

Planning Board Meeting February 27, 2012

A regular meeting of the Planning Board, Town of Yorktown, was held on February 27, 2012, at the Yorktown Community and Cultural Center, 1974 Commerce Street, Room 104, 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

John Kincart

Absent: Darlene Rivera

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. Yorktown Smart Growth discussed at the end of the work session.
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. No one from the public came forward.

Upon motion by Savoca, seconded by Flynn, and with all those present voting aye, the Board approved the minutes of February 13, 2012.

WORK SESSION

Upon motion by Savoca, seconded by Flynn, and with all those present voting aye, the Board opened a Special Session.

SPECIAL SESSION

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

Stephen Ferreria, project engineer, was present with owner Sal Barrone. Fon stated this was a public hearing for the expansion of Augies Steakhouse. Robert Gordineer, 1791 Wiley Rd, Mohegan Lake, an adjacent home owner stated he public hearing notice was incorrect, as the applicant indicated the meeting was being held at Town Hall. Mr. Gordineer stated another neighbor was going to attend this meeting. The public hearing was tabled as Ferreria went to Town Hall to find the neighbor and correct the situation.

Arrowhead Subdivision

Request for Approval Site Plan Lot 11.1

SBL: 48.13-1-11.1

Location: Underhill Ave

Contact: Chris O'Keefe

Description: A 5-lot subdivision considered under flexibility standards on 45 acres in the R1-200 zone, which was approved by Planning Board Res #07-23 dated 10/15/07 requires individual lot site plans. Chris O'Keefe, project owner/developer, was present. O'Keefe, explained he was before the Board due to a condition in the 2007 approving resolution which states that deals with the conditions to issue a building permit. O'Keefe, stated the house is within two feet of the approved elevation, and ABACA is in agreement with this. Fon stated the Board is concerned with the Town Engineer's memo dated 02/27/2012. O'Keefe stated currently, the project is in winter shut down mode. Tegeder stated the Town Engineer is asking if the

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deficiencies have been corrected. O'Keefe stated the deficiencies have all been addressed and reported by the environmental consultants. O'Keefe stated that he did not believe there were any deficiencies and would contact the Town Engineer. Fon stated the Town Engineer's memo states that O'Keefe has not returned emails or phone calls. O'Keefe stated he has not received any emails, and the phone call was returned. Flynn stated his discomfort in undermining the Town Engineer's memo stating calls and emails have gone unanswered. Tegeder stated there were deficiencies with erosion and sediment control. The Town Engineer requires written confirmation by Catizone Engineering that all deficiencies have been corrected. O'Keefe asked if the project engineer conduct a site visit and attest that everything is in compliance. Tegeder stated there are requirements in the resolution and satisfied of he Town Engineer is part of the requirements. O'Keefe explained that when the project is in winder shut down mode site work is not in full operation. Tegeder stated the resolution does not recognize winter shut down mode and calls for inspection reports to be filled every two-weeks. Fon felt the rush of O'Keefe request for approval change in October seems to have been at a stand still. O'Keefe replied that it took 3 months to get the approvals through the Board of Health. Tegeder stated the as-built was not quite the same as the approved plan, although the retention walls, septic, drainage, and wells are all the same. O'Keefe stated there is no construction activity, we are just lining the pond with clay. Savoca stated after reviewing the file, I do not believe the Town Engineer conducted a site visit, therefore, not being shut down is not valid reason to believe site conditions are satisfactory. Tegeder stated the two plans are very similar, but there are differences, and this means it is not in complete conformance with the approved plan. There is a change in the roadway, the addition of the circular driveway will causing more disturbance, and there are two stacked retaining walls. Flynn stated he did not recall the Board approving large turn-arounds, and the preliminary plan did not have this. The Board stated the issue of the two retaining walls would have to go before the ZBA. Tegeder stated there is additional impervious surface, and disturbance to the hillside. The Board would also want to know how the applicant will handle the grading that goes up to the property line. This changes affect the approved erosion and sediment control plan. Flynn stated the Board spent many hours working on the best plan for this hilly site. O'Keefe stated he was catching grades at the property line. Fon stated this item was a last minute addition to the agenda, placed at the applicant's request. Neither the Board nor Tegeder had time to carefully review the changes. Fon requested the applicant return in two weeks and after having met with the Town Engineer, Building Inspector and Planing to review this plan. Fon requested the applicant meet with Tegeder. The review must include any impact to the neighbors from the fill, and the necessity of the two retaining walls. The erosion and sediment control should changed to address this these issues as well.

