

Planning Board Meeting August 13, 2012

A regular meeting of the Planning Board, Town of Yorktown, was held on August 13, 2012, the Yorktown Town Hall, 363 Underhill Ave, Yorktown Heights, NY 10598. The Vice-Chair, John Flynn, opened the meeting at 7:30 P.M. with the following members present:

Darlene Rivera

John Savoca

Ann Kutter, Alternate

Absent: Rich Fon

John Kincart

Also, present were: John Tegeder, Director of Planning, Robyn Steinberg, Planner, Karen Wagner, attorney to the Planning Board, Lisa Hochman, Planning Board attorney for the Costco project, and J.P. Francois, Conservation Board member.

Discussion	No discussion took place at this time
Correspondence	No discussion took place at this time
Follow-up Correspondence	No discussion took place at this time
Liaison Reports	No discussion took place at this time
Courtesy of the Floor	No one came forward at this time

Meeting Minutes

Upon motion by Rivera, seconded by Savoca, and with all those present voting aye, the Board approved the minutes of June 11, 2012

Upon motion by Kutter, seconded by Savoca, and with all those present voting aye, the Board approved the minutes of June 25, 2012.

Costco Wholesale

Revised DEIS Submitted

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.

Wagner and Kutter recused themselves from this discussion. Al Capellini, project attorney, Phil Grealy, traffic consultant, Tom Holmes, project manager, and Nick Panayotou, project engineer, were present. Lisa Hochman, special counsel to the Town for the Costco application, was present. Capellini stated the applicant has submitted the revised DEIS and is waiting for the Planning Board to deem it complete. The applicant has met with Town staff and made all the revisions that staff required. Flynn stated the Board has received the DEIS, but will need to review this for completeness. Flynn stated staff received the DEIS on August 3, 2012 and the Board received it on Aug 10, 2012, and the Board has not had enough time to complete our review. Flynn you had a discussion about the gas station relocation and the infiltrators. Panayotou stated the fueling station was relocated in the southern portion of the site. The NYS DOT wanted to make this section of the road more pedestrian friendly. NYS DOT wanted the applicant to review options, which we did by making the entrance straight and moving the gas station. This scenario makes entering and exiting the site easier, and separates gas station traffic from parking traffic. The western perimeter was pulled in causing less need for retaining walls. The DEIS reflects this change. Another advantage is the change in the truck delivery. Previously, trucks had to go westbound when exiting. The current plan allows trucks to go either east or west. Flynn asked how many fuel deliveries the site would receive, and was told one to four trucks per day. Panayotou stated another change by the NYS DOTs was permission to slope within their property which reduces the retaining wall. Flynn asked how

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this is the visibility from the Taconic. Panayotou stated the elevation of the fueling station is consistent with Costco building elevation. Additionally, the NYS DOT permit the applicant to install plantings as screening, which will enhance the green strip along Route 202. The applicant and NYS DOT discussed with the idea of using NYS DOT land to help reduce run-off, and regional detention. The applicant had hoped to work with State Land Corp on this project, as Bruce Barber, the Town's environmental consultant requested Costco's assistance with regional drainage. Panayotou stated the proposal will reduce peak flow, and we continue to study this concept. The proposal storm water management includes the installation of storm water infiltrators in the parking lot. This was discussed with Town staff, although this was not a scope item. Flynn asked how the changes effect the traffic study. it. Grealy stated in general it is an on-site circulation improvement. It does not change the traffic counts. Capellini stated the applicant has spent 18 months working on the DEIS, and we believe the current submission addresses all issues that have been raised. Capellini stated we believe you can declare this a complete document as it addresses all the issues reviewed by your staff. Flynn stated not only is the Planning Board Chiar not in attendance tonight, but the Board members would like to review the document. We do not pretend to read every word, but we do read them. This Board has just received the on Friday and needs for review. Capellini stated the process has been extensive, and I would ask the Board to hold a special meeting to make a declaration of completeness. Flynn stated the staff has made an initial review, however, the Board will review this as well. Flynn stated late in the game the applicant ran into a problem with the NYS DOT. This Board needs to review this document and make an independent finding, as our members have contributed to many environmental impact statements. Flynn stated this has been moving along well, and we do not anticipate it doing otherwise, however, the Board does not want to take shortcuts. Flynn asked if the front, or rear elevations changed. Panayotou stated there are minor changes, the signs are somewhat smaller. the building size is the same with a little smaller width and a little longer in length. Flynn requested the applicant return to the next scheduled meeting.

