

Planning Board Meeting October 18, 2010

A regular meeting of the Planning Board, Town of Yorktown, was held on October 18, 2010, the Yorktown Community and Cultural Center, 1974 Commerce St., Yorktown Heights, NY 10598. The Chair, Dave Klaus, opened the meeting at 7:45 P.M. with the following members present:

John Flynn
Darlene Rivera
Richard Fon

absent John Savoca

John Kincart / Planning Board Alternate

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 one from the public came forward

Regular Session

Upon motion by Rivera, seconded by Flynn and with all those present voting aye, the Board approved the minutes of September 27, 2010.

Upon motion by Rivera, seconded by Flynn and with all those present voting aye, the Board approved the Planning Board's meeting schedule for 2011.

Upon motion by Rivera, seconded by Flynn and with all those present voting aye, the Board approved the opening the regular session at 7:30 on November 8, 2010 and December 13, 2010

Country Academy of Dance

SBL: 6.18-1-27

Location: 150 Route 6N

Contact: Al Capellini

Description: Site Plan for a dance school approved by Resolution #07-24 dated October 15, 2007.

Al Capellini, project attorney, was present with applicant Howard Kilick. Kilick explained that only the building permit remains open.

Upon motion by Flynn, seconded by Rivera, and with all those present voting aye, the Board approved a one-year time extension.

Request One-Year Time Extension

PEG Realty Corporation

SBL: 16.8-1-2

Location: 3699 Hill Boulevard

Contact: Jeffrey Klein, Esq

Description: Proposed 2-Lot subdivision and 11,600 SF one-story commercial building.

Joel Greenberg, project architect, was present before the Board. Greenberg stated the newly created lot, a result of the subdivision, is being sold. Completion of the site plan is still pending.

Upon motion by Fon, seconded by Rivera, and with all those present voting aye, the Board approved a one-year time extension.

Request One-Year Time Extension

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Yorktown Farms fka Somers Realty

Request 2nd 90-Day Time Extension

SBL: 17.6-2-32

Location: Route 6

Contact: Zarin & Steinmetz

Description: A 22 lot subdivision approved by Resolution #08-03 dated February 11 , 2008.

Dan Ciarcia, project engineer, was present before the Board. Ciarcia stated all of the conditions of the approving resolution have not been met at this time The applicant is working toward completion and hopes to be filing the map next month. Klaus stated a letter received from the adjacent neighbor, Kiely, on Stonewall Court must be addressed. Ciarcia felt the neighbor's landscaping intruded into the Town park. Klaus requested Ciarcia review and comment on the letter. Ciarcia stated the applicant has made great efforts to intercept ground water and surface run-off.

Upon motion by Flynn, seconded by Rivera, and with all those present voting aye, the Board approved a 2nd 90-day time extension.

RCB Development

Request 2nd 90-Day Time Extension

SBL: 36.5-2-60

Location: Old Crompond Road

Contact: Ralph G. Mastromonaco, PE, PC

Description: A two lot subdivision on 10.32 acres in the R1-20 zone.

Ralph Mastromonaco, project engineer, was present before the Board. Mastromonaco stated the applicant required direction to comply with administrative issues with regard to the signed plat. Klaus stated this Board will grant the 2nd 90-day extension, however, we would like the applicant to consider connectivity issues with the adjacent parcel. Mastromonaco asked if the adjacent parcel had an application, and was told it did. Klaus asked that the applicant take the time to review this.

Upon motion by Flynn, seconded by Rivera, and with all those present voting aye, the Board approved a 2nd 90-day time extension

Curry Automotive

Decision Statement

SBL: 36.5-1-11

Location: 3493 Crompond Road

Contact: Architectural Visions, PLLC

Description: Amend approved site plan since the previous building was destroyed by a fire.

Joel Greenberg, project architect, was present before the Board. Klaus stated the Board requested taller plantings, as the Board is still questioning closing one entrance. Greenberg stated the revised plan has the taller planter, shown on private property, and striping shown on the plan. Additionally, cars will be parked in this area. The Board was satisfied with this.

Upn motion by Flynn, seconded by Fon, and with all those present voting aye, the Board the Board declared lead agency.

Upon motion by Rivera, seconded by Fon, and with all those present voting aye, the Board issued a negative declaration under SEQRA.

Upon motion by Flynn, seconded by Rivera, and with all those present voting aye, the Board approved the amended site plan for Curry Automotive.