Augie's Prime Cut

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 beining provided. This previously tabled item was opened. Ferreria returned from the Town Hall with the applicant's neighbors. Public notice is now in compliance as all who wanted to be heard were present. Ferreria stated this is an expansion of the restaurant by converting the second floor. Additionally, handicap parking and ramp have been installed along with a new trash enclosure. Fon opened the meeting to the public.

Robert Gordineer, 1791 Whiley Rd, Mohegan Lake, Mr. Gordineer had issues with flooding on his property. The area has been filled in, and drainage has changed.

Tamitsau Tsunekage, 1795 Wiley Rd, Mohegan Lake Mr. Tsunekage also had flooding issues.

Robert Gordineer explained there is a fenced area adjacent to the restaurant owned by Jack Wade. This area was being filled and the Town issued a stop work order. This are being used by the applicants to park their cars. Fon asked if the applicant was using the filled space for any reason, and Barrone replied we park our

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personal cars. Barrone stated there is a fence and a gate. Barrone we have not done any activity that would cause water to affect the property. Both neighbors felt that it was work done on the Wade property that exasperated the flooding issue. Fon I do not know if curbing is the solution to the neighbors property, however this Board would ask that Mr. Barrone work with the neighbors by installing some barriers to reduce the run-off onto their property. Barrone stated that although no action from Augies caused this situation, he would work with the neighbors. Tegeder felt even the installation of landscaping ties would improve the situation. Fon wants no egress onto the third Wade property. Tegeder stated on recommendation of the Planning Board, the Planning Department will write a letter to Town Engineer asking to enforce the restrictions of activity on the Ward property for if this is being used for parking it is a violation. The Board also requested that Barrone lock the existing fence and block all use of the Wade property.

Upon motion by Savoca, seconded by Flynn, and with all those present voting aye, the Board closed the public hearing. .

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

WORK SESSION

Staples Plaza

Discussion

SBL: 36.6-2-76

Location: 3333 Crompond Road

Contact: Planning Department

Description: Proposed taking for right turn lane by NYS DOT.

Mr. John Biddle, owner, was present. Biddle stated he was interested in the Board's review of this situation. Steinberg stated the NYS DOT had contacted the Planning Dept. regarding the taking. Biddle stated he spoke with NYS DOT as well. As part of the Pine Grove Court Improvements, scheduled for 2012, the NYS DOT will be taking land from the shopping center to allow right hand turns for egress and ingress. The NYS DOT has suggested 13 new spaces along the new frontage and 16 spaces behind the Dunkin Donuts. The applicant and the Board felt the area behind Dunkin Donut was not a favorable location. This action will leave the applicant deficient parking spaces were he to increase the square footage of the site. The NYS DOT is requesting feedback from the Planning Dept. as they negotiate with the applicant. The Board suggested the applicant make the best arrangements for himself with the DOT. At any rate the applicant would have to return to the Planning Board for an amended site Plan. Biddle stated he would require the existing spaces if he were to add a 4,500sf building.

Yorktown Smart Growth

Jonathan Nettelfield, Chair of Yorktown Smart Growth has requested time to speak with the Board regarding the Costco application. The Board had no objection to inviting Yorktown Smart Growth to a meeting, however, discussion of Costco should be at a public hearing. The group will be invited to speak of general issues at the next meeting and specifically about Costco at the next public hearing. Flynn stated it was desirable to encourage all groups interested in the planning process to attend the Planning Board meetings and voice their concerns.

Upon motion by Savoca, seconded by Kincart, and with all those present voting aye, the Board adjourned the meeting at 9:00pm.