

Planning Board Meeting April 08, 2013

A regular meeting of the Planning Board, Town of Yorktown, was held on April 08, 2013, at the Yorktown Town Hall, 363 Underhill Ave. Yorktown Heights, NY 10598. The Chair, Rich Fon, opened the meeting at 7:35P.M. with the following members present:

John Flynn, John Savoca Darlene Rivera John Kincart Ann Kutter

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

Discussion Fon stated Costco Town is not holding anything up. The applicant is completing the FEIS

.Correspondence The Board reviewed correspondence from the Conservation Board dated April 3, Alice Roker, the Planning Dept., to the Building Inspector. Trump Park Residences and Costco

Liaison Reports No reports were submitted at this time.

Minutes: March 11, 2013

Upon motion by Kincart, seconded by Savoca, and with all those present voting aye, the Board approved the minutes of March 11, 2013.

Regular Session

A&P Shrub Oak Permit

Request to Renew Special

SBL: 16.9-2-14

Location: 1335 East Main Street

Contact: Shrub Oak Partners, LLC

Description: This is a renewal for a Special Use Permit for outdoor sales in a commercial district. No one from the A&P was present. The original permit was issued in 9/2007. and included both the Yorktown Heights and Shrub oak A&P. The permit is now expired. This matter was tabled and the Board requested both locations be represented.

Aspen & Mill Street Subdivision Extension

Request for 1st 90 Day Time

SBL: 16.5-1-13lini

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. Our surveyor has submitted a survey which has been submitted to the Health Dept.

Upon motion by Flynn, seconded by Kincart, and with all those present voting aye, the Board approved the 1st 90-day Time Extension.

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Cserenyi

SBL: 27.19-1-26

Discussion Conservation Easement

Location: 175 Loder Road

Contact: Ciarcia Engineering, P.C.

Description: Proposed change to Conservation Easement location.

This item was moved to the work session.

Fieldhome Expansion

Request 1st One-Year Time Extension

SBL: 35.12-1-3

Location: 2300 Catherine Street

Contact: Site Design Consultants

Description: Approved continuum of care facility consisting of independent living units and skilled nursing home replacing existing home with a common facility supporting both communities.

Al Capellini, project attorney, was present. Capellini stated there was a regionalization of a storm water basin and the NYC DEP wants the applicant to install a new basin at a new location.

Upon motion by Kincart, seconded by Rivera, and with all those present voting aye, the Board approved the 1st one-year Time Extension

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

Work Session

Ann Kutter joined the Board at this time.

Fieldhome Expansion

Discussion Amendments to Approved Site Plan

SBL: 35.12-1-3

Location: 2300 Catherine Street

Contact: Site Design Consultants

Description: Proposed change to approved stormwater management plan.

Al Capellini, project attorney, was present with Joe Riina, project engineer. Capellini stated the change was presented at the last work session. Riina stated the plan is now approved, the storm water plan will use the existing basin that will be retrofitted. The DEP considers the original location a water course. Riina stressed that this is the only scheme acceptable to the DEP and this will reduce the wetland disturbance and buffer disturbance (to the north). Subsequent to our presentation we met with the DEC. This is an unlisted action with an uncoordinated review. Tegeder wanted to know why they did not share this with the town. Riina stated in the pre-application meeting the DEP gave no indication they would not accept the prior plan. Tegeder stated if the applicant does what this agency is requesting they should file for an amended site plan. The Town should be part of the discussion. Riina explained there are ground water seeps that create a water flow, even though it is a man-made course. FD Fracois stated the Conservation Board was in favor of the plan. The Planning Board was favorable if the applicant was Flynn wanted additional trees planted as so many trees were now being removed. Kincart felt this would cause disturbance of a wetland and wetland buffer. The grading of this basin is totally out of the buffer.

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Faith Bible Church

Discussion Site Plan & Special Permit

SBL: 15.16-2-9, 10, 50, 53, 54

Location: 3500 Mohegan Avenue

Contact: Site Design Consultants

Description: Proposed additions to existing church building and associated parking.

Al Capellini, project attorney, Larry DelFino, project architect, Phil Grealy, traffic engineer, and Joe Riina project engineer, were present. The Board referred to the letter from Evan Bray, Riina stated several changes were made to the plan including moving the sidewalks. The Parking area for the most part is the same. Capellini stated the approval of Temple Israel under the Interchange zone had similar parking considerations. This allowed for residential use, and residential use allows parking in the front yard. Tegeder felt the Building Inspector would need to interpret this. Capellini stated historically stacked parking is acceptable at Temple Israel, and the Hudson Islamic Center. Riina stated in addition to this the applicant has an agreement with the Leaning Tree. Leaning Tree is vacant on the weekends. Tegeder stated with those 25 spaces you would be compliant without the stacking. Capellini stated the church is not in violation of zoning. They have been there since 1994, and in 2005 the caretaker left and the space was used as office and classroom. These are normal church activities Grealy stated the applicant has responded to the Town Consultants comments. The trip generation the applicant based the study on was 344. At this church you really do not have that surging effect of everyone leaves right after the service. People leave gradually, not all at once. The Board set the public hearing for May 6, 2013. Fon stated there is a structure on the site.

