

Planning Board Meeting September 10, 2012

A regular meeting of the Planning Board, Town of Yorktown, was held on September 10, 2012, at the Yorktown Community and Cultural Center (YCCC), 1974 Commerce Street, Rm 104, Yorktown Heights, NY 10598. The Chair, Rich Fon, opened the meeting at 7:30p.m. with the following members present:

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

Also present were: John Tegeder, director of Planning, Robyn Steinberg, Planner, Karen Wagner, attorney to the Planning Board, Kevin Ryan Planning Board attorney for the Costco project, and councilman Dave Paganelli, Town Board liaison to the Planning Board.

Discussion	Not at this time
Correspondence	Not at this time
Follow-up Correspondence	Not at this time
Liaison Reports	Not at this time
Courtesy of the Floor	No one came forward at this time

Meeting Minutes

Upon motion by Kutter, seconded by Rivera, and with all those present voting aye, except Fon and Savoca, who recused themselves, the Board approved the minutes of July 16, 2012 with the inclusion of Kutter recusing herself from the Costco project.

Upon motion by Kutter seconded by Rivera, and with all those present voting aye, except Fon and Kincart who recused themselves, the Board approved the minutes of August 13, 2012.

Regular Session

Hilltop Associates

SBL: 37.6-1-25

Location: Hilltop Road

Contact: Al Capellini

Description: A 3 lot subdivision approved by Planning Board Resolution 08-02 on January 14, 2008.

Al Capellini, project attorney, was present. Capellini stated the applicant is reviewing the plan. Changes have been made to reflect the NYC DEP requirements. These changes will be submitted to the Board.

Upon motion by Kincart, seconded by Savoca, and with all those present voting aye, the Board approved the 2nd 90-day Time Extension.

Request 2nd 90 Day Time Extension

Sierra Bella fka Samsel Minor Subdivision

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. Capellini stated the applicant has received approval from the Board of Health, but still has issues with the NYC DEP. The DEP legal department is reviewing its maintenance agreement for the private road. Fon stated MS4 Regulations have not changed in the past year. Paul Moskowitz did not want the Board to automatically reapprove this project due to questionable practices in the beginning of the process. Tegeder explained that ownership has changed since the events Moskowitz had referred to

Request for Reapproval

Planning Board Meeting September 10, 2012

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

Yorktown Auto Body

Request 1st One-Year Time Extension

SBL: 37.19-1-81

Location: 1798 Front Street

Contact: Al Capellini

Description: Approved addition of approximately 1,500 SF to the existing auto body repair shop.

Al Capellini, project attorney, was present. Capellini stated the Board of Health has approved the paint booth. The Building Department is ready to issue a building permit if the time extension is approved.

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

IBM Helipad

Decision Statement

SBL: 69.16-1-1

Location: 1101 Kitchawan Road

Contact: Nicolette Visalli

Description: Proposed helipad on grounds facing Route 134.

Present were Dan Chess, IBM engineer and Bob D'Angelis, IBM facilities manager. Kutter stated IBM has addressed the Board's concerns of the noise and the flight path. Kincart pointed out the resolution currently states IBM is only permitted 10 flights per year. D'Angelis requested 18 flights per year. The Board discussed the length of the permit and the number of flights. Fon stated this plan is consistent with the Westchester County 2025 plan. Additionally, there is no known impact to any County facility. Fon asked if the Board and the applicant agreed on 18 flights per year with a permit that would expire in 2 years. Fon opened the meeting to the public. No one from the public came forward. Fon asked if the walking path was ADA compliant. Chess stated the access road will be ADA compliant.

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

Upon motion by Rivera, seconded by Kincart, and with all those present voting aye, the Board declared this an unlisted action.

Upon motion by Kutter, seconded by Savoca, 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 a special use permit allowing a heliport at the IBM J. Watson campus for 18-flights a year for a two-year period.

Costco Wholesale

Discussion Completeness of DEIS

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.

Present were Al Capellini, project attorney, Nick Panayotou, project engineer, and Phil Greeley, traffic engineer. Kutter and Wagner recused themselves from this discussion. Kevin Ryan joined the discussion. Fon stated the Board has reviewed the DEIS. Fon explained that the letters received by the Board would be carried to the public hearing. The Board had no issues with the applicant incorporating any requirements into the report. Fon complimented the Town's professional staff for the time and effort put into this project. Fon explained that the Board would accept the DEIS as

Planning Board Meeting September 10, 2012

complete and explained the SEQRA process that would follow. Members of the public were concerned that there would not be enough time for them to review the 2,200 page document. Fon stated the Board was allowed to extend the time for public comment, and would if necessary.