Kitchawan Fire & Rescue Station

Request 1st One-Year Time Extension

SBL: 70.05-1-13

Location: Kitchawan Road

Contact: Al Capellini

Description: Approved 3,100 SF Kitchawan Fire & Rescue Station.

Al Capellini, project attorney was present. Flynn stated this was a proposal to build a fire & rescue station in the southern portion of town. Capellini explained that the building permits were not complete as the bids received for construction were too high, requiring the applicant would have to adjust some of the interior design and rebid the project.

Upon motion by Rivera, seconded by Savoca, and with all those present voting aye, the Board approved the first 1-year time extension

Aspen & Mill Street Subdivision

Request 2nd 90 Day Time Extension

SBL: 16.05-1-13

Location: 3810 Mill Street

Contact: Al Capellini

Description: Four lot subdivision approved by Resolution 10-23 dated October 18, 2010.

Al Capellini, project attorney, was present. Capellini stated issues with the Department of Health are causing delays. There is a one-family and multifamily house and they are required to have separate water systems.

Upon motion by Kutter, seconded by Savoca, and with all those present voting aye, the Board approved the second 90-day time extension.

Crompond Crossing

Request 1st One Year Time Extension

SBL: 26.18-1-7

Location: Crompond Road

Contact: Al Capellini

Description: Approved project includes two commercial buildings of 8,500 SF (retail) and 4,200 SF (restaurant/retail), and a 26 unit multifamily residential site plan.

Al Capellini, project attorney, was present. Capellini stated this project includes a site plan and a subdivision. The developer has recently completed review with the County in developing work force housing. The applicant is working with the NYC DEP, and approval is imminent.

Upon motion by Savoca, seconded by Rivera, and with all those present voting aye, except Kutter who abstained, the Board approved the first 1-Year time extension.

Arrowhead Subdivision

Request 1st & 2nd 90 Day Time Extensions

SBL: 48.13-1-6

Location: Underhill Avenue

Contact: Al Capellini

Description: A 5-lot subdivision approved by Planning Board Resolution 07-23 dated October 15, 2007.

Al Capellini, project attorney, was present. Capellini stated the first lot is being sold, and will provide the funding to continue the subdivision. The second lot still has to be subdivided.

Upon motion by Savoca, seconded by Rivera, and with all those present voting aye, the Board approved the first and second 90-day time extension.

Sierra Bella fka Samsel Minor

Request for Reapproval

SBL: 47.05-1-13

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. Capellini stated all of these projects are subject to approval from outside agencies, and the time needed for review has increased. Currently, this subdivision is being reviewed by NYC DEP. Tegeder asked that SEQRA be reviewed. The Board stated that the applicant should return to the September 10, 2012 meeting if SEQRA review has been completed.

Gione Minor Subdivision

Decision Statement

SBL: 27.15-2-1

Location: 21 Loder Road

Contact: Site Design Consultants

Description: A proposed 2 lot subdivision with an existing residence. The new residence will be serviced with town water and individual septic system.

Al Capellini, project attorney, and Joe Riina, project engineer, were present. Fynn asked if the ROW donation should be included in the resolution. Capellini stated it was and also wanted the conservation easement included. Kutter asked if the NYC DEP letter regarding a depth to bedrock study was it done. Riina stated it was done and witnessed by the Estchester County Dept. of Health.

