

## Planning Board Meeting June 10, 2013

A regular meeting of the Planning Board, Town of Yorktown, was held on, June 10, 2013, at the Yorktown Town Hall, 363 Underhill Ave. Yorktown Heights, NY 10598. The Chair, Rich Fon, opened the meeting at 7:30P.M. with the following members present:

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

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

**Discussion** Fon asked Al Capellini to update the public on the status of Costco. Capellini stated Costco is near completion with the responses to the inquiries from the public and Town staff, with regard to the DEIS. The applicant has submitted partial responses in sections to the Planning Department. There is one more section the applicant will submit shortly.

**Correspondence** Memo from the Planning Board to the Zoning Board regarding the variances requested for Faith Bible Church including the number of parking spaces, and front and side yard variances.

**Liaison Reports-** Kutter reported the Conservation Board cancelled their meeting as there were no projects on the agenda.

Meeting Minutes – May 20, 2013

**Upon motion by Kutter, seconded by Savoca, and with all those present voting aye, except Kincart, who abstained due to absence, the Board approved the minutes of May 20, 2013.**

### Regular Session

#### **Adrian Auto Body**

**SBL: 26.18-1-24**

*Location:* 3330 Old Crompond Road

*Contact:* Joseph Adrian

**Request 2nd One Year Time Extension  
for Amended Site Plan Approval**

**Decision Statement Modification to Wetland  
Permit #WP-E-012-10**

*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.

Joe Adrian, applicant's representative was present. Tegeder stated all request to satisfy the approving resolution were made, and included on the site plan.

**Upon motion by Kincart, seconded by Savoca, and with all those present voting aye, the Board approved the 2<sup>nd</sup> one-year Time Extension.**

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Upon motion by Kutter, seconded by Savoca, and with all those present voting aye, the Board approved Wetland/Excavation Permit WP-E-012-10

### Yorktown Farms

**SBL: 17.6-2-32**

*Location:* Route 6

*Contact:* Ciarcia Engineering

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

Kincart requested himself from discussion of lot 6. Dan Ciarcia, project engineer, was present. Ciarcia stated the applicant has answered all questions posed by the Planning Board. Fon stated outstanding issues were addressed at the last meeting.

**Upon motion by Kutter, seconded by Savoca, and with all those present voting aye, except for Kincart, who abstained, the Board approved the site plan for Lot #6.**

**Upon motion by Kincart, seconded by Savoca, and with all those present voting aye, the Board approved the site plan for Lot #12.**

**Upon motion by Savoca, seconded by Kutter, and with all those present voting aye, the Board approved the site plan for Lot #14.**

**Upon motion by Savoca, seconded by Kutter, and with all those present voting aye, the Board approved the site plan for Lot #19.**

Fon asked for an update on sales. Ciarcia stated another lot had been sold. The applicant has begun to flag the lots, marking the limit of disturbance, and preserving trees where ever possible.

### Cserenyi

### Resolution Conservation Easement Agreement

**SBL: 27.19-1-26**

*Location:* 175 Loder Road

*Contact* : Ciarcia Engineering P.C.

*Description:* Modification to Conservation Easement on approved and filed subdivision plat.

Dan Ciarcia, project engineer, was present. Ciarcia stated this situation allowed the applicant to provide the Board with surveys, and this led to finding an encroachment in the conservation easement. The applicant now has an easement modification and an easement agreement that establishes the terms and conditions of the easement. The map and the agreement will be filed simultaneously with the County. Tegeder stated staff worked with Ciarcia to ensure the parameters of the modified easement are consistent with the original easement. Kincart asked if the Town had a copy of the new map. Ciarcia stated this was submitted to the Town last week.

**Upon motion by Kincart, seconded by Kutter, and with all those present voting aye, the Board approved the modified conservation easement.**

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**Kiederer**

**Request 2nd 90-Day Time Extension**

**SBL: 27.14-2-4**

*Location:* 362 Granite Springs Road

*Contact:* Ciarcia Engineering P.C.

