

Planning Board Meeting January 23, 2012

A regular meeting of the Planning Board, Town of Yorktown, was held on January 23, 2012, the Yorktown Community and Cultural Center, 1974 Commerce St. Yorktown Heights, NY 10598. The Chair, Rich Fon, opened the meeting at 7:30 P.M. with the following members present:

John Savoca
John Flynn (arriving at 8:00pm)
John Kincart
Darlene Rivera
Ann Kutter (Planning Board Alternate)

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	No discussion took place at this time
Courtesy of the Floor	Fon opened the meeting to the public.

Upon motion by Rivera, seconded by Savoca, and with all those present voting aye, the Board approved the minutes of January 23, 2012.

WORK SESSION

Costco Wholesale

SBL: 26.18-1-17, 18, 19 & 26.19-1-1

Contact: TRC Engineers, Inc.

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

Al Capellini, project attorney, Nick Panayotou, project engineer, and Tom Holmes, project manager, were present. Kutter and Wagner recused themselves from this discussion. Lisa Hochman, special counsel to the Town for the Costco application, was present. Capellini stated that at this time the applicant's professional team is still reviewing the joint memo from the Planning, Engineering, and Environmental staff. Tegeder explained in addition to staff meetings, meetings were held with Costco's professional team, where the memo was reviewed. Tegeder explained that a wintin the memo. short review of each chapter introduction to the comments that followed. Tegeder stated a request was before the Town Board to amend the contract with traffic consultant Edwards & Kelcey. When this is approved, Tegeder will request authorization for a traffic analysis for Costco. Capellini thought traffic comments would be generated sooner. Kincart discussed the activity within ½ mile of the project and coordination with the NYS DOT and their improvements in the area. Capellini stated the applicant's team is in the process of reviewing the comments, and exchanging information with town staff. Tegeder stated he was always available to the applicant.

Discussion Completeness of DEIS

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Old St. George's, LLC

Town Board Referral

SBL: 15.12-2-53

Location: 1715 East Main Street

Contact: Tom DeChiaro

Description: Property owner has requested the Town Board authorize the Building Inspector to issue a Temporary Certificate of Occupancy for the Old St. George's, LLC site plan.

The discussion was tabled in hopes the applicant or a representative be present later in the evening.

The applicant was called again, no one came forward. The project was moved to the end of the agenda.

Faith Bible Church

Discussion Site Plan &

Special Use Permit

SBL: 15.16-2-9, 10, 50, 53, 54

Location: 3500 Mohegan Avenue

Contact: Site Design Consultants

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

Al Capellini, project attorney, Joe Cremele, project engineer, and Larry DeFino, project architect, were present with Pastor Catoliastor. Capellini stated as the Board is aware, the applicant has been before the ZBA. The ZBA granted the three variances, including rear setback of 14.5ft where 30ft is required, a front yard setback of 29ft where 30ft is required, height of a retaining wall, and a side yard setback of 2ft where 12ft is required. Capellini explained the approval was conditioned upon site plan approval and special use permit. Cremele stated access to the parking lot has changed due to requirements of the Fire Marshall. The applicant will use either a porous pavement or pervious pavers in the parking lot. The existing septic and cesspools will be eliminated. The applicant will install a force main (along Route 6) and a dry line, available for future use. Cremele stated one parking space was eliminated due to the zoning process. Pastor Catoliastor explained that parking attendants are in the lot to make sure there is no on street parking. Pastor Catoliastor stated the Church has been there for 18 years and have never had an incident. Neighbors, and the Town use the lot during the week. Lake parking is prohibited in the summer but allowed in the winter. The church has deeded lake rights, but discourages use of the beach. Kutter asked how the attendants work, Pastor Catoliastor explained they are there to police the area and make sure ingress and egress run smoothly. During inclement weather or holidays attendants may help park cars. Capellini stated he lives on Hanover St., across from the Old Stone Church and Beth Am Temple. The community has a tolerance and acceptance of the good these organizations and their contribute to the community. Fon stated a neighbor, Mr. Evan Bray is filing a article 78. Fon asked how this affected the Planning Board. Tegeder stated traffic and parking is the issue and will engage the Town's traffic consultant. Tegeder requested an analysis of the facilities operation. Cremele stated everything the applicant is asking for will result in less off street parking. The proposal calls for 344 seats, while currently there are 200 seats. These 200 seats are only filled at Easter. It is the church's policy that when a service is at 80% capacity a second service is required. Pastor Catoliastor stated 18 years ago we leased the building and in 2005 we purchased it. Now, we have 150 congregants, tripling our original size. This Sunday was 160-170, which was a very well attended service. Pastor Catoliastor stated we must address internal issues. Our worship team comes early and then their family comes. Tegeder stated there

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is an increase in usage and we do not know how this affects parking. We need to know how the parking/traffic situations are handled. Tegeder felt a plan should be in place to handle the increase in membership. The church has had to discuss two services. Pastor Catoliastor stated this project protects the lake. Fon asked if the applicant met with any of the neighboring associations. Pastor Catoliastor stated he had, including an open house where Joe Cremele discussed the project. The open house was during 2011, and 20-25 residents attended. Cremele felt it was a good meeting where we presented the project, and by the end of the meeting everyone seemed satisfied and left on a positive note. About 5 people came to the Zoning Board meeting. Mr Bray, neighbor, address the Board. As Mr. Bray would want his comments to be part of the record, he was asked to speak at a public hearing. The work session was not the forum for his concerns. His concerns would be addressed at the public hearing.

Lake Osceola Realty Corp.

