

Planning Board Meeting August 12, 2013

A regular meeting of the Planning Board, Town of Yorktown, was held on August 12, 2013, at the Yorktown Town Hall, 363 Underhill Ave., Yorktown Heights, NY 10598. The Secretary, John Savoca, opened the meeting at 7:30P.M. with the following members present:

Darlene Rivera
Ann Kutter, alternate
John Kincart
John Flynn, absent
Rich Fon, absent

Also, present were: John Tegeder, Director of Planning, Robyn Steinberg, Planner, Dave Paganelli, Town Board liaison to the Planning Board, Bruce Barber, environmental consultant, and Karen Wagner, attorney to the Planning Board.

Discussion No discussion took place at this time.
Correspondence No comments on correspondence at this time.
Liaison Reports No reports were given at this time.

Savoca opened the meeting to the public calling for Courtesy of the Floor. No one from the public came forward.

Minutes: July 15, 2013

Upon motion by Kincart, seconded by Rivera, and with all those present voting aye, the Board approved the minutes of July 15, 2013.

Regular Session

Hilltop Associates

Request for Reapproval

SBL: 37.6-1-25

Location: Hilltop Road, Yorktown Heights
Contact: Al Capellini & Jack Goldstein, PE

Description: A 3 lot subdivision approved by Planning Board Resolution #08-02 on January 14, 2008. Al Capellini, project attorney, and Jack Goldstein, project engineer, were present. Wagner stated her concern that the length of the review might have negated the SEQRA findings. This project has been a work in progress since 2008. The Board requested a follow-up letter. Goldstein stated there have been no changes on the site Tree removal has not occurred. The Board felt the backyard for lot-1 was too small and was changed from 27 feet to 55 feet. Stormwater management is being shown in dry swales.

Upon motion by Kincart, seconded by Kutter, and with all those present voting aye, the Board granted a reapproval and a 90-day time extension.

Upon motion by Kincart, seconded by Rivera, and with all those present voting aye, the Board approved the wetland permit.

Sierra Bella fka Samsel Minor

Request for Reapproval

SBL: 47.5-1-13

Location: 1860 Hunterbrook Road, Hunterbrook
Contact: Al Capellini

Description: A 2 lot subdivision approved by Resolution #09-24 on September 14, 2009. Al Capellini, project attorney, was present. Capellini stated at the prior board meeting, the applicant had received NYS DEC approval, and now has Dept. of Health approval. Because there are conditions that

have to be met, the applicant does not want to run out of time, and is therefore asking for a reapproval. **Upon motion by Kincart, seconded by Rivera, and with all those present voting aye, the Board granted a reapproval of this minor subdivision.**

Kitchawan Fire & Rescue Station
SBL: 70.5-1-13

Request for 2nd One Year Time Extension

Location: Kitchawan Road, Kitchawan

Contact: Al Capellini

Description: A 3,100 SF Fire Rescue Station approved by Resolution #11-22 on September 12, 2011. Al Capellini, project attorney, was present. Capellini explained the applicant is working on changing the internal elements in order to reduce the bid. There are no changes to the site plan.

Upon motion by Rivera, seconded by Kutter, and with all those present voting aye, the Board granted the second 1-year time extension.

Dubovsky, Michael
SBL: 59.14-1-18

Public Hearing

Location: 702 Saw Mill River Road, Croton Heights

Contact: Site Design Consultants

Description: Application to construct a main building with two commercial spaces below with two 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. Savoca opened the public hearing. Capellini stated all notices required to open this public hearing have been submitted. Capellini stated the site is located along Saw Mill River Road, and zoned Country Commercial. Riina stated the site is over 0.8-acres and is bifurcated by the trailway. The adjacent property has a four-apartment unit. The current proposal is for 6,000sf within two buildings. The project will have a main building with two commercial spaces on the first floor and two-residential apartments on the second floor, and a garage/barn structure in the rear of the property. The nonresidential space will be commercial or retail, but not a restaurant. Riina stated the applicant must comply with NYS DEC requirements, as well as obtaining Board of Health approval. Riina stated the southerly border will be vegetated, while the northern border already has an evergreen buffer. The main building will have a sloped concrete handicap ramp and a wooden porch that will compliment the building to the north. Stormwater will be a subsurface system below the parking lot. There will be no increase in run-off to affect the neighbors. Savoca opened the meeting to the public. No one from the public came forward

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

Al Capellini, project attorney, reported all required submissions for the **Costco** project have been submitted to the Planning Board for review.

