

## Planning Board Meeting September 12, 2011

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A regular meeting of the Planning Board, Town of Yorktown, was held on September 12, 2011, the Yorktown Community and Cultural Center, 1974 Commerce Street, Room 104, Yorktown Heights, NY 10598. The Chair, Rich Fon, opened the meeting at 7:45 P.M. with the following members present:

John Flynn  
Darlene Rivera  
John Kincart  
John Savoca

Also, present were: John Tegeder, Director of Planning, 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	Costco - Al Capellini, project attorney, discussed a letter from attorney Al Pirro requesting the project be placed back on the agenda. Capellini stated the Board has a copy of this letter. The Board felt a new resolution and vote would be required. Flynn suggested all three owners attend the Planning Board meeting. Capellini stated there was one party that wanted everything to stop, while the other partner wanted it to go forward. The Costco team wanted to go forward. Flynn suggested the Board ask for something in writing from all three applicants. Savoca stated since outside counsel made the suggestion to not move forward on the application, the Board will send counsel the applicant's correspondence and move forward from there.

### Regular Session

**Upon motion by Savoca, seconded by Rivera, and with all those present voting aye, except Flynn, who abstained, the Board approved the minutes of August 8, 2011**

#### **Sarubbi**

#### **Request for Time Extensions**

**SBL: 17.18-1-11**

*Location:* 336 Homestead Road

*Contact:* Ralph G. Mastromonaco, PE, PC

*Description:* A 2 Lot subdivision approved by Res #06-16 and reapproved by resolutions #07-04, #08-12, #08-23 and #10-01.

Guipessi Sarubi, 336 Homestead Rd, and Nicholas Sarubi were present. Applicant, Guiseppi Sarubi had the plat ready for signature. The applicant, however, has financial issues that must be addressed before he can file the plat. The applicant needs two 90-day time extensions and a reapproval to bring the proposal up to date and be allowed to file the plat.

**Upon motion by Flynn, seconded by Savoca, and with all those present voting aye, the Board approved two 90-day time extensions and a reapproval.**

#### **RCB Development**

#### **Request for 1<sup>st</sup> 90-Day Time**

##### **Extension**

**SBL: 36.5-2-60**

*Location:* Old Crompond Road

*Contact:* Ralph G. Mastromonaco, PE, PC

*Description:* A 2 lot subdivision approved by Res #08-01 and reapproved by resolutions #09-01, #10-06, and #11-07.

No action was taken by the Board, as the project representative was not present.

#### **Hilltop Associates**

#### **Request for 2nd 90-Day Time Extension**

**SBL: 37.6-1-25**

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*Location:* Hilltop Road

*Contact:* Al Capellini

*Description:* A 3 lot subdivision approved by Res #08-02 dated 01/14/08 and reapproved by resolutions #09-31 and #11-02.

Al Capellini, project attorney, was present. Capellini stated this project has been approved and reapproved many times. The applicant will be hiring outside counsel to request a change in the allowable grade. Tegeder stated that when the application is before the Board for reapproval, the Board will require a hard look at SEQRA.

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

**Bartosch**

**Request for 2nd 90-Day Time Extension**

**SBL: 59.10-2-16**

*Location:* Vine Road

*Contact:* Al Capellini

*Description:* A 2 lot subdivision approved by Res #11-01 dated 01/10/11.

Al Capellini, project attorney, was present. Capellini stated there is a road widening, which is required, and the deed has been sent to the Planning Department. Additionally, the applicant needs to accumulate finances to complete the required improvements. Tegeder asked about the status of the required tree permit. Capellini stated this also, will be submitted to the Planning Board.

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

**Sierra Bella fka Samsel Minor**

**Request for Reapproval**

**SBL: 47.5-1-13**

*Location:* 1860 Hunterbrook Road

*Contact:* Al Capellini

*Description:* A 2 lot subdivision approved by Res #09-24 dated 09/14/09 and reapproved by resolutions #10-18.

Al Capellini, project attorney, was present. Capellini explained there is a dispute between the NYS DEC and NYC DEP regarding the newly enacted DEP regulations regarding stormwater regulations. The NYS DEC and NYC DEP disagree on the new rules being applicable to the applicant's project. The applicant has been informed that the DEC is going to mandate to have the DEP accept the DEC regulations. Additional time will allow the applicant to convince DEP to accept DEC's position, which is that the new regulations are not retroactive to this proposal.

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

**Kiederer**

**Request for Reapproval**

**SBL: 27.14-2-4**

*Location:* 362 Granite Springs Road

*Contact:* Ciarcia Engineering, PC

*Description:* A 2 lot subdivision approved by Res #05-21 dated 09/12/05 and reapproved by resolutions #06-14, #07-14, #08-15, #09-21, and #10-19.

Dan Ciarcia, project engineer, was present. There are no changes to the environmental conditions for this project. The applicant is waiting for DEC approval, therefore, all of the conditions of the resolution have not been met and additional time is required for completion.

