

# Planning Board Meeting January 28, 2013

A regular meeting of the Planning Board, Town of Yorktown, was held on January 28, 2013, at the Yorktown Community and Cultural Center (YCCC), 1974 Commerce Street, Room, Yorktown Heights, NY 10598. The Chair, Rich Fon, opened the meeting at 7:30P.M. with the following members present:

John Flynn

John Savoca

Darlene Rivera

John Kincart

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

**Discussion** Fon stated as Trump Park has occupancy of 73 units the applicant should be asked to attend a Board meeting to discuss removal of the temporary sales office. The approving resolution called for the office, which sits atop a conservation/recreation easement, to be removed after 50% occupancy Tegeder will ask the owner to attend the next meeting.

Fon asked if Chris O'Keefe, applicant for Arrowhead Subdivision would be attending this meeting, Al Capellini replied he would not.

**Correspondence** No discussion took place at this time

**Liaison Reports** No discussion took place at this time.

**Courtesy of the Floor** - Dan Ciarcia project engineer was present to discuss the Cseryini property on Loder Road. Ciarcia stated there is an unapproved 4ft deck that encroaches on an easement. The deck needs to be legalized. Ciarcia explained that the owner was in the process of selling the house and timing was a critical factor. Ciarcia asked if the owner needs to file a new plat, or can the owner revise the wording of the easement. Savoca felt the Board probably needed to sign a revised easement. Tegeder asked if the original easement was ever filed, and was told it had not. Tegeder suggested the owner file the easement as it is, with the existing conditions. Savoca asked what would cause the Town to inspect the property. Tegeder stated if there was an environmental complaint the inspector would find the discrepancy. Savoca requested the metes and bounds of the revised easements. Tegeder the County will have two inconsistent documents and both will be in force. Ciarcia will prepare a map for the next meeting that will reflect the existing conditions. Tegeder requested a recent survey.

**Minutes: January 14, 2013**

**Upon motion by Kincart, seconded by Savoca, and with all those present voting aye, the Board approved the minutes of January 14, 2013.**

## Work Session

### **Yorktown Farms: Lot 20.**

Dan Ciarcia, project engineer, was present. Ciarcia stated the Yorktown Farms subdivision was approved for 22 lots, and the approval for the majority of the lots requires the applicant to return to the Board. Ciarcia stated for this lot, we wanted to take advantage of as much of the back yard as possible. Tegeder asked if the fill in the back was consistent with the approved plan, Ciarcia stated one corner is 604' elevation, and this runs through the house. Flynn stated the drainage issues at this site were not significant. Tegeder asked about the front yard setback and was told it was fifty feet Flynn asked what markers are in place for the wetland (not the buffer). Ciarcia stated there are no markers not here but were installed for the State wetlands. Tegeder asked that demarcation be installed for limit of disturbance, especially and at the toe of the slope. Ciarcia suggested a small stone wall. The Board will prepare a resolution the next meeting.

# Planning Board Meeting January 28, 2013

## **Staples Plaza - Planet Storage**

## **Special Use Permit**

**SBL: 36.06-2-76**

*Location:* 3333 Crompond Road

*Contact:* Tony Romano

*Description:* Request for a Special Use Permit for a self-storage facility in the lower level of the existing shopping plaza and related site work.

Tony Romano, project architect, and Planet Storage representative (name?) were present. Romano stated the applicant has met with ABACA. The ABACA recommendations will be included by the applicant. The Conservation Board was favorable. Romano asked that the Board declare it intent for lead agency. The rep noted that the sidewalk requested by Kutter at the last meeting already existed. The Conservation Board was favorable toward the proposed reduction in pervious surface and the installation of landscaping in the islands. The Conservation Board suggested a non-raised island and recessed curbs. The applicant found two locations for this. We want to install trees to direct customers to the rear. Planted islands, and gravel slopes will account for the reductions in pervious surface. The applicant is meeting with Mary Galasso, NYC DEP. The applicant has submitted a landscaping plan and a lighting plan. We did an assessment of the existing lighting and we will replace those lights causing glare. We will supplement with perimeter lights that direct the light down, have forward throw and a rear shield. There is also a significant evergreen buffer along the perimeter. Fon asked about handicap parking. Romano stated there is one 8ft space and 4 very large spaces. Fon stated this has to be labeled on the plan. Tegeder stated we talked about the existing site plan and how this is an amendment to it. Flynn requested on page 4 include the importance of the existing pine trees along the lot line as the important scenic view. The rep stated the total occupied space of the 22-acre site is approximately 220,000sf. The applicant will notice for an informational public hearing for Feb 11, 2013.

## **Emerald Hills**

Michael Stein, project engineer, was present. Stein stated initially, the applicant was working toward an 11 lot subdivision; the current plan is for 6-lots. The lots have been reconfigured, with septic located in front of the house for lot-1. Lot 2 needs variance for setback. We have reviewed the town law and may need to apply for flexibility. The applicant has been in contact with the NYS DEC. Fon stated the Conservation Board memo discussed septic location and piping. Stein stated the proposal could call for double lining the pipes. Kincart asked if there was an existing culver, and was told yes. Stein stated the reconfigured lots avoid placing the houses adjacent to the wetlands. The existing barn, which will remain, will be included with lot-5. The barn is in good shape, and is approximately 80'x20'. The inclusion of the barn makes this a different sort of lot. Tegeder asked if there would be a Home Owners Association or maintenance agreement to maintain the road, and was told there would. The project attorney (name?) stated the Planning Board requested the lots be designed to accommodate a pool, whether or not they are actually installed. Tegeder reminded the Board and the applicant that the recreation requirements and the options must be reviewed. The Recreation Commission will decide if active recreation is appropriate. The applicant and the Board will discuss all the options available. The Board and the applicant have to decide if flexibility is appropriate. Tegeder asked if the wetland flags were confirmed by the town and was told no. Savoca stated the Fire Marshall stated with regard to lot-1, the code requires a road of this length to have a turnaround or by-pass.