Yorktown Auto Body
SBL: 37.19-1-81

Public Informational Hearing

Location: 1798 Front Street, Yorktown Heights

Contact: Site Design Consultants

Description: A proposed addition of approximately 1,450 SF to the existing auto body repair shop and construction of additional parking

Savoca opened the public informational hearing. Capellini stated the applicant is before the Board for a 1400sf addition. The building, approved last year, is under construction with a state-of-the art spray booth. Capellini explained this is a public informational hearing, for the purpose of informing the public and is non-jurisdictional. Riina stated this site was recently approved for a 1500sf addition, after which, the

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owner was able to acquire the adjacent parcel. This site was parking challenged and when asking for an easement the adjacent property owner offered to sell the parcel. Pushing back the retaining walls will result in increase parking and squaring off the building. This allows car coming out of the spray booth to drive inside, and has increased parking by 9-spaces. Riina stated additional stormwater is being proposed as well as pervious ground cover. A sight line profile was submitted, as requested by the Board. The floor plan is a basic wide-open floor plan. All the colors are consistent as a continuation of the approved building. The parking area will remain as it was approved. The rear parking is for car repair, not customer parking, and there will be stacking as this is the nature of the business. The proposed change will increase the efficiency of the business. Kincart asked if the trailers will be eliminated, and was told yes. Kutter asked if this changes the ventilation requirements, and was told no, as ventilation is through the roof. Savoca opened the meeting to te public.

Marilyn 150 Overlook Ave. Peekskill NY Marilyn stated her property was adjacent to the site and wanted to know if there would be any effect to her property. Riina explained the retaining wall will go to the property line. The wall will be 9feet and the applicant will replant the area. The applicant will do anything necessary to keep this from affecting the neighbors. A variance for the side-yard will be required.

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

Savannah's Restaurant

Public Informational Hearing

SBL: 25.20-1-3

Location: 3901 Crompond Road, Crompond

Contact: David Tetro

Description: Change of use from retail to restaurant and reestablishment of rear parking area. Front porch addition and rear walk-in cooler addition.

David Tetro, project architect, was present. Savoca opened the public informational hearing. Tetro stated formerly, the site was a restaurant Sunshine Pizza, then became retail, I Luv My Kids, and now is going back to a restaurant. The building will now have a porch installed and the rear will be used for parking. The existing walkways in the front area will be incorporated into the new plan. No fill will be deposited or removed. Although the proposal is shy 4 parking spaces, there are conservation spaces that could be installed. Savoca stated the approval for the prior establishment, I Luv My Kids, included a reciprocal access easement with the adjacent property. The applicant is looking into this. Tegeder wanted the Board to carry the idea of the easement forward. Savoca opened the meeting to the public. No one from the public came forward.

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

Triangle Shopping Center

Decision Statement

SBL: 48.18-1-3

Location: Saw Mill River Road, Yorktown Heights

Contact: Romano Architects

Description: Proposed pavers and tree installation plan in existing parking lot.

Tony Romano, project architect, was present. Romano stated this was an application to replace the existing landscape space as it is difficult to maintain, and dangerous for pedestrians. All the trees will remain, additional trees planted, and pavers installed. Romano reported ABACA has reviewed the application.

Upon motion by Kincart, seconded by Kutter, and with all those present voting aye, the Board approved the tree and paver installation plan.

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Yorktown Farms Lots 4 & 7

Decision Statements

SBL: 17.6-2-32

Location: Route 6, Jefferson Valley

Contact: Ciarcia Engineering

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

Dan Ciarcia, project engineer, was present. Ciarcia stated these are two lots the Planning Board chose to review prior to construction.