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

**Mongero Properties, LLC**

**Revisions to Approving Resolution**

**SBL: 37.14-1-44**

*Location:* Saw Mill River Road

*Contact:* Al Capellini

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*Description:* Approved 3,848 SF bank by Res #09-28 dated 11/09/09 and amended by Res #10-10 dated 06/14/10.

Al Capellini, project attorney, and Joe Riina, project engineer, were present. Capellini stated the applicant is requesting an amendment to the approving resolution. The applicant does not have a tenant, therefore, signage and lighting required by the resolution, would be an unnecessary expense. The applicant has lost the prior tenant and making every effort to find a new tenant. The Board asked why not get the tenant first and Capellini explained that if one has an approved plan, it is easier to get a tenant. The applicant is requesting the approval of site lighting and signage be tied to the building permit or certificate of occupancy. The applicant will return to the Board for site lighting and site signage before a building permit can be issued. Tegeder was concerned that site work might be initiated without having the signage and lighting approved. Capellini, stated there will be no site work of any type until there is a building permit.

**Upon motion by Flynn, seconded by Savoca, and with all those present voting aye, the Board amended the approving resolution with regard to signage and lighting.**

### **Kitchawan Fire & Rescue Station**

### **Decision Statement**

**SBL: 70.5-1-13, 70.09-1-24**

*Location:* Kitchawan Road

*Contact:* Al Capellini

*Description:* Proposed 3,100 SF Kitchawan Fire Rescue Station on 6.089 acres in the R1-200 zone. Al Capellini, project attorney, was present. Capellini stated the draft resolution was acceptable to the fire district. Steinberg stated two letters, written comment submitted to the Board will be included in the record. These letters include the title policy and deed regarding the life estate, and the title report, as the title company had reviewed the issue of the life estate.

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

**Upon motion by Savoca, seconded by Kincart, 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 approved the site plan for the Kitchawan Fire and Rescue Station.**

### **Contractors Register**

### **Public Hearing**

**SBL: 5.19-1-15**

*Location:* 800 East Main Street

*Contact:* Site Design Consultants

*Description:* Proposal for 32 parking spaces in an area where 20 spaces was previously approved. Joe Riina, project engineer, was present. Riina stated the applicant is requesting a change to the approved parking plan. The site is 35 acres and contains two buildings. The original building was built in the mid-80s and the second building was completed 2009. Access to the site is at 800 East Main St in Jefferson Valley. The original approval included 34 conservation spaces in groups of 6, 8, and 20 spaces. The applicant proposes to eliminate the 8 spaces, and building out the 20 to 30 parking spaces. These parking spaces will slide to the east, allowing the applicant to align the access driveway with the existing driveway. Additionally, the applicant can master plan for a future building further north on the site. The proposal includes stormwater management for these parking spaces. Within the proposed construction area there are 65 trees, of which, 46 are being removed and 43 new trees are being planted. The entire site parking lot will be converted to using LED lighting. Riina discussed the landscape plan with the 43 trees around the parking area, with access tied into the main building. The applicant has received comments from ABACA, the Conservation Board, and the Fire Inspector, but has not heard from Town Engineer. Fon stated the Conservation Board discussed the Tree Commission. Tegeder will reach out to the Tree Commission again. Flynn asked about the zoning and was told Laboratory/Office, OB1. The applicant will use other methods than pervious pavers for stormwater. Fon opened the meeting to the public. No one from public came forward.

**Upon motion by Savoca, seconded by Kincart, and with all those present voting aye, the Board closed the public hearing, leaving open for 2 weeks for written comment.**

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

**Work Session**

**Mohegan Lake Motors Volkswagen**

**Discussion Site Plan**

**SBL: 15.12-1-3**

*Location:* 1744 East Main Street

*Contact:* Site Design Consultants

*Description:* Proposed 6,828 SF dealership showroom on 1.036 acres in the C-4 zone.

Al Capellini, project attorney, Joe Riina, project engineer, and Michael Picerillo, project architect, were present with owner Barry Roth. Riina stated the proposed project is two lots west of the applicant's showroom. It is proposed to separate the showrooms creating one Audi one VW. The new showroom will have a 6,800sf showroom for sales, and there will be no service. The building will be located in the middle of the site, approximately where the restaurant was situated. The entrance will be moved toward the east, and there will be storage for new vehicles, and employee parking. Roth stated VW Corp. would like a valet area. When customers bring their car in for service, it will be taken to the existing service area. Riina stated there is a wetland which has been flagged and flagging has been confirmed. We have an AB/FEMA flood zone on site. Riina stated the site elevation is 447 and we are maintaining more than 2 foot elevation for mitigation of stormwater and flood storage. Currently, the site has only catch basins. The proposal calls for the use of pervious pavement (not pavers), and will yield a net reduction in pervious area. The submittal is a concept plan put together by Tim Miller. This plan will create a wet basin, create storage, and function for flood attenuation. Riina stated the 2 feet elevation is a FEMA requirement for the first floor. Tegeder asked if fill would be required to raise the site above the 2ft elevation. Riina stated we are 4ft and can drain the area. Tegeder asked if the proposal called for fill, and was told it did. Roth stated there is no service at the new building, the service area is only to meet VW Corp conditions. Riina we are working on a landscape plan with Frank Guiliano. Tegeder stated the applicant will have to get DOT approval to move the curb cut, suggesting you go to DOT sooner than later. Picerillo stated this is the building is a metal panel system, with clear glass analog frames. Tegeder was concerned about the concrete block. Tegeder requested material samples be submitted. Riina stated we received the Planning, Engineering and Fire Marshall's memos today and we have to respond to this. Riina suggested the the Board define the scope of the requested Traffic Analysis. Tegeder stated the traffic analysis has to anticipate how this site will work, as cars for service will be driven to the original site.

