

## Planning Board Meeting April 11, 2011

A regular meeting of the Planning Board, Town of Yorktown, was held on April 11, 2011, the Yorktown Town Hall, 363 Underhill Ave, Yorktown Heights, NY 10598. The Chair, Dave Klaus opened the meeting at 7:30 P.M. with the following members present:

John Savoca  
Richard Fon  
Darlene Rivera  
John Kincart, alternate  
John Flynn (8:00 PM)

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 Costco - Letters regarding property of right of the applicant to continue processing the application, owners and contract vendees. Two parties are in a law suit. Klaus stated the owner of the parcel is stating that the owner is withdrawing the consent to develop the property. The owner has requested the Planning Board adopt a resolution stating

**Upon motion by Savoca, seconded by Rivera, and with all those present voting aye, the Board adopted a resolution to halt the application process until the applicant provides evidence of undisputed authorization by Best Rent Properties to proceed with the application.**

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 Rivera, seconded by Fon, and with all those present voting aye, except Savoca, who abstained, the Board approved the minutes of March 14, 2011.**

#### **Arrowhead Subdivision**

#### **1st 90 Day Time Extension**

**SBL: 48.13-1-6**

*Location:* Underhill Ave

*Contact:* Al Capellini

*Description:* A 5-lot subdivision considered under flexibility standards on 45 acres in the R1-200 zone, which was approved by Planning Board Resolution 07-23 dated October 15, 2007.

Al Capellini, project attorney, was present. Klaus stated the reapproval for this project is about to expire. Klaus noted the applicant has addressed several DEP issues. Klaus asked if there were any Town issues. Tegeder asked that the applicant take a hard look at SEQRA. Capellini felt should be requested when the applicant requires a reapproval and not this time extension. Tegeder requested this be completed before the next 90-time extension. Capellini agreed to have this report with the next time extnsion is

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

#### **Old St. George's LLC**

#### **Request for Wetland Permit**

**SBL: 15.12-2-53**

*Location:* 1715 East Main Street

*Contact:* Jeffrey Econom, P.E.

*Description:* A site plan was approved by the Planning Board on February 14, 2011 in connection with a special use permit issued by the Zoning Board of Appeals pursuant to Section 300-68 of the Town Code.

## Planning Board Meeting April 11, 2011

Chris Sciara, project manager, was present. Klaus this is for the wetland permit, which refers to the plans approved by the Board's resolution on February 14, 2011. Tegeder stated the wetland permit was omitted from the approving resolution.

**Upon motion by Fon, seconded by Savoca, and with all those present voting aye, the Board approved the wetland permit.**

### Yorktown Farms fka Somers Realty

### Request for Reapproval

**SBL: 17.6-2-32**

*Location:* Route 6

*Contact:* Dan Ciarcia, P.E.

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

Dan Ciarcia, project engineer, was present. Ciarcia stated the project is very near completion as most of the infrastructure has been installed. Additionally, the pump station, sewer, and water, are installed, and the applicant hopes to have Health Department approval soon. Klaus stated the Town Engineer seems to be satisfied.

**Upon motion by Kincart, seconded by Savoca, and with all those present voting aye, the Board granted reapproval of the subdivision.**

### Fusco Minor Subdivision

### Public Hearing

**SBL: 16.14-1-10**

*Location:* 3477 Stony Street

*Contact:* Dan Ciarcia, P.E.

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

Dan Ciarcia, project engineer, was present with the applicant. Ciarcia stated the applicant is proposing to divide his property and create a second home. The existing home will be a 0.6 acre lot, and the new 2.1 acre lot will contain the new house. Ciarcia stated the applicant has been to the Town Board for a driveway slope variance. This variance reduced the amount of cut that would otherwise be required. Klaus stated the request for 14% grading reduced cut and minimized tree cutting. Ciarcia stated not only have we minimized tree cutting, we have reduced impact to the root system. In a memo dated 4/8/2011, the Planning Department had the following comments:

1. A plat must be submitted for this subdivision.
2. The applicant must apply for a SWPPP/Tree Permit by submitting an application and fee to the Engineering Dept.
3. A preliminary SWPPP must be reviewed by the Town Engineer.
4. Trees that will be removed should be indicated on the improvement plan.
5. The applicant must have a preliminary review by the ABACA even if an approval of colors and materials is made a condition of the subdivision resolution and conducted during the building permit process.
6. The plans should be reviewed by the town Fire Marshal.
7. The applicant must submit additional plan details and a sediment and erosion control plan.

