

## Planning Board Meeting January 9, 2012

A regular meeting of the Planning Board, Town of Yorktown, was held on January 9, 2012, the Yorktown Town Hall, 363 Underhill Ave. Yorktown Heights, NY 10598. The Chair, Rich Fon, opened the meeting at 8:00 P.M. with the following members present:

John Savoca  
John Flynn  
John Kincart  
Darlene Rivera

Also, present were: John Tegeder, Director of Planning, Robyn Steinberg, Planner, Karen Wagner, attorney to the Planning Board, and Lisa Hockman, special counsel for Costco.

Discussion	No discussion took place at this time
Correspondence	The Board had no issues with the submitted correspondence
Follow-up Correspondence	No discussion took place at this time
Liaison Reports	Fon asked the Board members to review the liaison assignments for 2012.
Courtesy of the Floor	Fon opened the meeting to the public.

Tim Malone, owner of 1821 E. Main St, Mohegan Lake (Village Traditions) came forward. Malone stated he had just completed a site plan which called for the dumpster to match the stucco exterior of the main building. Malone requested the dumpster exterior match the barn which is 15 feet away. Fon asked if ABACA should be consulted. Tegeder felt a memo would address the situation including the applicant's obligation to maintain the dumpster. The Planning Department will submit a memo to the Building Department stating same.

The Board reviewed memos regarding Faith Bible Church

**Upon motion by Rivera, seconded by Savoca, and with all those present voting aye, the Board approved the minutes of December 12, 2011,**

### REGULAR SESSION

**RCB Development**  
**SBL: 36.5-2-60**

**Request for Time Extensions**

*Location:* Old Crompond Road  
*Contact:* Ralph G. Mastromonaco, PE, PC

*Description:* A 2-lot subdivision on 10.32 acres in the R1-20 zone approved by Res #08-01 dated 01/14/08. Ralph Mastromonaco, project engineer, was present. Mastromonaco stated the applicant is trying to comply with the requirements of the approving resolution, however, this approval has expired. The applicant is working on the basins and other issues. A performance bond was not required as the applicant is completing the work prior to filing the plat. Wagner asked if the environmental conditions on site have changed. Mastromonaco stated the applicant is cutting some trees. The Board requested a letter that stating environmental conditions have not changed since the original approval if that is the case.

**Upon motion by Kincart, seconded by Savoca, and with all those present voting aye, the Board granted the time extension with conditions, as stated on the Chair's copy.**

**Trail Side Cafe**  
**SBL: 37.18-2-79**

Decision Statement

*Location:* 1807 Commerce Street

## Planning Board Meeting January 9, 2012

---

*Contact:* JB Hernandez

*Description:* Proposed change in tenant from retail to an ice cream cafe.

JB Hernandez, project architect, was present. Hernandez displayed plans and pictures of the proposed conversion. Previously the applicant submitted a site plan. Steinberg stated there is a referral from Building Department. The applicant is proposing an ice cream café for the trailside population. The applicant is proposing parking across the street and along Kear Street. The clients will predominately be the bike/ped population using the trailway.

**Upon motion by Rivera, seconded by Kincart, and with all those present voting aye, the Board approved the resolution for the Trailsie Café.**

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

### WORK SESSION

#### **Yorktown Jewish Center**

SBL: 26.19-1-31

Location: 2966 Crompond Road

*Contact:* Zarin & Steinmetz

*Description:* ZBA application #52/11 for a special use permit for a daycare center.