Upon motion by Savoca, seconded by Rivera, and with all those present voting aye, the Board accepted the Costco DEIS as complete.

Capellini requested the Board set a date for the public hearing, and coordinate the site plan and DEIS review. Fon scheduled the public hearing for Oct. 15 2012. Fon state this is a substantial project and this is a large document. The Planning Board will take everyone's' comments into a consideration. This Board will not just be pushing this project through The audience asked why they were not given the preliminary draft EIS, although this had been a FOIL request. Ryan stated the final draft has change substantially from the preliminary draft. Kincart stated the review starts in 30 days and the Board will not close the hearings until everyone is heard.

Work Session

Lake Osceola Realty Corp.

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 with the applicants, were Al Capellini, project attorney, Joe Riina, project engineer, and Steve Marino, project wetland scientist. Fon asked where the applicant was with regard to the NYS DEC. Capellini stated the NYS DEC has come to terms with the applicant's plan, but would prefer to eliminate any more intrusion into the wetlands. The applicant must return to the NYS DEC with the final plan. Riina stated the applicant has abandoned the elevated dock, as this would have made contact with the water extremely difficult. The applicant is suggesting an alternate location that would allow access, and has less vegetation. The dock would be slightly cantilevered and provide easy access to the lake. In addition to this concept, the Supervisor has asked that the applicant investigate drainage at Lewis Ave in Jefferson Village. The problematic pond is in the same water shed allowing the applicant to offset development effects. The applicant seeks to mitigate environmental disturbance, off site, in lieu of the dock. Kincart felt the dock might become a nuisance to the town. Riina stated in any case, the applicant will deed the parcel with the access to the Town. Tegeder asked if the Jefferson Village Owners Corp was going to give land at the end of each road, and if so, will there be maintenance agreements. Riina stated it is still runoff from town roads that is causing the problem, Town discharge is the issue. Tegeder asked if this idea was accepted, would the money be put in escrow. If the project does not go forward, how we ensure proper drainage. Marino stated there are no direct impacts from our project that are being mitigated with the Jefferson Village pond proposal. The pond maintenance proposal does not address the functional wetland problems resulting from this proposal. Marino explained that public access to wetlands was part of the State Code; therefore, we have included the ability to access the wetland. Riina explained that at the end of Fairview and Lewis Avenues is where drainage picks up flow through the series of ponds in Jefferson Village. Riina stated the proposal is looking at a regional approach, while designing to protect against heavy erosion and flooding. Marino stated he went out by kayak and found the outlet that goes through the culverts under Route 6, and found no blockage. The lake is part of a large 200+ acre DEC-A4 wetland. We could not find the cause of the flooding. Fon stated his concerns with taking money for mitigation that does not affect the people around the lake. Riina stated in the last few years, everyone has experienced increased water elevations. Bruce Barber, Yorktown wetland consultant, stated post construction for this project indicates a reduction in runoff. Riina stated the applicant is providing 125% of flood

