

Planning Board Meeting June 28, 2010

A regular meeting of the Planning Board, Town of Yorktown, was held on June 28, 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
Darlene Rivera
Richard Fon
John Flynn

Absent -Bob Giordano

Also, present were: John Tegeder, Director of Planning, Robyn Steinberg, Town Planner, and 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

Courtesy of the Floor - BJs Wholesale Club - Mr. Bared, BJ representative, was present. Klaus suggested the applicant apply to the Planning Department, as this was more than a courtesy of the floor item. Tegeder asked Bared to come to the Planning Department for discussion and application material in order for the applicant to attend the next Planning Board meeting.

Minutes: Upon motion by Savoca, seconded by Rivera, and with all those present voting aye, the Board approved the minutes of June 14, 2010.

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.

Al Capellini, project attorney, and Willie Barsharet, project engineer, were present. Barsharet stated all items requested for the historical survey, both interior and exterior, have been submitted to the Planning Department. Barsharet stated the NYSDEC is waiting for the Planning Board's negative declaration to approve this plan. Steinberg stated the Town Engineer found the plan adequate, but was waiting to hear from NYSDEC. The Town Engineer was concerned with changes made by NYSDEC similar to those at the adjacent Dana Cole property. Tegeder asked if site amenities were submitted and was told yes. Wagner asked if requested documentation should be included in the resolution.

Discussion Site Plan

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Fusco Minor Subdivision

SBL: 16.14-1-10

Location: 3477 Stony Street

Contact: Daniel A. Ciarcia, PE

Description: Proposed to subdivision 2.720 acres into a 2-lot subdivision.

Dan Ciarcia, project engineer, was present with the applicants. Ciarcia informed the Board that the applicant will attend the upcoming Conservation Board meeting, although they have attended prior meetings, and the Conservation Board has walked the site. Klaus asked why the house location changed since the Planning Board last reviewed the plans. Ciarcia explained the change was made in order to site the house to the applicant's desired location. The proposal also calls for a garage under the first floor and a free standing garage. Ciarcia stated a 12% driveway grade the profile on the plan compares 10%, 12% and 14%. Flynn asked what benefit it was to snaking the driveway. Ciarcia replied this plan results in less disturbance to the existing trees. Ciarcia stated that as proposed, the driveway was 425-feet, a 10% grade would result in a 10-foot cut, while a 12% grade is 7-foot cut. The Board wanted to see all the driveway grade scenarios. Ciarcia wanted a favorable recommendation from Planning to the Town Board for a driveway grade variance. Klaus asked about a common driveway. Tegeder stated his concerns about the proposed driveway and sizeable amount of excavation that will be required. Klaus asked about stormwater management, and Ciarcia stated stormwater management was premature at this time. Flynn asked about the stand of trees. Klaus stated the Board's concern is the depth of the cut for the driveway. Klaus explained that although the Board has supported a 12% driveway grade, it was usually for a short section, whereas this proposal includes the entire driveway. Ciarcia requested returning to the July 12, 2010 meeting. The Board did not have an issue with the freestanding garage. The Board scheduled a site visit, possible for July 11, 2010.

Discussion Minor Subdivision

Unicorn Contracting Corp.

SBL: 16.6-1-45

Location: East Main Street

Contact: Architectural Visions, PLLC

Description: Develop lot with a two-story building with 1st floor retail and 2nd floor two apartments. Joel Greenberg, project engineer, was present. Greenberg stated this was the site of a former subdivision that contained one commercial lot. Greenberg discussed the use of pervious pavers on the site. The current proposal will result in 3-stores and 2-apartments. Klaus stated the same environmental problems that exist in the past are still present. Flynn stated as the developer owns the adjacent lot, perhaps we can intensify the use on that side of the site to decrease use on more environmentally sensitive area. Greenberg stated he would discuss this with the applicant. Fon asked if the proposed apartments would be part of the Town's affordable housing required set by the County. Tegeder stated the apartments would have to meet the County's requirements.