Yorktown Jewish Center

Present were David Steinmetz, project attorney, Eliot Senor, project engineer, Richard Elkin, YJC President Lisa Roberts, Rosenthal JCC, along with other Temple members. The Yorktown Jewish Center is requesting a special Use Permit to allow the Rosenthal Jewish Community Center to operate a 26-child childcare center on the premises. Steinmetz stated the applicant received a positive letter from the Building Inspector, and is in compliance with the zoning code. The applicant received letters from the Building Inspector and the Fire Inspector. Fon asked how the space was used formerly. Steinmetz stated classrooms and educational services. Steinmetz stated the Building Dept. asked for clarification of drop off and pick up, therefore, we labeled and resolved the issue. The flow of traffic remains the same. The children the center will care for are ages 2,3,4. Kincart asked if there would be staff to monitor traffic. Roberts stated there would not be staff as parents are responsible for bringing children inside. The Board asked about outdoor recreation. Senor stated the recreation area is a fenced in area along the west side, which meets the State's regulations for preschools playgrounds. The JCC currently has 26 students enrolled, however, the requested space would allow for 36 children. This enrollment would require 5-7 staffers. Kincart asked if staff parking could be redistricted to a designated area, and Steinmetz stated the applicant would voluntarily agree to this. Fon stated the Planning Board will submit a letter to the Zoning Board prior to their January meeting.

#### **Zoning Board Referral**

#### **Bhatt, Vaman**

SBL: 47.8-1-11

Location: 1752 Dogwood Road

*Contact:* Bhatt, Vaman

*Description:* ZBA application #65/11 for a special use permit for a professional office.

No one representing the applicant was present. The Board tabled the issue, and requested the applicant submit a parking plan.

#### **Zoning Board Referral**

#### **Augie's Prime Cut**

#### **Discussion Site Plan**

## Planning Board Meeting January 9, 2012

---

SBL: 15.19-1-25

Location: 3436 Lexington Avenue

Contact: SJF Engineering Services

Description: Conversion of 2nd floor storage to a dining area for existing restaurant.

Present were Steve Ferreira, project engineer/applicant, and owner Sal Barrone. Barrone stated we are looking to expand Augies, and we have been asked to put together a plan. A new plan for the trash enclosure has been submitted, and we have addressed the Building Department's concern with the stairs as stated in the memo of Jan 6, 2012. Barrone felt the Building Department now approved the plans and was waiting for the Planning Board's memo. Fon asked if this was code compliant. To be compliant with State Law residential stairs are not the same as commercial stairs. Commercial stairs have to be 36". Fon stated the occupancy of the second floor is 44. Submitted to the Board was a letter from the neighbor regarding a lease agreement for parking. Wagner asked how many spaces the applicant was relying on via the lease, and was told 13. Wagner asked if there was an actual lease agreement and was told it was submitted. Kincart stated the Board will review the lease and condition the approval on this. Were the lease to expire, the Board needs to condition the use of the second floor space. Tegeder stated the Board will review the plan including the stairs and garbage enclosure. There is 900sf, which requires 33 spaces, and 13 for the additional space with 2 handicap spaces. Barrone stated the garbage enclosure will be relocated, and we would like to change the material. Tegeder stated complaints from a neighbor in the rear caused the request to change the location of the dumpster. Ferreira stated garbage is collected 5 times a week, and when we change the location, other neighbors will complain. There are only two locations to place the dumpster that will accommodate pickup. Wagner stated with regard to the lease agreement, a problem arises because the lease is terminable with notice, and that causes concern. The applicant agreed to secure a 5-10 year lease. Tegeder stated if this agreement does not work the applicant will have to return to the Board. Flynn asked if the garbage enclosure could work at parking space 23. The Board scheduled a public informational hearing for February 13. This is a change of use permit, as the mixed use is eliminated with the removal of the residential, leaving all commercial use.

### Mohegan Lake Motors Volkswagen

### Discussion Site Plan

SBL: 15.12-1-3

Location: 1744 East Main Street

Contact: Barry Roth

Description: Proposed 6,828 SF showroom for Mohegan Lake Motors Volkswagen dealership.

