

Planning Board Meeting May 06, 2013

A regular meeting of the Planning Board, Town of Yorktown, was held on May 6, 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
John Kincart
Ann Kutter
Darlene Rivera-absent

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

Discussion

Correspondence Letter from the Town Board to the Planning Dept. regarding Fieldstone Manor, from ABACA regarding BJ's Propane Station. Navajo Fields, and St. George Winery.

Liaison Reports Kutter reported on Conservation Board memos to be circulated.

Minutes: April 22, 2013

Upon motion by Kutter, seconded by Savoca, and with all those present voting aye, the Board approved the minutes of April 22, 2013.

Regular Session

Gione Minor Subdivision

Request 2nd 90 Day Time Extension

SBL: 27.15-2-1

Location: 21 Loder Road

Contact: Site Design Consultants

Description: A 2 lot subdivision with an existing residence approved by Res #12-11 dated Aug 13, 2012. Al Capellini, project attorney, was present. Capellini stated the need for a time extension is due to the title search. As there are existing mortgages, the title search will ensure there are no liens against this property.

Upon motion by Kincart, seconded by, Savoca, and with all those present voting aye, the Board approved the 2nd90-day time extension.

Arrowhead Subdivision

Request for Reapproval & 1st 90 Day Time Extension

SBL: 48.13-1-6

Location: Underhill Avenue

Contact: Al Capellini

Description: A 5-lot subdivision considered under flexibility standards on 45 acres in the R1-200 zone, which was approved by Planning Board Res #07-23 dated October 15, 2007.

Al Capellini, project attorney was present. Capellini stated this project has had a long history. This Board required certain conveyances, and these documents have been submitted to the Town. As the Board is aware, the filing of the first section was to help the applicant finance the project. Capellini requested not just a 1st but a 2nd time extension.

Upon motion by Kincart, seconded by, Kutter, and with all those present voting aye, the Board reapproved the Arrowhead subdivision.

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Upon motion by Kincart, seconded by, Savoca, and with all those present voting aye, the Board approved the 1st 90-day time extension.

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

Sierra Bella fka Samsel Minor

Request for 2nd 90-Day Time Extension

SBL: 47.5-1-13

Location: 1860 Hunterbrook Road

Contact: Al Capellini

Description: A 2 lot subdivision approved by Res #09-24 on September 14, 2009

Al Capellini, project attorney, was present. Capellini stated he submitted a final approval from NYC DEP, and all requirements for the Department of Health. The applicant is awaiting Dept. Of Health approval.

Upon motion by Kincart, seconded by, Flynn, and with all those present voting aye, the Board approved the 2nd 90-day time extension.

Lake Osceola Realty Corp.

Amend Approving Resolution

SBL: 17.5-1-11

Location: Hill Boulevard

Contact: Site Design Consultants

Description: Approved 27,000 SF office building and associated parking by Res #13-02 dated February 25, 2013.

Present were Al Capellini, project attorney, and Joe Riina, project engineer. Capellini commented on the approving resolution. Riina noted the last revision day should be 3.29.13. Capellini wanted there to be consistency.

Upon motion by Flynn, seconded by Savoca, and with all those present voting aye, the Board adopted the amended resolution.

Dubovsky, Michael

Public Informational Hearing

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. Applicant is requesting site plan approval.

Al Capellini, project attorney, was present with the applicant. Capellini stated this is a public informational hearing, and has no jurisdiction quality, but to inform the public of the project. The site is on Saw Mill River Road and zoned Country Commercial. Country Commercial requires housing to be above the commercial uses. Riina stated the site is 8/10 of an acre located on the north side of Saw Mill River Road. Country Commercial zoning allows a mixed use. Currently, on an adjacent site, is a similar building. This commercial use will require 10 parking spaces, and an entrance off of Route 118. The site is served by

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private drilled well and individual septic system. Riina stated the applicant will address any Stormwater issues. Flynn asked if what is being proposed was allowing the proper distance required for the well and septic systems. Riina stated it was the required 100ft. Fon opened the meeting to the public.

Cheryl Gajowski 666 Saw Mill River Road. Gajowski felt the applicant should be in contact with the NYS DEP and Conservation Board due to the close proximity to the Croton Reservoir. As the applicant is the Town's Wetland Inspector, he cannot do his own wetland inspection. This is in an R1-80 zone, and the proposal is beyond the site capacity.

Flynn asked about the stream

Frances Saganore Somers Resident owns the adjacent property. The apartments were a lot of development. I am concerned with my well.

