

Planning Board Meeting July 16, 2012

A regular meeting of the Planning Board, Town of Yorktown, was held on July 16, 2012, at 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:

Darlene Rivera
Ann Kutter, alternate
absent: John Kincart
John Savoca
John Flynn

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

Discussion	No discussion took place at this time
Correspondence	The Board had no issues with the submitted correspondence
Follow-up Correspondence	No discussion took place at this time
Liaison Reports	No discussion took place at this time
Courtesy of the Floor	Fon opened the meeting to the public, no one from the public spoke.

Meeting Minutes – June 11, 2012 & June 25, 2012

The minutes of June 11, 2012 could not be approved as the Board lacked a quorum.

The minutes of June 25, 2012 could not be approved as the Board lacked a quorum.

Regular Session

Bartosch

Request 1st 90-Day Time Extension

SBL: 59.10-2-16

Location: Vine Road

Contact: Arthur Bartosch

Description: A 2-lot subdivision approved by Resolution 11-01 on January 10, 2011.

Upon motion by Rivera, seconded by Kutter, and with all those present voting aye, the Board approved the amended resolution for the Bartosh minor subdivision.

Lake Osceola Realty Corp.

Public Informational Hearing

SBL: 17.5-1-11

Location: 505 East Main Street

Contact: Site Design Consultants

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

Present were Al Capellini, project attorney, and Joe Riina, project engineer. Capellini explained this was a public informational hearing, an alert system for the neighbors. This property is located on Hill Blvd. with 500 feet of shoreline. The proposal calls for a 27,000sf office building, which will most likely be medical. The project will be served by public water and utilities. Capellini stated Ceola Manor is adjacent to this property and cross easements exist. Functionally, these two businesses compliment each other with regard to parking. The office is busiest during the day and closed at night, while Ceola Manor is most active at night. Riina stated there is a small amount of

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frontage on Hill Blvd. as well as frontage along the Lake Osceola. Currently, the residential unit is accessed through the Ceola Manor site. The site contains NYS DEC wetlands. The front of the building contains 36 parking spaces and there are 86 adjacent spaces. In addition to this we will use 16 spaces within the Ceola Manor site. There will be a retaining wall between the parking lot and the wetlands area. The project will provide stormwater treatment for this site as well as improved treatment to the Ceola Manor site. Water quality treatment will include the installation of porous pavement. Subsurface stormwater treatment will be located beneath the parking lot. The project will not have environmental impacts on the lake. Riina stated part of the site is within a flood zone, however, the applicant will restore taken storage with big barrel storage under the parking lot. Several mitigation measures are being proposed. The proposal includes:

- 1-Collecting and treating water that currently runs down to the lake untreated
- 2- Installing a ramp that goes to the lake frontage for fishing or kayaking, and dedicating the lake frontage to the town as open space.
- 3-Installing interpretive signage of the wildlife and the plants found on the site.
- 4-Restoring the open lawn to its original wetland state.
- 5-Removing debris in the outlet in the southern portion of the site and unblocking the channel
- 6-Establishing shared parking to reduce the impervious pavement.
- 7-Using public utilities.

The proposal will upgrade the connections between this site and Ceola Manor. Riina stated the top elevation is facing Hill Blvd., but is 15 feet below, and has 2.5 stories exposed. This building has a residential look, as required by the country commercial zoning. Fon asked who would be responsible for maintaining the improvements. Riina stated the owner of the site would be responsible for maintenance. Fon asked if any variances were required and Riina stated no variances were required. Fon stated the applicant is installing less paving and providing additional stormwater treatment with the use of Ceola Manor parking lot. Fon asked what happens to sewage if the current pump station fails, where does the sewage go. Riina stated the sewage goes into the lake. This proposal will reduce the likelihood of that happening. Riina stated NYS DEC has reviewed this plan and they are very pleased. Fon asked if the landscape plan was available and was told it was in the process. Fon stated this should be referred to ABACA. Kutter asked if the cleaning up involved the beaver dam, Riina stated if there is a beaver dam then we must contact the NYS DEC, but as of yet we have not encountered any evidence of a beaver dam. The applicant believes it is more likely to be limbs, debris and silt. Kutter asked if the applicant could quantify the reduction of flooding for the residence around the dam, Riina replied he could not at this time. J.P. Francois, Conservation Board member stated the area is very sponge. The Conservation Board has not seen a beaver dam. Francois explained mitigation must replace loss of a buffer, not just the installation of a Boardwalk.

Brian Serino 387 East Main St. Mr. Serino stated the problem in this area is flooding. A portion of our property is underwater. Mr. Serino asked what the applicant's plans were for lake maintenance. Riina stated he believed the town was responsible for lake maintenance. Capellini stated no one lays claim to Lake Osceola, and a title search would be a lengthy procedure. Kutter

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asked if anyone had spoken to Mike Dubovsky, town code enforcement officer. Riina stated they have not spoken with Dubovsky, however, they have gone out to the site with Bruce Barber and John Tegeder. Fon suggested further investigation perhaps using aerials. Mr. Serino stated Lake Osceola Entertainment use to perform maintenance, but they are no longer in business. Capellini suggested Tegeder visit the site again.