Pre-Preliminary Application

SBL: 17.5-1-11

Location: Hill Boulevard

Contact: Site Design Consultants

Description: Proposed 30,000 SF office building and associated parking on 4.4 acres in the CC zone.

Al Capellini, project attorney, Joe Cremele, project engineer, were present with applicant Paul Galaro. This proposal is to construct a three story medical/office building. There are 161 existing parking spaces where 150 is required. There is access to Ceola Manor, and both operations can share parking, as the their hours of operation are opposite. Cremele stated the majority of development is in the buffer, one half acre is in the wetlands, but we are trying to minimize disturbance. The applicant will donate a portion of land to the Town for lake access. Cremele felt the area was wet, but not underwater, the 100 year flood zone would be addressed. The application will include: bio-retention, green roof for attenuation, and impervious paving material. Kincart asked if the proposed reciprocal parking was owned by two owners. Galaro stated when the property was subdivided the parking easements were put in place. Tegeder explained that within the County Commercial Zone the applicant must pay attention to the architecture. Fon explained the area being deeded to the Town is critical so as not to require a variance due to the Sloor Area Ratio (FAR). Kincart stated the area is low and marshy, so it would not be any more useful to the Town as a separate parcel as opposed to a conservation easement. Tegeder discussed Country Commercial windows, and building materials. Tegeder stated this structure will be highly visible across the lake. Galara stated this is a prepreliminary application and we want to know if we should go forward or not. Kincart stated this area is pedestrian friendly, that is very environmentally sensitive. Fon stated architecture and landscape architecture are going to be very important. Capellini stated the proposed use is in conformity with what is along Route 6. Fon asked if the adjacent properties have stormwater problems. Cremele replied the applicant is proposing to remove the existing pumphouse, and install two independent collection systems.

Lake Mohegan Mansion, LLC

Pre-Preliminary Application

SBL: 15.11-1-17

Location: Lexington Avenue

Contact: Site Design Consultants

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Description: A proposed 16-lot cluster subdivision on 22.94 acres in the R1-20 zone.

Present were Al Capellini, project attorney, Joe Riina, project engineer, and applicant Bill Catucci. Riina stated the applicant had been before the Board with the Fieldstone Subdivision. The site, within an R1-20 zoning district, has been delineated and will be confirmed. The submission includes a conventional design, which shows 16 0.5-acre lots. The applicant's intent, however, is to have a cluster concept that will save the mansion. The cluster plan has 16 units on 10,000sf lots. The two ends of the mansions will also be new units. The proposal includes 4-acres of recreation space. Flynn asked about the bypass through the property that was included in the Comprehensive Plan. Capellini stated clustering requires Town Board approval. Capellini stated all roads are private, and a portion of the field was historically used as a ball field. Flynn asked if the applicant would consider recreation space instead of the recreation fees. Capellini stated yes the applicant would consider this.

Fieldhome Expansion

SBL: 35.12-1-2 & 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 we have memos from the Town Engineer, Bruce Barber, the Conservation Board, ABACA and the Trees Commission. These Boards and departments thought our plan was good and liked the 32 acres Conservation Easement. ABACA only wanted a few changes including buffering. Tegeder asked about the applicant's relationship with Glassbury Court needs additional information, discuss the existing agreement. Ahern stated there is no written agreement. Tegeder replied there was an agreement between Blater Development and Glassbury Court, and there should be a more substantial agreement now with the 64 townhomes. Tegeder asked that the applicant address steep slopes. What percentage are existing slopes, and what is being created. How much of the area is being disturbed. Tegeder asked if the applicant had contacted the Fire Marshall and the Ambulance Service. Riina stated the applicant has written to both but cannot get a written response. We have contacted all of them to no avail. Tegeder requested the applicant expand the information regarding the market for this project, including portions of you market study. Tegeder felt this was, in some way, comparable to similar facilities within the town, and yet, these projects were not doing well. The discussions should include the difference and similarities and why this project will work. The Board felt the applicant's exhibits were good and information comprehensive.

Discussion Residential Site Plan

Old St. George's, LLC

SBL: 15.12-2-53

Location: 1715 East Main Street

Contact: Tom DeChiaro

Description: Property owner has requested the Town Board authorize the Building Inspector to issue a Temporary Certificate of Occupancy for the Old St. George's, LLC site plan.

Town Board Referral

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The discussion was tabled in hopes the applicant or a representative would attend. Kincart asked what improvements the applicant addressed. Tegeder explained that the applicant was requesting a temporary certificate of occupancy (TCO), and to bond their required improvements. The Board asked if there could be conditions for a TCO. Tegeder stated BJs operated on a TCO for at least 8 years. Kincart asked if a handicap lift had been installed, and was told yes. The parking lot has been improved. The Board asked if the applicant had a Building Permit. Susan Siegel (former supervisor) stated a building permit was issued. Tegeder suggested the Planning Dept. visit the site and report back on what was completed. The Board requested the applicant be invited to the next meeting.

Courtesy of the Floor

Present were Steve Ferreira , project engineer/applicant, and owner Sal Barrone. Barrone stated the plans were revised including a change in the location of the dumpster, and screening around all four sides of the dumpster. Tegeder requested the sample fence cut be submitted, and the applicant agreed. Savocca felt the dumpster should remain in the current location, but include fencing. The Board agreed that there was no one spot that would please all of the neighbors. Kincart felt the PVC fence was looked more residential. Fon stated the Board would submit a positive recommendation to the Building Inspector, and the site plan application will be reviewed at the next meeting.

Upon motion by Savoca, seconded by Rivera, and with all those present voting aye, the meeting was adjourned at 10:00pm.
