

# Planning Board Meeting October 7, 2013

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

John Flynn  
John Savoca  
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                    No discussion took place at this time.  
Correspondence            ABACA's memo on the JV Mall and the Conservation Board on Creative Living. Flynn, who attended the site visit with the Conservation Board, felt the memo accurately reflected the current conditions.  
Liaison Reports            No reports were given at this time.

Courtesy of the Floor -.No one from the public came forward.

## Minutes: September 23, 2013

**Upon motion by Kutter, seconded by Kincart, and with all those present voting aye, the Board approved the minutes of September 23, 2013.**

### Regular Session

#### **Spirelli Electric SBL: 16.06-1-44**

#### **Amended Resolution #13-25 adopted on September 23, 2013**

*Location:* 990 East Main Street, Shrub Oak

*Contact:* Michael Piccirillo

*Description:* Request to amend resolution to include approval of a Basic SWPPP Permit.

Tegeder they stated the town code requires the applicant to submit a record site plan, as per §300-180B. *Except for residences, no building permit shall be issued until such plan for parking and loading spaces and access to it and required improvement is approved by the Planning Board, which shall determine that traffic access, traffic circulation and general layout of the parking facility and landscaping, as required, are planned with regard to safety to traffic on the public street and safety and adequacy of access for cars and pedestrians using the parking facility.*

Michael Piccirillo, project architect, asked if a basic SWPPP was required, and Tegeder stated it was.

**Upon motion by Kincart, seconded by Savoca, and with all those present voting aye, the Board approved the amended resolution #13-25, wetland permit and SWPPP.**

#### **Aspen Mill Street Subdivision SBL: 16.05-1-13**

#### **Request for Reapproval**

*Location:* 3810 Mill Street

*Contact:* Al Capellini

*Description:* Four lot subdivision approved by Resolution 10-23 dated October 18, 2010.

Al Capellini, project attorney, was present. Capellini explained that all fees have been paid, the plan has been signed, but now the applicant needs a letter from tax office that second half of the school tax are paid. This letter may not be available until December.

**Upon motion by Kutter, seconded by Kincart, and with all those present voting aye, the Board reapproved Resolution 10-23 for the subdivision.**

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**Mongero Properties, LLC**  
**SBL: 37.14-1-44**

**Request 1st One-Year Time Extension**

*Location:* Saw Mill River Road  
*Contact:* Al Capellini

*Description:* Site Plan for a 3,848 SF bank approved by Res #09-28.

Al Capellini, project attorney, was present. Capellini explained the complexity of the site, as this involves the AT&T cables. The applicant now have to get permission from NYSDOT to allow grubbing, and site work. It has been almost a year and the outside agency approval process is not complete. The owner has lost the potential client due to the delay. There is a letter from Site Design as they having taken a hard look at SEQRA. It was determined there have not been any changes that would change the potential impacts of this project. Tegeder felt this was adequate.

**Upon motion by Kincart, seconded by Savoca, and with all those present voting aye, the Board approved a One-Year Time Extension for Resolution 09-28 for Mongero proerty site plan.**

**Yorktown Auto Body Amended Site Plan-- *Taken off at the applicant's request* Public Hearing**  
**SBL: 37.19-1-81**

*Location:* 1798 Front Street  
*Contact:* Site Design Consultants

*Description:* Proposal for an amended site plan for an additional 1,450 SF of building space to be added to the previously approved 1,500 SF one story building addition.

**Yorktown Farms Lot 11 Site Plan**  
**SBL: 17.06-2-32.11**

**Decision Statement**

*Location:* Gay Ridge Road & Route 6  
*Contact:* Dan Ciarcia Engineering

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

Dan Ciarcia, project engineer, was present. As this was reviewed at the last meeting, the Board had no further questions.

**Upon motion by Kincart, seconded by Savoca, and with all those present voting aye, the Board approved lot 32.11 of the Yorktown Farms Subdivision.**

**Staples Plaza-Self Storage**  
**SBL: 36.06-2-76**

**Discussion Site Plan**

*Location:* 3333 Crompond Road  
*Contact:* John Meyer Consulting & Tony Romano

*Description:* Request to amend Resolution #13-08 dated May 20, 2013 to include allowing both low and medium hazard storage.