Aspen & Mill Street Subdivision

Decision Statement

SBL: 16.5-1-13

Location: 3810 Mill Street

Contact: Site Design Consultants

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

Al Capellini, project attorney, and Joe Riina, project engineer, were present with the applicant. Capellini stated this was sent back to the ZBA for clarification. Capellini stated he has reviewed the approving resolution and found no issues. Riina stated the applicant has chosen to go forward with the plan that includes the forested buffer, and no basin. The plan is titled Alternative Landscape Plan.

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Upon motion by Rivera, seconded by Fon, and with all those present voting aye, the Board declared lead agency. Upon motion by Rivera, seconded by Fon, and with all those present voting aye, the Board issued a negative declaration under SEQRA.

Upon motion by Flynn, seconded by Rivera, and with all those present voting aye, the Board approved the amended subdivision, wetland permit and excavation permit for Aspen and Mill Subdivision.

Adrian Auto Body

Withdrawn Until Next Month by Applicant

SBL: 26.18-1-24

Public Hearing

Location: 3330 Old Crompond Road

Contact: Ralph G. Mastromonaco, PE, PC

Description: A 1-story and partial 2-story additon and excavation of the hillside for additional parking.

Marricco

Public Informational Hearing

SBL: 5.20-1-9

Location: 3880 Indian Hill Road

Contact: Architectural Visions, PLLC

Description: Proposed amended subdivision of subdivision approved by Resolution #09-05 dated March 9, 2009.

Joel Greenberg, project architect, was present with the applicant. Klaus stated the Board will open the public hearing, and adjourn it until Nov 8, 2010, as the applicant failed to correctly notice the adjacent parcels. The applicant must renote this project. Additionally, the Board will hold the public hearing on Nov. 8, 2010, and the applicant must send a separate notice to adjacent parcels for this hearing as well. Greenberg stated this lot was approved as a separate lot, but the approval did not include a new house, and demolition of the existing structure. The applicant has been to the Building Department and ABACA, and is waiting for Planning Board approval. Klaus stated the Board requested certain drainage work be completed. Greenberg stated the required swales are still part of the new plan. Fon asked if there were any neighbor concerns voiced at the original public hearing. Klaus stated there were issues with drainage, and the swales were the response to the neighbor's concerns. Klaus opened the meeting to the public, no one from the public came forward.

Upon motion by Fon, seconded by Flynn, and with all those present voting aye, the meeting was adjourned until Nov. 8, 2010.

Fusco Minor Subdivision

Public Informational Hearing

SBL: 16.14-1-10

Location: 3477 Stony Street

Contact: Dan Ciarcia, PE

Description: Proposed 2-lot subdivision on 2.720 acres in the R1-20 zone.

Dan Ciarcia, project engineer, was present with the applicants. Ciarcia stated the applicant is proposing a 2-lots subdivision, one lot containing .6 acres and the other 2.1 acres. The property is served by public sewer and water. The area to be developed has already been cleared, and level, however, access is the main issue. The applicant has studied many alternatives, to determine the best fit. The house will have a freestanding garage in the rear. Ciarcia stated Town Code restricts the Planning Board to approving no more then a 10% driveway. Analysis indicates 10% is not the best environmental option, nor does it fit into the neighborhood. Ciarcia explained that the grading on the current plan is at 14% for 225 feet. At this grade there is 600 yards of disturbance, whereas at 10% there is 2700 yards of disturbance. With a 14% grade there is much less earthwork. The applicant cannot proceed without the Boards approval and a recommendation to the Town Board for driveway elevation. Ciarcia stated there is a 17% stretch of driveway, however, this is typical of the Stony Street area. Fon stated the Board conducted a site visit and this plan is in conformity with the neighborhood. Fon felt the applicant balanced construction and the environmental restrictions.

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Flynn asked the distance to the nearest neighbor from the new house. Ciarcia stated it was 250 ft and 160 ft, as this is an R1-20 zone no variance is needed. Ciarcia stated the current plan represents less disturbance and less tree damage. Fon stated there is a natural buffer that will not be harmed with the current plan. Klaus opened the meeting to the public. No one from the public came forward.

Upon motion by Flynn, seconded by Rivera, and with all those present voting aye, the Board closed the public informational hearing.

Upon motion by Rivera, seconded by Flynn, and with all those present voting aye, the Board closed the regular portion of the meeting.

Work Session

Pied Piper School

Zoning Board Referral #55/10

Location: 2090 Crompond Road

Contact: Kathleen Dineen & Marsha McCoy

Description: Requested renewal of existing daycare center special permit.