Ciarcia stated lot 4 shows a stone wall, and a shift in the house placement. We are meeting with staff to try and keep separation between lots

Lot 7 is impacted by utility easements and remains unchanged since our original submission.

Ciarcia explained the applicant is trying to keep 1st-floor elevations constant with the homes along the east side of Gay Ridge Road.

Upon motion by Kincart, seconded by Kutter, and with all those present voting aye, the Board approved Yorktown Farms Lot 4.

Upon motion by Kutter, seconded by Kincart, and with all those present voting aye, the Board approved Yorktown Farms Lot 7.

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

Work Session

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.

Present were Diana Quast, Chair of the Recreation Commission, Pat Caporale, and Joe Falcon, Recreation Commission members, Dave Rocco, and Jonathan Nettlefield, members of the Dog Park Committee, Dan Ciarcia, project engineer, and John Schroeder, member of the Open Space Committee.

Quast explained the large map was being submitted to help better understand the project, The Rec Commission has obtained a DEC wetland permit. Savoca stated although this is a referral, however, the Planning Board is going to weigh in. In order to do this properly, we need to have a site visit. Quast stated the Rec Commission was agreeable to meet at any time. Quast explained this was to be a wooded dog park, a unique concept for dog parks. This type of dog park will provide trees, shade, and be handicap accessible. Another valuable feature is that parking is in place. There are two entrances and the area ties in with Granite Knolls via trails. The Sylvan Glen Park is approximately 500 acres and the dog park is one acre. Kutter felt a site visit was essential. Barber stated there have been questions of wetland delineation. DEC has granted an Article 24 wetland permit. Quast stated the Rec Commission has reviewed 33 parcels and exhausted all of these. With regard to noise the Rec Commission has spoken to a number of neighbors, all of whom were in favor of the dog park at Sylvan Glen. Schroder stated the Open Space Commission felt there was an inadequate environmental review. There are more then wetland mitigation, and flagging issues. Schroder stated the Open Space Committee has determined other parcels are suitable for a dog park. Paganelli asked that the Committee forward this information as soon as possible. Kutter asked if the ground cover, leaf litter, will remain, and was told it would, Quast stated the fence will be 25 feet from the wetland. We can use the leaf liter, raking leaves back and forth for ground cover. Paganelli stated I have walked there dozens of times, and people have their dogs off-leash. Time is of the essence to get this completed. Quast stated 3 out of 4 of the neighbors were in favor of the park. Nettlefield stated we have done an incredible amount of due diligence. Rocco stated this is a great location for handicap access, and parking with no cost to the

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taxpayers. Quast stated the Rec Commission is working on a plan for Granite Knoll. The Board scheduled a site visit for Saturday Aug 24 at 10am. Additionally, they will also visit Emerald Hills.

Creative Living Development Statement

Discussion Site Plan & Decision

SBL: 6.14-1-2

Location: Navajo Road, Jefferson Valley

Contact: Site Design Consultants

Description: Proposed air-supported dome over the existing southern field and associated improvements including an access road.

Present were Al Capellini, project attorney, Joe Riina, project engineer, Steve Marino, project environmental scientist, and applicant CJ Divens. Savoca stated Barber, Tegeder, and Steinberg conducted a site visit today to see what progress had been made under the last wetland permit. Tegeder had submitted a letter with the following comments:

