

Planning Board Meeting July 15, 2013

A regular meeting of the Planning Board, Town of Yorktown, was held on July 15, 2013, at the Yorktown Town Hall, 363 Underhill Ave. Yorktown Heights, NY 10598. The Vice Chair, John Flynn, opened the meeting at 7:30 pm with the following members present:

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 No discussion took place at this time.
Correspondence NYS Environmental Department regarding the Fieldhome. Residents can view at the Planning Department.
Liaison Reports Kutter presented information from the Conservation Board meeting.

Minutes: June 24, 2013

Upon motion by Flynn, seconded by Savoca, and with all those present voting aye, the Board approved the minutes of June 24, 2013.

Regular Session

Gione Minor Subdivision

SBL: 27.15-2-1

Location: 21 Loder Road

Contact: Al Capellini

Description: An approved 2 lot subdivision with an existing residence.

Request for Reapproval

Capellini present. Giving town a widening strip. Have to get it released from the mortgage company. Lenders also have to approve the conservation easement. Applicant has done everything. Resolution reapproving reapproved for 90 day

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

Creative Living Development

SBL: 6.14-1-2

Location: Navajo Road

Contact: Site Design Consultants

Description: Request for site plan approval to construct an air-supported dome over the existing southern field at a private park located in the R1-80 zone.

Public Hearing

Al Capellini, project attorney, Joe Riina, project engineer, and Steve Marino, project wetland specialist, were present. Capellini explained the proposal was for site plan approval and a wetlands permit for a dome to encompass one of the two fields already built. The Town Board granted wetlands and excavation permit for the private park and now involved in the dome over the south field. Received variance from ZBA for the height of the dome. The mean height – 41 feet where 35 is required. The height of the dome at its peak will be 82 feet. Representatives from Arizon, the manufacturer and installer of the proposed

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dome, were also present. This is a 50 acre site and has frontage on two public roads - Navajo and Mahopac Street. Riina – presented the overview of the site – Mahopac St. to the west and access point to Navajo Street. Proposal is for an air supported dome structure that is 70,000 square feet. Location of dugouts previously approved by Town Board under the wetland permit. Construction of the dome will require that grass turf be removed and artificial turf be installed. The dome structure will be temporary; up in the late fall and come down in the spring. The southern field will remain as an outdoor sports facility the remainder of the year. Proper access – fire code says to construct road all around the dome structure. Will need to construct a stable road along the north and east – must be a 20 foot road consisting of material that can sustain the fire trucks. Bathroom facilities will be put outside the dome. Trailer type structure will be brought in the dome for heat in the winter months.

A second air supported dome which is more a reality than the third possibility which is a four story building with underneath parking on the east side of the property. On the roof they would be proposing sports fields having restaurants, etc. The facility was once a horseriding facility. Another use would be to install a barn, re-establish a fence area where the were horse paddocks were and crate a trail throughout the site for horseback riding. Site views were done from adjoining properties. Steve Marino presented a slide presentation – visual study – visual impacts – did balloon test to evaluate visual impacts from areas around property. Carey Street, Navajo, 6N looking into the site. First photo is Route 6 and Navajo intersection facing north. Balloon test set at 78 and 58 feet. Will see some of the dome as you drive on Route 6 going east to west. No balloons seen on Route 6 near Navajo facing north. Photo 3 is 6n looking into site, site access that enters the site, some balloons visible traveling south to north. Photo 4 – west side of 6n facing east. Photo 5 - Windsor Farms up and down Brianna Lane – 500-600 feet away from site – berm in rear yard. Photo 6 – east from Brianna Lane. Photo 7 – private property looking into site from Willow Lane facing south – seeing northern field, stream corridor, then dome is hidden behind tree line. Photo 8 near Willow Lane hidden beneath tree line. Photo 9 – towards southeast from Carey street – no balloons seen. Photo 10 – field not visible behind trees on Carey Street. Photos 10 and 11 – Trout Place eastern ridge on horizon – no balloons seen. Photo 12 – further north on Trout Place – eastern side 3-4 feet elevation. Construction of southern dome – main instant application – 90% of activity will take place on existing field. Stormwater is a concern – drainage will be put underneath the field. Traffic issues – no traffic impact associated with dome construction, activities on fields and in dome are the same as what is being seen. Some seasonal activity with the two greenhouse structures. In the future there may be an increase in traffic when the specifics of the buildings are hashed out. North field dome - additional parking will be proposed in the future. The building itself could have significant traffic increases. The manufacturer of the dome, Arizon Companies, was present. The dome is a PVC vinyl material. It has several layers for energy and does absorb echos. All fabric will meet zoning requirements. It is a translucent material. It is 90% opaque and does not give off any light. There are emergency exit doors as per code. Main entrances are revolving doors – air locks – series of two doors with a vestibule. Lighting system is suspended off of the dome. Foundation is an earth anchor system – they are drilled into ground. Mechanical system – primary fan balanced for calculated air loss around doors. Secondary system is electric fans set up if primary malfunctions. Third backup is in event of power outage – automatic back up generator. Self contained generators will be conformed to the noise ordinance. The layout of the generators are not yet decided. Noise level will be conducted once the generators are layed out. Members of the public spoke.