Tony Romano, project architect, and Bob Aiello, project engineer, were present. Tegeder stated the applicant is before the Board to correct approving resolution 13-08. The resolution will be amended to include medium hazard storage, as allowed by Town Code 300-75(C). It was never the intention of the Board to eliminate medium hazard storage. Flynn asked for an explanation of medium hazard, and was told it was clothing, shoes, furniture. Medium hazard did not include chemicals.

**Upon motion by Flynn, seconded by Savoca, and with all those present voting aye, the Board amended resolution 13-08.**

**Yorktown Police Department**  
**SBL: 37.09-1-4**

**Public Informational Hearing**

*Location:* 2281-2295 Crompond Road  
*Contact:* Rahul Verma

*Description:* An East of Hudson Stormwater Retrofit Project.

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**Upon motion by Flynn, seconded by Savoca, and with all those present voting aye, the Board opened the public informational hearing.**

The applicant was not present. Fon opened the meeting to the public as this was noticed and residents wished to speak on the matter. Fon explained that the public informational hearing would be adjourned. Howard Frank 2963 Curry St. Mr. Frank stated the wetland permit for Sparkle Lake, a similar project, was an administrative permit; therefore, no public hearing was required. Mr. Frank felt this contractor has to be looked at carefully. The Sparkle Lake project has no ABACA review. Mr. Frank did not believe picking up all the catch basins and placing the flow into one basin was a worthwhile use of funds and who is looking at the flow, and as the manholes are sealed, how will they be cleaned. Mr. Frank asked who is responsible for maintenance, and how will the slug be removed. Mr. Frank felt sewerage the homes on the east side of Sparkle Lake would be a better use of the funds. Let's check the contractor and the engineer. Fon read the Conservation Board memo that stated no environmental impact with this project.

The Board explained that they were not referred the Sparkle lake plans and therefore did not review it. Susan Siegel, Yorktown Heights Ms. Siegel stated there have been numerous Town Board discussions on this matter. This is part of a regional plan that has had a great amount of review. There is a third project that will take place in Railroad Park.

**Upon motion by Kincart, seconded by Savoca, and with all those present voting aye, the Board adjourned the hearing until November 4, 2013.**

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

### Work Session

#### **Staples Plaza-Self Storage**

**SBL: 36.06-2-76**

*Location:* 3333 Crompond Road

*Contact:* John Meyer Consulting & Tony Romano

Tony Romano, project architect, and Bob Aiello, project engineer, were present. Romano stated we are before the Board for a minor revision of the site plan including final design of the driveway, modification of the site curbing, repair or replacement of the existing retaining wall and the number and location of the trash enclosures. One trash enclosure was close to the neighbors, this was relocated and screened, and others have been consolidated. The loading dock in the rear will be concrete. There is a gabion wall that will be repaired or replaced. As it is more economical, the applicant will install strong stone, which the Building Dept. will permit. Both the wall and the curbing are replacing existing structure. The Planning Board accepts this plan, Planet Self-Storage at Staples Plaza, last revised 10/1/2013, and will issue a memo.

#### **Discussion Site Plan**

#### **Competition Carting**

**SBL: 48.07-1-9**

*Location:* Front Street and Richard Place

*Contact:* Ciarcia Engineering

*Description:* Request to permit parking of garbage trucks and related equipment at the site and a temporary office trailer.

Dan Ciarcia, project engineer, was present. Ciarcia stated this was the former Deco Construction site, and it did not have an approved site plan. Ciarcia stated although this is has the same active yard area the ZBA requires a special use permit. Fon stted trucks are washed off site and serviced on site.

Flynn stated there was an oiler truck on site that was a pretty messy operation. Flynn stated the Planning Board will specify no fueling or oiling on site. Ciarcia stated ther is no work proposed in the wetlands. With the shrubbery you cannot see the site, even in winter. Fon stated this has potential for environmental impacts. There are no oil water seperators, no curbing, it is all gravel. With these conditions, a leak would go right into the wetlands. Ciarcis stated the applicant is proposing a gate. This gate is on Town Property which was suppose to be the Route 118 by-pass. This never came to

#### **ZBA Referral #65/13**

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be. Installing a gate will not terminate the Town's rights to the land. This is before the ZBA for a special use permit. Fon explained how easily a garbage truck could leak hazardous waste. Fon wanted a site visit. Fon asked if the Town of Yorktown was the only client. Fon stated there are times when the trucks can not go to the yard and garbage is left in the truck. The major question is what is the primary use of this site. There are garbage accessory items on the site as well. Currently, the applicant is in court for zoning violations. Flynn stated there are wells down stream. Fon there is a small office on site, but we still need to know the main use of the site. Kutter asked if the special use permit runs with the land. Who will be willing to provide large infrastructure improvements if it is a temporary permit. Tegeder asked why the applicant is not in front of the Planning Board for site plan review. The applicant was asked to return to the Planning Board on Oct 21 meeting.