## **Lake Osceola Realty Corp.**

## **Discussion Site Plan**

**SBL: 17.05-1-11**

# Planning Board Meeting January 28, 2013

*Location:* 505 East Main Street

*Contact:* Site Design Consultants

*Description:* Proposed 27,000 SF office building and associated parking. Demolition of one existing residence.

Al Capellini, project attorney, Joe Riina, project engineer, and Steve Marino, project environmental scientist, were present. Riina stated on Friday John Tegeder met with Site Design personnel to resolve issues list on the Planning Board memo dated January 11, 2013. On January 29, 2013 Site Design, Town Staff, and the applicant are meeting the NYS DEC in New Paltz. Riina stated the DEC may not allow the 4 parking spaces chosen by the Planning Board as they are adjacent to the wetland area. The applicant is flexible and willing to allow other parking spaces. Tegeder stated there will be a trail that should be marked so that people feel free to walk. Tegeder wanted the public to be able to find their way to the trail, and this will require signage. Kincart suggested a town park sign be included at the entrance. Marino stated the DEC is concerned with the plan as it is different then the one they reviewed. The current plan indicates we are approximately 3 feet closer to the wetland. Kincart asked if the applicant had the demolition permit for the house. Riina stated we identified the heights of the trees and the shrubs and proposed placement. The current scheme will allow views of the lake. The Board requested the applicant provide the mulch pathways, verification that the loading area is adequate, and detail of the ADA area. Tegeder stated we talked about the lighting plan and how to justify the spillage. Tegeder was concerned that there are only two exists from the building, and the building is designed for a specific tenant with a circuitous interior path. Tegeder stated what is left to be discussed is public access. Does the Board hope for the trail to be built now or in the future. Does the Board want to discuss the applicant's offer of funds. Kincart wanted to see what the DEC will allow. Flynn stated if the DEC is not okay with the dock, but okay with the trail, that would satisfy me. Tegeder stated I am going to DEC to defend public assess. I believe the DEC must communicate with this Board.

## **Creative Living Development aka Navajo Fields**

## **Town Board Referral**

**SBL: 6.14-1-2**

*Location:* 3870 Mahopac Street

*Contact:* Al Capellini

*Description:* Request to amend its Wetlands and Excavation Permit.

### **Creative Living**

Al Capellini, project attorney, Joe Riina, project engineer, and Steve Marino, project environmental scientist, were present with applicant CJ Diven. Riina stated the Board wanted to see the access road, and a K or Y turn. This turn will address the issue of fire truck access; Riina stated the Building Inspector has to do a test on the tents. The Building Inspector has to issue a CO before work can be completed. Fon asked if the building is being used without a CO, and was told it was. Tegeder stated the Planning Department received the application for the site plan. The main component will be the new dome and the two greenhouse domes. Tegeder felt that if the Town Board issues a TCO, the applicant will again be rushing to get the overall plan completed by next October. Riina this overall plan is a large undertaking, with supported domes over both fields. Additionally, the site will include a building with basketball courts and a hockey rink. Flynn asked if the applicant's end game would allow the applicant to remain non-profit. Capellini stated the applicant is working toward the end game, at which time this will become a for-profit organizations. Fon stated there are many things that have to take place before the end plan is completed. Fon stated we are here to protect the public. Capellini stated if the applicant cannot get the CO, he cannot fix the problems. Fon was strongly troubled that the building is being used without a CO. Tegeder stated

# Planning Board Meeting January 14, 2013

as the Board commented the applicant can resume construction of the dugouts. Assuming that the code violations are corrected, you can continue with the green houses. Tegeder asked what the applicant planned to do when the TCO expires. Will the applicant request a phased approval and get a permanent CO, leaving the larger structures for another time. Flynn asked when the site will be rezoned, and when does this change from a nonprofit to a for-profit. Tegeder stated with only the dugouts and two greenhouses, it can remain nonprofit, in an R1-20 zone as a private park (as of right). Capellini stated the applicant will exceed the private park use with the installation of the Dome. Fon we are recommending to the Town Board that the Town Board not allow occupancy until the CO is obtained. Marino stated the applicant has to go to the DEC for approvals. Tegeder stated we need DEC to communicate with the Planning Board. Fon let us proceed at a vigilant pace. Capellini stated is it understood that the greenhouses and dugouts are parkland. Tegeder asked how far can the applicant can proceed with the private park scenario. Diven we have the layout and have submitted this.

## **Resolution for Yorktown Farms lot 20.**

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

**Upon motion by Flynn, seconded by Kincart and with all those present voting aye, the Board approved the change in finished floor elevation for Lot-20 of Yorktown Farms.**

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

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