

Planning Board Meeting March 26, 2012

A regular meeting of the Planning Board, Town of Yorktown, was held on March 26, 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
John Kincart
Darlene Rivera
Ann Kutter, alternate

Also, present were: John Tegeder, Director of Planning, Robyn Steinberg, Planner, and Karen Wagner, attorney to the Planning Board.

Discussion	Fon reviewed a letter sent by the Town Clerk from the NYS Committee on Open Government regarding going into executive session. Wagner
Correspondence	submitted an article on the court case, which reviewed patterns of conduct regarding executive session, not a single occurrence. Ann Kutter asked if the notes she took at the March 21 Conservation Board meeting had to be incorporated into this meeting.
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, and Joe Riina came forward.
Contractor's Register	Riina explained there are two trees on the site that will have to be removed. One tree has an 8" dbh and the other has a 16" dbh. The applicant will replace this with two Red Maples 3.5 caliper. Kincart stated the future expansion will not occur in that direction, and Riina agreed. Fon asked if these trees had been discussed by the Tree Committee. Kincart asked if they could be left alone, Riina felt that they must be removed. Kutter felt this action was not in conflict by the tree ordinance. Fon asked for a larger caliper tree to be planted. Riina explained that as trees get larger, they are more difficult to plant. The Board and the Planning Department had no issues. Riina stated a written request will be submitted by Frank Giuliani, landscape architect.

Minutes of March 12, 2012.

Upon motion by Rivera, seconded by Savoca, and with all those present voting aye, the Board approved the minutes of March 12, 2012.

WORK SESSION

ZBA #2/12 NYSEG

ZBA Referral

SBL: 37.7-1-30

Location: 2441 Saw Mill River Road

Contact: Debra Drake

Description: Proposed expansion of existing control house by an additional 12 feet.

The applicant is requesting a Special Permit at 2441 Saw Mill River Road to expansion the existing control house by an additional 12 feet. The existing structure is 15'x30'. Tom Ricci, project manager and Cindy Oliver, manager of real estate, were present. Ricci stated have been to several ZBA meetings. NYSEG will be installing electrical equipment. Savoca asked if the house was toward the front of the site, and how tall the structure was. Ricci stated the control hose will be expanded by 12feet. New equipment will include the installation of additional control monitors, capacitor banks, circuit breakers, BUS support structures and disconnect structures. This will result in additional

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capacity, and increase reliability of the system. Oliver felt stated this was a win/win situation. Flynn stated the old permit was issued in 1978. Oliver explained they were talking with the Building Inspector to close old permit. Tegeder asked if there were wetlands on the site, and was told wetlands are not being impacted. The NYSEG wetland inspector confirmed no wetlands are being impacted. Tegeder asked what kind of foundation was being installed, and was told a pier foundation. This would be like a home addition, where we remove the existing wall and add an addition. The plan will be presented to ABACA. Fon asked if the increase in size would require additional personal or parking, and was told it would not. Kincart asked if this could be a continuation of the 1978 permit. Tegeder requested erosion control be to the satisfaction of the Town Engineer who would determine if a permit was required. Flynn stated the elevation of the structure (sea level) should be on the site plan. The Department of Energy is funding this project Tegeder asked about the limit of disturbance and was told no work will be done outside the existing fence. The board will send a memo's the ZBA as there are no planning issues.

First Presbyterian Church SBL: 26.20-1-8 & 9

Discussion Approved Site Plan

Location: 2880 Crompond Road

Contact: Tricia Dineen

Description: Request to pave the rest of the driveway.

Trish Dineen, Church representative was present. Dineen stated the church had an expansion 10-12 years ago. The neighbor to the north had a NYS prize winning maple tree, and it was believed the tree would be compromised if the parking lot area was paved. The tree has been gone for many years now, and we would like to pave that section of the parking lot. The area was currently using item4 which was difficult to maintain. The Board felt grading should be pitched toward the cemetery, not the neighbors. Steinberg stated leaving this area unpaved was done as a curtesy to the neighbor, and the Church had meant to pave it all along. Flynn felt it was a de minutive action. Tegeder stated a memo will be written allowing the paving, however, if there are any additional changes, the applicant would have to return to the Planning Board.

IBM Parking Expansion SBL: 69.16-1-1

Discussion Amended Site Plan

Location: 1101 Kitchawan Road

Contact: Nicolette Visalli

Description: Proposed 101 parking space expansion to existing rear parking lot.