Linda Calimeri of 100 Carey Street spoke. The dome is 1500 feet from her house. She has no problem with cheering and hearing fans but stated that there will be an abundance of noise when the leaves come down. If she can see lights from the mall in the winter, then she can see domes and lighting in winter.

Michael Zilempe of Pine Tree Lane also spoke. His property is located on the north side of baseball field. He stated that he can see lights from domes now. He stated that on one particular night, the lights were on all night. Lights shine in his house all the time. People always coming up to his yard and he has to hold

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his dogs on a leash. Applicant was to put a line of trees for privacy but never done. Applicant just put dirt on his property. Zilempe brought pictures. Bulldozer out at 6:30 am on a Sunday morning. Kids are constantly on his property. Planning Board wants applicant to provide residents with phone number to call when lights are on and noise is too early. Diven present – agreed to create a berm. They are currently building a wall along western side of field. Had to construct the wall first before he can create berm. Trees are sitting on right hand side. That issue would be addressed. There was also discussion of putting up netting to prevent children from going on his property. Applicant will provide residents with phone number.

Linda Calimeri back to podium – she wants a guarantee that there is no noise and is also concerned about restaurant in the larger building.

Susan Siegel of 419 Granite Springs Road spoke. She supports general concept of the fields. Her issues are about process and zoning issues – 1) has the applicant fulfilled all requirements of last site plan; 2) segmentation issue – in a June 30, 2010 letter applicant addresses segmentation issue and two temporary structures; 3) does proposed dome use permit as of right integrity of town zoning ordinance. Whether Navajo Fields is a private facility or commercial facility being run by not for profit. She asks the Planning Board to go back and look at prior memos from boards and minutes criticizing the process not the dome. Asking to look at website as there is no mention of not for profit and no mention of fundraising talks about future process.

Nicholas Merriam of 3833 Mahopac Street also spoke. He stated that the wetlands are on the extreme west end of property – there is a gravel road through the wetlands and goes on 6N and is concerned about traffic on 6N. On the website, there is a proposal for 600 parking spaces outdoors and indoors and 48 parking spaces along 6N. He is concerned about his quality of life as balloons were taken in May and when the dome is up during winter when leaves are not on the trees, the domes could be quite visible.

Flynn – questions from Planning Board – memo from Bruce Barber – Kutter – there are DEC concerns about segmentation. Al Capellini stated that the Town Board determined that this is a not for profit organization. Kutter also asks about Bruce Barber's July 13, 2013 memo and asks Al for response – he will address comments from Planning Board and Bruce Barber. Flynn asked if anything has been complied - applicant must catch up before a decision is made. Planning Department memo and Bruce Barber memo – what part of dome is on the wetland and in wetland buffer? Corner of dome in buffer – road goes onto the wetland. Subsurface structures are vague and have not worked out design. Riina can give a scenario on what will be used. Site plan – what about neighbors on northern boundary? Mr. Zilempe is more than tolerant on what happened to his backyard. Is there a plan to rectify this? Applicant should maintain good relations with neighbors. Kutter asked about the wall. Diven said the wall is being constructed now. Wall and planting will be complete in 2-3 weeks. Kutter – amended mitigation plan was to be submitted. Access road around the dome goes through this area so it cannot be done. Mitigation needs to be addressed. Bruce Barber at podium – area adjacent to proposed dome had been encroached upon by applicant. Requirement is to restore area back to original. Proposed fire access road now goes through wetland buffer area which now concludes the restoration. Mitigation should be changed. Bruce talked about his memo and will work with applicant to address issues. Nicholas Merriam back at podium – concerned about noise pollution – will there be speaker systems? Town's noise ordinance will preclude the sound system. Summary from Al – the Planning Board decision regarding SEQRA will open door to DEC to move along. Close hearing but will take written testimony for two weeks. Susan Siegel – is there a memo from building inspector about compliance with zoning ordinance. Inspector can weigh in outside of public hearing process.