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

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

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

IBM Helipad

SBL: 69.16-1-1

Location: 1101 Kitchawan Road

Contact: Nicolette Visalli

Description: Proposed helipad on grounds facing Route 134.

Dan Chess, Bob D'Angelis IBM engineers, Bob Murphy IBM director of flight, and Don Snyder consulting engineer, were present. Snyder stated the helipad is a place to take off of land not refuel D'Angelis IBM wanted to do this in an environmentally concerned way. If it is wet out the helicopter has a safe place to land. We will use the abandon well to irrigate, lights will be installed but only on when needed. No trees will be cut down and we are as far from the neighbors as possible. Snyder stated the helipad will be in front of the visitors parking lot. The flight paths were chosen as they are over as few homes as possible. The helipad will just look like a normal lawn. There will be a driveway coming into a flat area, and landing lights going around the pad. These lights shine directly up. We will have a walk made of concrete pavers and we will install stairs in the existing wall. Murphy stated it is planned for approximately one flight per month, but hoping to go to two flights. Most flights will take place Mondays-Friday between 9:00am and 5:00pm. Rivera asked if IBM was currently landing at a nearby ballfield, and was told yes. Flynn asked to discuss the noise data submitted. Snyder stated as part of the noise study we used four locations. The readings were in the low 70 decibels, similar to the noise of a dishwasher, or inside a shower. The length of time for the noise was more than 55 decibels for only one minute. Murphy explained the Good Neighbor Policy IBM enforces. IBM must address the complaints from residents, manufacturers and crew. Pilots have developed procedures to mitigate as much noise as possible. When flying over the Watson site, I flew over at 2000 feet and returned at 1500 feet. Procedurally, one does not fly over a residence if there is another route available. When we begin an approach, we are at approximately 1500 feet, and reduce power to the rotor system. Flynn asked at what height do you usually fly and was told around 2000 feet, however, cloud cover will bring us down, and there are Federal regulations that must be followed, and we can fly by instruments. Flynn opened the meeting to the public. Elizabeth Cummings, 1145 Kitchawan Road, Ms. Cummings stated helicopters fly over her home now and the disturbance is great. D'Angelis felt that these were not IBM helicopter as IBM has not landed at the site in the three past years. The IBM pilot stated there are many helicopter pilots that do not follow the Good Neighbor Policy. D'Angelis asked how often Ms. Cummings heard the helicopters. Ms. Cummings stated that they were very loud, and the traffic noise on the Taconic is nothing compared to the helicopter. D'Angelis stated these are not the results we found. Murphy stated Ms. Cummings home was not in the flight path. Flynn explained we are approving a special permit which means IBM will have to return to the Board every few years. D'Angelis stated the high level executive at the site does not use this to fly in to work daily.

Victor Rallis, 815 Pines Bridge Road Mr. Rallis stated my first concern is environmental, we have helicopters flying overhead all day. I hear them why is the IBM helicopter so special. How low will you actually go with cloud cover. Mr. Rallis felt that with Westchester Airport less than half hour away and this is a waste of time and money.

Flynn stated IBM helicopters are going 90mph while others are going at 175mph. George there will be a steeper approach, as 1300 feet is allowed with cloud cover. Helicopter operations do not disturb birds.

Flynn we will look into wildlife effects. J.P. Francois, Conservation Board member, stated I noticed there

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were at least 5 helicopters that flew over my home last week and some were very loud. Francois stated most of the Conservation Board's questions were answered well. The Conservation Board did not feel that using the helipad once or twice a month would be onerous.

Upon motion by Kutter, seconded by Savoca, and with all those present voting aye, the Board closed the public hearing, leaving 10 days for written comment.

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

Work Session

DiMeglio Residence

SBL: 27.06-3-73

Location: 120 Hitching Post Lane

Contact: Matthew Behrens

Description: Proposed addition to a residence in Bridle Ridge.