Ciarcia stated the driveway will be 15ft wide with 2ft shoulders on each side. Fon felt the applicant included all Planning Board requests in the submission. Ciarcia stated there are no cross easements, as the new lot stands on its own. Both lots are on public water and sewer. Klaus opened the meeting to the public, but no one came forward.

**Upon motion by Kincart, seconded by Savoca, and with all those present voting aye, the Board closed the public hearing, leaving it open 10-days for written comment.**

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

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

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

## Planning Board Meeting April 11, 2011

### Work Session

**John Flynn joined the meeting, replacing alternate John Kincart.**

#### **Thyme Restaurant**

#### **Discussion Special Permit Outdoor Seating**

**SBL: 36.5-1-16**

*Location:* 3605 Crompond Road

*Contact:* Dan Ciarcia, P.E.

*Description:* The applicant is proposing five tables for a total of twenty outdoor seats. An application is being made to the Planning Board pursuant to Chapter 300-80B(2) of the Town Code.

Dan Ciarcia, project engineer, was present. Klaus stated there were comments from Code Enforcer Joe Hughes, and the adjacent business owner of Snap Fitness. Ciarcia explained the proposal includes a 2-3ft wall which will provide some level of protection against cars. Flynn agreed with this assessment. Tegeder stated this proposal splits the lane and creates conflicting traffic flow for the two businesses. Lorna Graham, of Snap Fitness stated there is a conflict with parking. Graham Snap stated she had emailed Steinberg the parking count, and clients do not want to walk past diners. Graham stated we have a parking issues as 20- additional seats will increase parking requirements, especially at lunch. The two businesses have discussed valet parking, we are researching companies that do just valet parking. Flynn asked if the adjacent Salerno's lot can that be used for parking. Flynn asked about reducing the number of tables. Klaus reminded the Board that he is allowed 12 outdoor seats by right. Kincart asked about lighting for the emergency exit. Ciarcia stated all the fixtures have not been installed. Klaus asked that other options, like moving the front door, be investigated. Klaus stated these are just suggestions, while the actual details have to be worked out between the two businesses. Fon suggested concrete planters, basins. Ciarcia suggested a steel frame into the wall. The Planning Department requested the following in their memo of April 8, 2011:

The applicant added more detail to the proposed seating area including a stonewall and landscaping.

The seating area is proposed in the same location as the previous plans showed.

Eight employee parking spaces were added along the east side of the building. If approved, there would be 55 provided parking spaces where 53 spaces are required.

The property owner had a Lighting Plan approved by the ABACA in December 2010. No lighting has been installed on this site to date. One of the approved fixtures conflicts with the proposed employee parking area. This light fixture must be relocated.

This property is within the NYCDEP Designated Main Street area and requires review by DEP. A detail for the proposed pavers should be added to the site plan.

#### **Zat Construction**

#### **Discussion Subdivision and Site Plan**

**SBL: 6.18-1-37**

*Location:* 76 Route 6

*Contact:* Kellard Sessions Consulting

*Description:* Proposed 3 lot subdivision and site plan for a total of 4 commercial buildings on 18.095 acres in the I-1 zone.

Fon recused himself, and Kincart replaced Fon for this discussion. Dave Sessions, project engineer was present. Sessions stated this site is on the Somers border next to Whispering Pines Nursery on Route 6. The on site wetlands, both local and DEC wetlands, have been flagged. Additionally, there is a wetland that borders the property. Sessions stated one wetland is a marginal wetland, but Bruce Barber disagreed. The Board agreed was marginal wetland could be filled in. Sessions stated the applicant is proposing is a 3-lot, phased subdivision, as shown to the Planning Board in 2008. At that time, (2008) the Conservation Board was satisfied with the proposal. Mitigation has been proposed, and the plan includes the installation of a forebay stormwater storage system to slow down, and reduce water velocity. Other mitigation is the removal of two acres of invasive species removal. All 3-lots are self contained with regard to storm water. Phase I will have the construction of the stormwater, and erosion controls, while Phase II will include bridge building and installation. Klaus stated you will need cross easements, and the Sessions agreed. Kincart stated it has been a while and you will have to reestablish the wetland boundaries. The buildings will be a combination of medical, office, kitchen cabinet, plumbing or others with a small retail element, with adequate parking for any combination of uses.