Discussion Site Plan

Planning Board Meeting September 10, 2012

storage capacity. The proposal also calls for the removal of the existing pump station, and treatment of untreated runoff at the Ceola Manor site. Additionally, the proposal allows consideration of post construction flood conditions of the buffer. A portion of the buffer is in the flood zone. Kutter asked if the standard we are measuring the mitigation by is substandard, especially if the 100 year storm occurs every few years. Barber stated the applicant is ameliorating the disturbance in the buffer by the use of engineering with underground storage. The dock was considered as a public benefit, but is not practical. The applicant, however, will still be donating the area to the Town allowing access to the lake. Tegeder the applicant needs to bring the menu of mitigation alternatives to the Board and create the mitigation plans. The Board can then circulate this plan to all interested agencies. Tegeder stated the point of the dock is public access to a natural resource. Barber discussed the applicant's wetland functional analysis. Marino stated the Board asked for a functional assessment and this was done using the Maggie Holland method. Marino submitted this to Barber, the Planning Board, and the Planning Dept. Marino discussed wetland functional benefits, high vs. low benefit. Marino explained flood and storm water discharge and recharge, stating this site was a recharge wetland not discharge. Lake Osceola Wetland is a moderate to high recharge wetland. Additionally, flood attenuation, plant and animal species, and size, location and types of coverage were studied. Marino stated the proposal includes flood storage, modification of wetland contributing to water quality (2 of 225 acres). Marino stated some of the native buffer will be undisturbed due to DEC regulations. Riina stated the proposal improves flood attenuation, water quality mitigation as different subsurface water systems will capture the water and store it underground. There is no collection or treatment now. The proposal calls for bio-retention for roof runoff and parking lot runoff. The applicant is providing porous pavement, treatment of one acre of Ceola Manor parking lot, and installation of a new pumps station. Former supervisor Susan Siegel stated people in Jefferson Village are very concerned about flooding, and informed the Board that the pond at Hill Blvd and Route 6, as with Lake Osceola, lacks ownership. No one will take responsibility of dredging and the problem is the cost. Kutter asked if mitigation is 125% will it be felt all around the lake. Riina stated attenuation is just for this site; however, there is a benefit to the lake, as we are decreasing the runoff to the lake. The size, 2 of 235 acres, is insignificant to the entirety of lake. Tegeder asked what the capacity was for the 500 year storm. Fon asked that the functional mitigation be referred to the Conservation Board. Capellini asked for a public hearing, and the Board requested the applicant return to the Sept. 24, 2012 meeting.

Autoparts International

SBL: 36.6-2-76

Location: 3333 Crompond Road (Staples Plaza)

Contact: UB Yorktown, LLC

Description: Request for a Special Permit pursuant to Section 300-75 for warehousing in the C-1 zone.

Tony Romano, project architect and John Priscilla, applicant representative, was present. Romano stated the request is for a special use permit in a C-1 zone, at the Staples Plaza. The applicant will be located in the lower level of the Staples Plaza, in 6000 sf. The applicant's business consists of taking phone and fax orders for small automobile parts, and delivering this to local servers within a 15 mile radius. The applicant is currently located on Front St. The applicant is served by one trailer, which remains in the lot for approximately 1-2 hours, twice a week. The business has a retail component with 3 people in the office. Romano stated the proposal would eliminate 8 parking spaces. Tegeder wanted the 8 spaces documented to ensure compliance with the approved plan. Romano stated the original plan had 9 additional spaces, therefore, removing 8 should not violate the approval. Kutter stated that assuming the landlord finds tenants for the remainder of the building, will these tenants have a loading dock and adequate parking. Wagner asked that the applicant document that this will not harm the safety of the other tenants. The Board asked how many trips per day were made. The Board will hold a public hearing for Oct. 15, 2012.

Discussion Special Permit

Planning Board Meeting September 10, 2012

IBM Fiberoptic Cable

Town Board Referral

SBL: 69.16-1-1

Location: Kitchawan Road

Contact: Nicolette Visalli

Description: Proposed installation of a new 4 inch PVC conduit for a telecommunication fiber of which 440 LF of conduit is proposed in the wetland buffer.

The Board had no planning issues.

Church of the Latter Day Saints

Town Board Referral

SBL: 70.9-1-34

Location: Kitchawan Road

Contact: Alex Pineda

Description: Proposed removal and replacement of 25,935 SF asphalt pavement. Parking lot is in need of repair. Present was David Richards, project architect. Richards stated the applicant is replacing only a portion of the parking lot, the remainder will be treated with a slurry stone. The proposal calls for replacing 1,300 CY of material with a geotextile fabric. In addition, 25-feet of concrete curbing will be repaired. As the brick under the grate has deteriorated it will be replaced. The proposal calls for a station for the trucks. The applicant seeks a memo in favor of this project from the Planning Board to the Town Board. Tegeder asked for the original site plan but the applicant did not have this. Tegeder asked if a lighting plan was available, it was not, however, lighting is not being changed. Richards stated native sand material was found under the parking lot, no *item- 4* was found. Kincart wanted to ensure the applicant was directing storm water to the proper drainage basin. Tegeder was concerned that the proposal complies with the approved site plan. If there is compliance, the Planning Board will send the requested memo to the Town Board, otherwise, the applicant should return to the Sept. 24, 2012 meeting.

Bostinto Property

Town Board Referral

SBL: 37.11-1-40

Location: 2315 Saw Mill River Road

Contact: Drew Bostinto

Description: Request for the Town to purchase property, which consists of approximately 1.84 acres in the R1-40 zone.

The Board had no planning issues.

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