

## Planning Board Meeting June 13, 2011

A regular meeting of the Planning Board, Town of Yorktown, was held on June 13, 2011, the Yorktown Town Hall, 363 Underhill Ave, Yorktown Heights, NY 10598. The Vice Chair, John Flynn opened the meeting at 7:30 P.M. with the following members present:

John Savoca

Richard Fon

John Kincart, alternate

absent: Darlene Rivera

Also, present were: Robyn Steinberg, 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 came forward at this time

**The minutes of May 23, 2011 could not be approved as the Board lacked a quorum.**

### Regular Session

#### **Bartosch**

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

**SBL: 59.10-2-16**

*Location:* Vine Road

*Contact:* Al Capellini

*Description:* A 2-lot subdivision approved by Resolution #11-01 on January 10, 2011.

Al Capellini, project attorney, was present. Capellini stated the project was approved 6-months ago and the applicant is working on the required conditions. Currently the project has Board of Health approval, but the road widening strip must still be deeded to the town.

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

#### **Sierra Bella fka Samsel Minor**

#### **2nd 90 Day Time Extension**

**SBL: 47.5-1-13**

*Location:* 1860 Hunterbrook Road

*Contact:* Al Capellini

*Description:* A 2 lot subdivision approved by Resolution #09-24 on September 14, 2009.

Al Capellini, project attorney, was present. Capellini stated the issue causing the delay is the applicability of the NY State's new stormwater regulations. There is an ongoing discussion about the SWPPP and the project being approved before the regulations were in affect.

**Upon motion by Fon, seconded by Savoca, and with all those present voting aye, the Board approved the 2<sup>nd</sup> 90-day time extension.**

#### **Hilltop Associates**

**SBL: 37.6-1-25**

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

*Location:* Hilltop Road

*Contact:* Al Capellini

*Description:* A 3 lot subdivision approved by Planning Board Resolution 08-02 on January 14, 2008.

Al Capellini, project attorney, and Jack Goldstein, project engineer, was present. Goldstein stated this is a matter of slopes and stormwater management. Goldstein explained the slopes on site are 18%, where the a maximum of 15% slope is required for the proposed stormwater practices.

## Planning Board Meeting June 13, 2011

Goldstein stated a letter was sent to the MS4 Committee requesting a waiver from this requirement.

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

**Kiederer**

**2nd 90 Day Time Extension**

**SBL: 27.14-2-4**

*Location:* 362 Granite Springs Road

*Contact:* Ciarcia Engineering, PC

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

Dan Ciarcia, project engineer was present with the applicant. Ciarcia stated the property had adequate frontage, but, the variance allows the applicant to save the old farm house and the entire project have less of an impact. Kincart asked about sewers Ciarcia stated we are making provisions to facilitate sewer connections in the future. Ciarcia stated the historic house in the front will remain untouched.

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

**Hudson Valley Islamic Community Center**

**Decision Statement**

**SBL: 15.11-1-17.1**

*Location:* 3680 Lexington Avenue

*Contact:* Site Design Consultants

*Description:* Applicant proposes to remove approximately 12,500 SF of impervious parking lot and return it to lawn area which can still be used for overflow parking.

Al Capellini, project attorney, Joe Riina of Site Design Consultants, project engineer were present. Riina stated the present proposal requests removal of required parking spaces and an increase of the grass area, thereby decreasing impervious surface.

**Upon motion by Fon, seconded by Kincart, and with all those present voting aye, the Board approved the resolution.**

**King Gates & Fence**

**Public Hearing to Revoke Special Permit**

**SBL: 26.19-1-1**

*Location:* 3216 Crompond Road

*Contact:* Louie Gashi

*Description:* Special Permit for Outdoor Service approved by Resolution #10-27 dated December 13, 2010.

Flynn stated the Board approved a special use permit for outdoor service in December of 2010, however the applicant has not complied with any conditions of the approval, which include installing a fence, containing outdoor service activities behind the fence, and cleaning up the property. Planning staff notified the applicant several times by mail regarding the possible revocation of the special use permit and have not gotten a response from the applicant.