Upon motion by Kutter, seconded by Kincart, and with all those present voting aye, the Board closed the public informational hearing.

This is a busy road. To think you will add a commercial property is too much. Additionally, this is a huge wetland. Who will be reviewing the wetland.

Capellini stated the developer will take all questions into consideration.

Flynn asked if prior to this application, were the four building lots approved by the Town Board as it was a transition zone. At one time the applicant submitted a master plan for both properties. Flynn asked to see it and Riina agreed.

Upon motion by Kutter, seconded by Kincart, and with all those present voting aye, the Board closed the public informational hearing.

Staples Plaza-Self Storage SBL: 36.6-2-76

Public Hearing Amended Site Plan & Special Permit

Location: 3333 Crompond Road

Contact: UB Yorktown, LLC and John Meyer Consulting

Description: Proposed self-storage facility in the lower level of the existing main building and related site work. Applicant is requesting amended site plan and special permit approval.

Tony Romano, project architect, Bob Aiello, project engineer, and Barry Poskanzer, architect, were present. Poskanzer stated this is a 23-acre site. The warehouse use will be completely enclosed in the existing building. Access will be via the main entrance to the site, the south side of the building. We increased the a generous parking area with additional landscaping. We have installed a new canopy placing it over the storage facility and all businesses at this level. Fon referred to the ABACA memo. ABACA issues have been address by Rob Aiello. Aiello stated site improvements provide Self Service entry, 5 spaces for cars and 3 spaces for trucks. The applicant is also improving the southwest corner with the installation of landscape islands, a biofilter and a tree lined area to help navigate people to the rear of the building. Additionally there will be installation of a new sidewalk, improvements to the access road, widening of islands, a new pylon sign and additional evergreens. There will be a net decrease in impervious surface. We have submitted two lighting plan including perimeter lighting along the property line.

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These lights will have shields. We have a security lighting plan. After 11:00pm 1/3 of the lights will turn off. There is a new landscaping plan, including landscaping in the interior islands, and two biofilters proposed. John Griddle, UB representative, we have changed the maintenance and deliveries schedules. No deliveries at night in the back. The site has all cleaning done manually, and during the daytime. The applicant is working toward eliminating truck idling. Fon opened the meeting to the public.

Andrea O'Connell, 2522 Pine Grove Court. Ms. O'Connell stated trucks at BJs are very loud. And asked how bright the proposed lights will be .

Joe Adrian Mark Rd Mr Adrian stated he knew the value of the Staples this property as he appraised this property in 1986. The 93,000 sf in the basement must be used for storage to an existing tenant. Mr Adrian asked if this was rezoned or given a variance. Peoples home value will be diminished by this action. Tegeder stated the Town Board has, within the last year, has included this action within the C-1 zone. Mr. Adrian stated I think C-1 is the most restrictive zone. Fon stated Best Plumbing used this as storage, now with the zone change self storage is allowable. Fon stated the applicant met all the requirements of the zoning ordinance and the special permit provisions. Fon was pleased that Urstadt Biddle listen to and addressed some of the residents concerns. Romano stated I have reviewed the draft resolution, and asked that the special permit be included. The Board agreed. Flynn discussed traffic flow. Aiello stated there is a driveway from Rte 202 and then there are 3 direction signs. Customers in there cars will be able to pull up. They can pull out the way they came in or go around the building. Trucks will come in back up unload and exit going around the building. Trucks can not idle between 11pm to 7am. Tegeder asked Aiello to review the lighting levels of the nine 16ft tall lights along the sites western perimeter. Aiello stated the fixtures will be shielded and aimed toward the center, away from the adjacent residents. Neighbors were still concerned. Aiello stated lighting along the perimeter will move toward 0 candle light. Aiello was asked for a comparison of existing and proposed lighting, but stated he did not have those comparisons. Tegeder asked what is the average, as the light goes toward the building. Fon requested this be tabled for the next meeting. Tegeder asked for light readings and a landscape plan for review.

Andrea O'Connell, 2522 Pine Grove Court. Ms. O'Connell stated my property lays below these 9 lights which are being added. Aiello explained the lighting plan along the perimeter. Fon asked if it would help to meet with the Town Engineer. At time of planting the trees will be 8-10 feet tall.