Upon motion by Kincart to close the public hearing, seconded by Savoca, and with all those present

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voting aye, the public hearing was closed.

Work Session

Triangle Shopping Center

Discussion Existing Site Plan

SBL: 48.18-1-3

Location: Saw Mill River Road

Contact: Romano Architects

Description: Request approval for removal of a landscaped island to be replaced with pavers and four new trees to be planted in the existing parking lot.

Anthony Romano was present. The revised plans show all trees on the site in the area of the work. There are 4 new trees proposed in the parking rows adjacent to the landscaped island that was removed. Romano stated the trees planted will prosper and are good parking lot trees. Kincart – big improvement. Met with ABACA – wants a sample of paver. Put trees in end of September beginning of October. At the next meeting a resolution regarding the pavers and trees will be considered.

Hilltop Associates

Discussion Subdivision & Tree Removal Permit

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.

Al Capellini present. Comments from Bruce Barber – removal and trees – way to do this without damaging wetlands said at last meeting. There will no machines in the wetland or wetland buffer. There is a road to get to property. Bruce is concerned with what will happen in buffer area. Following guidelines in putting in water bars and seeding. The Board considered what would be worse, trees falling in wetlands or leaving stumps of trees that applicant cuts down? Trying to avoid trees falling. Concerned with wetland issue. Bruce – high erosion because of steep slopes. Suggests to Board that the trees should be tagged so no confusion, and evaluate larger trees on site that may be problematic. Jamie wants to cut trees in buffer higher to control erosion and allow habitat creation. Kutter – when areas are cut, should we be concerned about invasives? Bruce - getting trees out how will they be taken off site – a truck a day or every other day to get logs off site. Flynn – the top part of the trees will be slashed down 3-4 feet off site. Bruce – application open and under review – how would the Board like to handle logging piece? John Tegeder - tree permit must be issued for lots. In amending the resolution authorize a tree permit for logging operation and reserve permit until subdivision is final. Need map and location and number of trees and some info on how you get the stuff out – number of trucks. Kutter – can work done first be qualified as mitigation? John Tegeder leaves it to Bruce if this is accurate. Bruce and Jamie will put a new map and info together for the August 12th meeting. The Board agreed to consider the wetland permit for tree thinning to be approved ahead of the subdivision approval and any clearing required for the subdivision.

Dubovsky, Michael

Discussion Site Plan

SBL: 59.14-1-18

Location: 702 Saw Mill River Road

Contact: Site Design Consultants

Description: Request for site plan approval to construct a main building with 2 commercial spaces on the 1st floor and 2 residential apartments above and an accessory garage/barn in the rear of the property.

Joe Riina Al Capellini and Mike Dubovsky present. Elevations prepared of the main building and of the

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garage structure in the back. Planning Board asked if there was a master plan for both sites? Riina did not bring it. Master plan was to show potential development on where main building was. It was a higher impact of what applicant is showing now. Applicant installed a curtain drain to get approvals from Health Department. The Applicant stated the NYC DEP has no jurisdiction on approval of the stormwater plan. Will downsize if have to. Will address Bruce's memo at next meeting – Bruce - has basic questions about drainage, etc. Drainage from site above connect in system that goes through neighboring property. Is there a drainage easement? Will connect to existing catch basin. Objective was not to overburden existing catch basin. The Board will hold a Public Hearing at its August 12th meeting. Any approval of the site plan would be conditioned on approval by the Board of Health.