*Description:* A 2 lot subdivision approved by Planning Board Resolution 05-21 dated Sept 12, 2005. Dan Ciarcia, project engineers, was present. Ciarcia stated, the applicant has met with the Dept. Of Health, and believes the issue of curtain drains has been addressed. Ciarcia stated this is probably the last request for a time extensions.

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

**Aspen & Mill Street Subdivision  
Extension**

**Request 2nd 90-Day Time**

**SBL: 16.5-1-13**

*Location:* 3810 Mill Street

*Contact:* Site Design Consultants

*Description:* Four lot subdivision approved by Resolution 10-23 dated October 18, 2010. Al Capellini, project attorney, was present. Capellini stated the Dept. of Public Works has issued a stream control permit, and now the applicant is waiting only for Board of Health approval. Kutter asked how many changes have occurred along the stream. Capellini stated the driveway is being moved closer to the stream. Kincart asked if the the driveway and sewer lines were installed. Capellini stated the applicant will submit an update if a reapproval becomes necessary.

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

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

### Work Session

**Yeshiva Kehilath Yakov**

**ZBA Referral ZBA #26/13**

**SBL: 69.7-1-8**

*Location:* 340 Illington Road

*Contact:* David A. Tetro Architect P.C.

*Description:* Proposal to construct a new two-story single family dwelling to replace existing damaged due to fire. New dwelling to be relocated on site. Proposal to install a 378KW ground-mount solar array field.

David Tetro, project architect, was present, with the applicant's representative. Tetro explained the applicant was currently before the Zoning Board for a special use permit. The applicant has

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combined applications, one portion for a 378KW solar array field, and the other portion for a residence in a school zone. The parcel YKY parcel is 105 acres, and contains Dream Lake. The prior residence was destroyed by fire. The new residence will have a change in location and 30% to 40% bigger, but, the number of bedrooms will remain the same. The new residence will be 4,300sf. There is a manhole on site with 8,000 gallons daily allowance. The site has private wells. Kutter asked how many trees are being taken down. Tetro stated only one tree in the area of the new residence will have to be removed. In the area of the solar array, however, trees have to be removed for installation, although the area will not be leveled. Tegeder asked about the view from the Taconic. Tetro stated when the trees are leafed you cannot see anything from the Taconic, when the trees are bare, you can only see the rooftops. The area under the panels will be pervious, however, there is uncertainty about the how much grading will be required. The Board asked Tetro what the purpose of the solar array, and if the electricity collected will be on or off the grid. The array will make the site about 80% self-sufficient. The only issue with the septic is installing trenching. Kincart asked for more detail on how the array works, the actual requirements, and the extent of the grading required. Kincart stated that although he believed solar power was a good idea, further operational details were needed. Fon stated as there is more than an acre of disturbance, his project, will require MS4. The Board would like to see a tree survey, and more grading detail. Tetro explained for this NY State grant, the project must be completed by Oct. 2013. Kincart stated your solar panel provider should provide construction details, and grading. The Board wanted details on grading, tree removal, view from the Taconic, and the impact of installation on Dream Lake. Kincart suggested the two applications, the solar panels and the residence might work faster if they were separate. There are no planning issues with the residence. The Planning Board can ask the ZBA to bifurcate their approval if it helps to speed things up.

### Sanctuary Golf Course

### Town Board Referral

**SBL: 59.9-1-10**

*Location:* Route 118

*Contact:* Evans Associates

*Description:* Proposed amendments to approved site plan.

Present were Al Capellini, project attorney, and Allan Pilch, project engineer, and environmental consultant. Pilch stated several months ago the applicant's professional team met with staff and corrected many of the outstanding issues. The applicant submitted Wetland, Stormwater and Tree permits, an EAF and documentation of the changes from the initial plan to the current plan. A revised stormwater plan still needs to be completed.

