning Board Meeting February 8 2010

A regular meeting of the Planning Board, Town of Yorktown, was held on February 8, 2010, the Yorktown Town Hall, 363 Underhill Ave, Yorktown Heights, NY 10598. The Chair, Dave Klaus opened the meeting at 7:55 P.M. with the following members present:

John Flynn  
John Savoca  
Bob Giordano

Also, present were: John Tegeder, Director of Planning, 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	Klaus reported on the Planning Advisory Committee.
Courtesy of the Floor	No discussion took place at this time

**Upon motion by Flynn, seconded by Savoca, and with all those present voting aye, except Klaus, who abstained, the Board approved the minutes of January 11, 2010.**

### Regular Session

#### **Village Traditions**

#### **SBL: 15.16-1-32**

*Location:* 1821 East Main Street

*Contact:* Rayex Group

*Description:* Expand existing parking lot to improve traffic and accommodate additional parking for existing 2nd floor and barn.

Willie Barsharat, project engineer was present with applicant Tim Mallon. Barsharat stated the site plan under review has additional parking and installation of a new barn. Additionally, egress will be provided to the proposed Dana Cole site. Klaus stated the site is located at 1821 East Main St, the former Mohegan Electric site. Flynn stated the Town Wetland Consultant has asked for a wetland buffer mitigation plan. Barsharat stated the DEC is willing to use the Dana Cole approved wetland flagging, therefore we are very close to completing the review. Flynn asked about both the DEC memo and the Town Engineer's memo and Barsharat stated all items have been addressed.. Barsharat stated a letter will be submitted stating how the applicant has addressed both the DEC and the Town Engineer. Klaus opened the meeting to the public.

John Gordon, Mohegan Lake, Mr. Gordon stated he and his wife have been interested in the old green barn, It was used by a military academy, and along the walls are oil paintings of soldiers painted in regimental colors. These paintings were painted on the wooden walls of the barn. Barsharat stated the applicant will try to preserve the painting, and use them in the new lobby. Using the same color, and same material. Flynn asked what percent of the paintings will be reused. Mallon stated 5%. Mallon stated the use of the paintings should be at his desecration.

John Gordon, Mr. Gordon stated he did not want to interfere with the application. There is a question of when the paintings were done. Mr. Gordon, was an artist, and asked if there was a plan to preserve the work.

Barsharat stated that, where feasible, parts of the old barn would be incorporated into the new barn proposed to replace it. Barsharat stated the barn is not actually a historical structure. The painting may be incorporated into the new barn. Mallon stated he was an antique dealer, and the paintings being referred to were not old, and were of little value. Mallon felt the paintings were more graffiti the art, some even pornographic.

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Mallon felt the Planning Board had no authority regarding the paintings and became very angry. Mallon was distraught and used inappropriate language, began yelling, and insulting the Board Members. Mallon did ask how Mr. Gordon came to know what was inside his barn. The Board discussed how to address the paintings. Basharat apologized for the applicant. Klaus asked if the Planning Department should review the site.

Giordano felt there was no reason for the owner to determine the percentage of material he was to reuse. The Board felt they should contact the Historic Society to gain some clarity on the issue.

**Upon motion by Giordano, seconded by Savoca, and with all those present voting aye the public hearing was adjourned until such time as the Town Engineering, NYS DEC and Yorktown Historical Society responds.**

### Country Academy of Dance

### Request 2nd One Year Time Extension

**SBL: 6.18-1-27**

*Location:* 150 Route 6N

*Contact:* Al Capellini

*Description:* A site plan was approved by the Planning Board on October 15, 2007 and a one-year time extension was approved on February 26, 2009 which expired on October 8, 2009.

Dan Ciarcia, project engineer, was present. A letter from attorney Al Capellini dated Jan.21, 2010 requests the Board approve a second one (1) year time extension. Ciarcia stated the applicant is delayed due to the ability to obtain financing to construct the building and improvements. All zoning, planning, and agency approvals have been obtained. Klaus asked if any portion of the project had changed, and was told it had not. **Upon motion by Savoca, seconded by Flynn, and with all those present voting aye, the Board approved a second one (1) year time extension for the site plan.**

### Marricco

### Request for Excavation Permit

**SBL: 5.20-1-9**

*Location:* 3880 Indian Hill Road

*Contact:* Mark Marricco

*Description:* Approved 2-lot subdivision on 9.31 acres in the R1-160 zone.

Joe Riina, project engineer, was present with the applicant. Riina stated the applicant is before the Board for an excavation permit, which is required to construct a drainage swale along the driveway. Riina stated the applicant has obtained septic approval, and the application for building permit has been filed. Riina explained that the only modification flipping the proposed house, but keeping in the same location. Riina stated the amount of disturbance remains the same, and the septic system is in the same location. Klaus asked if the change caused greater impervious surface, and was told it did not. The Board asked if this had to be bonded. Riina stated the applicant has submitted bonds as requested, and will post any required bonds. **Upon motion by Flynn, seconded by Savoca, and with all those present voting aye, the Board approved the excavation permit.**

### Esposito Builders

### Decision Statement

**SBL: 15.15-1-41**

*Location:* 1922 East Main Street

*Contact:* Site Design Consultants

*Description:* Modifications to the approved parking plan.

