

Planning Board Meeting January 24, 2011

A regular meeting of the Planning Board, Town of Yorktown, was held on January 24, 2011, the Yorktown Community and Cultural Center, 1974 Commerce St. Room 104, Yorktown Heights, NY 10598. The Chair, Dave Klaus, opened the meeting at 7:35 P.M. with the following members present:

John Savoca
Darlene Rivera
Richard Fon
John Kincart
absent: John Flynn

Also, present were: John Tegeder, Director of Planning, Karen Wagner, attorney to the Planning Board, and Ann Kutter, co-chair of the Conservation 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	Tegeder stated the Fire District requested the Planning Board act as lead agency in the matter of the Fire Station along Kitchawan Road. Tegeder stated the Fire District felt the Planning Board was better versed in SEQRA.

Upon motion by Kincart, seconded by Savoca, and with all those present voting aye, the Board declared their intent to circulate for Lead Agency under SEQRA.

Upon motion by Savoca, seconded by Kincart, and with all those present voting aye, except Rivera, who abstained, the Board approved the minutes of January 10, 2011.

Work Session

Bartosch

Review Decision statement

SBL: 59.10-2-16

Location: Vine Rd.

Contact: Site Design Consultants

Description: Proposed 2-lot subdivision on 4.35 acres in the R1-80 zone.

Al Capellini, project attorney, and Joe Riina, project engineer, were present. Klaus asked about the Jan 24, 2011 Town Engineer's memo. Riina stated the applicant has addressed the Town Engineer's concerns. The Jan. 14, 2011, Conservation Board memo suggests that the applicant and Planning Board determine how the new Tree Ordinance will affect the subdivision plans. Additionally, it was suggested the Tree Conservation Advisory Commission (TCAC) review the application. Riina stated the applicant has identified the trees to be removed, these trees will be 10 feet from the septic area, however, trees in the expansion area will remain. Tegeder asked about changes to the plan associated with the latest revision date. Riina stated the revisions regard trees and the Town Engineer's comments. Riina stated rain gardens have been added as treatment for stormwater runoff. Capellini felt input from the TCAC was unnecessary as the law is not in effect at this time, and the public hearing was closed at the last meeting. Riina explained the limit of disturbance was made as minimal as possible to preserve trees wherever possible. Kutter stated the Conservation Board felt grandfathering, with regard to the Tree Ordinance, was not a good idea. Tegeder stated as the law was not in effect, at this time, it could not be enforced. Kutter stated the Conservation Board would like to understand the function of the trees and see a mitigation plan. Tegeder felt this was a legal matter for Wagner or the Town Attorney. Kincart stated the septic system, driveway and trees have been key issues in the Planning Board's review. Kincart felt the innovative tree maintenance, rain garden and vegetative swale were good planning. Capellini explained that if the subdivision was not approved tonight, the Tree Ordinance will be in

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effect causing additional review. Capellini felt the subdivision should be approved based on the current law. Klaus asked if the Board could approve the subdivision based on Wagner's review.

Upon motion by Kincart, seconded by Savoca, and with all those present voting aye, the Board opened a special session for the sole purpose of discussing the Bartosch Subdivision.

Upon motion by Savoca, seconded by Kincart, and with all those present voting aye, the Board declared lead agency under SEQRA.

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

Wagner requested the 1907 Manhattan Park Plat be referenced in the approving resolution.

Corrections to the resolution include: the latest revision date of the plan, the Town Engineer's memos of Jan 10, 2011, Jan 24, 2011 and the Conservation Board memo of January 10, 2011.

Upon motion by Savoca, seconded by Kincart, and with all those present voting aye, the Board approved the subdivision resolution, including the Stormwater Pollution Prevention Plan.

Adler Subdivision

Discussion Subdivision/Rezone

SBL: 16.9-2-7

Location: 1360 New Rd.

Contact: Site Design Consultants

Description: Proposed subdivision of property into 4 lots for duplex residences and 1 conservation space lot on 5.00 acres in the R1-20 zone.

Al Capellini, project attorney, and Joe Riina, project engineer, were present with the applicant. Riina stated the site is located on New Road in Shrub Oak. The applicant is forwarding the idea of rezoning the site from R1-20, single family, to R-2, multifamily. Riina submitted both a conventional layout and affordable/senior housing plan that could include 20 flats or 10 Townhouse units. Klaus stated the applicant would ultimately have to discuss other alternatives in a rezoning request. Riina stated approximately 2.5 acres will be developed, with town sewer and water. Tegeder questioned site constraints. Riina stated there are wetlands and wetland buffer on site. Kincart stated when deciding what type of ownership the homes should have, people are more likely to forgo their common charge fees and pay their mortgage to protect their credit rating. Kincart was concerned with the area becoming an eyesore, as this corner is very visible. The applicant stated his preference for single family two units. Capellini stated if there is not a strong feeling on the Board we cannot go forward with the Town Board. There are other multi-family and condos making this a good area to look beyond single family use. The Board was not against this concept.

Faith Bible Church

Discussion site plan

SBL: 15.16-2-54

Location: Sagamore Ave.

Contact: Site Design Consultants

Description: Proposed additions to existing one-story church building and associated parking.

Joe Cermele, project engineer, Larry Delfino, project architect, and Joe Riina, Site Design Consultants were present with the Rev. Zottoli. Cermele stated the plan has not significantly changed, the parking lot and building footprint have not changed, and the parking lot material, subsurface drainage remains, pump station and dryline remain the same. The limit of disturbance of the existing chip and seal parking lot has been identified, details of the force main trench, pump station and improvements have been added, and a force main crossing Mohegan Outlet has been added Klaus stated the Conservation Board memo of Jan 21, 2011 requested significant size plantings to have the area 85% established in one year, review by the Tree Conservation Advisory Commission, conservation of energy resources through recycling, and identification

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of a waste management plan. Tegeder questioned encroachment into the wetland buffer. Cermele stated 3,500sf in area one and over 30,000sf in the lake buffer, with a portion of the disturbance that includes previously disturbed buffer. Cermele stated the rear portion of the parking lot is not in the buffer area. The expanded paved parking lot will have a permeable surface. Fon felt the introduction of sewer for failing septic in the neighborhood was a great asset. Cermele stated a full SWPPP has been prepared and submitted to the Town Engineer. Riina stated two separate 4" lines will run up to Mohegan Ave. Kincart asked about a crosswalk, and signage, and the applicant was agreeable to a striped crosswalk and install signage. Riina stated the applicant will realign the intersection. Delfino state the proposal will require three variances from the ZBA; front yard setback for 1-foot, rear yard setback, and height. Riina requested a letter to the ZBA in favor of these variances, and the Board was agreeable to this. The Board stated the public hearing can take place after the variances have been received. Tegeder explained that the Town's Traffic Consultant, Edwards & Kelcey had doubled their rate and this became problematic. The Town will ask the applicant to provide a traffic study. The Rev. Zottoli stated on Sunday there are 140-150 in attendance, and he hoped that the church would see a 15% increase in the next three years. Rev. Zottoli stated there has not been any disturbing incidents in the parking lot to date.

Upon motion by Savoca, seconded by Kincart, and with all those present voting aye, the Board adjourned the meeting at 8:30pm.