Yorktown Auto Body

Discussion Amended Site Plan

SBL: 37.19-1-81

Location: 1798 Front Street

Contact: Site Design Consultants

Description: Proposed 1,450 SF addition to the existing auto body repair shop and 18 additional parking spaces.

Al Capellini and Joe Rinna present. Building Department memo and ABACA memo. Expanding on amended site plan approval from 2011. In March – applicant obtained property from Hebrew Center to expand building and add more parking. Spray booths are currently under construction. The building addition would allow for cars to be moved from the spray booth for drying inside the building. The Applicant submitted site line profile from Front Street towards the two proposed retaining walls. From the sidewalk on Front Street there is an existing fence and hedge row that would block view of the retaining walls. Driving south on Front Street you would get a view of the walls through the site entrance. Gates will be put up – may be able to see over the gate. Not as high as the hedges. Submitted floor plan – adding more space to interior space. Overall view of body shop. Cars may move in and out of the spray booths from the interior of the shop as well as from the front of the building. Extension of side elevation shown. The memo from the Building Inspector stated he had no objection to the proposal because it would provide more on site parking. An approval from the ZBA is required for the retaining walls for height. The Board scheduled a Public Hearing for August 12, 2013.

Emerald Hills LLC

Discussion Subdivision

SBL: 69.19-1-3

Location: 1339 Kitchawan Road

Contact: Hudson Engineering

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

Neil Alexander, project attorney, and William Lachenauer, project engineer from Hudson Engineering were present. Conservation Board – concerned about the driveway on Lot 1 going through the wetland. Applicant wants to get further along with DEP. Culvert will have to be replaced. Wants their construction people to look at it and give the Planning Board a report. They want to build small retaining walls on the access walls coming in and it will not infringe on wetland. Memo from Fire Department – need for cul de sac and will work with fire for a turn around. Al Capellini was present representing the property owners, James & Rosemary Meyers. The owners of the property are in contract with Emerald Hills. They are in favor of the 6 lot subdivision. In the end Emerald Hills will own the three lots off McDonald Road and the Meyers will own the remaining three lots, which includes their existing home on Lot 4. They are present

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to express their objection to the detention basins proposed; one that bisects Lot 5 and the other too close to their house. Mr. Meyers wants to farm the land and the locations of the basins are a concern. Lachenauer explained the Applicant must meet with the NYC DEP to see whether they will determine if there is a water course along Old Kitchawan Road. If so, all development must stay 100 feet from the water course which pushed the basin on Lot 4 so close to the Meyers' existing home. If there is no water course, the plan can accommodate moving the basin on Lot 4 further away from the home and the basin on Lot 5 may be smaller. John Tegeder - can basin move towards new road and bring septic around? Once they meet with DEP they will see what they can do. Applicant to come to August 12th work session. Then a Public Hearing may be scheduled for September 9th. The Planning Board scheduled a site visit for Saturday, August 3rd at 9:30 a.m.

Savannah's Restaurant

Discussion Site Plan

SBL: 25.20-1-3

Location: 3901 Crompond Road

Contact: David A. Tetro

Description: Request for site plan approval for a restaurant including front porch and rear walk-in cooler additions and to provide 58 parking spaces where 61 are required.

David Tetro, project architect, and restaurant owners Paul & Gina DiPaterio were present. The Board received a memo from the ABACA dated July 11, 2013 which approved the proposed building and lighting and they will comment on the landscape plan at their next meeting. Tetro explained the site was once a pizzeria before it was the I Luv My Kids store. There is existing paving around building and a gravel area in back that was used for parking for the pizzeria. The Applicant wants to redesignate the parking area in the rear of the site – not paving just clean out overgrowth and put in lighting. They are shy four spaces but have 4 conservation spaces in back. The Applicant would like to keep those spaces as conservation spaces because they are beyond the existing gravel area. Applicant wants to add a covered porch for additional seating they also want to add a small structure off the back for walk-in cooler boxes. Will match the building. As proposed the impervious area is increasing by 20 sf. The Planning Board suggested revising the plan to show no increase in impervious area so a review by the NYC DEP would not be involved. The front walk could be pervious pavers or remove extra paving in rear of parking lot. Tetro will look into it. Planning Board wants to see the I Luv My Kids approved site plan because future shared access to the adjacent site to the east had been required on that site plan. Tetro stated nothing proposed on the amended site plan would hinder the future shared access and the Applicant had no objection. The Applicant does not have to go before the ZBA for a parking variance. The Planning Board will send a memo to ZBA stating the Planning Board will accept the conservation spaces as part of the amended site plan approval. The Board scheduled a Public Information Hearing for its August 12th meeting.