Stony Street Subdivision

Pre-Preliminary Application

SBL: 16.17-2-77

Location: 3319 Stony Street

Contact: Ciarcia Engineering, P.C.

Description: Proposal for a 12 lot major subdivision on 8.05 acres in the R1-20 zone.

Dan Ciarcia, project engineer, was present with the applicant. Ciarcia stated this was a 12-lot major subdivision. Ciarcia stated the old barn and house was taken down. The proposed homes will come off Stony St, and some may have a common drive. Tegeder stated the applicant could do a public road and a cul-de-sac as Scofield Road remains unclaimed. It is very steep and may become a title quandary. Tegeder asked for alternative road plans. Tegeder felt this would be a site for a bike/ped path. Ciarcia stated an existing wetland could change that.

BJ's Wholesale Propane Facility Outdoor Service

Special Permit Application for

SBL: 36.6-2-75

Location: 3315 Crompond Road

Contact: BJ's Wholesale Club, Inc/John Meyer Consulting, PC

Description: Construction of an outdoor, above ground propane filling facility within the parking lot of the existing BJ's Warehouse property.

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Nelson Cabrella, site development for BJs, and Rob Aiello, project manager, were present. Cabrella stated this would be next to the tire center, and includes two 2000 gallon tank. The tire installers would be responsible for filling the gas tanks. There would be fencing and bollards around the facility. Flynn asked about fire suppression and was told none was being included as there would be nothing overheard. Tegeder asked for detail on the bollard, and the turning radius. Fon asked for concrete planters with the bollards. Fencing could be made more attractive. The Board asked about deliveries and was told 6 or 7 trucks during the week, 10 or 11 on the weekend. A neighbor stated deliveries happen throughout the night. Tegeder stated this must go the Building Inspector. Cabrella stated 12 parking spaces will be dedicated to this. Cabrella confirmed that deliveries were 24 hours a day. Tegeder asked for a log of deliveries. The Planning Board was requesting a memo from the Building Inspector, improved aesthetics with the fence and bollards, a truck log, and turning radius. Kincart wanted the applicant to look at the condition of the catch basins. This project will result in the loss of 12 parking spaces close to the building and this could be problematic. Fon asked how the interior lot lines (BJ/Stables) functioned and was told the lot line is not the town's but a fire code.

Planet Storage at Staples Plaza

Discussion Amended Site Plan & Special Permit

SBL: 36.6-2-76

ZBA Referrals for Sign Permit Applications

Location: 3333 Crompond Road

Contact: UB Yorktown, LLC/John Meyer Consulting, PC

Description: Request for a Special Use Permit for a self-storage facility in the lower level of the existing main building and related site work.

Rob Aiello, project engineer, and Tony Romano, project architect, were present. Tegeder wished to discuss the signage. This is a commercial complex and the Planning Board has authority. The Board should review this to see if this meets the Board's vision. Tegeder stated one sign is 5,000 sf and 14 foot high. Fon stated this is not appropriate, and it takes away from the neighbors. Fon stated the applicant has promised a significant buffer, for the neighbors and when it gets growing it will be inspected. The fence will be 6 feet high. Aiello stated NYS DOT is widening 202 and they have taken a portion of the property and we had to move the sign. Tegeder asked for landscaping. Fon asked if there was a third application in the wind, Aiello stated nothing formal. The Refuge and Recycle Department has a concern about leaf clean up and leaves may be blown out to the street. Romano stated we will need a valiance for the signs, and the applicant they are going to ABACA tomorrow. Tegeder asked why the signs could not be placed on the existing buildings. The Board scheduled a Public Hearing for May 6, 2013

Emerald Hills LLC

Discussion Major Subdivision

SBL: 69.19-1-3

Location: 1339 Kitchawan Road

Contact: Hudson Engineering & Consulting, P.C.

Description: Proposed 6 residential lots on 30.88 acres in a R1-80 zone with domestic wells and septic systems.

Michael Stein, project engineer, was present. Stein stated the applicant has going to the Conservation Board. Additionally, the applicant has submitted a recreation plan.

