

# Planning Board Meeting April 9, 2012

A regular meeting of the Planning Board, Town of Yorktown, was held on April 09, 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

Absent: John Savoca

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

**Discussion** Navajo Fields contains two temporary domes. Tegeder stated the plan the applicant submitted had scope beyond anything there now. The Board discussed the need for additional fields in Yorktown and the importance of working together with the Recreation Commission.

**Correspondence** Letter from Town Clerk, reappointed John Flynn for 5 years, from April 3, 2012 to December 31, 2016.

The Planning Dept. sent a letter to the Building Inspector stating the proposed parking for the IHOP at Route 5 Plaza is in compliance with the approved site plan. There is no objection to the issuance of a Building Permit.

Walmart will be moving from its 144,000 sf. locations in the Cortlandt Town Center, and relocating across the street to a 160,000sf Supercenter.

**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.

## Meeting Minutes – March 26, 2012

Upon motion by Rivera, seconded by Kutter, and with all those present voting aye, the Board approved the minutes of March 26, 2012.

## REGULAR SESSION

### Aspen & Mill Street Subdivision

### Request 1st 90 Day Time Extension

**SBL: 16.5-1-13**

*Location:* 3810 Mill Street

*Contact:* Al Capellini

*Description:* Four lot subdivision approved by Res #10-23 dated October 18, 2010 and reapproved by Res #11-25 dated October 17, 2011.

Al Capellini, project attorney, was present. Capellini stated at the last meeting the Planning Board reapproved the subdivision, although we still were waiting for Westchester County DPW, and NYS DEC approval for stream corridor intrusion. At this time the applicant has received NYS DEC approval, but is still waiting for County DPW approval. Capellini stated the surveyor has not yet identified the existing water pipes on the improvement plan, as required by the Board of Health.

**Upon motion by Kincart, seconded by Rivera, and with all those present voting aye, the Board approved the 1<sup>st</sup> 90-day time extension.**

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**Bartosch Subdivision** *Withdrawn by Applicant* Amend Approving Resolution  
**SBL: 59.10-2-16**

*Location:* Vine Road

*Contact:* Arthur Bartosch

*Description:* A 2-lot subdivision approved by Res #11-01 on January 10, 2011 and reapproved by Res #11-29 dated December 12, 2011.

**IBM Parking Expansion** **Decision Statement**  
**SBL: 69.16-1-1**

*Location:* 1101 Kitchawan Road

*Contact:* Nicolette Visalli

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

Dan Chess, environmental engineer, was the IBM representative present. Chess stated IBM is proposing expansion of 101 additional spaces in the southern portion of the existing parking lot. We have resolved the 14 items identified in Ms. Steinberg's memo, and a \$1500 fee has been posted. The Board had no other issues. Steinberg stated the applicant does required NYC DEP approval.

**Upon motion by Flynn, seconded by Rivera, and with all those present voting aye, the declared lead agency under SEQRA.**

**Upon motion by Kincart, seconded by Rivera, and with all those present voting aye, the Board issued a negative declaration.**

**Upon motion by Flynn, seconded by Kutter, and with all those present voting aye, the Board approved the resolution which included the site plan, tree permit and SWPPP.**

**Mohegan Lake Motors Volkswagen Decision Statement**

**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, and Joe Riina, project engineer, were present. Fon stated this application is for a proposal is for a 6828sf showroom to be constructed at 1744 East Main, Mohegan Lake. Capellini stated the Board has held a public informational hearing, a public hearing, in addition, the applicant has gone before the Zoning Board for a buffer variance. Capellini asked what type of action this was under SEQRA, Kincart felt this was an unlisted action as the applicant was correcting many of the environmental difficulties that existed. Capellini stated he had indicated to the ZBA this was an unlisted action, therefore, they reviewed it as such. Tegeder did not feel this classification was problematic. Wagner stated the action did not meet any of the DEC listed thresholds for Type I action.

**Upon motion by Kutter, seconded by Rivera, and with all those present voting aye, the declared lead agency under SEQRA.**

**Upon motion by Kutter, seconded by Rivera, and with all those present voting aye, the Board Board issued a negative declaration**

**Upon motion by Kincart, seconded by Rivera, and with all those present voting aye, the Board approved the resolution which included the site plan, tree permit and SWPPP.**

**Fieldhome Expansion** **Decision Statement**  
**SBL: 35.12-1-3**

*Location:* 2300 Catherine Street

*Contact:* Site Design Consultants

*Description:* Proposed continuum of care facility consisting of 102 independent living units, a skilled nursing facility, a common facility supporting both communities, and a daycare.