**Upon motion by Flynn, seconded by Savoca, and with all those present voting aye, the Board revoked the special use permit.**

## Planning Board Meeting June 13, 2011

### Yorktown Auto Body

### Public Informational Hearing

**SBL: 37.19-1-81**

*Location:* 1798 Front Street

*Contact:* Al Capellini

*Description:* The proposed addition of approximately 1,500 SF to the existing auto body repair shop for the installation of 2 paint spray booths.

Al Capellini, project attorney, and Joe Riina of Site Design Consultants, project engineer, were present. Flynn explained this was a public informational hearing to inform the public of the plan and solicit input from the public. Capellini stated this building has been at this location since the 1960's. The applicant is asking for an addition that will replace the existing car spray paint booth with two state of the art spray paint booths. Capellini stated the applicant went before the ZBA and obtained a front yard variance. Riina stated this is a 1,500sf foot addition located outside the existing building. No portion of the existing building will be removed. The new paint being used is water based, therefore, odors and toxic emissions will be eliminated. Additionally, we will be expanding the parking lot to increase the amount of yard storage. Riina stated the existing trailers will be removed from the site. The DEP had no objection to the project. Flynn asked if the applicant thought this would impact traffic. Riina stated the flow of traffic is seasonal, but sometimes the flow on Front St. requires the applicant to rent additional space. This project will decrease the traffic on Front St. and add 7-additional spaces. Riina stated the front area of the site is stripped, but the remainder of the site is not. Some employees park in the lot across the street, and others in the commuter lot in an effort to keep cars off Front Street.

Fred Planamento, 1773 Summit St., stated he had recently put a porch on his home and the fumes from the existing spray paint apparatus were dangerous, and cause us not to use the porch. Mr. Planimento asked how long will it would take to complete the project, as I would like it to happen as soon as possible. Capellini explained that the applicant has to go through another public hearing. Flynn asked the Board to close the public hearing, but leave it open for two weeks for written comment.

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

### Crompond Crossing

### Public Hearing

**SBL: 26.18-1-7**

*Location:* Crompond Rd

*Contact:* Neil DeLuca

*Description:* Proposed project includes two commercial buildings of 8,500 SF (retail) and 4,200 SF (restaurant/retail), a 26 unit multifamily residential site plan, and a 29 lot subdivision.

Present were Al Capellini, project attorney, Steve Marino of Tim Miller Associates, environmental specialist, Karl Ackermann of Sullivan Architects, project architect, Tim Allen of Bibbo Associates, project engineer, Phil Grealy of John Collins Engineers, traffic engineer, Melanie Voelker of Studer Design Associates, landscape architect, and Neil DeLuca, the developer and applicant.

Capellini stated this is an 8.2 acre site across from BJs. The commercial portion of the site is 30% and the residential 70%, The proposal calls for 26 single family attached homes with an HOA, and two commercial lots. This is a coordinated hearing for a subdivision, site plan, wetland

## Planning Board Meeting June 13, 2011

permit/excavation permit, and a tree permit. DeLuca introduced the professional team, and asked each to make a presentation.

**Karl Ackermann:** Ackerman stated there are two commercial lots with parking is in the rear, and pedestrian cross connections to the businesses across the way at the new Chase Bank. We have a walkway system going back to the residential units. There are street trees and LED lighting, in an urban community setting. We have presented to the ABACA the materials we are proposing. Presently, we do not have tenants for the commercial lots. The applicant will return to ABACA when tenants are in place. The materials and lighting will tie into the residential area. There are four-unit and six-unit buildings, designed in a craftsman style. The individual units are approximately, 1300sf. Fon asked about ABACA. ABACA has approved the residential area but we will go back when we have tenants for the commercial buildings. ABACA has reviewed the lighting. When asked about recreation Ackermann stated that at this point there are no plans for passive recreation. Flynn asked about incorporating LEEDS standards. Ackerman stated we are going to meet NYS Energy Code. Flynn asked about skylights to reduce the need for lighting. Ackermann we explained the plan includes many windows and light, but if skylights are needed they can be installed. We are looking into a green roof and pervious pavers. Flynn asked how this project supports the other projects in the area. Flynn asked how people walk from one commercial use to another. DeLuca stated we have worked to install a sidewalk system that allows people to walk to the bank, to the BJs shopping area, as well as to the back of our buildings. This site will not have walls but a park like plaza, and there is a ramp, not steps. DeLuca stated this project does not require any zoning variances.