Al Capellini, project attorney, and Joe Riina, project engineer, were present with owner/developer Barry Roth. Riina stated the project had a public information hearing on Dec. 12, 2011, and we have addressed the comments received. Most of the comments were not onerous to the application. The Engineering Department commented on interior truck traffic, The applicant will only have delivery vans on site, and the proposed turning radii are up to NYS DOT standards. The new car storage spaces are 30 feet, The paving material is pervious pavement and will not have a large impact. The proposal indicates two overhead doors, however, there is no intent to use this for car drop off or for showroom cars. This is only there as dictated by VW Corp. Riina stated a traffic study has been submitted. The Flood Plan Development Application has been submitted to the Building Inspector, as he requested this be addressed. At this time the Town Engineer has not commented on the SWPPP, and will defer until NYS DEC comments. Tegeder stated NYS DEC is concerned about the floodway, and is requesting a report on existing structures. Riina stated comments from Barber, the Town's Environmental Consultant, stated the site had fluid leaks. Riina stated this situation will be contained. Riina stated ABACA was provided with the finished lighting plan. Previously the nomenclature did not match the cut sheet, but now does. The planting plan and four-season maintenance plan was also submitted. Flynn asked about fire trucks being able to get around the site.

## **Planning Board Meeting January 9, 2012**

---

Riina stated based on a discussion with the Fire Inspector, the fire department will fight fires from East Main Street. Tegeder asked for the Fire Inspector to submit written comment. Tegeder asked for a lighting plan and was told it was submitted. J.P. Francois, Conservation Board member, requested the applicant submit a maintenance schedule and the SWPPP. Capellini stated there is a buffer area and the applicant may need a variance. The Board scheduled a site walk for January, 22, 2012 Riina stated the Building Inspector was reviewing the floodway permit. Mr. Malone, Village Traditions, was disturbed by the traffic is an issue, and the lack of provisions for tractor trailers. Flynn asked where the deliveries would take place, and was told the old site. Malone stated the applicant was using his property for deliveries. The Board stated they would look at this on their site visit. The Board scheduled a public hearing for March 2012.

### **Fieldhome Expansion**

SBL: 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, John Ahearn, CEO of Fieldhome, and Michael Orifaci, project architect, were present. Riina stated at the last meeting the applicant agreed on the scope proposed by the Planning Department. At this time, the applicant has addressed all items within the scope. Currently, the applicant has issues with comments from ABACA about the garages. ABACA asked for the garages to be turned 90 degrees. This accommodation would cause much more disturbance and impact the soccer field. The applicant felt this change was to the detriment of the project, therefore returned to the original plan. The other substantial change was the tree plan. Riina stated the proposal demonstrates that we are below the 30 percent requirements of the Tree Commission. The footprint of the building has not changed. In the expanded EAF there are views from Catherine St with and without trees. One change in the skilled nursing area is the addition of a basement that will be a utility area, but will not increase residential density. The Conservation Board memo of January 6, 2012 sited the steep slope created with the removal of the wall, location of grading, erosion control, and meeting the Tree Ordinance requirements with the proposed revisions to the plan. Homeowner Babette Ballinger asked if the original Field Family Donation and accompanying restrictions was being use for the purposes intended. Ms. Ballinger asked if the applicant was honoring the original mandate. Capellini stated the applicant would review the deed. Capellini reminded the Board about the area that is to be kept forever wild. A resident asked about rain gardens, and was told these are for water pollutant treatment. The Board requested the applicant return in two weeks. Flynn asked for a demolition Plan. Tegeder discussed managing access from recreational vehicles.

### **Discussion Residential Site Plan**

### **Costco Wholesale**

SBL: 26.18-1-19

Location: 3200 Crompond Road

Contact: TRC Engineers, Inc.

*Description:* Application to construct a 151,092 SF Costco Wholesale Club retail store and club member available filling station.

### **Discussion Completeness of DEIS**

Al Capellini, project attorney, Nick Panayotou, project engineer, and Tom Holmes, project manager, were present. Wagner recused herself from this discussion. Lisa Hochman, special counsel to the Town for the Costco application, was present. Capellini stated this is our first meeting to discuss comments from the Planning Board.