1. The temporary access area adjacent to the existing stormwater basin on the town owned parcel is not removed as called for in the amended wetland permit. Further recently placed stockpiles of wood chips have been deposited upon same.
2. Drainage and proposed drainage outlet in the above referenced area needs to be addressed.
3. Chain link fence atop access road retaining wall is not yet installed.
4. Clearing limit at western boundary between fields and existing paddocks has been exceeded and encroached into wetlands. Heavy equipment and construction equipment is stored in the area. It appears that the paddock area is being used in connection with the recreation use in contradiction to the original wetland permit.
5. Two comfort stations are located at the south end of pocket pond 2a where none are shown in this location on the approved wetland permit. Three sets of two comfort stations are shown on the approved wetland permit; none of these exist. One station was observed inside one of the moveable greenhouse type structures.
6. A wood chip trail or drive has been constructed completely around the first or southern field which connects the two pedestrian bridges. Also, the wood chip cover exceeds the width, location and extent anticipated by the approved wetland permit.
7. Pocket pond 1a is incomplete as is the retaining structure along the western boundary of the northern field. This should be completed as soon as possible, as the drainage from the constructed field is not being treated in the manner anticipated by the approved wetland permit. Also, debris or fill was observed in the drainageway just south of this pond.
8. The northeastern area of the northern field has large stockpiles of wood chips that appear to be placed outside of the limits of disturbance. Chips have been placed as mulch or stabilization outside of the limits of disturbance. No demarcation of those limits were observed.
9. At the southeastern corner of the field a broad area of wood chips have been placed where the approved wetland permit allows a 6-8' path. This exceeds the limits of disturbance and may encroach into the adjacent wetlands. The propane tanks etc. should be shown the instant application's supporting documents.
10. The layout of the parking lot should be shown accurately. Refuse enclosure is not yet constructed as required by the approved wetland permit.
11. A mitigation plan was required to be submitted, which, to our knowledge has not.
12. Wetland boundaries and clearing limits are required to be marked in the field, most of which are not.

At the public hearing the neighbors requested plantings in their backyard. Divens stated this had been done and had pictures of the neighbor's backyard. Tegeder stated the elements on the ground do not match the submitted site plan. Divens stated if we need to meet your site plan approval we cannot get a building permit. Kincart felt at this point in our review we need to be precise and concise. Kutter stated her concern with the completion of the required work because it has not been done. Savoca asked the Board members if they wanted to have a resolution with multiple conditions. Barber stated when the wetland mitigation was approved by the Town Board there were conditions and a time frame. The applicant's mitigation is planted out but we do not know if this is correct. Barber felt there was a disconnect between what Divens stated and what the Town Board required. Savoca asked if the Board wanted to move forward on the dome and what work should have been submitted in June. Divens stated this is a site plan approval and not approval for the dome. Divens stated the Planning Board is unaware of the 2 months delay to get a permit for the bridges. The area could not be completed until the rock was delivered, and that was delayed. The neighbor's property

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is upgraded, both lawn and trees. Riina we have a final site stabilization plan which follows the Town Board resolution. The Planning Board did not have this, we do not know why, but we are submitting it tonight. Tegeder stated what happens between the neighbor's yard and the fence should be reflected on the site plan. There is a woodchip trail that goes to this neighbor's yard but it is not shown. We need to know what species are planted. Are junipers on the steep slope the best choice. Kutter stated if the applicant didn't do what he had to do, it is not my emergency. We have heard what will be done but the applicant does not have a good track record. Tegeder stated when the Board approves the plan, the Board approves the entire site, and this approved plan is a legal document. Tegeder stated the importance of the neighbor's interest being protected. Tegeder asked if there was screening for foul balls. Divens withdrew the application. Kincart stated the crux of the matter is that there are items not on the plan. Tegeder stated the plan does not reflect the conditions on the ground. The plan does not show the end conditions. Barber stated this is the plan from the February approval. Changes and the mitigation plan are not reflected.

Staples Plaza Plan

Withdrawn by Applicant

Discussion Approved Site

SBL: 36.6-2-76

Location: 3333 Crompond Road, Crompond

Contact: Romano Architects

Description: Request to install additional retaining walls not shown on the approved site plan.

Mohegan Lake Motors Volkswagen Plan

Discussion Approved Site

SBL: 15.12-1-3

Location: 1744 East Main Street, Mohegan Lake

Contact: Site Design Consultants

Description: Request to not install garbage enclosure.

Al Capellini, project attorney, and Joe Riina, project engineer, were present. Riina stated the applicant is asking for a modification to the site plan approval with the elimination of the trash enclosure. The applicant does not expect to generate enough garbage to warrant a dumpster. The facility will use internal trash cans, to be brought outside for pick-up. If things change, the applicant will have the space to install the enclosure.

