

Planning Board Meeting April 23, 2012

A regular meeting of the Planning Board, Town of Yorktown, was held on April 23, 2012, the Yorktown Community & Cultural Center, 1974 Commerce Street, 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. Diane Dreier and J. Patrick Francois Conservation Board members were present.

Discussion

Correspondence John Ahearn CEO of Fieldhome described the vigilance of the Town Staff, and the Chamber of Commerce.

Traffic study for Costco.

Memo to Town Board April 11, 2012 **Subject:** Proposed Local Law Amending the OB Districts

Memo to Environmental April 12, 2012 Subject Contractor's Register

Memo to ZBA April 16, 2012 Subject Hoffman Construction

Follow-up Correspondence - No discussion took place at this time.

Liaison Reports No reports were submitted at this time.

Courtesy of the Floor No one from the public came forward at this time.

Meeting Minutes – April 09, 2012

Upon motion by Kutter, seconded by Kincart, and with all those present voting aye, the Board approved the minutes of April 9, 2012.

WORK SESSION

Cranberry Hill Subdivision

Special Session

SBL: 16.5-1-1.1

Location: 3823 Cranberry Lane

Contact: Dan Munsell

Description: Request for site plan approval of Lot 1 of the subdivision.

Fon stated this is the last lot within this subdivision requiring review by the Planning Board. Tegeder stated satisfaction of the Town Engineer should be a condition of approval. Kincart stated the setbacks seem satisfactory. Fon reviewed the drainage. Tegeder stated the approving resolution should list "approved site plan should showing drainage" under Modifications.

Upon motion by Flynn, seconded by Savoca, and with all those present voting aye, the Board open a Special Session for the express purpose of reviewing Cranberry Hill Lot 1.1

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Upon motion by Rivera, seconded by Kincart with all those present voting aye, the Board approved Cranberry Hill Lot 1.1

Upon motion by Flynn, seconded by Rivera and with all those present voting aye, the Board closed the Special Session.

Mid Valley Oil Co. (BP Gas Station Yorktown Heights)

Town Board Referral

SBL: 37.18-2-65

Location: 1917 Commerce Street

Contact: Mid Valley Oil Co, Inc.

Description: Request for replacement of oil tanks and installation of a fire suppression system.

Fon felt this was would fall under the purview of the Building Inspector. Kincart stated the site did not have a lot of space. Kutter asked if the site was going to be checked when the tanks were being removed, and Tegeder said they would be checked. The Board had no planning issues.

Old St. George's LLC

Town Board Referral

SBL: 15.12-2-53

Location: 1715 East Main Street

Contact: Tom DeChiaro

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

Jeff Econom, project engineer, was present with applicant Tom DeChiaro. DeChiaro stated a new plan by Econom has been referred to the Conservation Board. The current suggestion is to refurbish a small area as we wait for the Town Board to determine if the parking area at Mohegan Plaza is Town property and can be used by the applicant for parking. Kincart asked if no left turn was being maintained, and Econom stated it was. Dreier and Francois stated the Conservation Board liked the new layout because it gave more wetland mitigation opportunities. Conservation was requesting the applicant continue the sand filter, and increase the treatment in the parking area, and plant a bio-field to allow for water quality treatment before water entered the site. A bio-filter would consist of is rocks, perenials and sand. Econom stated we need to deal with NYS DOT for a portion of the Conservation Board's request. There is no problem with requested installation on the applicant's portion of the property. The NYS DOT will have to determine what can be installed on the leased portion. Dreier stated the applicant should make sure the full extent of the mitigation is on the plan. The Board and staff was pleased with the latest plan and will send a memo to the Town Board stating this. Flynn asked about a land swap being proposed. DeChiaro stated we are looking into all possibilities. Tegeder stated if this is rezoned to Transitional Zoning the application will not come back to the Planning Board. Flynn suggested the sidewalk be extended, and the sSand filter, bio-swale and any additional mitigation be placed on the plan. Econom stated there is no room to extend the sidewalks with the guiderail and bridge in place.

