

# Planning Board Meeting May 7, 2012

A regular meeting of the Planning Board, Town of Yorktown, was held on May 7, 2012, the Yorktown Town Hall, 363 Underhill Ave. 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

Ann Kutter, alternate

Absent: Darlene Rivera

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

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

## **Correspondence**

Letter dated April 23, 2012, from Tully Law Office regarding a waiver of certain bonds and a waiver or reduction of certain fees with regard to the Kitchawan Fire and Rescue Station.

NYS DEC letter dated April 25, 2012, accepting the Yorktown Planning Board as lead agency for the Winery at Old St. George LLC. and the requirements for the applicant to obtain a Highway Work Permit.

## **Follow-up Correspondence**

Memo from the Planning Board to the Town Board dated April 24, 2012 regarding the Winery at Old St. George LLC Parking Plan dated Sept. 18, 2010 last revised April 18, 2012.

**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 – April 23, 2012**

**Upon motion by Kutter, seconded by Savoca, and with all those present voting aye, the Board approved the minutes of April 23, 2012.**

## REGULAR SESSION

### **Crompond Crossing**

### **Request 2nd 90-Day Time Extension**

**SBL: 26.18-1-7**

*Location:* Crompond Road

*Contact:* Neil DeLuca

*Description:* A 29 lot subdivision and site plan approved by Res#11-15 dated August 8, 2011.

Al Capellini, project attorney, was present. Capellini stated the applicant is almost complete with the NYS DEC requirements. This project includes two commercial lots and 26 residential units. Neither the Planning Board, nor the Planning Department had any issues. Tegeder stated there is an extension of the sidewalks at the Chase Bank shown on the plan. Capellini explained that the NYC DEP is asking about mitigation for the sidewalk along the Chase Bank and this issue will have to be resolved.

**Upon motion by Kincart, seconded by Savoca, and with all those present voting aye, except for Kutter, who abstained, the Board approved the 2<sup>nd</sup> 90-day time extension**

When asked why she abstained Kutter stated it was the proximity of her home to the project.

### **Sierra Bella fka Samsel Minor**

### **Request 2nd 90-Day Time Extension**

**SBL: 47.5-1-13**

*Location:* 1860 Hunterbrook Road

*Contact:* Al Capellini

*Description:* A 2 lot subdivision approved by Resolution 09-24 on September 14, 2009.

Al Capellini, project attorney, was present. Neither the Planning Board, nor the Planning Department had any issues.

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**Upon motion by, seconded by , and with all those present voting aye, the Board approved the 2<sup>nd</sup> 90-day time extension**

## **Hudson Valley Islamic Community Center**

## **Request 2nd One-Year Time Extension**

**SBL: 15.11-1-17.1**

*Location:* 3680 Lexington Avenue

*Contact:* Al Capellini

*Description:* Amended site plan approved by Res #10-09 dated May 10, 2010. The 1st one-year time extension was granted on May 9, 2011.

Al Capellini, project attorney, was present. Capellini stated most of the Board's conditions have been completed. Neither the Planning Board, nor the Planning Department had any issues.

**Upon motion by Kincart, seconded by Savoca, and with all those present voting aye, the Board approved the 2<sup>nd</sup> one year extension**

## **Bartosch**

## **Amend Approving Resolution**

**SBL: 59.10-1-47, 59.10-2-3 - 10, 59.10-2-16 - 27**

*Location:* Vine Road

*Contact:* Arthur Bartosch

*Description:* A 2-lot subdivision approved by Res# 11-01 dated January 24, 2011.

Arthur Bartosch, applicant, was present. Bartosch stated that he was eady to file the plat, however, the Town is requiring a \$25,000 bond. Bartosh stated a modify to the resolution for this 2-lot subdivision on Vine Road allowing bonds to be posted before the issuance of a building permit. Kutter asked about the approved stormwater permit, and if this should be reviewed this when the applicant is ready to proceed. Wagner suggested changing the timing of the security. Kincart asked how this was stated in the original review. Tegeder felt it was advisable that steps exist to ensure bonds and guarantees are in place. Fon asked of all other fees have been paid, and was told they were. Tegeder asked that changes be made to the amending resolution to include state that prior to the issuance of a building permit and prior to commencing any site work, the applicant will have to meet the required conditions of the resolution. Kincart discussed the requirement to post 5% of the estimated cost of improvements, and asked if this included the building of the house. Capellini stated the applicant is requesting installation of the improvements instead of the performance bond. This resolution will not preclude either the bond or the installation. Wagner requested language be added to the resolution that would make the amendments more explicit, and allow all other aspects of the original resolution to remain in force, and Tegeder agreed.

**Upon motion by Kutter, seconded by Savoca, and with all those present voting aye, the Board amended the approving resolution.**

## **Fieldstone Manor**

## **Public Informational Hearing**

**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, Joe Riina, project engineer, and Bill Catucci, applicant, were present.

