

## Planning Board Meeting March 12, 2012

A regular meeting of the Planning Board, Town of Yorktown, was held on March 12, 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  
Ann Kutter, alternate

Also, present were: Robyn Steinberg, Planner, and Dan Pozin attorney to the Planning Board, and Councilman Dave Paganelli, Town Board liaison to the Planning Board.

Also, present were: Robyn Steinberg, Planner, and Dan Pozin, acting attorney to the Planning Board.

Discussion	No discussion took place at this time
Correspondence	Sanctuary Golf Course will be reviewed by the Town Engineer as requested.
Follow-up Correspondence	No discussion took place at this time
Liaison Reports	No reports were submitted at this time.
Courtesy of the Floor	Fon opened the meeting to the public, no one from the public came forward.

### REGULAR SESSION

#### **Kiederer**

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

##### **SBL: 27.14-2-4**

*Location:* 362 Granite Springs Road

*Contact:* Ciarcia Engineering, P.C.

*Description:* A 2 lot subdivision approved by Planning Board Res #05-21 (09/12/05) and reapproved by Res #06-14 (09/11/06), #07-14 (09/10/07), #08-15 (09/22/08), #09-21 (09/14/09), #10-13 (09/13/10), and #11-20 (09/12/11).

Dan Ciarcia, project engineer was present. The project was reapproved in September 2011. This is 1st 90-day time extension that will be retroactive from February 2012.

**Upon motion by Savoca, seconded by Kutter, and with all those present voting aye, the Board granted the 1st 90-day time extension retroactive to February 19, 2012.**

#### **Arrowhead Subdivision**

#### **Decision Site Plan Lot 11.1**

##### **SBL: 48.13-1-6**

*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 (10/15/07).

Board will conduct a second call.

Applicant/developer, Chris O'Keefe, was present. O'Keefe stated he was seeking approval for one lot. O'Keefe felt that after discussion and review with the Planning Department, the current lot conforms with the approved lot. The Planning Department no longer had any real issues. O'Keefe stated we met with the Town Engineer and corrected all issues in the report sent in November. Board Member Flynn joined the meeting. John Schroeder,

## Planning Board Meeting March 12, 2012

---

Yorktown Land Trust, came forward. Schroeder stated a condition of the approval was the donation of 15-acres. The NYNJ Trail Conference will be working on trails throughout the town and is seeking to repair the trails within this 15acre parcel adjoining Turkey Mountain. The Land Trust suggests that the Board use this opportunity to move along the donation of the 15acres to all NYNJ Trail Conference to incorporate this site into their plans. Schroeder stated the 15acres parcel protects the ridge and will make it safer for hikers. O'Keefe replied that the donation is part of this is part of Phase II. Steinberg stated the Board approved the applicant Phasing the project and taking one lot from the 5-lot subdivision. Phase II is the development of the entire subdivision and would include the 15-acre parcel. The Board felt Schroeder should speak privately with the applicant as this approval is for one lot. The Board did not want to delay the applicant if the donation was to be part of Phase II.

**Upon motion by Kincart, seconded by Savoca, and with all those present voting aye, except Flynn, who abstained, the Board approved the amended site plan for Phase I.**

### Gione Minor 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 the property is the southwest corner of Loder Road. The site contains an existing 3-bedroom home. The front quarter of an acre is lawn area. The site contains 0.6acre of town wetland, which will not be disturbed. Each lot will contain more then 40,000 sf (lot#1 50,000sf and lot#2 70,000sf). The proposed resience will come access from Loder Road. The septic has been reviewed and aproved by Borad of Health. Town water will service both houses. The plan calls for two rain gardens to handle roof run-off. The owner will provide water qualtiy treatment although not required. No wetland disturbance is planned therefore, no permit is required. Additionally, a conservation easement will be provided over the rear of both lots. Fon stated all public hearing notices were correct. Fon opened the meeting to the public, however, no one from the public came forward. Savoca asked if the driveways were seperate, and was told they were. Kutter stated there should be a buffer between two residential properties. Riina felt this had to be reviewed, but were it required, the buffer would be placed on the new lot. Riina stated currently, the existing residence has conforming setbacks, however, a variance for a front yard setback will be required due to the required road widening strip. Kutter asked about the 15% slope on the site. Riina statec this is not the area where the house is being placed. The Board favored the applicant requests for a variance, and will write a letter of recommendation to the Zoning Board.

