

PLANNING BOARD WORK SESSION APRIL 22, 2013

A work session meeting of the Planning Board, Town of Yorktown, was held on April 22, 2013, at the Yorktown Community & Cultural Center, 1974 Commerce Street, Room 104, Yorktown Heights, NY 10598. The Chair, Rich Fon, opened the meeting at 7:30 P.M. with the following members present:

John Flynn
John Savoca
Darlene Rivera
Ann Kutter

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 Letter from Greg Kravtsov requesting to be on the Planning Board agenda. John Tegeder refused and said he would give out his correspondence. Planning Board requested John Tegeder to respond to Kravtsov that he should come to a meeting when Costco is on the agenda.

Letter from Evan Bray – his letter was brought to the attention of the ZBA attorney.

Liaison Reports No reports at this time.

Courtesy of the Floor - **Fieldstone Manor**. Al Capellini and Joe Riina were present. Conservation Board and DEC had concerns about residence in the buffer area. Moved Lot 6 to move house out of buffer per DEC request. To do this one of the courtyards had to be removed. They are waiting for their client to decide whether to push for the extra courtyard. The new layout complies with the code. Planning Board will send letter to Town Board regarding more units in the mansion and therefore a new request for flexibility.

Minutes: April 8, 2013

Upon motion by Fon, seconded by Savoca, and with all those present voting aye the Board approved the minutes of April 8, 2013.

Work 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. Discussion amendments to subdivision pursuant to DEP review.

Discussion Subdivision

Al Capellini and Mike Blank present - Jack Goldstein could not be here. There are engineering issues left in the air. Revised subdivision plan for final approval brought to the Board. Larger lot was a building lot and became a non-building lot as a result of DEP stormwater review. Two lots that remain as building lots have not changed and the variances that were given are still in

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effect. The layout of the road is the same. Lines are crossing – storm water is crossing into Lot 25 – aluminum arch is encroaching. Applicant wants to keep Lot 3 in case sewers become available. Shouldn't encroachment be eliminated? Encroaching by 2-3 feet. John Tegeder asked if the lots can be improved a bit - may have to go to ZBA for a variance if they move the house. DEP has to approve storm water plan. Applicant is asking for amended approval from the Planning Board reflecting a three lot subdivision with one lot not a building lot. Applicant will try to tweak the 2 lots. They will submit an amended plat.

HUDSON VALLEY ISLAMIC COMMUNITY CENTER Discussion Site Plan **SBL: 15.11-1-17.1**

Location: 3680 Lexington Avenue

Contact: Site Design Consultants

Description: Amended site plan approved by Resolution 10-09 dated May 10, 2010. Discussion as-built and lighting plan.

Al Capellini, Joe Riina and Asad Bayunus, general counsel for the Islamic Center present. Site plan approved in 2011. The Center constructed improvements and made some modifications. They added a parking schedule and the curb lines are fairly close. Eleven parking spaces were lost. Parking spaces in basketball area are not striped. Overflow parking did not change. Light poles were installed over the playing field area that were not on previous plan and some lighting had been replaced. Light Plan based on the as built submitted – in area along Strawberry Road exceed what is required by code. The Planning Board received letter of concern by neighbor on Strawberry Road – their concerns were the use of the area and the impacts of the lighting. Complaint from neighbor – regarding noise – cannot play soccer past 10:45. The Center has a soccer league and the soccer league is on their way out of area by 11. Lighting is only used when field is in use. As to time and days of complaints – activities on field are limited to Friday nights – they have dinner and games. Field is not used other days. Lights are not being used unless for a function on Friday nights. Complaints to Yorktown Police Department – 7 complaints in 2011-2013 all but one report states condition was corrected. Games start 4:00 on Fridays. Heights on lighting either have to be adjusted or obtain a variance. Fon concern: electrical permits and inspections. Before talking about variances, need more detail on lights, are they in compliance with the code. No issue for the use – talk about the times of the use of the field. Can lights be put on a timer? Concern of soccer balls going out on street – install an evergreen buffer. Site visit will be conducted, but applicant to come back with additional information first.

CREATIVE LIVING DEVELOPMENT **SBL: 6.14-1-2**

Location: Navajo Road

Contact: Site Design Consultants

Description: Proposed site plan for approval of Phase I project to erect an air-supported dome over the southern baseball field and associated improvements.