Don Synder and Dan Chester, IBM representatives, were present. Chester stated IBM would like to add 101 parking spaces to the existing parking lot. This decision would return the parking lot to its former parking lot status in the 1960's. The area in question is currently a grassy area but was a parking lot in the 1960's. Chester felt the water treatment system was a unique system that diverts roof water into a tank and uses that water for the cooling tank as water into our existing system will go into the wetlands below. The system will capture roof runoff, and overflow will go into a 250,000 gallon tank used for cooling. There is 3.1 acres of roof area, and 1 acre of disturbance. Tegeder asked about water treatment, and was told there was some. Tegeder requested the applicant identify the trees and their dbh. Tegeder felt this was not t the 30% threshold stated in the tree ordinance. Kutter asked if there was any landscaping, and was told not much. Tegeder asked

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about lighting., and was told the applicant will use the old lighting. Synder stated this plan will require NYC DEP approval. Fon requested the applicant meet with Tegeder and Robinson. Tegeder stated the applicant has done preliminary work with Robinson and Barber. Tegeder stated a draft resolution can be prepared for the next meeting if the applicant resolves the issues discussed. Flynn asked why IBM was expanding their parking lot. Chester stated we are adding 500 employees. We know the number of employees that badge in and out daily.

Crompond Crossing

SBL: 26.18-1-7

Location: Old Crompond Road

Contact: Neil Deluca

Description: Proposed tenant for commercial building.

Discussion Site Plan

Al Capellini, project attorney, Muellner, project architect, Neil Deluca, project developer and Jess Weiner, Best Plumbing, were present. DeLuca felt the the project was only days away from DEP approval DeLuca stated because we did not build the approved building, we are able to build an appropriate building for Best Plumbing. Weiner stated Best Plumbing requires a 70 x 100 foot rectangle plus 30 x 100 foot area for customer service. DeLuca stated the . original building was 8500sf the new plan calls for 9000sf. DeLuca stated James Hardy materials will be incorporated into the plan. Kutter asked about James Hardy product, Deluca it is green product that has specific performance attributes relative to the climate where your structure is being built. Weiner stated the building needs to be consistent with the buildings currently occupy. The extra box area is where plumbers pick up their material. Flynn stated the space to contain a warehouse area and a showroom area. Weiner explained that currently, Best Plumbing still renting the basement as part of the lease agreement. The basement, however, has been unused for 5 years. Currently, deliveries are once a day with a 20foot box truck, but we are trying to cut that to 2 times per week. Weiner stated this application will not require the use of all the approved parking, and conservation spaces could be used . Fon asked about the landscaping change, and lighting. Weiner stated operating hours are from 7:30am to 5:00pm, with lighting on for approximately 2hours. Kutter stated the parking area is closer to the road and it looks like less buffer is being installed. Muellner stated the original streetscape will not change, and there will be a more intensive screening planted. Tegeder stated the architecture changed and the type of chanded now that there is one user instead of multiusers. Flynn stated he would rather have an honest building and would want more landscaping then a false facade. DeLuca stated there will be a requirement for 45 spaces. Tegeder asked for that to be shown on the plan. Weiner stated there are 10 employee spaces. Fon asked if the first two spaces could be removed and used to increase the buffer. Fon asked what held up the project approval, and Capellini stated outside agencies were responsible for all delays. We think DEP will agree that this is a building that has a green roof. Fon requested the applicant work with Tegeder, Robinson and Winters. DeLuca wanted to know if the Board would entertain this change in the approved site plan. The board gave conceptual approval to the plan and asked for a formal site plan to be submitted. Tegeder asked if DeLuca had discussed the changes with NYC DEP. DeLuca stated as he is still waiting for approval on the first plan, after receiving this DeLuca will discuss changes with the NYC DEP. As Best Plumbing will need to relocated quickly, DeLuca does not want to daylay construction. DeLuca stated it was to everyone's advantage to Keep Best Plumbing in Yorktown.

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Old St. George's LLC SBL: 15.12-2-53

Town Board Referral

Location: 1715 East Main Street (Route 6)

Contact: Tom DeChiaro

Description: Request for change of zone from R1-20 to C-2.