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

### Fieldhome Expansion

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

*Location:* 2300 Catherine Street

*Contact:* Al Capellini

*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, Michael Orifaci, project architect, and Phillip Greal, traffic engineer, were present. Capellini stated this applicant has provided senior citizen care for more than 130 years. Capellini explained how the area was affected by the Fieldhome. As

### Public Informational Hearing

### Public Hearing

## Planning Board Meeting March 12, 2012

---

you drive past Catherine Street you will see the soccer field, the nursing facility and the Field Hall. Across the street is the Glassbury residence. This proposal is to reposition the Fieldhome as a CCRC.

A CCRC is a Continuing Care Retirement Community. Fee-for-service continuing care retirement communities (FFSCCRCs) are residential alternatives for adults that offer, under one contract, an independent living unit (an apartment or cottage), residential amenities and access to a continuum of long term care services, as resident's health and social needs change over time. Residential and health care services including: Independent housing including meals, social activities, scheduled transportation, housekeeping and maintenance; Access to physician, prescription drug and rehabilitation services; Supportive housing and services provided in an adult home, an enriched housing setting, or an assisted living residence (FFSCCRCs must provide residents with access to this intermediate level of care; while CCRCs generally provide access to this service, it is not required under the CCRC statute); Skilled nursing facility (nursing home) care for residents who become temporarily ill or who require long-term care. Skilled nursing care may be provided in an on-site facility or in an off-site nursing home affiliated with the CCRC/FFSCCRC.

This proposal calls for independent living unit changing the reduction in skilled nursing beds and an increase in independent living units. This proposal will reduce the organization's dependence on Medicaid. This plan will also retain the Fieldhome façade. The site is zoned geriatric, and there is a 34-acre parcel that will remain vacant as development rights are extinguished. The application is for site plan, wetland permit, And SWPPP approval.

Riina stated the property is located at 2300 Catherine St, adjacent to the Seabury and Glassbury Court. The campus sits on 30.5 acres with three prominent buildings: the Field Hall, the Holy Comforter and a residential structure. Zoning is RSP-3 age oriented geriatric zone, requiring at least 25 acres and 150 ft setback from any residential zone and a 20% FAR (Floor Area Ratio). The Fieldhall will only be used for administrative functions. The area around the campus will be an open area. A formal application was submitted in July 2011. A long EAF resulted in a SEQRA determination of an unlisted action. A long form EAF was revised and substantive additions were submitted. The new building will be placed to the north of the existing buildings. Because of conflicts with the existing operation, it was determined placement, further north would be best. The new campus will include 102 independent living units, (100,00sf), common areas providing amenities to residents of the new facility and a 96 unit skilled nursing facility. A new access road will be installed north of the existing access and a service road will encircle the entire site. The independent living area will have 40 garages. As stated the Fieldhall will remain, however, the rear wing will be demolished. In addition, there will be a series of patios and walkways that connect the campus for the residents. Once the new nursing facility is installed, the old one will be demolished and the area will become a park like setting, again enhancing the area for residents. The applicant is required to file a NOI (Notice of Intent) with the DEP, erosion sediment control and erosion management plan. Riina stated these submissions will explain how stormwater will be collected and treated to ensure there will not be an impact downstream due to flooding. The applicant is required to introduce green infrastructure practices, including a bio-retention area to filter roof runoff, and porous pavement, Additionally, the existing storm water basin will be brought up to current standards. The proposal also calls for creating a 4-bay and deep pool. The filtering being provided is above and beyond what is required for stormwater quality. The deep pool will act as a stormwater basin to avoid down stream flooding. An additional feature is an infiltration system that will handle the parking and the roof runoff of the skilled nursing facility. The proposal will provide a benefit down stream, where there is no current treatment of storm water. Water quality will also benefit by the donation of 32-acres with a conservation easement placed on this parcel. The applicant will provide 1:1 mitigation for disturbance. Buffer disturbance is 2600sf. There is existing sanitary sewer that was brought up by the development of the Seabury. The other public utilities are water and gas. The project will provide landscaping with 12,300 additional plants and shrubs. The proposal calls for 284 new trees to replace trees being removed. Additionally, there will be landscaping along the detention basin. To the north is the existing soccer field which Fieldhome donated to the Town. The slope will have to be extended and this will require removing some trees resulting in the installation of an evergreen buffer. Riina stated the Day Care facility will be moved to the stand alone building.