**Tim Allen:** Allen stated the project has gravity sewers. Utilities exist and the applicant will connect to them. The stormwater system is in the buffer, adjacent to the Hunter Brook. The areas affected have previously been disturbed. We have received comments from the Town Engineer and the town's Environmental Consultant. We have a SWPPP plan. In addition, there is a green roof planned for at least one of the commercial buildings, using drains, gravel and peat. Pervious parking areas are being installed. The site lends itself to a filtration system on the top of the site and drainage basins in the center of the site. Fon stated it is important to look at the impact of the Costco site, and the proposed NYS DOT road work. Allen stated we have a plaza in the front and walkways. DeLuca stated the end of our improvements will dovetail into DOTs improvements, and we will complete the Chase Bank sidewalks. Flynn asked for clarification on the list of trees being removed and replaced on the site.

**Melanie Voelker:** Voelker stated there are pedestrian scale plantings and street trees planted on the Route 202 side. Once one goes from the commercial to residential area there are a variety of trees. The residential area will be aided by the screening trees and canopy trees. We have variety in the plan for each building so it does not feel uniform and will have interest all year. Additionally, the plan addresses the private and semi-private space. In terms of the buffer, the narrowest place is in the rear at 35 feet, although the majority has 50 feet. The actual edge of pavement is even farther away and will add to the buffer. The limits of construction are within the lots. The type and size of trees to be removed are recorded, not in quantity, but dbh size and canopy coverage. Everything within the limit of construction will be lost. The plan calls for 259 trees to be added and 352 removed. DeLuca stated we are going to conform to the new tree ordinance and need to discuss the tree mitigation plan with the Tree Commission. The screening

## Planning Board Meeting June 13, 2011

trees are spruce and fir. The canopy trees are Maple, and Serviceberry. We have not counted the Serviceberry in our tree replacement count as the Serviceberry is actually a large shrub. We use native material, but have mixed in ornamentals for variety. This plan will be referred to the TCAC. Flynn asked how much soil will be added or removed from the site, and how and where will the soil come from and to the site. DeLuca replied we do not have to add soil to the site, the soil on site is excellent. The units will be geared to work force housing in Westchester County. Flynn asked how the developer planned to sell the units, using a model or would he need a sales office. DeLuca stated will have a 3D computer model of the units that prospective buyers can walk through. Since the construction of the buildings is modular, he also hopes to have a four-unit building on the site relatively quickly.

**Steve Marino:** This site has the Hunter Brook meandering throughout. The town's wetland consultant has confirmed the wetland delineation. All of the development areas are outside the 100- foot wetland buffer. The site has wetlands and flood plains associated with the Hunter Brook. There is remnants of a swimming pool or fish hatchery that was on the site at one time. Runoff from the north side of the development infiltrates into the ground first and cools the water before it enters the Hunter Brooks, we must consider the Hunter Brook as a trout stream. The basins are being landscaped to meet DEC regulations. The proposal also calls for wetland enhancement in the area of discharge. There are no DEC wetlands on the site. There is a small pocket wetland approximately 700sf which is too small to be regulated by Town Code. The applicant has contacted Natural Heritage for any endangered species questions. Allen stated we have had three to four positive meetings with the Conservation Board. Allen stated the applicant has hired Joe Riina of Site Design Consultants to do the flood study a flood study because he has already completed one for the Chase Bank. The FEMA flood line cuts through the corner of the western commercial building. Marino stated Bruce Barber and I identified a log jam in the Hunter Brook, which will be removed. This certainly has contributed to the flooding of the existing lawn area as in heavy rains the stream actually uses the lawn area to get around the log jam.

DeLuca stated this is a significant project and we want the public to be aware of it. The project is 100% in compliance with zoning. This will be marketed to trade down buyers and first time buyers. They will be taxed at the regular tax rate as everyone owning a home in Yorktown. These units are like large craftsman units, and although they will not be LEED certified, they will certainly incorporate many green practices. At least one of the commercial buildings will have a green roof. The project tries to provide a pedestrian friendly plaza. The sidewalks will dovetail with DOT work and we will work to increase the radius at Stony Street. We will work with all agencies and come back to the Board if there are any changes. DeLuca asked that at the next meeting the public hearing be closed and a negative declaration issued. Flynn opened the meeting to the public.