## Planning Board Meeting April 11, 2011

Warehouse parking is ½ parking space for employees, retail/office is space for 1/200sf of square footage. The proposal has Lot 1 with 49 spaces, Lot 2 with 84 spaces and Lot 3 with 80 spaces. The applicant would like to build one buildings for his own business, and sell the other two newly created lots. Klaus stated the applicant would need to submit an application at this time or, at a minimum, a letter requesting the Board reinstates the application. Klaus explained that all Boards would need to review this project again. Klaus referred the applicant to the Planning Department memo of April 8, 2011. Klaus felt traffic will still be an issue. Tegeder explained there will be new ballfields planned on Navajo Road, and a NYS DOT traffic study from Yorktown to Carmel is being conducted. Kincart felt the subdivision was reflective of our economic times.

### Faith Bible Church

### Discussion Site Plan

#### SBL: 15.16-2-54

*Location:* Mohegan Avenue & Sagamore Avenue

*Contact:* Site Design Consultants

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

Joe Cermele, project engineer, Larry Dalfino, project architect, and Al Capellini, project attorney, were present with the Rev. Carmine Zottoli. Capellini stated the applicant had gone before the ZBA for height, rear yard, and front yard variances. Klaus asked if the plans had been changed since the last review. Cermele stated the applicant submitted a tree plan, which indicated 12 trees to be removed. Klaus stated there is a memo from the Planning Department, and the Board is waiting for a traffic study and comments from the Town Engineer. Capellini stated the traffic issue is simple, as the hours of operation do not include peak travel hours. The applicant is going to submit a supplemental to the EAF. Flynn asked if the proposed expansion is going to add additional parking, and was told it would. Tegeder submitted pictures indicating there are 96 tightly stacked cars currently. This situation indicates the site is at capacity. These pictures were submitted by a neighbor and this is new information and we need to investigate. Tegeder stated he could not verify the parking count as he did not take the pictures. Rev. Zottoli explained that the Church and the Lake Association have a verbal agreement. Cars may use the Church's parking lot and the Church may use Lake Assoc. lots in the off season. Tegeder stated if this parking count correct, and currently upward of 90 cars then the application is already at maximum before the expansion. Rev. Zottoli stated we have parking attendants, and valet parking. Klaus explained the Board's concern was the overflow. Rev. Zottoli stated we have 63 standard spaces and 23 stacked on the other lots. Tegeder stated there is a new Fire Marshall and new building code rules, therefore, it is imperative that the applicant speaks with new Fire Inspector. Rev. Zottoli stated currently there is no formal parking, no structure. Everyone parks facing the street; one in back of the other. Klaus asked if valet parking would be needed every week. Rev. Zottoli explained valet parking was available every week because we do not know what attendance will be. Klaus stated you are at capacity now, and you are looking to expand. Rev. Zottoli stated some people come with more than one car. We will be doing in-house notification to come in one car. Our congregation is very responsive to the needs of the Church so we expect compliance. We may have to go to two services on Sunday, and this facilitates growth when you are at 80% capacity. The new building would relieve that feeling of closeness. Klaus asked for the transition time when one service ends and the next begins, and was told usually 45-50 minutes. Kincart suggested a Saturday night service, but was told one of the tenants of the church is that the Sabbath is on Sunday. Klaus stated if you are really at capacity now, expanding the building exacerbates the parking issue. Tegeder stated no matter what the actual number of cars, if the lots are already full what is the procedure if there is a problem. Rev. Zottoli stated he would look into this. Rev. Zottoli stated a petition was circulated throughout the neighborhood that was incorrect. Therefore, we invited the neighbors to review the plans. The neighbors now have a better picture of our proposal. We have been here for 17 years we have complied with every request from every board, being as accommodating as we can be. Klaus stated the Board addressed this proposal favorably because of the improvements to the community. Rev. Zottoli stated the Church would be willing to negotiate the 344 seats requested. Flynn stated the congregation could find a remote parking area within a half-mile from the site.

**Upon motion by Rivera, seconded by Savoca, and with all those present voting aye, the meeting was adjourned at 9:25pm.**