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Al Capellini, project attorney, Joe Riina, project engineer, and John Ahearn, CEO of Fieldhome were present. Capellini stated the applicant has had a public informational hearing, a public hearing and gave an in-depth presentation. The applicant has reviewed the resolution and Riina has the following comments: The resolution should reflect the revised plan date of 2/14/2012.

Capellini stated the question of the 32 acres parcel, should it be a conservation easement, relinquishment of development rights or other vehicle of open space, should be determined as soon as possible.

Flynn reported on the Recreation Commission meeting, stating the YYAC wishes to extend the terms of lease agreement with the Fieldhome. Additionally, poor drainage at one end of the field leaves the area unusable. Riina stated the proposed new road will alleviate that drainage problem. Flynn stated the Recreation Commission wishes to expand both the field, which they believe is substandard, and the parking lot. Flynn felt this might require extensive grading. Capellini stated the applicant will be giving up development rights, but is concerned about the impact the fields have on Fieldhome residents and Glassbury Court residents. Tegeder suggested the Board revise the resolution (additional requirements, (page 9 #3) with additional requirements for the agreement for use of the soccer field. This gives the Planning Board the ability to address this issue to their satisfaction.

**Upon motion by Flynn, seconded by Rivera, and with all those present voting aye, the declared lead agency under SEQRA.**

**Upon motion by Rivera, seconded by Kutter, and with all those present voting aye, the Board issued a negative declaration**

**Upon motion by Kincart, seconded by Rivera, and with all those present voting aye, the Board approved the resolution which included the site plan, wetland permit, tree permit and SWPPP.**

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

## Work Session

### **ZBA #16/12 Hoffman Construction & Real Estate, LLC**

### **ZBA Referral**

**SBL: 37.18-2-80**

*Location:* 1811 Commerce Street

*Contact:* Erik Hoffman

*Description:* Request for a variance to allow 6 off-street parking spaces where 13 spaces are required in a C-2R zoning district.

Al Capellini, project attorney was present. Capellini stated this is one of the oldest buildings in the area, and the applicant meets the requirements for building code, but need parking. This meets the definition of the C-2 zone. Across the street is a parking lot, and under urban renewal the parking lot was designated for these businesses. This lot can hold about 30 cars, and is currently used by the commercial entities and the bike population. Flynn asked why the applicant was before the Board. The Building Inspector is ready to make a determination, but feels he needs supportive documents. Fon stated there is also street parking in this area. Flynn stated there is a vacant lot, which, when developed, will require parking. Capellini stated parking has functioned this way for the last 50 years. A mix of residential and commercial works for the parking as commercial properties end their business day, residential parking returns for the night. Kincart felt this works best if it is a professional office. If, however, it is an ice cream shop, it will not work as well. Capellini stated there is allowable street parking on Kear St. Kutter stated we are reviewing this project in order to normalize it, and Capellini agreed. Capellini stated there is nothing on record with the Building Department of it going from a garage to a shop. Tegeder felt there was enough parking, along the street, and additional parking at Yorktown glass. Capellini stated the sites prior uses included a barber shop, bbait and tackle, and chiropractor's office. Kincart suggested this situation would promote walking through the downtown area. Flynn stated the Board needs to be consistent as applications come in. the Planning

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Board will issue a letter to the Building Inspector supporting the variance, as there is parking close to this preexisting building.

## **Contractors Register**

### **SBL: 5.19-1-15**

*Location:* 800 East Main Street

*Contact:* Site Design Consultants

*Description:* Request to remove and relocate two trees shown as not to be removed on the approved site plan.

Joe Riina, project engineer, was present to request removal, and relocation of two trees. Riina stated there is no structural measure that can be put in place to protect these trees. Riina reported that Frank Galliano, landscape architect, recommends two 4" caliper red maples. Riina stated the existing trees are closer to the slope than indicated on the tree survey. Tegeder suggested a memo to the applicant was necessary to accurately record these changes to the approved site plan. Kutter asked if the bigger trees needed more care. Riina explained additional protection was needed for installation of larger caliper trees. Flynn asked if there were conditions for survival, and Riina stated there is a specific survival period and this is bonded. Riina stated installation will be done under the guidance of the landscape architect.

## **Discussion Approved Site Plan**

## **Shrub Oak Commons fka Adler Subdivision Discussion Subdivision**

### **SBL: 16.9-2-7**

*Location:* 1360 New Road

*Contact:* Site Design Consultants

*Description:* Proposed subdivision of property into 4 lots for duplex residences and 1 conservation space lot on 5.00 acres in the R1-20 zone.