Pre-Preliminary Application

Curry Automotive

SBL: 36.5-1-11

Location: 3493 Crompond Road

Pre-Preliminary Application

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Contact: Architectural Visions, PLLC

Description: Amend approved site plan since the previous building was destroyed by a fire. Project architect Joel Greenberg was present before the Board. Greenberg stated the building that formerly occupied the site was destroyed by fire. The site has been cleaned up to comply with environmental issues found by the NYSDEC. Currently, the applicant is requesting the site be used to provide parking. Klaus felt it would be helpful to understand the relationship of the existing buildings and the proposed parking. Klaus requested Greenberg submit a grading plan. Klaus stated, as per the original approving resolution, the Board will still require the applicant to clean the rear portion of the site, repair the fence, and install an emergency crash gate. Greenberg stated he would submit a lighting plan, as well as attend to the above mentioned requirements. Klaus asked for a stormwater management plan. Flynn requested Greenberg explain how the site will operate, how the flow of traffic will allow for both automobile service and sales. Greenberg demonstrated this, stating one lane will be entrance only, and customers needing service will drive into the garage area, and then walk to the service desk. Used cars will be displayed in a separate area, while new car inventory will be placed in the rear of the site. Flynn felt the applicant needed to better understand the needs of customers and traffic flow, and design it as such. Flynn suggested a pedestrian access to Grandmas Restaurant, and Greenberg was agreeable. Greenberg stated the site had two curbscuts on Route 202, and would block one with planters at this time. The applicant would not want to remove either of the existing curbscuts, as the site's use could change in the future, and getting the curbscut back would prove onerous. Flynn was concerned that the plan required the Board to approve two concrete planters in their DOT Right-Of-Way. Klaus asked for cross easements to be submitted. Tegeder requested the plans be referred to DOT. The applicant was scheduled for a public informational hearing on July 12, 2010.

Croton Overlook

SBL: 70.15-1-2

Location: Dell Avenue

Contact: Zarin & Steinmetz

Description: Currently zoned R1-80 petitioner requests a RSP-1 zoning.

David Steinmetz, project attorney, and Kim Calandriello, applicant, were present. Steinmetz stated the applicant filed a petition for rezoning from R1-80, One Family Residential to RSP-1, Age Oriented Community. The site is approximately 63 +/- acres, and the current proposal calls for 68-units with 69 lots. The last lot is a 45-acre, private recreation parcel. Steinmetz felt the RSP1 zone worked well and was incorporated in the Comprehensive Plan. Steinmetz stated one of the most challenging issues is the proximity of the site to the watershed. Calandriello reported the consulting engineers have almost completed perc test. Calandriello stated we are working with the NYSDEC and NYCDEP. Calandriello discussed how treated wastewater would be discharged to an on-site subsurface disposal area. The effluent would be treated to stream standards. Wastewater will be routed to an on-site wastewater treatment plant to provide treatment before being

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discharged to a subsurface infiltration disposal system. The proposal calls for water to be supplied by a water main extension which will connect with a supply line owned and operated by the Town of New Castle. Calandriello stated representatives of Croton Overlook have discussed this with representatives of New Castle. Flynn reaffirmed that treated effluent will have subsurface discharge. Calandriello stated the closest sewer is in Ossining. Steinmetz stated there will be 34-buildings with duplex units, therefore, requiring subdivision and site plan submissions. Klaus asked the applicant to analysis other uses for the site. Steinmetz stated in addition to addressing needed senior housing, the applicant will be providing \$650,000 of funds above taxes, a development with no school-aged children, and taxes of 1.0 to 1.5 million dollars. Calandriello stated the adjacent Random Farms development has been discharging wastewater on the Croton Overlook property for years. Now that they are in failure, they will be permitted to discharge treated surface runoff into the stream. Flynn asked about creating a joint treatment plant, Calandriello explained NYSDEC regulations prohibit this. Calandriello stated the proposal calls for access from Dell Ave and Route 134, and the applicant will be realigning and improving Dell Ave. Tegeder asked about the required amenities, traffic analysis, visual analysis and stormwater analysis. Steinmetz stated the Town Board will be the lead agency for the rezoning, but the Planning Board will be handling much of the SEQRA process. Klaus stated a site visit will not be necessary for the rezoning. Flynn requested more detail on the wastewater system. Klaus suggested the applicant return to the Planning Board when additional details were required.

Draft Tree Ordinance

Klaus stated a review of the draft ordinance makes it appear that trees are more valuable in regulated areas then non regulated areas. Additionally, as lot size varies within a zoning district, allowing the removal of only two trees in a buffer zone is too restrictive for larger lots Klaus felt it would be difficult to measure the change in the Town's tree base through the years. The Board also felt it could pit neighbor against neighbor, and the Town will be brought into this. The Board felt the 6-inch diameter to define regulated trees was too small. Additionally, homeowners do much of their work on the weekend, when town employees are not available, leaving the enforcement issue to still be addressed.

Town Board Referral

Upon motion by Savoca, seconded by Flynn, and with all those present voting aye, the Board adjourned the meeting at 9:15 p.m..