## **Planning Board Meeting March 12, 2012**

---

Phil Grealy - Grealy stated the traffic study studied 8 intersections using a standard methodology for the Town. This project will generate 30-50 vehicle trips. The study looks at intersections and levels of service. This area is served by the Route 202 corridor. The NYS DOT program will improve a portion of Route 202 and will change the road from 2 lanes to 4 to 6 lanes. The DOT will install a traffic light at Pine Grove Court, turn lanes, and two through lanes. The timing is scheduled to go out to bid in the Fall of 2012. The applicant is proposing paving, striping, and working with the Highway Department to improve sight distance. Grealy stated there is a private portion of Garden Lane. The applicant's submission outlines what is needed for improvements and what would be required to make this a town road. Intersection modifications include: striping, signage, and upgrade to traffic controls. This is a 96-bed nursing home that will have 4 different households areas, with 24 people living in each wing. There is rehab area with two-stories in the front side and 3 in the rear. There is the independent, dining hall, bistro, beauty salon, barber. Materials and colors will have cultured stone on the base. The ring road serves the Fire Dept. and was constructed with their input. The building will have pitched roofs.

John Ahearn CEO Fieldhome -This is a very dramatic project, The team worked with the Planning Department, and residents of Glassbury. We looked at future needs and found that public policy in health care was moving away from long term care. The only way to stay viable was to reposition ourselves. Fieldhome believes this is a terrific community asset that our board is committed to. There are only two CCRCs in Westchester, and only 11 in the entire state.

J.P. Francois, Conservation Board member, discussed the memo of January 4, 2012. The Board discussed the following: effects of the steep slope, the landscape plan, grading close to the exiting soccer field, grading around the detention pond, and trees being removed at different locations on site.

John Cito, 2325 DePeyster Dr. at Glassbury Court: Mr. Cito asked if the applicant was removing the old house and was told yes. Are there provisions for stormwater detention overflow. Riina stated the existing basin discharges to an outflow structure. The proposal will have it remain, and in addition will have an emergency overflow weir. Mr.Cito asked if Panas High School buses were included in the study. Grealy stated they were, the study included manual counts and machine counts, which included the school buses. Mr. Cito asked if Old Crompond Road was included, and was told yes, both machine and manual counts. Mr. Cito asked about the road width. Grealy stated each intersection is described including the width. Mr. Cito stated the width along Catherine St has been reduced to about 20 feet. Grealy stated the asphalt curbing is not good, and we will work to improve the situation. Grealy stated this roadway has 250 to 280 vehicle trips, in the morning, in both directions. In the afternoon it increases to 350 to 400. The town installed drainage and this narrowed the road, we have recommended striping.

Chuck DeFrancisco, 2302 DePeyster Dr. at Glassbury Court: The roadway is 19 feet an ambulance and school bus hardly have enough room. We are concerned when two buses on the road. The road should be made the road 24ft. Additionally, there is no curbing. Mr. DeFrancisco asked if a line down the middle and some signage would help. Grealy stated the applicant is working work with the Highway Department. The road was made more narrow for traffic calming.