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

Faith Bible Church

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

Location: Sagamore Avenue

Contact: Site Design Consultants

Description: Proposed additions to existing church building and associated parking. Applicant is requesting site plan, stormwater pollution prevention plan, wetland permit, and special permit approval. Present were Al Capellini, project attorney, Joe Riina, project engineer, Larry DelFino, project architect, Phil Grealy, traffic consultant, Steve Coleman, environmental scientist, and applicant Reverend Zottoli

Public Hearing

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Riina stated the project consists of the construction of a new church, by expanding the footprint of the existing church. The site is made up of several parcels culminating in 1.8 acre site. There is a DEC wetland on the site, the Mohegan Lake setback of 150ft, and a flood zone. The flood zone does not affect the building footprint. The existing conditions of the site existing include the buildings, three smaller residential type structures, an existing parking area and an existing gravel area on the other side of Sagamore St. The area of the gravel parking lot has decreased over the years. The current proposal is to build a new church and remove the three smaller buildings which contain 7800sf. The current site plan has 64 parking spaces, a combination of regular and handicap spaces, where 250/4 is required, the applicant has a parking plan with 84 parking spaces. Pastor Zottoli has made arrangements for overflow parking at the adjacent bank. Riina stated LED lighting on 12 ft polls meets town code for maximum foot candles. Lighting along the perimeter will be on a timer and will go off no later than 10pm only two nights a week. Improvements to the site include aesthetic, safety and environmental benefits. The gravel parking lot is currently uncontrolled, but the applicant will curb the area, including a new topping, and install a storm water basin for treating stormwater. The existing septic will be removed from the site, and a force main for the site's use, and for the Town's use if they want to service the community. The applicant will be providing storm water quality basin to pick up, reduce, and filter runoff that enters Mohegan Lake. There is an extensive landscape plan including, trees, shrubs and ornamental plants. Additionally, the applicant will be realigning the intersection resulting in a 30% reduction in pervious area with regard to the project, and installing 2 new fire hydrants. The Chair reminded both Church members and neighbors that this would be a civil discussion and there would be no disrespect aimed at either group.

Coleman state when assessing the impact of this project, I look at nutrient reduction. It is important to avoid overloading the stream, and to this end, installation of the sewers will greatly add the process. The current stormwater system is remarkably inefficient, with little in place to protect runoff into Lake Mohegan. The use of the raingarden s, as proposed, will reduce nutrient loading. In addition, the applicant will remove invasives along Mohegan to allow native vegetation to increase.

Grealy stated as part of the traffic study we looked at the existing conditions, following standard procedure. In terms of trip generation, we took a conservative high numbers. This facility has one service, therefore, traffic is spread out over some time. The Town's environmental consultant was addressed in Feb and March. For the intersection of Sagamore and Mohegan, we recommended a more defined intersection, including: stripping, new signage, and an all-way stop control. In terms of amount of traffic, it will be A/B/C. Fon asked for the current level of service..

DeFino stated the applicant is consolidating three church building into one church building. The new impact reduces coverage 33% to 19% of coverage. The proposal calls for the addition of a 2nd story, with the sanctuary on the 2nd floor. The classroom will be below the sanctuary. The building is well within the setback. Fon asked when the applicant was before the ZBA did he present a renovated building or a new building. DeFino stated a renovated building, but Capellini stated this was presented as a new building, and Wagner agreed that the ZBA reviewed a new building. Fon stated that amongst the existing structures, there

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was a two story single family house. Capellini replied these are old residential buildings. Capellini replied the applicant will submit all the information available. Pastor Zottoli stated an historical survey done. The house in question was found to have nothing of historical interest. Capellini stated the Building Inspector has sent a memo including the variances Sagamore and Mohegan ROW being less than 50. Capellini stated there is approximately 40 feet. The law states no front yard parking in zones other than residential. We believe this is a residential zone. There are some issues of interpretation that the applicant will be discussing with the Zoning Board. DeFino stated when you design a building you take into consideration the neighbors but you have to consider the site. Fon reiterated the need for civility, requesting to hear all those who came forward. Fon opened the meeting to the public.

Evan Bray, 3496 Mohegan Ave. Vice President Mohegan Highland. Bray read letter from a neighbor. Bray discussed the original approval for the Lakeland Jewish Center. This included the number of trips each year, and the number of cars that could be parked. Bray, who lives next door to the church, opposes the plan as too large and out of character with the neighborhood. Bray stated that the conversion of single family homes for church use was not legal. Bray stated if the first and second floor were used simultaneously attendance would exceed 700 attendees. Bray stated the beach communities had legal rights to use church parking land based on language in the deed when the was sold to the synagogue.