Applicant Doug Esposito was present, and presented a letter from the Mohegan Fire Dept. to the Board. The Board had requested this letter as a condition of approval as some spaces along the building were allowed and some were placed adjacent to the loading zone. Riina explained that originally, the applicants met with Fire Marshall Don Beaumon who gave verbal okay. However after a review the Fire Chief did not agree. Currently, the applicant agreed to move the loading closer to the the dumpster and place two (2) employee

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parking spaces there. Riina stated there are three conservation spaces which makes up for the spaces that were lost.

**Upon motion by Giordano, seconded by Savoca, and with all those present voting aye, the board approved the revised plan.**

### Route 6 Office Development

### Request 1st One Year Time Extension

**SBL: 15.16-1-21**

*Location:* 3571 Mohegan Avenue

*Contact:* John Meyers Consulting

*Description:* A 3-lot subdivision and site plan approved by Planning Board Resolutions #08-04 and #08-05 on February 11, 2008.

Diego Villareale, project engineer, was present. Villareale requested the first one (1) year time extension on the site plan. Villareale state two of the buildings had been constructed. Because the applicant does not have a bank tenant, they will not go ahead with constructing the third building. Klaus explained that until the applicant pulls a building permit the site plan is still in effect.

**Upon motion by Flynn, seconded by Giordano, and with all those present voting aye, the Board approved the first one (1) year time extension for the site plan.**

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

### Work Session

### Adrian Auto Body

### Discussion Amended Site Plan

**SBL: 26.18-1-24**

*Location:* 3330 Old Crompond Road

*Contact:* Joseph Adrian

*Description:* Proposed additions and additional parking to the rear of the existing building.

Applicant Joe Adrian and his son were present Klaus stated this is a preliminary review for an amended site plan. The applicant is requesting to increase the building by 3,000sf to be used as a workspace. The canopy will be removed the area is 20 x 40. Steinberg asked if the row of parking will remain, and was told it would. Adrian stated the wetland buffer will not be disturbed. We will take out the bankrun and will work with the Chase property. The bank will be planted. Flynn asked about Klaus you have to formalize the parking lot. Klaus how will you handle the increase in impervious service. Klaus asked if the applicant had any setback issues and was told no. Robyn stated this is an amended site plan application. Kutter asked about additional fumes. Jr, this will only be workspace and no additional painting. This is all approved by the County. Ann site distance is a problem, Jr this is basically speeders. Jr I would take 20-30 feet down. Klaus maybe this should be oneway. Mr. Adrian described a proposed 3000 sq. ft. L-shaped addition to his existing building, which would house work space for disassembling and reassembling cars. Parking would be moved from behind the building to the side and would cover an area 40'x125'. The new parking area would not be visible from Old Crompond Rd or from neighboring residences. There is a wetland buffer in this area, but the parking would be kept at least 73 ft away. The wetland itself is on the adjacent property. Less than 5000sq ft of bank run would be removed for the parking area, which is below the threshold for an excavation permit. There was some discussion of the proposed location of the propane tanks. Ms Kutter asked about venting of paint fumes. There will be no increase in the amount of painting done and therefore no changes in the venting situation. Ms. Kutter also asked about the poor site distance upon exiting the property. Mr. Adrian maintained the dangerous situation was caused by motorists speeding along Old Crompond Rd as they use it

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to avoid traffic on Route 202, a situation over which he has no control. There was some discussion of making one of the site's driveways one-way, but the consensus was that this wouldn't accomplish much. The Planning Board generally approved of the project and instructed the applicant to meet with the Planning Department in order to make a formal application.

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### Old St. George's LLC

SBL: 15.12-2-53

*Location:* 1715 East Main Street

*Contact:* Louis Spizzirro

*Description:* Request for rezone from R1-20 to the Transition zone.

### Town Board Referral

Louis Spizzirro, project attorney and Chris Sciarra, were present. Steinberg asked if the applicant submitted an application for a rezone. Sciarra stated the application has been before the Conservation Board and the Zoning Board. Sciarra stated the parking plan has never changed on this project since it was a church. Sciarra stated the applicant is going to find a solution and bring it to the Town Board to see if it works. Flynn stated this is a referral from the Town Board. Flynn stated the applicant attended the last Planning Board meeting, at which time you told the Board the applicant was following two paths, rezoning and special use. Sciarra asked about the debris that has been dumped on the property prior to the applicant's ownership. Sciarra stated the applicant is no longer actively seeking a special use permit or rezoning to a transition zone. The applicant is trying to find a use that will work on the site that takes into consideration the sites environmental constraints. Sciarra stated the applicant was considering reconfiguring the space to reduce the parking requirement. Sciarra stated he had met with te Conservation board and was waiting to speak with John Tegeder about a new use. Wagner stated the applicant described the land use agreement with New York Stated as a lease, but, it was in fact a revocable permit. Spizzirro felt most rentals could be described in the same fashion. Wagner asked if the applicant was going to pursue the use for the restaurant. Kutter stated the Conservation Board was confused by the applicant's statement to them about the existing uses of the property. Kutter explained that it was intrusions into the wetland that the Conservation Board was reviewing and not the specific use of the building. Sciarra stated he was going to work with every board and agency to find a use that fits, and the special use permit and zone change applications are being held in abeyance.

**Upon motion by Flynn, seconded by Savoca, and with all those present voting aye, the meeting was adjourned at 9:15pm.**