Al Capellini and Joe Riina present. Meeting went into executive session at 8:35 p.m. Upon motion by Fon, seconded by Savoca, and with all those present voting aye, the Board went back to work session. Discussed site plan approval for dome. Separate site plan submitted for dome and shows 2 greenhouse structures. Applicant is asking assistance from the Planning Board to help go forward with ZBA for a height variance and determination if the use is allowed. Asking

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for height variance for structure 41 feet mean height of dome and 25 feet side yard where 30 feet is required. Use of the dome is from November to end of March. The shape of the dome has changed from the last plan. Toilets will continue to be an outdoor facility. Fon asked if this is compliant with the Building Code of the State of New York. Fon suggests to sit down with John Winter and ask for interpretation if use is allowed and get verification on the mean height. Deal with ADA and address issues and put on plan. The dome is an air supported structure. Refer to ZBA for height and clarity on use. Capellini put in application to ZBA for height of variance. DEC needs a decision from Planning Board first. Public Hearing set for May 20, 2013 – include notice and send plans to Carmel and Somers. The 2 greenhouses are shown on location where they received wetland approval from Town Board. Set up balloon site visit with the ZBA.

LAKE OSCEOLA REALTY CORP.

Approved Subdivision

SBL: 17.5-1-11

Location: 505 East Main Street

Contact: Site Design Consultants

Description: Approved 27,000 SF office building and associated parking.

Al Capellini and Joe Riina present. Public Access Easement Agreement submitted. John Tegeder wants to make changes to the Conservation Easement - page 8, no. 8 has to be accepted by the Town Board and signed by the Supervisor. Resolutions will be drafted for next meeting.

STAPLES PLAZA – SELF STORAGE

Discussion Special Permit & Amended Site Plan

SBL: 36.6-2-76

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.

Anthony Romano and Robert Aiello present. Change in tenancy and signage that applicant was proposing. New tenant is Extra Space Storage. First sign at entrance, second sign 10 feet above the ground, third sign in island that they are creating is 3.8 sq. feet which is under 4 which is under the town regulations. No variances needed for the directional signs. There will be a 4-way stop at the internal intersection. Landscaping of perennials and junipers will be put in the island. The existing island is to be widened to accommodate the new sign. There will not be an open area on 202 between the road and parking lot so no landscaping will be necessary. The onsite parking will not be for the storage of any vehicles – the Town Code does not allow any storage outside the building; there will be a 5-year plan on the landscaping maintenance – check each year. Applicant wants to add trash enclosures behind AC Moore. Residents who live behind shopping center were present. They complained that 11 at night to 7 in the morning garbage trucks come before 7:00 am. Street cleaner trucks come at 12:30 a.m. Owner of property must comply with noise ordinance – have the noise ordinance copied and pasted to site plan. Planning Board asked to set up maintenance plan for landscaping with yearly review of plantings. Site plans need to be adhered to. Needs ABACA approval. Public Hearing set for May 6, 2013.

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BJ's WHOLESALE PROPANE FACILITY SBL: 36.6-2-75

Special Permit Application for Outdoor Service

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.

Robert Aiello present. Submitted revised drawing regarding the aesthetics of facility. A fence around perimeter to be a green chain link fence around propane and added curb along parking area and will add 4' planting providing a screening of three sides of facility. Truck turning analysis and entry movement of trucks was submitted. Additional employee parking is being added (they will park along wall near Party City). Tanks are above ground. Opposition present and argued that he had to have his tanks underground in 1996. BJ's conducted code analysis and nothing said to put tanks underground. Fon concerned for safety regarding trucks turning in that area. BJ's said they will look into putting tanks underground. Fon indicated it would be worthwhile to look to put tanks underground. Planning Board wants to get an idea of what it would be to put underground. Next meeting Planning Board wants a comparison. A truck survey to be submitted at next meeting to determine deliveries. Application will be before the Fire Advisory Board this month. Next meeting for May 6, 2013 not a public hearing. Kutter asked for litter to be addressed.

YORKTOWN FARMS f/k/a SOMERS REALTY SBL: 17.6-2-32

Site Plan Review of Lots 10 & 18

Location: Route 6 & Town of Somers

Contact: Ciarcia Engineering, PC

Description: A 22 lot subdivision approved by Resolution 08-03 dated February 1, 2008.

Dan Ciarcia present. Brought lots up a bit - 10 foot differential between basement and first floor. Utility Easement between Lots 10 and 11 – this is reason for retaining wall. So far the model on Lot 21 and the home on Lot 9 are occupied. Lot 5 is built and will be closing on it soon. On Lot 18, can some trees be saved? Planning Department will go out and look at trees. Next meeting May 6, 2013.

TOWN BOARD REFERRAL: Old St. George's LLC aka the Winery at St. George

Approval to do what was approved by the Town Board in 2012. Local wetland permits were never granted for the Winery. Planning Board to write memo to the Town Board re: recommend approval of wetland permit and get site plan done.

Meeting ended at 10:30 p.m.