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Within this proposal, there is a preference for using a common drive for lot 5&6. (See fire dept memo) It appears the Recreation Commission prefers money in lieu of land. Tegeder explained that the Planning Board takes this recommendation into consideration and will place their decision in the approving resolution. Stein stated there are not a large number of large caliper trees on the site. Kincart asked if the current owner will keep the barn, and was told yes. The septic field for lot one is along McDonald Road, the pump line will be directly under the driveway and have a double lining. The house size will be approximately 3100-3300sf. There are wetlands that contain standing water throughout the year. Tegeder requested the applicant hire an environmental consultant. Stein stated the applicant met with the NYC DEP and they wanted us to create a storm water wetland.

Fieldstone Manor

Discussion Major Subdivision

SBL: 15.11-1-17

Location: Strawberry Road

Contact: Site Design Consultants/Micheal Piccirillo Architecture

Description: A proposed 16-lot cluster subdivision on 22.94 acres in the R1-20 zone.

Al Capellini, project attorney, and Joe Riina, project engineer, Mike Piccirillo, project architect, were present with applicant Bill Catucci. The plan includes some intrusion into the wetland and buffer, requiring a wetland variance. Capellini explained that the applicant had to return to the Town Board to approve a larger number of units, Twenty-one units would make the project viable. Piccirillo submitted 3 different schemes. 5/6/7 units trying to preserve the manor house. The common space and pool remain the same with each plan. Kutter asked what will happen to the tower. Riina felt the applicant would make it functional and then turn it over to the town. The Board agreed on the 7 units plan.

Dubovsky, Michael

Discussion Site Plan

SBL: 59.14-1-18

Location: 702 Saw Mill River Road

Contact: Site Design Consultants

Description: Application to construct a main building with 2 commercial spaces below with 2 residential apartments above. A secondary garage/barn structure in the rear of the property.

Al Capellini, project attorney, and Joe Riina, project engineer, were present with applicant Mike Dubovsky. The applicant submitted an formal application. EAF, and site plan. One change from the last meeting would be storage above the garage. Flynn asked about prior violations on this site. Tegeder stated there was fill being placed but no wetlands, as per Bruce Barber. There was an open trench, but no wetland soils. The limit of disturbance was being violated. Now the applicant wished to stabilize the site and go back to the original application. There is some siltation coming through the rubble wall. Tegeder asked that the applicant show drainage, Riina stated drainage is on the existing conditions plan as clay tile, but it was not functioning. The pipe was crushed in various places. House placement is constrained by well and septic placement. The Board scheduled a public informational hearing for May 6, 2013.

Creative Living Development

SBL: 6.14-1-2

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Location: Navajo Road

Contact: Site Design Consultants

Description: Proposed site plan for a private park on 49.8 acres. The proposed plan would require a change of zone request to the Commercial Recreation (CR) Zoning District.

Al Capellini, project attorney, and Joe Riina, project engineer, were present with applicant Charles Diven. Riina reported on the condition of the dugouts and the two greenhouse structures. Once we got past that, the Town Board requested a master plan for the site. This plan would include construction of domes on the north side, and in the future, a four-story building with underground parking and rooftop activities. The 4th phase would be replacing the barn. We have had to create a road network to satisfy the fire access equipment. This plan is based on a rezone of the property. Capellini stated the applicant does not have to have a rezone for the creation of the dome. Capellini stated this business is not a 501C3, but a 501 corporation. Paganelli stated the Town Board wanted a full plan not piece meal portions of the plan. Phase I time frame is November. Fon asked if the road network was adequate for the bigger plan. The Conservation Board was told problems would be corrected by June 1.

Czerini - Tegeder stated there are many interesting questions regarding this project. Wagner suggested this does not belong in front of the Planning Board. Wagner stated the easement was given to the Town. Additionally, the Town Attorney has weighed in and also believes it should be with the Town Board.

Tegeder most stated of the conservation districts exist on plats without any paper compliments. The Planning Board is the creator and the signatory of this particular instrument and then filed it as such. It does say the Planning Board can make the changes. As per Chapter 195 the Town Board has designated the Planning Board land use authority, but perhaps the Town Board has to go through the formality of the easement. Kincart was in agreement, this has no real public use, this is private property. Tegeder stated in the decade when this was created, the legal opinion then was that the Planning Board was allowed to do this. Tegeder stated do not modify the words but modify the lines of the easement. The map will be filed and accompanied by the meets and bounds.

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

Upon motion by Kincart, seconded by Savoca, and with all those present voting aye, the Board approved the change to the Czerini easement

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

Town Board Referral

Proposed Local Law to amend Chapter 15, entitled "Building Construction Administration" and Chapter 195, entitled "Land Development," to require electronic submission of documents required for building permit, subdivision and site plan/parking plan applications.

Town Board Referral requires electronic submission, but the planning department and the planning board need paper copies. The Town Board does not want this law to eliminate anyone from submitting an application

Upon motion by Rivera, seconded by Savoca, and with all those present voting aye, the meeting was adjourned at 11:15pm.