Anne Kutter, 3202 Old Crompond Road/Co-Chair of the Conservation Board. The Conservation Board wants to review the Tree Plan and Mitigation Plan. What does the applicant mean by "improving the radius of Stony Street." Is this project going to be complete before the other area projects. The Conservation Board has questions of staging removal and deposits to the site. Kutter stated the traffic study states this will only increase by one car, and this must be reviewed. Ms. Kutter also asked how deliveries for construction materials would be made to the site.

## Planning Board Meeting June 13, 2011

Benjamin Falk, 3308 Old Crompond Road - Mr. Folk was concerned with traffic patterns I feel that the traffic will be greatly affected, including the restaurant discharge. Mr. Folk asked about the mitigation plan.

John Falco, 3332 Old Crompond Road - Mr. Falco stated he did not see much of a buffer between his home and the eastern property line, except a few trees. He also asked what lighting was proposed.

James Kutter, 3202 Old Crompond Road Mr. Kutter asked if the apartments will have central air or wall units and if they would have patios or balconies. Mr. Kutter asked about utility access, buried or above ground, and if the bridge shared with Chase would be widened.

Al Heard, 2644 Deer Street - Mr. Heard stated asked if there was only one access point to the site and where the access was located in relation to his property. Mr. Heard also asked how the HOA could be funded by only 26 homes.

Flynn stated the only entrance is on Old Crompond Road and the applicant pointed the entrance out on the site plan for Mr. Heard. DeLuca stated will get to the Tree Commission as soon as possible. We plan to complete our sidewalk project within a year. We will have some traffic, and deliveries will come down Route 202 and into the site, not down Old Crompond Road. DeLuca offered to walk the property with Mr. Falco to examine the buffer. Ackerman stated the LED lighting is down lighting without the traditional glow. Ackerman explained that no light will leave the property. DeLuca stated the commercial site should not include a fast food restaurant. The units will have central air conditioning. No second floor decks are planned, only patios. All utilities will be underground.

James Kutter, 3202 Old Crompond Road - Mr. Kutter stated the garbage collection is commercial, but will be adjacent to residential homes. Capellini stated the town will pick up residential and the commercial pick up is contractual. Each commercial lot will have their own trash enclosure and the residential will have two areas to store garbage.

There are garbage collection points proposed for both the residential and commercial parts of the project. The residential garbage will be centrally located for town pickup. The commercial garbage will be located within trash enclosures.

**Upon motion by Savoca, seconded by Kincart, and with all those present voting aye, the Board adjourned the public hearing to the Board's July 11, 2011 meeting.**

**Upon motion by Flynn, seconded by Savoca, and with all those present voting aye, the Board closed the regular meeting.**

### Work Session

**Don Tommaso's Bistro Italiano**  
**SBL: 37.18-2-75**

*Location:* 334 Underhill Avenue

*Contact:* Thomas Cuomo

*Description:* The applicant requests the renewal of a special use permit to provide outdoor dining.

**Special Use Permit Outdoor Dining**

## Planning Board Meeting June 13, 2011

Al Capellini, project attorney was present. Capellini stated the applicant is requesting the same seating as the prior establishment requested. Flynn stated there have been no issues associated with this establishment, and Steinberg agreed. Flynn stated the Board would have a resolution at the next public meeting.

### **Faith Bible Church**

**SBL: 15.16-2-54**

*Location:* 3500 Mohegan Avenue

*Contact:* Site Design Consultants

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

Al Capellini, project attorney and Joe Riina of Site Design Consultants, project engineer were present. Capellini stated there was an incorrect mailing for the Zoning Board public hearing. The Zoning Board rescinded the decision and renoticed the hearing. The applicant is requesting variances for the rear yard, side yard, and building height again. Riina stated the applicant changed the entrance location as a result of a request from the Fire Inspector. Therefore the parking has been reconfigured. The Fire Inspector requested the retaining walls be addressed, and this will require a variance as the retaining wall is considered a structure, like a fence, by Town Code. Riina explained that the retaining wall was part of the original application, but omitted from the ZBA application. The proposal now includes an overflow parking plan. A neighbor, Evan Bray, stated the parking was more than should be required.

### **Zoning Board Referral**

**Upon motion by Kincart, seconded by Savoca, and with all those present voting aye, the meeting was adjourned at 10:40pm.**