### **Fieldstone Manor Subdivision**

**SBL: 15.11-1-17**

#### **Discussion Major Subdivision**

*Location:* Strawberry Road

*Contact:* Site Design Consultants

*Description:* A proposed 21-lot cluster subdivision on 22.94 acres in the R1-20 zone.

Present were Al Capellini, project attorney, and Joe Riina, project engineer. Riina stated on the previous submission, one home was in the buffer area. This has been reconfigured by eliminating the courtyard. Capellini stated the applicant is looking to have a public hearing. The current plan preserves the tower. Capellini gave a breakdown of bedrooms. Tegeder asked if the Recreation Commission had responded to the offer of the field. Riina stated that they had informally. Tegeder stated he will request authorization from the Town Board to have a traffic study done after the applicant agreements to pay for the traffic study. Riina stated this will be on one lot and the main building will be a condo. The small houses will be part of an HOA. There will be garages for seven units. Tegeder stated the Historic Society is interested in the tower. Riina stated the applicant has spoken with several Historical Society members. The applicant will give the right of way and the field to the town. Kincart suggested an agreement with Lakeland schools for parking to avoid additional impervious surfaces. The Board requested Tegeder provide a list of requirements to the applicant. Fon asked if the Town did not want the field would the HOA maintain it as a recreational use. Riina stated the tower is currently set up as a residence. The applicant will rehab it before giving it to another entity. Tegeder asked if the applicant would consider landmarking the tower. The structure was built in the 1930's.

### **Lake Osceola Square**

**SBL: 6.17-1-43**

#### **ZBA Referral #69/13**

*Location:* 393 East Main Street, Jefferson Valley

*Contact:* Site Design Consultants

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

Al Capellini, project attorney, and Joe Riina, project engineer, were present. Capellini stated the applicant has been before the ZBA to allow the following: parking in the front, the length of the building, and a free standing sign in a Country Commercial zone. The ZBA has requested the applicant to justify these variances. At this time, the applicant is requesting a favorable letter from the Planning Board to the ZBA for these variances. Riina stated the proposal goes over on the parking count, and the applicant has submitted a plan with compliance and lake front public access. We believe the front of the building is broken up enough to allow for the variance. The Board felt the site needs additional landscaping. Riina stated the site has existing trees. The fence will be removed, with the owner's permission. The Board requested a landscaping plan. Kincart asked the type of sign the applicant was requesting. Riina stated the sign, although freestanding, would conform to the Town's sign ordinance.

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### **Old St. George's LLC**

**SBL: 15.12-2-53**

### **Town Board Referral**

*Location:* 1715 East Main Street, Mohegan Lake

*Contact:* Jeff Econom

*Description:* Applicant has requested the Town Board amend the approved site plan removing the parking that was previously shown on town property.

Jeff Econom, project engineer, was present. The current plan removes parking from town property, and creates one way traffic in and out of the site. Econom stated this plan differs from the previous submission with the removal of the boulders. NYSDOT will not allow boulders. The same number of parking spaces are on the plan, and this complies with Town Code. The applicant is negotiating with NYSDOT to buy the State land currently being rented. The site will be planted with grass. Kutter asked about landscaping adjacent to Route 6. Econom stated the salt used during the winter will kill whatever is planted. The applicant can add curbing on the DOT parcel when he owns it. The Planning Board was favorable with the one-way traffic and agreed with Econom's suggestion to install one-way signs. The Board requested Econom remove the sliver of town property from the plan.

### **1861 Andre Place Land Donation - Town Board Referral**

The Board did not see any reason for the Town to accept this parcel. Kincart ask if the owners of the adjacent parcels were contacted as this 5,000sf parcel could be a benefit to them.

Tegeder discussed the NYS DOT work at Pine Grove Court.

Upon Motion by Kutter, seconded by Savoca, and with all those present voting aye, the meeting was adjourned at 9:40pm.