Matthew Behrens, project architect was present. Behrens stated the applicant requires an approving resolution for a residential addition in a subdivision approved under flexibility standards. It is a corner lot, surrounded by preserved open space, and will therefore not interfere with any neighbors. A similar approval was obtained by the owners of 144 Hitching Post Lane.

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

Upon motion by Kutter, seconded by Savoca, and with all those present voting aye, the Board approved the resolution to allow an addition in a subdivision approved under flexibility standards.

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

Request for Addition

in Flexibility Approved Subdivision

IBM Parking Expansion

SBL: 69.16-1-1

Location: 1101 Kitchawan Road

Contact: Nicolette Visalli

Description: Applicant requests to amend the SWPPP Permit for the 101 space expansion to the existing rear parking lot to include locating a soil stockpile on the front of the property.

Present were Don Snyder and Dan Chess, IBM engineers, were present.

Chess stated IBM submitted a new plan which includes locating a soil stockpile on the front of the property which will be used in constructing the helipad. This is an excavation of about 1,000sf and will be stored in the helipad area. Kutter asked if the stock pile would have to be moved again to construct the helipad.

Snyder stated the stockpile will not moved twice, it will be ready to accept the helipad grid.

The Planning Board will issue a memo approving the stockpiling.

Request Amended SWPPP Permit

Faith Bible Church

SBL: 15.16-2-54

Location: Sagamore Avenue

Contact: Site Design Consultants

Description: Proposed additions to existing one-story church building and associated parking. Al Capellini, project attorney, Joe Riina, project engineer, and Phil Grealy, traffic constant were present with Pastor

Discussion Site Plan & Special Use Permit

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Zottoli. Grealy discussed the traffic study and parking plan, stating existing conditions are tied to church activity occurring with Wednesday, Friday and Sunday observations. The study focused on movement at the intersections using the International Traffic Engineer standards. Currently, the intersection is a free for all which Grealy felt could be tighten up and made a T intersection, with all-way stops. Based on the traffic study, 300 cars pass through the intersection, but the uncontrolled situation causes confusion for drivers. The T intersection would provide the most control. The parking areas are not fully defined. Grealy recommended parking for 252 church seats and looked at stacked parking for peak times. This would give us 86 spaces and that would meet the requirements, and parking monitors would remain. This would make it safer for all. Flynn questioned the all-way stop, and Grealy explained that this would include center line striping. This would change the dynamics of what is now a wide-open intersection. Kutter asked if the improvements were not installed, would Grealy end the all-way stop. Grealy stated you control the intersection geometrically, but you can control it operationally, as well. Flynn stated the prior plan stated stacking would give you 63 spaces. Capellini stated that count was without stacking. Kutter asked if the Town's traffic consultant had reviewed this. Tegeder stated that would be up to the Planning Board tonight. Flynn stated the Board would request that. Flynn stated the study will be needed before the public hearing. Capellini stated the applicant will pay the fee. Flynn felt the complexity of this area would require this. Flynn asked if the 344 seat maximum was for holidays. Pastor Zottoli stated there are certain times of the year, usually Easter Christmas, weddings, and funerals when attendance is high. The 344 is not the people in the seats, just the number of seats. People like a little seat between themselves and their neighbors.

Lake Osceola Realty Corp.