**Cranberry Hill Subdivision**

**Discussion Approved Subdivision**

**SBL: 5.17-1-1 (formerly)**

*Location:* Cranberry Lane

*Contact:* Cranberry Hill, Inc.

*Description:* Proposed changes to the improvement plan of an approved 10-lot subdivision.

Dan Munsell, contractor, was present. As we are finishing the road, the elevation is problematic. We are suppose to install storm drains in and remove the cul de sac. There are issues with the water main on one side and Con Ed on the other. Munsell stated Highway Superintendent, and the Town Engineer have suggested we leave everything alone. A seep on one property is being taken care of by the applicant. All those present agreed to the change to the changes. The Board requested Tegeder document the changes with a memo.

**Arrowhead Subdivision**

**Discussion Filing of Plat**

**SBL: 48.13-1-6**

*Location:* Underhill Avenue

*Contact:* Al Capellini

*Description:* A 5-lot subdivision approved by Res #07-23 dated 10/15/07.

Al Capellini, project attorney, was present with developer Chris O'Keefe. O'Keefe stated the NYC DEP was satisfied with how the site handled the hurricane. The NYC DEP ponds are filled, and the design works very well, as there was very little washout. Bales were installed and nothing entered the stream. Capellini submitted a declaration to the Board regarding the applicant's request to convey title to Lot# 6.3 prior to the completion of all infrastructure approved for the five-lot subdivision. The sale of the other

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four lots cannot occur until the improvements are installed. Wagner stated the law of New York State the Board cannot approve and sign the plat if the necessary subdivision improvements are not either installed or bonded. O'Keefe suggested the Board waive the improvements. Wagner suggested a two-lot subdivision. O'Keefe, stated in theory everything has been installed for this one lot, and we want to phase the improvements. Capellini explained that these are not public improvements that will be managed by the Town. These improvements are private and will be managed by the homeowners. Kincart asked, once you are able to sell this one lot you will be able to complete the other improvements, and O'Keefe stated he would have the financing to complete the required improvements. Wagner suggested bonding a two-lot subdivision. O'Keefe wanted to convey to the Board that he cannot afford a bond, and that 90% of the road is complete. Fon asked if Engineering can reduce the requirements. Capellini stated the connection from a private road to a public road is difference then if it were a public road.

### **Fieldhome Expansion**

### **Receive Draft Scope of Expanded EAF**

**SBL: 35.12-1-2, 35.12-1-3**

*Location:* 2300 Catherine Street

*Contact:* Site Design Consultants

*Description:* Proposed continuum of care facility consisting of independent living units and skilled nursing home replacing existing home with a common facility supporting both communities.

Al Capellini, project attorney, Joe Riina, project engineer, and Brian Towe main civil engineer were present with John Ahearn, CEO of Fieldhome – Holy Comforter. Capellini stated s draft scope for an expanded EAF was subitted to the Board. The applicant is asking the Board what additional topics to be included in the discussion. The current submission for the proposed continuum of care facility was constructed with advise from the Planning staff. Tegeder felt this was an unlisted action. Riina introduced Towe, the projecexts main civil engineer. Riina stated the current submittal contains a change in that the retaining wall has been eliminated, and the rise of the road has been changed. The service road has been brought down as the existing utilities and infrastructure have to be sustained through construction. There is a generator, trash compactor, oil tank, and gas services that must operate throughout the construction. and we have revised grading and utility plans Tegeder felt the applicant had done good work on the project, and now the Board will require maps of all the property and property lines on the 30 acres being discussed. Fon asked about the existing square footage. Tegeder asked for the most recent survey to be submitted.

Tegeder requested the applicant expand the scope with regard to land use, steep slopes, cut and fill, erodability, and zoning. Additionally, there should be information about Glassbury Coult and the continuum of care. Tegeder asked about blasting ,he also and requested letters from NYSOPRHP and Natural Hertigage. Riina stated those letters had already been submitted. Riina asked if Bruce Barber, Town Enviromental Consultant, required a bio-diversity study. Tegeder asked for a report on the impact to the soccer field, the impact to the sewer system, and the adequacy of Garden Lane from a physical prospective. The applicant was asked to conduct an detailed analysis of what requirements were necessary to bring Garden Lane to code. The Board stated the diner and car dealer each own half of the road. The Board set the Public Informational Hearing for October 10, 201, and asked the applicant to return to the September 26, 2011 meeting. .

**Upon motion by Kincart, seconded by Savoca, and with all those present voting aye, the meeting was adjourned at 10:15pm.**