

Planning Board Meeting March 14, 2011

A regular meeting of the Planning Board, Town of Yorktown, was held on March 14, 2011, the Yorktown Town Hall, 363 Underhill Ave, Yorktown Heights, NY 10598. The Chair, Dave Klaus opened the meeting at 7:35 P.M. with the following members present:

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

Also, present were: John Tegeder, Director of Planning, 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 came forward at this time

Regular Session

Upon motion by Kincart, seconded by Rivera, and with all those present voting aye, the Board approved the minutes of February 28, 2011.

Regular Session

Kiederer Minor Subdivision

SBL: 27.14-2-4

Location: 362 GRANITE SPRINGS RD.

Contact: Dan Ciarcia, Engineer

Description: A 2 lot subdivision approved by Planning Board Resolution 05-21 dated September 12, 2005

Dan Ciarcia, project engineer, was present. Ciarcia explained that the reapproval has almost expired. Ciarcia state no portion of the project has changed, and the applicant is now completing the stormwater requirements. Ciarcia assured the Board all of the outstanding requirements would be completed shortly.

Upon motion by Rivera, seconded by Kincart, and with all those present voting aye, the Board approved the request for the 1st 90-day time extension.

Request 1st 90 Day Extension

Fertucci Site Plan

SBL: 37.18-2-77

Location: 1801 COMMERCE ST.

Contact: Albert Capellini, Attorney

Description: Proposed new building and parking lot on 0.308 acres in the C-2 zone.

Al Capellini, project attorney, was present. Capellini explained the applicant is having economic difficulty, and is in the mists of selling the property. Capellini stated there have been no changes to the plan, or the town law that would effect the site.

Upon motion by Fon, seconded by Rivera, and with all those present voting aye, the Board approved the 2nd one-year time extension.

Request 2nd One Year Time Extension

Arrowhead Subdivision

SBL: 48.13-1-6

Location: Underhill Ave

Contact: Albert Capellini, Attorney

Description: A 5-lot subdivision approved by Planning Board Resolution 07-23 dated October 15, 2007.

Request 3rd Reapproval

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Al Capellini, project attorney, was present. Klaus stated we have a copy of the NYS DEC letter sent to the applicant. . Capellini state that construction was halted, but would resume as soon as the weather breaks. Tegeder stated this is a retroactive reapproval and the applicant will have to return in April 2011. Klaus stated the Board must verify that there are no outstanding violations or comments from NYC DEP or NYS DEC.

Upon motion by Kincart, seconded by Rivera, and with all those present voting aye, the Board approved the request for the reapproval.

Tegeder stated this reapproval will be the third and the applicant will have to take a hard look at SEQRA before another reapproval is considered.

Upon motion by Kincart, seconded by Rivera, and with all those present voting aye, the Board adjourned the regular meeting.

Work Session

Fusco Minor Subdivision

SBL: 16.14-1-10

Location: 3477 STONY ST.

Contact: Dan Ciarcia, Engineer

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

Dan Ciarcia, project engineer, was present with the applicant. Ciarcia stated this was before the Town Board for a driveway variance. Kincart asked if the area in the rear was meadow, and was told it was. Ciarcia stated a tree survey was completed, and only a few trees are being removed. Tegeder explained that the applicant should mark the trees that are being removed. Tegeder stated the Board could allow removal of 30% of the tree cover. Ciarcia informed the Board the applicant would be before the Conservation Board this week. The Board scheduled a public hearing for April 11, 2011.

Discussion Subdivision

Yorktown Realty Association aka Trump Park Residence

SBL: 5.19-1-14

Location: Barger St

Contact: Joseph Apicella, Yorktown Realty Assoc.

