

## **Planning Board Meeting February 13, 2012**

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A regular meeting of the Planning Board, Town of Yorktown, was held on February 13, 2012, at 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	No discussion took place at this time
Courtesy of the Floor	Fon opened the meeting to the public. Courtesy of the floor was held over to the Work Session.

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

### **REGULAR SESSION**

**Sierra Bella fka Samsel Minor**  
**SBL: 47.5-1-13**

**Request 1st 90 Day Time Extension**

*Location:* 1860 Hunterbrook Road

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

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

Ralph Mastromonaco, project engineer, was present. Mastromonaco stated the applicant has been working on the required improvements, however, because stormwater regulations changes had to be made by the applicant. Tegeder stated if this project is reapproved (after the 2nd-90 day time extension), the applicant will need to revisit SEQRA.

**Upon motion by Savoca, seconded by Rivera, and with all those present voting aye, the Board granted the 1st 90-day Time Extension.**

**Crompond Crossing Subdivision**  
**SBL: 26.18-1-7**

**Request 1st 90-Day Time Extension**

*Location:* Crompond Rd

*Contact:* Neil DeLuca

*Description:* Approved 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.

Neil DeLuca, applicant /developer, was present. DeLuca stated this project was approved on July 2011.

DeLuca stated we have been working to have DEP to accept the application. The DEP had 40 questions to be answered, and we have addressed all but three.

**Upon motion by Savoca, seconded by Rivera, and with all those present voting aye, the Board granted the 1st 90-day Time Extension.**

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### Route 6 Office Development

### Request for One-Year Time Extension

**SBL: 15.16-1-21**

*Location:* 3571 Mohegan Avenue

*Contact:* John Meyer Consulting

*Description:* Site Plan approved by Planning Board Res #08-05 dated February 11, 2008.

Diego VillaReale, project engineer, was present. VillaRealle stated two of the approved three buildings were completed, however the economy was changing. The applicant is aggressively trying to secure a bank tenant for the third building.

**Upon motion by Kincart, seconded by Savoca, and with all those present voting aye, the meeting was Board granted a one year time extension.**

### Augie's Prime Cut

### Public Hearing

**SBL: 15.19-1-25**

*Location:* 3436 Lexington Avenue

*Contact:* Stephen Ferreira, PE

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

Fon stated the applicant is expanding the restaurant by converting the second floor of the building and this requires 47 parking spaces. The applicant has a lease agreement to use the neighboring parcel for parking. The lease agreement was submitted to the Board and Wagner for review. Ferreira stated two (2) handicap spaces and a new handicap ramp are being provided. Pictures of the trash enclosure were shown from the applicant's cell phone. The applicant submitted the public hearing notices. One adjacent parcel was not noticed. The public noticing was not done correctly. The applicant was instructed to renotice a meeting scheduled for February 27, 2012. Steinberg requested the two parcels adjacent to the rented parking spaces also be noticed. Fon opened the meeting to the public. No one from the public came forward.

**Upon motion by Kincart, seconded by Savoca, and with all those present voting aye, the meeting was adjourn until February 27, 2012.**

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

### WORK SESSION

#### **Fon reopened Courtesy of the Floor.**

Mr Halderman, new owner of Yorktown Farms, Lot 9 came forward. Mr. Halderman was requesting a change in the limit of disturbance. This change would allow the removal of all the trees that are less than 6" dbh, weeds, and ornamentals in the area of his front lawn be removed. Mr. Halderman stated there are two large Ash trees, but they are not healthy. Fon stated the Board would change the limit of disturbance to the property line.

#### **Speial Session**

**Upon motion by Riveria, seconded by Fynn, and with all those present voting aye, the Board opened a sepecial session.**

Fon stated the proposed limit of disturbance, demonstrated with picture provided by the owner, would allow the applicant to create a lawn. The site plan will have to be amended.

**Upon motion by Riveria, seconded by Fynn, and with all those present voting aye, the Board approved the change to the site plan for Yorktotown Farms Lot 9, regarding the limit of**

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disturbance.

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

**ZBA #65/11 Bhatt, Vaman**

**Zoning Board Referral**

**SBL: 47.8-1-11**

*Location:* 1752 Dogwood Drive

*Contact:* Benowitz Shah Architects

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

Ms Shark, representing the Bhatts, was present. This application is for a special use permit to allow a massage therapy office in a residence. Ms. Shark submitted a siteplan with buffering. Ms Shark stated this will take place in an existing legalized finished basement. The ZBA referred this for parking plan review. The Board stated there exists parking for four cars and a two car garage. Ms Shark stated the residents will use the garage, leaving ample space for clients. The applicant stated only two clients would be using the driveway at the same time. The Board will send a letter of recommendation to the ZBA.

**Gione Minor Subdivision**

**Discussion Subdivision**

**SBL: 27.15-2-1**

*Location:* 21 Loder Road

*Contact:* Site Design Consultants

*Description:* A proposed 2 lot subdivision with an existing residence. The new residence will be serviced with town water and individual septic system.