Fon asked the width of the road around the complex, and Riina replied 24 feet. Flynn asked if Riina would explain the difference between bio-retention and infiltration. Riina stated bio-retention is actually a filter, the size of which is determined by the amount of water it must accommodate. It looks like a shrub bed, and it is mulched and has plants. On the bottom there are gravel and a pipe. It will capture, cycle and immobilize stormwater pollutants to treat runoff. The landscape vegetation and a filter media allows bacteria, metals, nutrients and suspended solids to be removed. The infiltration devices are trenches or basins that fill with stormwater runoff that allows the water to exit the device by infiltrating into the soil. Fon asked if the 32-acre parcel will be deeded to the town or a conservation easement placed on it. Paganelli suggested the field could be used by Parks and Recreation. Capellini

## Planning Board Meeting March 12, 2012

---

stated this field could be used any way the town wanted. Tegeder stated when provisions are made for a new field, parking must be considered. Fon asked about the level of service of Garden Lane. Grealy stated it is level F, primarily for left turns. NYS DOT looked at this, but dropped it, as a portion is private land. The applicant has provided information as to cost of improving the road. Garden Lane demonstrates about 60 seconds of vehicle delay, 25 vehicles turning out, and 60 turning in, with volume controlled by the existing condition. Grealy explained with the widening of Route 202 and installation of The Pine Grove traffic signal, one would anticipate a decrease in traffic. Flynn asked what opportunities existed for providing public transportation at this site. Grealy felt private vehicles were the current option as staff will decrease as skilled nursing requirements decrease, and independent living increases. The applicant is still waiting to hear from DEP and the Town Engineer. Capellini stated the DEP will not entertain the application until there is a negative declaration.

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

### **Mohegan Lake Motors Volkswagen SBL: 15.12-1-3**

### **Public Hearing**

*Location:* 1744 East Main Street

*Contact:* Barry Rost

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

Al Capellini, project attorney, Joe Riina, project engineer, Mike Piccirillo, project architect, Steve Marino, environmental consultant, and Phil Grealy, traffic consultant, were present with owner/developer Barry Roth. Capellini stated the 4200 sf. existing building will be removed and a new building for VW sales will be constructed. Riina stated the applicant will separate out the VW and bring it to the new site as the restaurant will be eliminated. Parking extends to both the east west and northern border of the site. The site is over an acre in size and bordered by the Mohegan outlet, a DEC class A wetland. The site contains a 100-year flood plain and is at an elevation of 447'. The proposed building is 6800sf (larger than the existing building) and will only be used for sales, no repairs or serve. The new entrance will be shifted to the right to allow customers to pull in and out. 39 parking spaces are proposed: 10 customers, 6 employees and 23 are for new care storage (double stacked).

Riina stated the trash enclosure will be in the rear for office waste and recyclable. From a wetland impact perspective, there is the buffer area and the floodway. The applicant is pulling the parking away from the stream but pushing further out in the rear. There will be 6,000 feet of disturbance. It is proposed to use pervious pavement, and provide water quality treatment. Water will be directed to the area where there a gravel bed is installed below the surface. Currently the site has no water quality treatment. Regarding the floodway, the water storage gives the project some credit, and the creation of a wetland will provide additional credit. As required, a floodway permit has been submitted to the building inspector. A retaining wall will be installed to define the more sensitive areas of the site. The site is public water and sewer. As part of the requirements of §300-71 we are required to have a buffer along the western edge of the property, but have received a variance from the ZBA. We will plant arborvitae to provide a screen.

Marino stated there is a stream on site that is part of the Mohegan Outlet, and a large wooded wetland just off the site. The applicant has received their DEC permit, and awaiting the map. There is a DEC buffer on site. There are no significant trees being removed. The applicant will be planting in excess of 40 shrubs, and we will be removing invasive species. The 100ft buffer comes along the Bella Vita restaurant and onto route 6. We are reducing impervious pavement, and adding reviewing the benefits of pervious pavement where there is currently asphalt. We will excavate one area and plant herbaceous species. The proposal will create a 2200 sf. depressed area to be planted with 6 different species of native scrubs, and an invasive species management plan will be submitted.

## **Planning Board Meeting March 12, 2012**

---

Phil Grealy stated the traffic analysis along the Route 6 corridor indicates traffic does back up heading toward Cortlandt. This traffic is affected by the Lexington Ave traffic. The study assumes these are new trips, even though there is an existing facility. The applicant will reestablish the curb line and the sidewalk along the entire frontage. The shoulder will be reconstructed as full depth pavement, (DOT request) As part proposal service will go to the existing building.