Description: Multi-family, age-restricted residential development

John Schroeder, Yorktown Land Trust and Susan Carpenter of the Westchester Land Trust were present. Schroeder stated both Land Trusts are here to discuss the ongoing issues on a long difficult road to completion at Trump Park Residence. These issues include: the wood chip trail, removal of debris in the northern portion of the site, removal of a large metal structure (possibly the frame of a temporary bridge), and removal of the temporary sales office. Schroeder explained there is a conservation easement or recreation easement on 40 of the 50 acreage of this site. Removal of the sales office building is part of the agreement, as it sits within the recreation easement. Schroeder stated the only condition that has been met is the removal of the DOT chainlink fence. In addition, there was a remediation plan for the area between the pond and the Taconic Parkway which has not been addressed, nor has the trail area been installed. Previously, there was tree damage and the applicant asked to remove the damaged trees. Although the Land Trust agreed to the removal, no trees were removed. Klaus wanted a letter sent to Yorktown Realty asking for the status of each of these projects. Carpenter stated we are also a missing gazebo, and a walking track. There are bonds for the recreation office and other improvements that this Board will review for use to remedy the situation. Schroeder stated the Land Trusts would like to see affirmation that the items discussed will be taken care of. Schroeder asked about the applicant's request for change of zone. The Board stated the Town Board will not entertain this until the tax question has been resolved.

Discussion of Conservation & Recreation Easement

Faith Bible Church

SBL: 15.16-2-54

Location: Sagamore & Mohegan Aves.

Contact: Rev. Carmine Zottoli

Zoning Board Referral -

Various setback variances

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

Joe Cermele, project engineer, was present. Cermele stated the Board requested the applicant go to the ZBA to address the needed setback variances. The ZBA sent this referral back to the Planning Board as normal procedure. Cermele stated the applicant is scheduled for a public hearing with the ZBA later in March. Cermele requested a letter of support for these variances and the Board agreed. Tegeder requested the Board wait until the applicant secure the needed variances before scheduling a public hearing with the Planning Board.

Yorktown Auto Body

SBL: 37.19-1-81

Location: 1798 Front Street

Contact: Albert Capellini, Attorney

Description: The proposed addition of approximately 1500 sf to the existing auto body repair shop.

Al Capellini, project attorney, was present with the applicant. Capellini stated the applicant has been to the ZBA, and the normal process allows the ZBA to refer the project back to the Planning Board. Capellini reported that the Building Inspector, Bill Gregory, found the property line move back into the adjacent parcel by fifty-five feet. Klaus asked if the proposed booths were in front of the building. The applicant stated the storage sheds will be removed. The applicant stated he had spoken with the neighbors and they are in favor of the project. The Board will issue a memo of support for this project. The variances requested are as follows: sideyard of 0' where 50' is required, sideyard of 1.63 where 10' is required, rear yard of 0' where 50' is required, rearyard of 1.31 where 50' is required, 36.6' where 50' is required and frontyard of 35.36 where 75' is required.

Zoning Board Referral -

Various Setback Variances

Creative Living Development

SBL: 6.14-1-2

Location: MAHOPAC ST.

Contact: Joseph Riina, Site Design Consultants

Description: Construction of athletic fields and associated development activities.

Al Capellini, project attorney, Joe Cermele, project engineer, and Steve Marino, project environmentalist, were present. Capellini stated the applicant received an indication from DEC that they would commit to approval if the local approval were in place. The DEC is requesting a negative declaration from the lead agency. Cermele stated the field layouts have not changed, nor has the access changed since the Board's last review. There were large stormwater basins, done with regrading and fill. The DEC requested a tighter footprint, therefore, we incorporated one retaining wall. This addition allowed the applicant to reduced grading and eliminated 2 drainage basins. All stormwater is being handled subsurface. Certain areas with proposed disturbance will be replanted. The DEC was concerned with encroachment into the buffer, therefore, proposal calls for a redilock system. This is a system of large interlocking system that can be built them from the backside. Marino stated there will be a post and rail fence to help prevent future encroachment. Klaus asked how the parking was being treated. Cermele stated a gravel system, and a completely pervious plastic honeycomb structure will be installed. The only two pervious areas are the two crossings.