Lake Osceola Square

Pre-Preliminary Application

SBL: 6.17-1-43

Location: 393 East Main Street, Jefferson Valley

Contact: Site Design Consultants

Description: Proposed CC development for multi-use facility including parking, building landscaping and necessary infrastructure.

Al Capellini, project attorney, Joe Riina, and Justin Brown, project engineers, and Michael Piccirillo, project architect, were present. Brown stated the applicant is submitting an alternate plan. The current submission shifts the building, expands the rear patio, and shifts parking. The new plan will incorporate pathways and a pocket park areas that look onto the beach, and encourages pedestrian access to the beach. Brown stated in order to work within flood plain, the building will be set on concrete columns. The new plan creates 14 additional parking spaces totaling 21 extra spaces. The applicant is willing to dedicate the beach portion of the site to the town. Capellini stated the applicant needs a full application for a public informational hearing, which will be submitted. If the applicant has submitted the full application, the Board will have a public informational hearing on September 9. Tegeder suggested the sidewalk network be enhanced. Piccirillo

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described the building and the view to the lake. The building will have the 1st floor retail, 2nd floor commercial and 3rd floor apartments.

Nelson Residence

Discussion

SBL: 26.08-2-34

Location: 745 Iris Court, Yorktown Heights

Contact: Michael Nelson

Description: Proposed regrading of property within a Conservation Easement on a residential lot in the New Hope Farm subdivision.

Applicants Michael & Lauren Nelsons were present. Barber stated the applicant's goal is to expand their backyard. A site visit revealed the conservation easement was full of invasives and dead/deceased ash trees. Barber believes the reason for the easement was a small intermittent stream adjacent to the backyard. The challenge is the buffer, and trying to keep the area looking natural. Savoca stated that a fence in a utility area could be removed by the town and not have to be restored. Barber stated 70% of the existing trees are not viable. Barber asked if the applicant could create a better buffer. Tegeder stated the Board should not take changing the conservation easement lightly, as it has very strict conditions (see below) The process to change this would be through a resolution. Kutter asked if this is a potential site for enhancing the plantings and proper rehabilitation. Barber will conduct a site visit to verify the stream.

IN THE NATURAL RESOURCES OF THE AREA WITHIN THE CONSERVATION EASEMENT SHALL REMAIN UNDISTURBED EXCEPT AS MAY BE REQUIRED FOR CONSERVATION PURPOSES WITH THE APPROVAL OF THE PLANNING BOARD. CONTIGUOUS THEREOF SHALL NOT BE ALTERED, NO TOWN OR SUBDIVISION JAIL SHALL BE EXCAVATED THEREFROM, NOTHING SHALL BE PERMITTED TO OCCUR ON THIS AREA WHICH WOULD CONTRIBUTE TO THE EROSION OF THE LAND AND NO TAGES SHALL BE DESTROYED OR REMOVED. THE OWNER OF FEES SIMPLY MAINTAINING THE RIGHT TO EXCLUSIVE USE OF THE AREA.

Broad Pines

Subdivision

Discussion

SBL: 27.14-1-6 thru 12

Location: Granite Springs Road

Contact: Prebeck Homes, Inc.

Description: Request to abandon the remainder of the subdivision that was not constructed due to the sewer moratorium in order to close the bonds & security posted for the entire subdivision.

Tegeder stated the applicant had approval for 5 town houses, but due to the sewer moratorium, they were not all constructed. Tegeder explained NYS enabling legislation allows one to abandon a subdivision.

The applicant is trying to have the bonds returned. Currently, the applicant and one other family occupy the constructed town houses. Tegeder stated it is unknown at this time how the abandonment will effect this other family. Wagner asked how the lots could be returned to non-building lots while the easements remain. Wagner requested the Board find out what work has been done and what work was required but not completed. Kincart suggested a modified site plan. Is there a septic agreement. Barber stated current stormwater regulations may be in effect. Tegeder will continue to research this and contact the applicant.

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