Piccirillo stated the plan is for a single story dealership. The façade will be glass and aluminum over a panel system. The arch will compliment the area and facilitate a modern dealership. The service door will match the rest of the building. Effuse is the chosen material is less industrial then VW requirements. Kincart asked if VW approve material, and Piccirillo stated they did.

Capellini stated that the owner of Village Traditions had comments at the public informational hearing. Mr. Roth has arranged to have the cars delivered to a site in Jefferson Valley. Mr. Roth has also widened the gate so trucks can back in and out and of the existing site. There were complaints about late night carriers and there is a new relationship with the carrier and deliveries will occur in the late morning. Flynn asked how cars would be brought to the site, Roth stated they are driven individually, as they are sold.

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

### **Minutes of February 27, 2012**

**Upon motion by Savoca, seconded by Fon, and with all those present voting aye, except Rivera who abstained, the Board approved the minutes of February 27, 2012, as per the Board's copy.**

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

### **WORK SESSION**

#### **Tea Temptations**

*Location:* 1952 East Main Street

*Contact:* Michael Adamovich

*Description:* Parking review for proposed new restaurant tenant in the Mohegan Village Square.

Michael Adamovich, applicant was present. Adamovich complained about the lengthy process this project has become. Flynn stated this was the first time the applicant had been to the Planning Board. Fon stated it appears the site is deficient by 13 spaces. Adamovich explained the space he planned to occupy had been an aquarium, a ceramic study and a restaurant at one time or another. Adamovich stated he had been to the site with Supervisor Grace, and the parking lot was less than half full. The cafe could serve tea and sandwiches, and seat 48 customers. Fon asked about the hours of operation for the applicant's projects and the businesses in the building. The applicant stated he would operate from 7:30am to 6:30pm. and there is a municipal parking lot across the street. Steinberg discussed the Board's ability to reduction parking by 25%. Flynn discussed the advantage to having a smaller parking lot and less asphalt with the need to keep business viable with adequate parking. The Board reviewed the Kami Buildings tenants hours of operation:

Hunan House 11:30- 10pm Daily

Dance 6:00am 9:15pm

Alicia Nails 9:30am-6:30pm

Kumon 4:30pm-7:30pm

Tai Chi Week Days 5:30pm-9:00pm and Sat 9:30am - 1:00 pm

Dr Rubin M, W, F 8:00am-5:00pm

#### **Building Department Referral**

## **Planning Board Meeting March 12, 2012**

---

English Co Mail Order

**Upon motion by Rivera, seconded by Savoca, and with all those present voting aye, the Board opened a special session.**

**Upon motion by Savoca, seconded by Rivera, and with all those present voting aye, the Board reduced parking 25% at 1952 East Main Street.**

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

### **Proposed Local Law OB Districts**

### **Town Board Referral**

*Description:* Proposed Local Law to add helistops to the OB Districts as an accessory use & grant approval authority of the OB Districts to Town Board.

Paganelli started the discussion by explaining the Town Board's desire to help commercial development from being tied down by the process. Paganelli felt appearing business friendly to commercial development would help reduce taxes and encourage additional commercial development. Paganelli stated the Planning Board was very helpful to applicants and encouraged the business owners with professional project review and guidance. Paganelli stated he had discussed this with former Planning Board Chair Dave Klaus, who was opposed to the Town Board as approval authority as the processes could become politicized. Paganelli explained he and Klaus were good friends and he valued his opinion. Fon stated this Board was not unfriendly to business, but only concerned with proper development, and compliance with the Town Code. The Board had concerns that the development process would become politicized if the Town Board were given this authority. The Board discussed this happening with the Wallaur project and the residents of New Chalet. The Planning Board felt the Town Board also lacked planning experience, and the necessary referral process would delay any projects even longer then it takes now. Paganelli suggested Fon attend the Town Board work session and state the Planning Board's concerns. The Planning Board will also send a memo to the Town Board.

**Upon motion by Kincart, seconded by Savoca, and with all those present voting aye, the meeting was adjourned at 11:00pm.**