Marcia McCoy, Pied Piper representative, was present. Klaus stated there are no changes to the approved plan and the applicant is in site plan compliance. The Planning Board has no issues with this application.

Renewal Special Use Permit

for Operation of a Daycare Center

King Gates & Fence

SBL: 26.19-1-1

Location: 3216 Crompond Road

Contact: Louie Gashi

Description: Request of a special permit for outdoor service.

Louie Gashi, project representative was present. Steinberg stated commercial establishments are allowed 8ft height fences. Gashi explained he needed to hide the storage. The applicant conducts sales and installation of fences. Steinberg stated the applicant was in violation and now has to enclose the area. Tegeder stated the Building Inspector wanted a permit to allow the storage. When asked about commercial vehicles, Gashi stated one small truck was parked overnight on site. The applicant stated he would like to do fabrication in the future, which may require outdoor display. Klaus asked the applicant to highlight the drawing as to where the new fence will be installed, highlight the gate, and submit photographs. Klaus also requested a sketch of where you would have the outdoor display. Klaus requested the dumpster be shown on the plan. Additionally, state the height of the fence on the plan. As the applicant has a violation, the Planning Department will send a letter stating the project is before the Planning Board.

Request Special Use Permit Outdoor Service

Globe Op Financial Services

SBL: 48.7-1-1

Location: 1565 Front Street

Contact: Architrave Designs

Description: Proposed exterior oil tank location.

Dave Petro, project architect, was present before the Board. The applicant stated there is an existing chain link fence and a larger fenced in area of the HVAC equipment. As the Board is aware Global Op is a computer company. The applicant is requesting enclosing the existing oil tank in a fence. The result would be the loss of one parking space. Currently, there are 193 and there will be 192 when the project is complete. Half of the building is designated to computer needs, and only 113 spaces are thought to ever be used. Currently there are 20 employees. Klaus felt the use made sense, as so few people used the building. However, if the use became more people intense, the Planning Board would have to review parking again. The applicant stated the tank is 10,000 gallon, double wall, with remote fill, above ground leak protection, and a 20% overflow chamber. Petro stated they will need a DEP permit. The pad for the tank will go in the blacktop area. Mary Galasso, NYC DEP, came forward. Galasso stated there is no new additional impervious area, therefore, no DEP requirements. Klaus stated the applicant will need to register with the Westchester County Board of Health. The Board requested an amended site plan and an EAF. Tegeder wanted a formal application that would be referred to outside agencies.

Discussion Oil Tank

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Kitchawan Fire & Rescue Station

Pre-Preliminary Discussion

SBL: 70.5-1-13

Location: Kitchawan Road

Contact: Al Capellini

Description: Proposed 3,100 sf Kitchawan Fire & Rescue Station with two apparatus bays, day room, storage and wash room facilities.

Klaus requested himself from this discussion.

Frank Simone, Andrew Tully, attorney. Al Capellini, project attorney, John Sullivan project architect Lou Mastro, Howard Orch Firehouse Representatives, were present before the Board. Orch stated our mission is to protect lives and property, and we are trying to better respond to the Kitchawan area. Sullivan stated this proposal is a much scaled down proposal then in the past. This is not just fire it is also rescue unit. Sullivan state the applicant has been working on this project for years, and this is the third set of plans. It is a 6 acre site along Rte 134, where it is proposed to install a 3100sf one-story building. The site plan shows 12 parking spaces to support the volunteers using the site. There are no impacts on wetlands or steep slopes. The structure will contain a 2-bay firestation, storage area, day room, mens and ladies room, and an attic. This is a steel fabricated structure smaller then the houses in the area. Capellini explained the Fire District will circulate its intent to be lead agency, and request a review by this Board. Sullivan stated disturbance is 3/4 of an acre, and the building coverage is 1%. There is no need for a referendum for funds, as the Fire District has the funds for construction. Flynn asked about a traffic light, Orch felt this was unnecessary. Fon asked if this would save time, Orch replied about 7 minutes. Orch stated we are all volunteer, and the station is not manned. Fon asked if the structure could serve as an emergency center, and Orch replied that it could. Flynn felt the proposed elevation did not seems fitting for a primarily residential area, and should be made to fit in with the neighborhood. Orch stated there will be no siren, as all communication is through text and cell phones. Sullivan stated landscaping will help the buidling to fit in. The septic has not been designed yet, it is less then 40,000 sf of disturbance, therefore a simple SPPDS permit will be required. Capellini asked about a Public Informational Hearing, as it would be good for the neighbors to understand the full concept. Fon asked if there has been outreach to the neighbors. The Board scheduled a public informational hearing and scoping for December 13, 2010.