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Fieldhome Expansion

Discussion 32 acres Open Space

SBL: 35.12-1-3

Location: 2300 Catherine Street

Contact: Al Capellini

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

Al Capellini, project attorney, Joe Riina, project engineer, and John Ahearn, CEO of Fieldhome were present. Capellini stated the underlying question at this time is how the applicant and the town will handle the 32 acres. Ahearn stated review of the development rights on the site leads us to suggest a conservation easement, while e on the 32 acres and retain ownership, and carve out a portion of the 32 acres site for the playing field. Fon stated Yorktown Youth Soccer and Shrub Oak Soccer leagues might want to install improvements if the owners would agree to this. Ahearn stated the Fieldhome would not want it to be overly developed with seating or lighting. Capellini stated the field should be a regulation field, not a spectator field. Fon stated the field would remain a soccer field, and improves could include a fence and parking. Ahearn asked about parking. Fon stated one dozen cars at a time, and it should be cleaned up. Wagner asked who would draw up the conservation easement. Tegeder suggested the applicant use the Capelli agreement. Kutter asked about the Forest Management Plan. Riina stated they were working on this. Kutter stated as the applicant is retaining ownership, they would be working with the Forest Management Plan. Wagner suggested the applicant present their draft to the Town Attorney. Tegeder suggested the draft come back to the Planning Board before going to the Town Attorney, to ensure consistency with other conservation easement. Flynn stated the Board's concerns are the 20 year lease and parking. Ahearn suggested another 20 years, but was concerned that games might start too early or end very late. Ahearn felt 9:00am to 5:00pm was reasonable to for field use. Fon stated soccer is played during the Fall and Summer. Tegeder asked what the applicant was looking for at the end of the 20-year lease. Ahearn, replied a continuation of the current activities and that the land reverts to the conservation easement, while giving the Fieldhome a say in what is going on. Capellini stated he will submit the draft conservation and recreation easement to the Town Attorney. Tegeder suggested the draft return to the Planning Board before prior to the Town Attorney to ensure consistency with other conservation easements.

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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. Capellini stated at the last meeting the applicant presented a layout with 16 units, including 2 units within the existing mansion. The applicant is requesting the Planning Board determine a lot count. The Town Board will like/dislike the number and negotiate with the applicant. Tegeder introduced the idea of Flexibility allows the applicant to be creative including reservation of ball fields, and the plan. Section 300-22

It is the intention of the Town Board to encourage flexibility of design and development of land in such a manner as to promote the most appropriate use of lands and to preserve the natural and scenic qualities of open land.

Fon stated this plan appears to protect the sensitive site areas. Kutter asked for one lot sitting on the buffer be protected with a stone wall barrier. Tegeder stated the applicant will have to analysis the data a determine which section of the code is more appropriate to use, cluster and flexibility or flexibility. Kincart discussed reserved open space, and how it is used by Maplebrook and Canteberry Condos. Tegeder stated Flexibility is used to allow an applicant to approach the development layout in an alternate fashion. The clustering formula is so close to the standard number, but with the lose of 1-lot by a fraction of a unit. Do you want to keep and use the fields. Tegeder stated the Tower was part of West Farm. Tegeder stated it is my recommendation to use flexibility. Arrowhead used flexibility for environmental features. The use of flexibility could save the wetland that connection to the pond, save the mansion, and eliminate driveways from Route 6. Tegeder stated this plan preserves the proposed by-pass stated in the Comprehensive Plan. The Board unanimously agreed that flexibility was the preferable alternative. Dreier and Francois stated the Conservation Board will conduct a site visit on Wednesday, April 25, 2012.

Shrub Oak Commons

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. Capellini, project attorney, and Joe Riina, project engineer, were present. Riina submitted plans with grading, indicating some preliminary grading was included. This plan tries to minimize encroachment in the buffer with the installation of a retaining wall. Additionally, a conservation easement will be installed along the rear of the site. At this time, the wetland verification has not been completed. The last time the wetlands were verified was in 2009. Riina stated the plan shows a reduced driveway width but still allows two cars side by side. The proposed sidewalks will be an extension of the existing sidewalks and a crosswalk will be installed. Advantages of this plan includes: providing is more open space, less disturbance to the wetlands, and the installation of a protective barrier. Tegeder asked for the

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total square footage, and Riina stated 40x45 about 1600-1800sf. Flynn asked that the applicant provide front elevations in terms of the existing topography. When asked if there would be garages, Riina stated yes, there are garages. Capellini stated this configuration makes sense and it fits well in the neighborhood. Tegeder stated to keep it below 3 floors the garage will have to be sunk in. Flynn asked about the number bedrooms, and was told three on each floor.

Twist Yogurt Outdoor Patio 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.

Tegeder felt that there was a need for a resolution. Kincart asked if the installation could be pushed it into the hill, and Tegeder stated the wall would get bigger. Kincart stated the area should be striped. Tegeder felt the area was not big enough for what they are asking, and they need to protect pedestrian and walkers. The Board agreed that safety was a big issue, as the parking lot and many curb cuts from various directions. The Board focus on the rear parking lot, asking if an alternate plan could be discussed to use this area. The Board requested the owner of the Roma building attend the next meeting.

Special Permit for Outdoor Dining Site Visit

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