The Comparison of the Original Approved Plan and the Present Plan includes:

Original	Present
Four tennis courts	Five tennis courts

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2 paddle tennis courts	3 paddle tennis courts
142 parking spaces (99 in lower and 43 in upper)	137 parking spaces (94 in lower and 37 in upper)
Retaining Wall 384 linear feet on east side of tennis court area	827 linear feet on east and south side of tennis court area
Access Driveway (pro shop) Asphalt paved walkway/ golf care access only	18 -foot wide driveway along the tennis court construction access route
Sand Filter to treat stormwater runoff from parking area and tennis courts	4 bioretention areas for treatment of 1-year storm. Stormwater management basin to provide biological treatment of the runoff
Maintenance Building/Machinery Storage 4284sf - 133ft north of employee residence	Maintenance Building/Machinery Storage 4284sf - 40 feet north of employee residence
Stormwater Treatment -Storm pipes convey runoff to sand filter then to pond, created wetland, Deer Pond.	Stormwater Treatment -Storm pipes convey runoff to bioretention area, to stormwater basin then to pond, created wetland, Deer Pond.
Wetland Impacts 0.80 acres	No additional impacts
Wetland Buffer Impacts 6.60 acres	Wetland Buffer Impacts 2294sf (.053 acres) Replanted with wetland vegetation
Clearing/Grading disturbance 2.145 acres	Clearing/Grading disturbance 2.445 acres

Pilch stated the stonewall on hole two is now serving as a retaining wall. Hole six had further clearing than what was approved, and an unapproved pond was installed. Stormwater management was redesigned to meet the 2010 regulations. Pilch stated the applicant will restore the area where there was encroachment. Pilch stated the applicant has submitted a new DEP permit. Fon asked for the As-built survey. Pilch stated Donnaley had already submitted the As-built survey. Tegeder stated the Building Inspector is not ready to accept the wall as complete. He wants to see what is behind the wall not just the face of the wall. The Building Inspector wants to know how the wall constructed. The Board reviewed the effect to changes to the approved plan had on the neighbors. One set of neighbors, who were present, complained about the applicant burying one portion of their wall and destructing another portion. The Board told the applicant to fix the neighbor's walls. Fon stated the Planning Board's Aug 28, 2012 memo still had outstanding issues: submission of a lighting plan, and a landscape plan. Tegeder stated although the lighting plan was submitted, the Planning Department had not yet reviewed this.. John Schroeder, neighbor, President of the Yorktown Land Trust stated the applicant was asked to have a summary narrative to update the most recent EAF. Schroeder stated the condition of the

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dam, including certification were requested by this Board in 1999, but has not been responded to. Schroed asked that the landscape plan be reviewed by the Town's naturalists to ensure consistency with Turkey Mountain nature preserve. The Board stated the landscape plan will also be referred to the Tree Preservation Advisory Commission.

Executive Session

**Upon motion by Kincart, seconded by Saoca, and with all those present voting aye, the Board opened an executive session for the sole purpose of discussing Creative Living Development aka Navajo Fields.**

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

**Creative Living Development aka Navajo Fields  
SBL: 6.14-1-2**

**Discussion Amended Site Plan**

*Location:* Navajo Road

*Contact:* Al Capellin

*Description:* Construction of athletic fields, wood chip pedestrian trails, drainage conveyance system and stormwater management basins, and associated regrading activities. Reconstruction of two existing wood foot bridges.

Al Capellini, project attorney, was present with Joe Riina, project engineer, Steve Marino, environmental scientist, and applicant CJ Diven. Capellini stated the applicant went to the ZBA where the meeting was adjourned to allow the Planning Board to determine SEQRA status. The ZBA is meeting on June 27 and they could at that time, grant the 2 variances the applicant requested. The applicant is operating with a difficult time table to allow the dome to be installed and operational by November. Fon stated we have dealt with many of the same issues for a while, one SEQRA issue is segmentation. Because the applicant has presented the proposed 6-story building, it must be addressed under SEQRA. Capellini stated part III of the EAF deals with the 6-story building. Tegeder requested an analysis of the effects of installing a 6-story building. Capellini stated the Town Board asked for this, but it is a wish list, not a concrete plan. Capellini stated for this building to be installed would require the Town Board to create a new zone. The commercial recreational zone that currently exists cannot handle this project. Fon stated the Board requires a more formal statement from the Building Inspector regarding the appropriateness of the use than the email submitted. Riina stated the applicant will shortly submit a mitigation plan. Tegeder felt mitigation should begin now, before the summer use of the field. Fon stated his concerns for safety with regard to the foot bridge. There are no railings and yet children could easily try and cross. Diven stated the railings had been installed, but was told that they had to be removed. Tegeder asked if the requirements of the approved wetland permit would be completed by the end of June 2013. Diven stated only the west side of the north wall requires work. Diven reported the Town's Environment Consultant had requested NYS