Crompond Crossing

Discussion Subdivision & Site Plans

SBL: 26.18-1-7

Location: Crompond Road

Contact: Neil DeLuca

Description: Proposed 7,700 SF commercial site plan, 26 unit multifamily residential site plan, and a 29 lot subdivision.

Present were Al Capellini, project attorney, Tim Allen, civil engineer and John Sullivan, project architect. Capellini stated the last time the applicant was before the Board we discussed the residential portion of the plan. Tonight the applicant wishes to discuss the commercial portion of the proposal. Capellini stated this site is zoned properly for the proposed use. Sullivan explained the site has certian constraints, the intersection, and a peninsula of land that could cause an obstruction. Additionally the Bear Mountain Parkway is in close proximity, and signage is problematic. Allen explained they had tweeked the plan, moved parking, created sidewalks and crosswalks, and made a pedestrian friendly site. The 7700 sf for the 2 commercial buildings required additional parking then originally thought. The applicant may wish to discuss conservation spaces at a future meeting. There are two proposed restaurants with somewhat alternating scedules. The applicant believes they will be looking for shared parking. Additionally, there will be a plaza to allow outside dining. The buildings are finished facades on all four sides. The applicant has viable tenants including a 200 seat IHop. A pedestrian link through the site encourages walking to and from these restaurants. Flynn asked if the sidewalk could continue to the adjacent property. If these restaurants did not succeed the space could be subdivided. The Board asked where the dumpsters were. Fon asked if they could combine waste, and seperate materials. Allen stated the residential portion has not changed much. The drainage remains the same, parking is reconfigured but impervious surface has not increased. We are in perviously disturbed areas. Klaus asked about the wetland buffer boundary. Allen stated the proposal has eliminated the pump station. The utilities have to be public, a requirment of the County. Although an HOA could take care of the road, the Town would be responsible for the utilites. Klaus asked if the applicant had completed soils testiing, and Allen stated they had. Klaus stated along with the site plan, there is a concurrent application for a subdivision. The Board scheduled a public informational

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hearing for Nov 8, 2010, and a site visit for Nov 7 at 9:00am. Tegeder felt there were improvements to the pedestrian access that might be accomplished through this application.

Costco Wholesale

Discussion Draft Scope

SBL: 26.18-1-19

Location: 3200 Crompond Road

Contact: Retail Store Construction Co, Inc

Description: Application to construct a 151,092 SF Costco Wholesale Club retail store and club member available filling station.

Al Capellini, project attorney, Bob Rosenberg, Breslin Realty, John Brann, Costco representatives, Tom Holmes, project engineer, and Phil Greeley, traffic consultant, were present. The Board had reviewed the draft scope and asked for further information, including:

Viewscape from the Taconic and Route 202, when the leaves are gone.

Proposed mitigation and any impacts that show up soils, environmental, construction.

Any level of soil contamination

Tree survey, 12" and trees of significance

Wildlife impacts and mitigation

Landscape mitigation

Wetlands: state, federal, and local

Thermal loading

Impervious surface.

Wetland function impacts. How would you mitigate for that loss of function.

Stormwater management

Potential impact to the Hunterbrook, thermal impacts.

Was septic will be sewerred. Potential for other uses along Crompond Road

Proposed Energy Savings Proposals for all utilites.

Recycling issue.

Anticipated impacts on police fire and EMS.

Construction noise in construction and demolition

Address the Taconic State Parkway as a scenic byway

Tegeder wanted traffic issues to be discussed, using manual studies and comparing this to NYSDOT data.

Greeley stated the intersections NYS DOT studies will give data. Tegeder wanted the applicant to consider

the proposed projects and newly approved projects in the area. Tegeder referred the applicant to the prior

Stop and Shop proposal and suggested it be reviewed. Flynn asked about the route of delivery trucks and the

anticipated distrubition routes. The Board wanted to see proposed mitigation and the timing of the

mitigation. Klaus stated one of the Town's conserns was school tax. As the town's assets increase, school aid

decreases. The applicant should do a financial analysis of the anticipated revenue to the Town. The Board

scheduled a public informational hearing and scoping for November 8, 2010. The Planning Department will

compile a list of topics and submit this to the applicant.

Upon motion by Rivera, seconded by Fon, and with all those present voting aye, the meeting was adjourned at 10:50pm.