Discussion Site Plan

SBL: 17.05-1-11

Location: 505 East Main Street

Contact: Site Design Consultants

Description: Proposed 27,000 SF office building and associated parking. Demolition of existing residence. Capellini, project attorney, Joe Riina, project engineer, and Steve Marino, project environmental consultant were present. Tegeder explained that what ever plan the Planning Board deems relevant is the plan that will be sent to the NYS DEC. Marino stated the applicant has been in preliminary discussion with NYS DEC, and has modified the plan to accomate their recommendations. The dock has been removed but there is lake access. We will treat untreated water originating from Ceola manor, dedicating the lake frontage to the town, installing interpretive signage, restoring the open lawn, remove debris in the outlet, establishing shared parking, and use public utilities. Tegeder stated the Supervisor spoke about trpsiring catch basins at the adjacent condo site. Bruce Barber, Town Environmental Consultant, asked the applicant to conduct a functional analyst of the lake. Marino reminded the Board the applicant was offering a myriad of mitigation. Kutter asked if this would address the concerns of residential flooding around the lake. The Board felt flooding was a much more serious issue that needed to be addressed. Barber explained the functional analysis was a quantitative approach to mitigation. The Board will be able to discuss the functionality of this wetland, pre and post activity, and allows for a discussion on how to improve conditions. The study will focus on this site, although there maybe some offsite as well as on site mitigation. Kutter asked if this property was also in the flood zone and was told it was. Riina stated the applicant is over designing this to allow greater storage capacity. Francois asked if the project was trading one function for another. Barber stated wildlife is part of functionality. The Board requested the applicant return to the Sept 10 meeting or Sept 24 meeting, depending on the completeness of the functional analysis.

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Sanctuary Golf Course

Town Board Referral

SBL: 59.09-1-10

Location: Route 118

Contact: Evans Associates Environmental Consulting

Description: Proposed amendments to approved Golf Course site plan & special permit.

Present were Al Capellini, project attorney, and Alan Pilch, environmental scientist and engineer. Pilch stated one item the Planning Board requested, was a survey of the boulder wall. On the submitted survey the wall height is identified every 50 feet. The Board discussed the alternative access to the tennis court with gravel and crushed stone. The applicant also has very specific mitigation plans. The portion of Turkey Mountain that was taken will be restored. Evans and Associates stated there the plan will include decompaction of the access road across the southeast corner of the park. Plans were developed using the guidance of the NYS DEC. Additionally, 2"-2.5" caliper trees will be placed in the turkey mountain mitigation area once the soil is installed. Changes to the approved site plan include an additional paddle tennis court and an additional tennis court. The current plan allows storm water to have extra level of treatment. Flynn stated there seems to be additional parking that is not on the plan. Flynn stated the retaining walls would have to support the weight of the vehicles. Pilch stated the wall itself is like a bedrock structure, this has a very solid base as it was excavated. Pilch stated the upper tennis court (closest to Turkey Mountain) is not lit. Tegeder stated the lighting plan must be approved by the Planning Board. Pilch agreed to provide the lighting cuts. Capellini asked the Planning Board to submit a letter to the Town Board as they were now in favor of the amendments to the approved Golf Course site plan & special permit. John Schroeder, President of the Yorktown Land Trust, and neighbor, stated the Board asked for certification on the wall, and there were questions about the dam at Deer Lake. Would this have to be certified as well. Tegeder stated the Planning Dept. received a signed plan on the wall, however, due to the height of the wall it will require a building permit. Flynn stated there are references to the dam in 1998 and 1999. Schroeder asked about the compatibility of the planting plan to the nature preserve. Pilch stated the soils will come from either the stock piles, or it will be brought in. Flynn we do not know whose jurisdiction the dam falls under. Flynn requested the plans be submitted to the Conservation Board and the Tree Commission for review. The Planning Board will recommend to the Town Board that the project go forward.

Mohegan Lake Improvement District

Town Board Referral

Location: Mohegan Lake

Contact: Ken Belfer

Description: Request for a wetlands permit to allow for the continuation of their Lake Management Plan for 2012-2015.

The Board found no planning issues associated with this project.

Tonndorf Concession Trailer

Town Board Referral

Location: Route 6, Jefferson Valley

Contact: Victor Tonndorf

Description: Proposed operation of a concession trailer. August 13, 2012

Tegeder stated and the Board agreed that a temporary food building, or truck, was not an allowable use in the zone, any. This should be referred to the Building Inspector for his interpretation

Upon motion by Kutter, seconded by Savoca, and with all those present voting aye, the meeting was adjourned at 10:30pm.