Yeshiva Kehilath Yakov

Town Board & ZBA Referrals

SBL: 69.7-1-8

Location: 340 Illington Road

Contact: David A. Tetro

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, and Dan Ciarcia, project engineer, were present. Property is in an R1-200 zone. Applicant is also before ZBA for a special use permit. Met all requirements for house on property and stormwater and tree permit required for solar arrays. The Town Board referred to Conservation Board. Still waiting to see the tree survey. The Conservation Board raised questions about trees, visibility from

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boundaries and noise and lighting. Bringing in fill – has not done fill computation yet. John Tegeder - what about access road - temporary access shown on plan. Kutter – is there enough sunlight to generate the power? Yes. Meeting with Bruce to look for wetlands. Will have run off reduction because of gravel layer. Needs to be on flat plain – balance fill and limit imported fill. House will be connected to an on site treatment facility. John Tegeder to write memo to Town Board and ZBA.

Yorktown Farms Lots 4 & 7

Discussion Individual Lot Site Plans

SBL: 17.6-2-32

Location: Gay Ridge Road

Contact: Ciarcia Engineering

Description: Request for site plan approval for individual lots within a 22 lot subdivision approved by Res #08-03 dated February 11, 2008.

Dan Ciarcia, project engineer, was present. On Lot 4 there is no limit of disturbance on the approved grading plan because this lot has the sewer easement running through the rear of the lot and this lot was originally one of the lots that was to be used for stockpiling of materials. Lot 7 has a sewer easement on one side and a drainage easement on the other side. There is a change in the finish floor elevation of 5 ft from the approved subdivision grading plan. Ciarcia explained that the developer was trying to bring the homes up a little to provide walk-out basements at the rear of the home. The Planning Department will make a site visit to review both lots for any trees that can be saved. The Planning Board will consider resolutions for both lots at the August 12th meeting.

Dog Park at Sylvan Glen Park

Town Board Referral

Location: Grant Avenue, Sylvan Glen Park

Description: Wetland Permit to install fencing for proposed Dog Park in Sylvan Glen Park.

Kutter reported on the concerns of the Conservation Board from attending their meeting and emails of a draft memo. They are concerned about moving the outdoor classroom – if there is no interest in using the classroom, maybe it should be abandoned. Also concerned about fence that protects the wetland buffer – maybe it should be raised at bottom or all the way down the bottom for the turtle habitat. Looking at map of trails of preserves, trail goes through classroom? Are they moving the trail so no one has to walk through the dog park? Comments: Will they close the dog park for a year to seed? Do they want wood chips or not on the surface of dog park instead of planting. Conservation Board – issue of whether having a dog park will prompt the dogs off their leash. The proximity of the turtles and the turtle pond. A proper drawing showing development, any tree removals, wetland and buffer lines, and development notes should have been provided – this is a draft memo that Kutter is reading from. Parks Commission in favor. Parking lot and increased traffic is an interest. Cap in number of dogs in park at a time? A Public Hearing is scheduled to open at the August 6th Town Board meeting. John Schroder, representing the Yorktown Land Trust, stated they will prepare a memo for Town Board meeting. The Land Trust also said no to dog park at Sylvan Glen Park in 2008. Yorktown Land Trust does not agree with Conservation Board to abandon classroom. Concern about historical component of property. Why wasn't a long form EAF prepared? The Planning Board concluded they did not feel Sylvan Glen was an appropriate place for a dog park and that the referred plan was hard to read and more information was needed. The Board directed the Planning Department to write a memo to the Town Board.

Upon motion by Flynn, seconded by Kincart, and with all those present voting aye, the meeting was adjourned at 11:30 pm.