Fon recused himself from this discussion. Al Capellini, project attorney, and Joe Riina, project engineer, were present. Riina stated this is a 5-acre site, zoned R1-20, with two barn type buildings on site. The applicant is requesting a rezone to R2, which will allow 4 lots each containing a two-family dwelling, and one lot designated as a conservation area for a total of five lots. Flynn felt the 2<sup>nd</sup> configuration submitted merits a recommendation for rezoning. Former Supervisor, Susan Siegel suggested a traffic light at the High School, and Capellini stated he would bring this to the applicant. Flynn felt this concept was supported by the hamlet center described in the Comprehensive Plan. Kincart felt the multifamily speaks to the current demographics. Flynn favored the lower number of driveways associated with these units. Riina stated at one portion of New Road, the applicant will bring a narrow segment up to Town standards. Kutter was not in favor of the driveway configuration. Riina discussed the viability of mother daughter housing. Riina discussed putting a conservation easement in place. Flynn asked for elevations on the plan. The Board requested the applicant attend the April 23 meeting.

## **Fieldstone Manor fka Lake Mohegan Mansion, LLC Discussion Subdivision**

### **SBL: 15.11-1-17**

*Location:* Strawberry Road

*Contact:* Site Design Consultants

*Description:* A proposed 16-lot cluster subdivision on 22.94 acres in the R1-20 zone.

Al Capellini, project attorney, and Joe Riina, project engineer, were present with applicant Bill Catucci. Riina stated this proposal is to subdivide the 22.96 acres into 16 single family residential units, based on the existing R1-20 zoning. The applicant will submit a clustering proposal which will have the same number of units on smaller lots, resulting in more open space. The units would be served by public water and sewer, with private roads throughout the subdivision. Riina stated local and State wetlands have been delineated, and there is a pond on property. The Board reviewed the conventional R1-20, 16 unit, site plan. Riina submitted the applicant's cluster plan. Riina stated this plan will require a change in the location of

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the driveways and the installing a private road, but staying within the framework of the existing pavement. The will be a 4-courtyard concept, with each lot at 10,000sf. The two ends of the mansion will be private residence, the center will be common area, and the applicant will leave 4acres of open space. Currently, there are two unused baseball fields on the site. The applicant plans to install a trail system to and around the pond. Flynn asked about car trips, and plans for the tower. Riina and Catucci stated the tower stays. Riina stated the applicant had one difficulty with the cluster formula, and that was when applied, the result is 15.2 units instead of the necessary 15.5 to allow for 16 units. Riina stated if the Planning Board was strongly in favor of the cluster plan, the applicant would then go to the Town Board. Kutter stated the normal activities that go on around a house can be detrimental to the wetlands. Flynn suggested a stonewall built across the pond. Kutter asked if a Homeowners Association would be installed. Riina stated the existing pool is 30x36, and there will not be much room for individual pools in the yards. Riina reported the applicant met with the Fire Marshall and the plans are in compliance, as any fire apparatus will come onto the site from Strawberry Road. There will be a section of asphalt installed for the fire apparatus. Flynn suggested traffic calming. Kincart discussed a project along Lexington originating in the Town of Cortlandt. Tegeder discussed the applicant try the flexibility formula which might result in the 16 units the applicant needed. The Board scheduled a public informational hearing for May 7, 2012.

## **Twist Yogurt Outdoor Patio**

## **Special Permit for Outdoor Dining**

**SBL: 37.14-2-33**

*Location:* 20-38 Saw Mill River Road

*Contact:* Eric N. Singer Architects, P.C.

*Description:* Proposed patio and exterior staircase.

Present was Eric Singer, project architect. Singer stated the applicant is requesting the installation of outdoor seating a staircase. The applicant will build a retaining wall around the seating. Kutter felt additional planting would be better, Singer replied there was no room for additional planting. Singer stated the retaining wall goes from 0.0ft to 8.0ft, and the proposed staircase will help to make more use of the rear parking area. Singer stated the store has no wait staff or tables it is all self serve. The Board asked about treatment for the wall facing the road, and if heavy bollards were more inviting and more protective. Tegeder stated the retaining wall in above 4 feet and, therefore, you have to comply with zoning code. Singer stated the applicant was more comfortable with concrete, not bollards Tegeder felt pedestrians would have to walk into the traveled way. Tegeder stated if you change the driveway you will need a site plan review.

**Upon motion by Rivera, seconded by Kincart, and with all those present voting aye, the Board Board adjourned the meeting at 10:15pm.**