Capellini stated this is an informational hearing, which is non jurisdictional. The site is approximately 23 acres, in an R1-20 zoning district. The site currently contains single family dwellings, the stone mansion, recreational pond and a portion of the Mohegan Outlet along the southern boundary. There are outlets to Strawberry Road and Lexington Ave, and the site is zoned R1-20, residential half-acre. Capellini stated this project is very much in line with the Town's flexibility standards, thereby preserving the site's unique features. Riina stated there are 5 buildings on the site including: the stone mansion, the tower, several small residential units and a barn. There are wetlands, a pond and the Mohegan Outlet runs along the eastern boundary. Additionally, there are the remains of two baseball fields. There is a town sewer line

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going east and south and the site is served by Town water. Riina explained that the Comprehensive Plan includes the future Route 6 bypass along the lower portion of the site. The site is zoned R1-20, one-half acre, residential. If a conventional plan were being considered, the road would front on Strawberry and 15 new driveways would access a new town road. A number of lots include wetland buffer in the rear. Alternately, the open space plan via flexibility has the same number of units but, preserves the tower and the manor and reduces wetland disturbance. The plan calls for smaller, 10,000 sf. lots, private roads, and 4 court yards. The main building will be separated into three units, using one as a common area for the Home Owners Association (HOA). The HOA would be responsible for the maintenance of the adjacent grounds, including the 4 acres of open space and ballfields. The ballfields could be used by the Recreation Department and deed to town. Wetland and buffer area can have conservation easements or again be deeded to the town. Flynn asked if stormwater runoff was affected by the clustering of lots. Riina stated the flexibility plan reduces impervious area and creates less of a problem. Kincart asked if the parcel was deeded for open space could it include the area intended for the bypass, and Riina felt it could. Francois asked about access to any future recreation area. Riina stated access would be off of the bypass or George Washington Elementary School. Kutter stated with the conventional plan, 5 lots were in the buffer area, the alternative plan leaves only one lot disturbing the buffer area. Kincart stated preserving the wetlands will require the applicant to install a fence, or stone wall to delineate the wetlands. Fon opened the meeting to the public.

Michael Shub, 1717 Strawberry Road, Mr. Shub asked if this plan will eliminate all access to Lexington Ave. Capellini replied that the bypass could be installed. Other than that, access would eliminate as the plan calls for a private road. Riina stated the applicant must formalize this, either access through George Washington School or a parking plan to be determined. Mr. Shub asked about the impact on traffic, and if a traffic study had been completed. There are traffic backups in the morning and I cannot leave my driveway.

Counsel for Islamic Community Center. Counsel asked about the boundaries for the proposed driveway. Fon stated there are three potential areas, however nothing has been determined at this time

Michael Shub, 1717 Strawberry Road, Mr. Shub, asked what was going to happen to the barn. Riina stated the barn will be removed as it is in disrepair. The conventional plan will remove the mansion and tower as well.

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

Capellini requested the Planning Board send a memo to Town Board regarding the benefits of flexibility for this project. Fon stated the Board would do so, after the applicant requested the flexibility standards from the Town Board.

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

## Work Session

### **Lake Osceola Realty Corp.**

**SBL: 17.5-1-11**

*Location:* 505 East Main Street, Jefferson Valley

*Contact:* Site Design Consultants

*Description:* Proposed 30,000 SF office building and associated parking. Demolition of one existing residence.

Al Capellini, project attorney, Joe Riina, project engineer, were present with the applicant. Riina stated the parcel is 4.5 acres, with a single family dwelling on the site. The parcel is adjacent to Ceola Manor, and a shared parking agreement with Ceola Manor is in existence. The proposal was for a 30,000sf, 3 story office building requiring 161 parking spaces with access along Hill Blvd. Riina stated the current submission is an alternative plan that reduces parking and wetland disturbance. The applicant met with NYS DEC and has

### **Pre-Preliminary Application**

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addressed their issues with the Additionally, we have had a dialog Town's Environmental Consultant. The building now is 27,000 sf, and the reduced parking allows for several areas of mitigation. Riina felt they were moving in the right direction but will continue to tweek the plan. Riina stated the proposal will catch storm water along Ceola Manor, and include a pier or boardwalk with public access to Lake Ocoala. With town ownership this could have an educational component. The lawn area would be restored to a wetland habitat, and the outlet channel to the south we will cleaned of debris along the banks and the channel. Flynn asked who would be responsible for this work. Riina stated the town or a consultant at the applicant's cost. This plan is reducing the parking and offering more shared parking as parking is reduced to 119 spaces. The applicant will remove the old pump station and replacing it with sewers. This plan would require a reduction of required parking from the required 135 to the 119 being provided. Kutter asked about removing some of the planned parking. Riina stated they would be installing permeable pavers. Rinna explained that NYS DEC preferred they address flood storage rather than water quality. Riina stated we have to be 2feet above the flood elevation. We are going to present these options to the NYS DEC. We do not want to make up the flood volume and we want to keep it as close to grade as possible. Susan Siegel asked about pervious paver installation. Tegeder stated the County Commercial zone has certain architectural standards. Tegeder wanted more detail before the application goes further. Fon asked about a staircase. Riina stated the applicant is contemplating a staircase or a sidewalk. Tegeder asked about the boardwalk, and Francois asked about the lighting.

## **Yorktown Smart Growth**

Contact: Jonathan Nettelfield

Jonathan Nettelfield, Paul Moskowitz, Barbette Balingier, and Olivia Buehl, were present. Nettelfield stated as a group of people who were concerned with long term planning decisions how can we make a contribution to the planning process. Our aim is to promote holistic planning and involve as many people as possible. We believe that the intent of the Comprehensive Plan is good. In the process we have learned what the Board's do and have ascertained certain principles that are developing. One of the suggestions is the Planning Board is the receiver of the studies. Is there a role we can play. Fon our goal is responsible development. Kutter one of the most important is to come to the Planning Board meetings, and looking at the effects of large developments. Flynn what is your plan with Town Board actions. Moskowitz was pleased that carbon footprint was now being required. Kincart education is the key for the Boards and citizens.

**Upon motion by Kutter, seconded by Savoca, and with all those present voting aye, the Board adjourned the meeting at 9:30pm.**