

Planning Board Meeting March 8, 2010

A regular meeting of the Planning Board, Town of Yorktown, was held on March 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
Darlene Rivera
Richard Fon-Alternate Board Member

Also, present were: John Tegeder, Director of Planning, Robyn Steinberg, Town Planner, and 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	No discussion took place at this time

Regular Session

Upon motion by Flynn, seconded by Savoca, and with all those present voting aye, except Rivera, who abstained, the Board approved the minutes of February 8, 2010.

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

Sierra Bella fka Samsel Minor
SBL: 47.5-1-13

Request for 1st 90 Day Time Extension

Location: 1860 Hunterbrook Road

Contact: Dan Ciarcia, PE

Description: 2-lot subdivision approved by Planning Board Resolution #09-24 on September 14, 2009.

Al Capellini, project attorney, was present. Giordano recused himself from this discussion. Capellini stated the applicant was going through a lengthy NYS DEC process. Klaus asked if anything had changed, and Capellini stated there were no changes.

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

Kiederer Subdivision
SBL: 6.08-21-32

Request for 1st 90 Day Time Extension

Location: Granite Springs Road

Contact: Dan Ciarcia, PE

Description: 3-lot subdivision approved by Planning Board Resolution #05-21 on September 12, 2005, and reapproved by the following resolutions: #06-14 on September 11, 2006, #07-14 on September 10, 2007, #08-15 on September 22, 2008, and #09-21 on September 14, 2009.

Dan Ciarcia, project engineer, was present. Ciarcia stated no changes had occurred to the plan. Klaus asked what was causing the delays. Ciarcia explained that the NYC DEP would be updating their regulations shortly, and the applicant is waiting to see if this will allow sewers to be installed.

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

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Fertucci

Request for 1st One-Year Time Extension

SBL: 37.18-2-77

Location: 1801 Commerce Street

Contact: Al Capellini

Description: Site Plan approved by Planning Board Resolution #09-06 on March 9, 2009.

Al Capellini, project attorney, was present. Capellini stated there were no changes made to the approved plan. Capellini explained that environmental reviews and the economy were causing delays for the applicant. Flynn stated some of the windows in the structure have been removed on the south side of the lower floor.

Upon motion by Savoca, seconded by Flynn, and with all those present voting aye, the Board approved the 1st-One-Year Time Extension.

Bella Vita

Request Renewal of Outdoor Seating Permit

SBL: 15.12-1-3

Location: 1791 East Main Street

Contact: Paul Caputo

Description: Special Use Permit for Outdoor Seating and Tent.

Klaus stated the applicant was running late and is not present. Klaus stated the economic climate has changed the applicant's plans regarding the installation of a permanent structure. Klaus stated the current request includes one additional table. Klaus stated the hours of operation are dictated by the town code. Giordano wanted the approving resolution to reflect the same conditions as other establishments with outdoor seating. The primary condition is that liquor cannot be served without ordering food. Tegeder asked if the Board wanted the applicant present at the meeting of March 22. The Board did want the applicant present.

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

Work Session

Aspen & Mill Street Subdivision

Discussion Subdivision

SBL: 16.5-1-13

Location: 3810 Mill Street

Contact: Site Design Consultants

Description: Proposed 4-lot subdivision where 1 multi-family and 1 single-family existing residences will Joe Riina, project engineer, and Al Capellini, project attorney, were present with the applicant. Riina stated an analysis for the R3 zone requirements has been submitted to the Board. Riina stated there are 4 paved parking spaces and additional spaces on grass. These spaces are not delineated. Riina explained the excessive width of the current driveway is a result of a bypass for the Mill St. bridge replacement installed by the Town. The current proposal pulls the driveway back, narrowing it to 16-feet, while moving it away from the stream. Riina stated the proposed mitigation increases the flood storage area. Additionally, the applicant proposes to install screening, and restore the area to a more natural setting. Tegeder asked if the site was in a flood plain, and if so, was that indicated on the plan. Riina stated the site was in a flood zone, and this was detailed on the plan. Flynn asked how the applicant could include the square footage within the flood plain in the lot size calculations. Riina stated he had met with Building Inspector, Bill Gregory. Gregory indicated as the 100-year flood is not considered a normal or usual event, one would not deduct the area from the lot size calculation. The Board asked about the wetlands on site. Riina stated he did not know if the two wetlands were large enough to meet town jurisdiction. Tegeder suggested Bill Gregory make the determination about lot size calculations and flood zones in writing to the Planning Board. Riina and

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Capellini agreed to provide the information for each lot (size of total lot plus per-lot identification and square footage of land under 300-11.) Wagner agreed that this analysis must be done by the applicant and submitted to the town. Tegeder said the Building Inspector could analyze. Riina stated stormwater management was being handled with an infiltration swale. Flynn asked why the applicant placed parking in a wetland, and a flood plain. Klaus asked that the parking be moved out of the flood zone. Tegeder asked for a swale, similar to the swale installed along the Marricco driveway. Capellini asked if the Board wanted the parking out of the flood area, and the playarea in the flood area. Capellini felt this was causing much more disturbance. Tegeder stated the entire site will be disturbed with this development. The applicant asked if the Board was agreeable to the landscape circle remaining, and they were. Riina stated the applicant is waiting for approval on the final concept before completing a mitigation plan. Capellini asked if the parking lot should be blacktopped. The applicant stated blacktop was preferable for plowing. Riina stated the proposal will keep the same amount of impervious surface pre and post construction. Kutter stated the Conservation Board wants the easement and buffer extended to protect the stream.

Bella Vita

Request Renewal of Outdoor Seating Permit

SBL: 15.12-1-3

Location: 1791 East Main Street

Contact: Paul Caputo

Description: Special Use Permit for Outdoor Seating and Tent.

Paul Caputo, applicant was present. Caputo apologized for being late. The Board asked if the tent was used only for special occasions or throughout the time it is allowed up. Caputo stated it was used all of the time it was allowed up. Giordano stated the Board is imposing a condition that requires that liquor not served without a food order, and Caputo was agreeable to this. Giordano stated this condition has been imposed on all other restaurant requesting outdoor seating. Town Klaus stated Town Code determines the hours of operation. Tegeder stated the tent is a temporary building, therefore the applicant must follow the regulation stated in the Town Code. The applicant was agreeable to this. Steinberg stated the resolution specifies the delineation of the tent space. Klaus stated if the applicant relocates the sign, the new location must be shown to the Planning Department. As the Board has not received any complaints with regard to this applicant, it was agreed to grant a 3-year permit.

Upon motion by Giordano, seconded by Savoca, and with all those present voting aye, the Board opened a Special Session.

Klaus stated the new resolution will be a 3-years permit and will allow for construction of tent 10 days prior to April 11 remaining up until no later then Oct 31.

Upon motion by Savoca, seconded by Flynn, and with all those present voting aye, the Board approved 3-year special use permit.

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

Upon motion by Savoca, seconded by Klaus, and with all those present voting aye, the Board adjourned the meeting at 9:30pm.