Joe Riina, project engineer, was present. Riina stated this project was previously submitted proposing four (4) lots. Since that time, the applicant has had an environmental consultant delineate the property and now the applicant request only one additional lot besides the existing residence. Both lots would access Loder Road serviced with town water and individual septic system. The applicant established the septic area with the Board of Health. The new residence and the existing residence will be outside the buffer area. Riina requested a public informational hearing. Kincart asked if the driveways for the applicants property and those across Loder Road be aligned. Riina stated that although not required, the applicant is installing rain guards. Riina felt the Conservation Board was pleased with this plan. The Conservation Board asked if there could be a conservation easement in the wetland area. Riina stated the applicant would like to leave some area available for change, knowing a wetland permit would be required. Riina stated the proposed improvements are mostly located in the lawn area. Flynn asked if there were wetlands on lot one, and was told no. Riina stated both lots are over 1-acre. The Board scheduled a public informational hearing for March 12, 2012, and a site visit March 11, 2012.

**Old St. George's LLC**

**Town Board Referral**

**SBL: 15.12-2-53**

*Location:* 1715 East Main Street

*Contact:* Tom De Chiaro

*Description:* Site Plan approved by Planning Board Res #11-04 dated February 14, 2011.

Thomas DeChiaro, owner; and Chris Sciarra, project manager, were present. DeChiaro stated he wanted to change the site plan as the exterior of the church did not match the interior. Additionally, DeChiaro wanted a change in zone and an amended site plan. DeChiaro would be going to the Town Board for zone change.

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DeChiaro asked if a transition zone or commercial zone was the best for the site. Sciarra stated prior to DeChiaro's ownership, there has dumping in the area behind the property (Ardizzone Property). DeChiaro stated the Town Engineer had suggested a lot line change. DeChiaro felt the Town Board preferred the new site plan. This would also include the property leased from New York State. Fon was concerned with pedestrian traffic. Tegeder asked when will new plan would be developed. Tegeder felt the transitional zone would better protect the building. Tegeder asked if the approved site plan was being abandoned and a new one developed. Fon felt this was premature. The discussion on TCO is mute as the Town Board gave the Building Inspector authority to issue a TCO. As the applicant no longer uses access to Route 6, there is no longer a safety issue. The applicant was instructed to go to the Town Board, where the proposal will be referred to the Planning Board. Flynn asked about timing. DeChiaro stated we will go to one more work session and then we will submit a plan. Tegeder stated if the conditions of the temporary CO are not met in 90-days, the applicant could return to the Board. The question arises would this Board support another TCO. Fon wanted to avoid this going on forever, and asked the applicant to work with Town staff. Tegeder asked if the Board wanted to issue a memo on the TCO or address this in 90-days if it comes back. The Board wanted to see what would happen in 90-days. Sciarra asked about creating a municipal lot. John Schroeder, president of the Yorktown Land Trust, asked if the town owned parcel was parkland. The Planning Board will research this.

### **Sanctuary Golf Course**

### **Town Board Referral**

**SBL: 59.9-1-10**

*Location:* Route 118

*Contact:* Evans Associates Environmental Consulting

*Description:* Request amended site plan for additional tennis courts.

Alan Pilch, environmental scientist and engineer and Vera Sung, developer's representative were present. Fon stated the Board asked the applicant to perform certain task, including a review of the wall by the Town Engineer. Tegeder stated the Town Engineer was there two years ago. Pilch stated he and Ms. Sung have been in touch with the applicant's structural engineer, because this is an uninspected wall. Savoca asked why is this was on the agenda if the information requested was not available. Pilch stated he was able to answer other questions, including a comparison of approved plan to the as-built, and the quantity of crushed stone used. Additionally, there are additional water quality requirements as the regulations have changed. There is additional stormwater treatment. Fon stated the Board must know that the wall is acceptable. In addition the Board asked for clarification of the encroachment, county approval of the rock crusher, and status of any expired permits. Pilch stated a restoration plan will be submitted, but is not complete at this time. John Schroder, neighbor, and President of the Yorktown Land Trust stated he has not seen details of the new road.

### **Fieldhome Expansion**

### **Discuss SEQRA**

**Classification**

**SBL: 35.12-1-3**

**Zoning Board Referral**

*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 John Ahearn, CEO of Fieldhome, were present. Riina stated the applicant needs a recommendation from the Planning Board for the setbacks being requested

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from the ZBA. Applicant needs a setback variance on the north side in the R1-40 zoning district, Capellini stated the ZBA requested a formal SEQRA determination. Tegeder stated this was an unlisted action and the Planning Board agreed that this was an unlisted. Riina went through the analysis that led this to be an unlisted action, stating the thresholds are proper for this to be classified as an unlisted action. The Board set the public hearing for March 12, 2012.

Flynn wanted to discuss the Deco site plan on Front St. Is this a violation of the site plan. Steinberg stated John Winters, Building inspector, and Michael Grace were at the site.

Flynn stated the Costco scoping did not include that the type of construction necessary may be unhealthy, and wanted to know if this was a scoping issue. Tegeder stated will speak with the applicant as the final scope has already been accepted.

Riina informed the Board that Mohegan Lake Motors was before the ZBA with regard to the required 15ft. The requirement for the special use permit includes a 15ft buffer, but the applicant is seeking a variance. The Board had no objection, and had scheduled a public hearing on March 12, 2012

**Upon motion by Kincart, seconded by Savoca, and with all those present voting aye, the meeting was adjourned at 9:30pm.**