Town Board Referral -

Discussion Revisions to Wetland Permit Application

There is 18,000cy of grading proposed. Material will be stockpiled in an adjacent area. There is a net of 19,000 yards of fill. This amount is lower than the former proposal. Fon asked how trucks would get to the site, and was told through the industrial area not the residential area. Marino stated the wetlands will be spanned with temporary bridges resulting in no disturbance. Klaus stated that the large amount of stockpiling will be difficult to maintain. The applicant stated as the stockpiles grow they can be hydro-seeded. Fon asked how many fields were in Yorktown. Lakeland, Yorktown, Hunterbrook. The applicant discussed the baseball and lacrosse 4-week programs that were being proposed. How there could be three games going at the same time. Klaus asked how the applicant would control traffic running three games. The applicant stated he envisioned 70-80 cars. The proposal focuses on older players who use bus and drop off. Field seating is approximately 300. The applicant stated we are going to try and pass the cost to teams outside of Yorktown. Additionally, we have made arrangements with the public school for their use of the fields. Wagner asked about the applicant's plan to bank cost for 2 years. The applicant stated after two years we will have local people on our Board and they will be responsible for maintenance and tournaments. We are going to limit the younger players to weekday play and

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the older players to the weekends. Wagner asked about the applicant's original proposal for the domed sports field. The applicant stated that this could be a future application. The sports complex would be built on top of the fields. To build a dome we need a policy or zone change from the Town Board. Wagner was concerned with segmentation under SEQRA. The applicant explained grass needed to be installed quickly, therefore, we are ordering sods. Timing for the sports teams is crucial. The Board asked about watering the sod, and was told the applicant will dig wells, for irrigation only. A subsurface system with pop up heads will be installed. Tegeder asked if this system needed to be housed, and was told it did. Cermele explained that the applicant will install a trailer for administration and to house maintenance equipment. There will be potable temporary comfort stations. Cermele stated there is a 20-foot access road. The applicant stated this project will have golf course quality maintenance, The Board asked about pesticides. Cermele stated the proposal calls for spot pesticides, not broad spectrum, and this will be codified. The Board asked about mitigation. Cermele stated there is stormwater management, planting of the basin, and planting 63 trees and shrubs. Tegeder asked about disturbance in the wetlands and the wetland buffer. Cermele stated 1600sf of disturbance in the wetland and 3.8 acres in the buffer. In addition to the mitigation mentioned, the applicant will also remove invasive species and install a wetland seed mix. Klaus asked how this mitigation proposal addresses "no net loss". Marino felt there was no wetland disturbance. Tegeder asked if Marino felt this mitigation was appropriate. Capellini stated the Conservation Board has not seen the new plan. Capellini stated timing could be pushed beyond the sport's season if the Town Board does not approve this project tomorrow. Capellini discussed the social benefit of having additional ballfields in Yorktown. Klaus stated the applicant will need to put the social elements in writing. The Board asked how many trees will have to be removed. Tegeder asked if the 63 trees offered were part of the mitigation, and was told they were not. Flynn asked if the applicant planned to build a score board, and was told for now it would have to be a temporary board. Fon felt strongly that the Town needs additional ballfields. Marino asked how one mitigates buffer, as the applicant proposes to restore buffer that currently does not function as buffer. Klaus stated the applicant will need to quantify this. Kincart asked if improving the area was mitigation. Fon asked if the applicant was going to post a bond for the condition of the roads. The applicant stated the roads are currently in terrible shape. Tegeder brought up the flood plain issue. Cermele stated about 25 acres are in the 100-year flood plain. We looked at placing 18000 yards of fill in the flood plain, and tried to define what effect this would have. Marino stated 9600 yards would be a rise of 2.7 inches. Marino stated this plan is in front of the DEC, but we have additional details to add to the plan. The proposal calls for 121 parking spaces. Wagner stated the applicant mentioned different rates to different schools and agencies. The applicant explained about games being officiated, and the tournament host hires umpires. Wagner requested a written fee schedule be submitted to the Planning Board. Flynn stated traffic will happen at staggered hours. Fon felt the Conservation Board will be an asset to the applicant.

Hilltop Hanover Farm Major Subdivision

SBL: 48.19-1-22

Location: White Horse Lane

Contact: John Sites

Description: Approved Major Subdivision

The Board had no objection to the acceptance of the town road.

Town Board Referral -

Acceptance of Town Road

Sherman Court Bridge

SBL: None

Location: Sherman Court

Contact: Sharon Robinson, Acting Town Engineer

Description: Project to replace bridge on town road Okay

The Board had no objection to the Sherman Court bridge replacement.

Town Board Referral -

Request comments on bridge replacement