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

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

Work Session

Sophia's Pizzeria

SBL: 37.14-2-62

Location: 380 Downing Drive

Contact: David Barbuti

Description: Proposed expansion of existing restaurant in the Turco's Shopping Center.

David Barbuti, project architect was present. Barbuti stated the 1680sf vacant space adjacent to the restaurant will be converted to a dining room and bar area. This proposal will require 16.3 parking spaces. Currently, there is a deficiency of parking which started when the center was first built and added to with Turcos as 190 parking spaces exist and 235 are required. Tegeder discussed KFC, which had patron area, but is now vacant, thereby, reducing the parking impact. The new chocolate shop will be adjacent to the restaurant. There are sidewalks in the area and people can park and walk. Tegeder asked if the Planning Board wanted to send a memo to the Building Department, and was told they did.

Parking Review

Costco Wholesale

SBL: 26.18-1-19

Location: 3200 Crompond Road

Contact: TRC Engineers, Inc

Description: Application to construct a 151,092 SF Costco Wholesale Club retail store and club member available filling station.

Relocation of proposed gas fueling station.

Wagner and Kutter recused themselves from this discussion. Al Capellini, project attorney and Tom Holmes, project manager, were present. Holmes stated nothing substantive has changed, but we want to make changes the site plan. Holmes stated NYS DOT wanted the slip ramp removed, however this is necessary for the trucks. The adjustment to enter the site and move the gas station eliminates cueing, keeps fueling trucks away from the parking area, and allows for additional greenway. This change also allows all the impervious area to be located outside the wetland buffer area. Fon asked if fueling tanks were allowed so close to the building. Holmes stated the building will be moved back. Costco will continue the roadway improvements from the site to Strang Blvd. If the applicant can use DOT lands for slow transition, the retaining walls along the east frontage can be eliminated. The applicant will help regionally as we can use the State land to help the down stream flooding problem. We are willing to study this and the FEIS could cover enlarging the stormwater retention. When the applicant met with the Conservation Board, they discussed the limit of disturbance and saving several trees. The applicant has not completed this yet. Tegeder asked for the limit of disturbance to be included on the plans by the next meeting. Hochman stated preceding with the project will be determined by the staff's review of the applicant's submission.

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IBM Helipad

Discussion Special Permit

SBL: 69.16-1-1

Location: 1101 Kitchawan Road

Contact: Nicollete Visalli

Description: Proposed helipad at IBM.

Present were Don Synder and Dan Chess, IBM engineers, John Kadner, IBM pilot, Synder presented a noise study conducted at the IBM site. The helistop will be on the grass area with an underground grid. The study used four sound meters and there was an observer. The helicopter flew in, hovered and did flybys. One location on Old Kitchwan Road at 2000, 1500, 1600 and 1300 feet. There are no homes closer then 1300 feet. Synder stated this route was best due to prevailing winds and the avoidance of residential homes. Fon asked if helicopters have established routes, and was tol no, the visual route prevails. Kadner stated pilots try to avoid residential areas and have a practice of best standard. Tegeder asked if the helicopeter would come over the building and decend from 1500 feet. Kadner stated the site can be contacted for weather conditions. Synder stated in the past 5 years there were 10 flights. The applicant is willing to discuss limiting the use. Kadner stated currently, we are using the existing ballfield, the helipad will make it safer.

Neighbors in attendance asked the Board to look at the larger picture to this that this is a well preserved open space area. JD Francois, the Conservation Board member, stated the Conservation Board's concerns are with the possibility of a catastrophic event happening. Synder stated the site has emergency management personnel. Neighbors asked about the limit that can be placed on air traffic. Kadner stated there is a system on board that indicates what other aircraft is in the air. If there are no town ordinances and one has owner permission, a helicopter can land anywhere.

The noise study indicated noise level approach 71.5mh for short durations. Tegeder requested submission of the best standards discussed. Snyder was asked if others would be allowwed to use the helipad and stated if would be used by others only in emergencies. Fon fetl the operation appeared to be safe The issue of noise in a preserved area is being addressed. Fon asked if the paths of other aircraft effect the path of the helicopter, and was told it did not. Tegeder suggested a log be kept of the flight path the effect on the neighbors. Dynder stated IBM owns the machinery, IBM hires the pilots and we are safe. The Board scheduled a Public Hearing for August 13,2012.

Town Board Referral

Proposed Local Law amending Chapter 300-19 entitled “Temporary Building Permits” and Proposed Local Law amending Chapter 15 relating to building permit renewals.

The Board had no planning objection.

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