

## Planning Board Meeting September 24, 2012

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A regular meeting of the Planning Board, Town of Yorktown, was held on September 24, 2012, at the Yorktown Community & Cultural Center, Town Hall, 1974 Commerce St. Yorktown Heights, NY 10598. The Chair, Rich Fon, opened the meeting at 7:35P.M. with the following members present:

John Flynn

John Savoca

Ann Kutter

Absent: Darlene Rivera & John Kincart

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

Discussion No discussion took place at this time.

Correspondence The Board reviewed correspondence including EcolScience letter to NYS DEC and Westchester County Health Department.

Liaison Reports Kutter reported on the Conservation Board meeting of September 19, 2012

### Minutes: September 10, 2012

**Upon motion by Kutter, seconded by Savoca, and with all those present voting aye, the Board approved the minutes of September 10, 2012.**

### WORK SESSION

#### **Biffer Alterations**

#### **Discussion**

#### **Existing Site Plan**

**SBL: 16.8-1-47**

**Location: 3631 Hill Boulevard**

**Contact: The Helmes Group, LLP**

Description: Proposed alterations to existing second floor office space.

Peter Helms, project architect, was present with the applicant. Helms explained that a change in the Town Code now required the applicant to submit a site lighting plan when there was a change of use. The applicant is changing the second floor from office use to a Yoga Studio. The existing parking lot is being upgraded; repaved, and replanted. One year ago 4 new lights were installed, but since that time these lights have been discontinued. The proposed lights are very similar. The applicant will change all but 5 of the existing older fixtures. These 5 fixtures will be replaced in the future.

**Upon motion by Savoca, seconded by Kutter, and with all those present voting aye, the Board went into special session.**

**Upon motion by Flynn, seconded by Kutter, and with all those present voting aye, the Board approved the special permit.**

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

Jonathan Nettlefield, representing Smart Growth, asked to read a letter regarding Costco. Nettlefield stated he missed the Courtesy of the Floor. Wagner & Kutter recused themselves. The letter requested a 90-day public comment period. This letter will be included in comments at the Oct. 15, 2012 public hearing.

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### **Autoparts International**

### **Discussion Special Use Permit**

**SBL: 36.6-2-76**

**Location: 3333 Crompond Road**

**Contact: Tony Romano**

Anthony Romano, project architect was present. Romano stated the requested revised narrative and the approved site plan had been submitted. The required parking was being adhered to as the approved site plan included 101 conservation spaces. Tegeder requested the future resolution contain wording that would require the applicant to install parking if it becomes necessary. Wagner felt the revised narrative did not present facts that proved the parking area safe for shopping center clients. Wagner stated the applicant concluded, without facts, that it was safe. Wagner stated the Board would require antecedent facts would allow the Board to conclude this is a safe area such as. These facts could include: trucks only drive along the outer walls, trucks only deliver one or two days a weeks, and the smaller, safer type of deliveries. Flynn felt the information submitted was adequate as it contained these facts. Wagner requested this information to allow the Board to ensure public safety as per Town Code.

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

### **Discussion Site Plan**

**SBL: 17.5-1-11**

**Location: 505 East Main Street**

**Contact: Site Design Consultants**

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

Al Capellini, project attorney, Joe Riina, project engineer, Steve Marino, project environmental scientist, and David Souers, project architect, were present with the applicants. Bruce Barber, Town Environmental Consultant was also present. Capellini stated the applicant has gone before the Conservation Board and their memo was submitted to the Planning Board. Marino stated the Conservation Board meeting leaving one area of disagreement regarding wildlife. Marino felt the lake fringe was where most of the wildlife exist, and this proposal does not affect that area. Marino again listed the areas of mitigation being offered by the applicant:

Approximately 1-acre at of untreated run off at Ceola Manor will be treated

Three parking spaces three being relocated away from the lake

Installation of pervious pavement

Improved hydrology to the wetland, with storm water management having an open bottom, allowing water to enter into the ground and recharging the wetland and using a sand filter.

Planting and restoration of the buffer (as per submitted planting plan).

Additionally, the applicant is in discussion regarding invasives along the northern section, seed mixture, and invasive removal procedure. Tegeder stated planting usually requires a 5-year bond. Riina stated whether a dock is installed or not, the applicant will donate a strip of land (as shown on the plan) along the lake for future use, either as an access easement or deeded to the Town. Fon asked which land transfer vehicle the Planning Department wanted. Tegeder felt the Town would benefit most with a deed requirement and the dock as a future improvement. Riina stated it is a 60-foot strip. Tegeder wanted the 30-foot easement to remain to allow access. In total, this would be shown as an offer of dedication and an easement through the applicant's driveway. Capellini and Barber discussed the 1-1 buffer replacement.

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Barber was concerned with wetland function more than a 1-1 replacement. Marino stated the applicant has reviewed functions and the proposed mitigation addresses the function; we have a 1-1 function replacement. Flynn asked about the removal of the dock. Tegeder stated it is believed to have the potential of being an attractive nuisance. Marino stated he had just received the Conservation Board memo and has not yet responded. The applicant has not addressed the Eastern portion of the lake, as this was not part of this project. Marino stated with the sand bottom stormwater management system and 125% of the storm management requirements the applicant is providing a benefit to the area. Tegeder asked about 125% being quantified and stated ABACA has concerns with the landscaping and architectural plans. The Board is requesting easement language modification of the strip of land, and proposed mitigation. Barber stated we have to review the functional value of the site and see if the mitigation matches the function. The applicant must identify the quantifiable aspects. Fon wanted all submittals to go through the Planning Department and have the Department initiate the referral. Souers presented the architectural drawings. Tegeder stated the plan calls for a mansard roof with a slight slope to allow for dormers. Kutter asked how far it was from the handicap spaces to the office building. Fon stated handicap elements must all be code compliant, and is governed by NY State. Tegeder wanted this referred to the Building Department for height. Capellini stated this has been done. Tegeder stated the Planning Department will refer this submittal to the Building Inspector and request comments. Planning will refer the architectural drawings to ABACA as well. Fon suggested Marino and Barber review the mitigation plan. Tegeder wants to discuss the access easement and deed of offering. Additionally, Tegeder requested the 125% be quantified. Fon stated all the above mentioned requirements must be submitted and referred by the Planning Department in order to schedule a public hearing for Oct 29, 2012.

**Upon motion by Kutter, seconded by Savoca, and with all those present voting aye, the meeting was adjourned at 8:45pm.**