Tom DeChiaro, project owner, and Chris Scirra, partner, were present. DeChiaro presented plans from former owner Mike Palmietto plan. DeChiaro stated the Palmietto plans have been updated. DeChiaro stated this is a property that was filled before the Ardizzone condemnation. We are proposing to trade property, or establish a lot line adjustment. This will create adequate parking, and in return we will clean up the exterior. Kincart asked if there was a proposal for stewardship of this wetland area. DeChiaro stated the rezoning request would not affect the west side parking lot, therefore, he would continue work on that portion of the site. DeChiaro stated he would clean this adjacent area up, even if the Town owns it. DeChiaro explained that when this was proposed, the thought was to mitigate wetland issues. Kincart felt the parkland issue was a Town Board issue. Tegeder explained that this Board will review every issue, including parkland. As this referral regards a change of zone, DeChiaro asked if it is more appropriate as a C-2 or Transitional Zone. Tegeder stated if the Town Board makes a decision on the zone change, then the applicant would have to come back to the Planning Board. If the zone is C-2 it must be approved by the Planning Board. If it is Transitional Zone the plan would come to the Planning Board as a referral. Flynn stated the history of this project is that the Planning Board wanted to preserve the church, preserving a unique building in Yorktown. Flynn stated the preferred zone would be the one that would help protect the building, such as the current special use permit or the Transitional Zone over the C-2. Fon stated the Town must do due diligence on the parkland. Kincart stated if the property was zoned C-2 the allowable uses would not all help to preserve the church. The Planning Board and the applicant were both agreeable with the Transitional Zone. The Planning Board would send a letter to the Town Board stating this. The Board discussed operational topics, including no left turn. Tegeder talked about connecting the two proposed parking lots. DeChiaro stated currently, we are proposing a gravel parking lot, but in the future would like to install porous pavers. We are trying to respect the environmental situation, while finding a creative solution. Diane Drier, Conservation Board Member, submitted the alternative of closing Old Route 6, to allow required parking. She also asked for the full extent of the mitigation before the Conservation Board commented on the new plan. Tegeder suggested the Planning Board letter to the Town Board include zoning recommendations and also include buffering, and angled parking. Fon asked for a management plan including the management of invasives. Kutter requested the applicant amend EAF Part II 3-6 to reflect changes proposed to the wetland buffer. Sciarra stated a great deal of time was spent reviewing this plan and this did not result in an approval. Tegeder stated the old plan did not have the same access. Sciarra felt this would be time consuming, and the Board should look back at the notes and review the history of the plan. Tegeder felt the plan did have to be tweaked but not redesigned. The Planning Board discussed the parking configuration. DeChiaro explained he was negotiating to purchase the adjacent DOT land. The Board discussed the flow of traffic on the site, ingress/egress onto Route 6, and improving the safety.

Fieldhome Expansion SBL: 35.12-1-2&3

Review Decision Statement

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, and Phillip Grealy, traffic engineer, were present. Capellini stated we have discussed the resolution with

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Steinberg and adjustments have been made. Kutter asked why there was no comparison of this and the Trump property. Capellini stated the price, the timing, and the fact that Trump was a condo did not leave room for comparison. The Trump project, we believe, was priced out of range. Capellini wanted the Board to explain the reapproval process to the applicant. Tegeder asked if the applicant had been in discussion with DEP. Riina stated yes he has been in contact with Mary Galasso, Tegeder asked about contact with Cynthia Garcia, and Riina stated not at this time. Tegeder stated he would be in contact with her. Riina stated they are no objections to the March 22, 2012, TCAC memo. The Tree Commission requested protecting trees within 10 feet of the limit of disturbance. Tagging trees that are being preserved, installing proper construction barriers around protected trees, and the applicant should consider applying for funding from the Watershed Agricultural Council to engage a professional forester to prepare a Forest Management Plan for the parcel slated to be placed under a conservation easement. Tegeder stated preservation of the old FieldHall can be in the resolution. Any future demolition would require another review by the Planning Board.

Mohegan Lake Motors Volkswagen Statement

Review Decision

SBL: 15.12-1-3

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, were present with owner/developer Barry Roth. The board reviewed a draft of resolution. Riina stated the applicant received comments from Westchester County, which were the same as previous comments. Fon stated the importance of applications that are handled professionally. Flynn this site should contain no washing or repair of cars on the site. Loading has been addressed with no bulk delivery of cars. The final resolution, to be voted on at the next meeting, will disallow washing or repairing cars on site, and prohibit the delivery of cars by car carriers. As stated previously by Roth, individual cars will be driven to the site.

Town of Yorktown Housing Non-Discrimination Policy

The Town Board adopted a Housing Non-Discrimination Policy requiring the Planning members and Planning Board staff to sign this non-discrimination policy. Board members stated they had no involvement with the Section 8 Housing Program. Former Supervisor Susan Siegel stated their signature was a requirement of the settlement. Siegel explained that this requirement helped to avoid a lawsuit involving the Section 8 program. The Planning Board and Planning Department were involved because of mention of affordable housing.

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