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DEC inspect the site. Diven stated an issue arose to the wood chips being violation. Diven stated NYS DEC determined there was no violation. Tegeder stated the wetland permit has a host of things to be done, this Board needs to know, from an inspector, that the work was complete. Tegeder asked Diven if the NYS DEC determination that there was no violation was submitted in writing.

### Lake Osceola Square

### Pre-Preliminary

#### Application

**SBL: 6.17-1-43**

*Location:* 393 East Main Street

*Contact:* Site Design Consultants

*Description:* Proposed Country Commercial development for a multi-use facility including parking, building, landscaping, and necessary infrastructure.

Present were, Al Capellini, project attorney, Joe Riina and Justin Brown, project engineers, and Michael Piccarillo, project architect. Riina stated this is the site of the former Osceola Beach Club. There are two existing buildings on the site, one will remain, and one will be demolished. Additionally, a drainage channel runs through the site. The property is zoned Country Commercial. Brown presented two preliminary schemes.

Scheme #1 includes two 3-story buildings with a court yard. (The height of the buildings is under 35feet), and 124 parking spaces. Riina stated part of the plan is to allow public access to the beach by giving the town access or providing an easement. This would require the town to maintain the beach area. This plan is not the developers preferred plan.

Scheme #2 calls for a three-story wing-shaped building. The first floor would house a restaurant and retail shops, the second floor offices and the third floor 8 residential units. The proposal includes 119 parking spaces where 108 is required. Parking is provided along both wings of the building. There is a terrace area in the rear which will house a raised patio. The plan calls for the elevated patio in the rear due to the existing flood plan. When asked about sewers Riina stated the proposal calls for installation of a pump and force main to Hill Blvd. Currently, there is no storm water system in place. The site has Town water. Piccarillo, stated this multi use will have a good relationship to the beach and the lake. Piccarillo submitted preliminary perspectives. Kutter asked about the maintenance of the beach area. Capellini wanted the Planning Board to suggest a plan for maintenance and liability. Brown stated in an effort to increase parking, the proposal includes pushing the parking into the front yard setback to gain 30 extra spaces. Fon wanted the applicant to address sight line issues. Piccarillo stated the building has 8000 sf per floor. The 8 residential units will include 4 units with 1150 sf and 4 units with 800sf. The rear of the building will feature a terrace and patio that will overlook and step down to the beach. The Board indicated its support for a pre-preliminary conceptual plan. The project's goal is to make this a destination location.

### Yorktown Auto Body- Withdrawn at the Applicant's Request

**SBL: 37.19-1-81**

**Discussion Amended Site Plan**

*Location:* 1798 Front Street

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*Contact:* Site Design Consultants

*Description:* Proposal to expand parking lot with 13 additional parking spaces.

**East of Hudson Watershed Corp.**

**Town Board Referral**

**SBL: 37.09-1-3**

*Location:* 2281 Crompond Road

*Contact:* Rahul Verma, PE LEED AP

*Description:* Construction of a stormwater micropool extended detention basin to remove contaminants, specifically phosphorus, from the NYC watershed.

Tegeder explained this is a stormwater retrofit project at the police station site. This will capture run off and treat it in a forebay stormwater management system that will reduce phosphorus.

Tegeder asked the Board, who is the lead agency, the Town Board or the Planning Board.

Tegeder stated although storm water basins are not mentioned in the town code, this should be reviewed as an amended site plan, with the Planning Board as Lead Agency. There is a 1971 police station site plan available. The Planning Board will request lead agency status from the Town Board.

**Upon motion by Kincart, seconded by Kutter, and with all those present voting aye, the meeting was adjourned at 10:00pm.**