Allan Weger, 1415 Hiawatha St. Sole Beach Community. Weger stated residents are concerned about traffic, and the parking areas adjacent to the beach. Weger asked the Board to be mindful of the existing residents. The size of this expansion is much larger than the neighborhood. Sole Beach has rights and would like to be considered an interested party in this action, and wants to be informed. Weger stated, as Mr. Bray stated, the beach communities had legal rights to use church parking land based on language in the deed when the was sold to the synagogue.

Tom Smith 1556 Kimble Ave Mr. Smith felt 100% of the neighbors were against this expansion. Mr. Smith submitted a petition signed by neighbors.

Pastor Zittoli stated we do not have a congregation of 220 people. Approximately 50% of our congregation is from Mohegan Lake. The church operates Sunday School from 9-10am, for all ages and these are the children of the congregation. Approximately 5% of the congregation would be teens. These students come with their parents. Downstairs will be used by the children of the congregation. The collapsible walls are used for teen gatherings. We have allowed residents to use the parking lot throughout the year. Kincart asked if there ever was a resolution that restricted the use of the property. Flynn explained the Planning Board cannot simply take a vote of residents resident on the use of property. We cannot approve or disapprove on community sentiment.

There was a discussion on the site's history and the different interpretation of the zoning ordinance.

Issues involved: calculating front and rear yard setbacks, whether a house of worship was allowed, as of right, in a residential zone, and if so, what setback requirements were applicable. It appears that the building inspector and/or ZBA would have render an opinion.

Upon motion by Kincart, seconded by Savoca, and with all those present voting aye, the Board adjourned the public hearing.

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Yorktown Farms Subdivision

Site Plans Lots 10 & 18

SBL: 17.6-2-32

Location: Route 6 & Town of Somers

Contact: Ciarcia Engineering

Description: A 22 lot subdivision approved by Res #08-03 dated February 11, 2008.

Dan Ciarcia, project engineer, was present. The applicant is presenting lots# 10 and 18 to the Board for approval. We met with Planning staff on site and this resulted in modifications. Most of the trees on site were second growth.

Upon motion by Kutter, seconded by Savoca, and with all thoe present voting aye, the Board approved Lots# 10 and 18.

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

Work Session

Yorktown Farms Subdivision

Site Plans Lots 6, 12, 14, 19

SBL: 17.6-2-32

Location: Route 6 & Town of Somers

Contact: Ciarcia Engineering

Description: A 22 lot subdivision approved by Res #08-03 dated February 11, 2008.

Dan Ciarcia, project engineer, was present. After meeting with the Planning staff, the applicant thought it expeditious to show the Board groups of homes. At this time we will review Lots #6, #19, #12, and #14.

Lot # 6 has walkout basement. To avoid building retaining walls we will have grading.

Lot 19 will not require no grading, and a lawn will be established.

Kutter asked about avoiding a lawn in the wetland buffer. Tegeder suggested demarcating with a stone wall.

Ciarcia stated we will install monuments to demarcate the wetland buffer. Ciarcia explained that the customer would like this changed, therefore we will installed drains. Tegeder asked if the open ditches filter would

slow down the water. Ciarcia stated the water is going through a pipe system and then into a detention basin.

Tegeder stated there is stockpiling and I am concerned that a truck will have to be brought in to remove it.

Lot 14-The drainage system includes a curtain drain. There is no extensive draining, however, we have to avoid the NYS State wetland buffer.

Lot 12 This house has no walk out basement and has minimal excavation.

Adrian Auto Body

Request 2nd One Year

Time Extension

SBL: 26.18-1-24

Location: 3330 Old Crompond Road

Contact: Joseph Adrian

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Description: Approved single story and a partial two-story addition to the auto body shop and excavate a portion of the hillside to add additional queuing and parking areas to the site; Res #10-25 dated December 13, 2010.

Ralph Mastromonacco, project engineer, was present with the applicant's representative, Joe Adrian. Mastromonacco stated the applicant has 1200 yards to be removed. Tegeder tried to explain the most typical action by the Planning Board is to have the resolution approved and excavation work is a furtherance of the site plan. With this scenario, the applicant would not have to continue to get time extensions. Tegeder felt the applicant's approving resolution required three simple items.

Design plans for a new backflow device as required by the Water Dept.

Location and type of trees to be planted on the slope as wetland mitigation

Specifications of seed mix to be planted on the slope.

Mastromonacco stated the applicant must also receive approval from all outside agencies and the applicant simply cannot wait for DEP approval. Tegeder part of the problem is the resolution covers the entire site. Fon asked that the applicant meet with the Planning staff.

Upon motion by Kutter, seconded by Savoca, and with all thoe present voting aye, the meeting was adjourned at 12:00am.