

# Planning Board Meeting October 21, 2013

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A meeting of the Planning Board, Town of Yorktown, was held on October 21, 2013, at the Yorktown Community and Cultural Center, 1974 Commerce St., Yorktown Heights, NY 10598. The Chair, Rich Fon, opened the meeting at 7:35 P.M. with the following members present:

John Flynn  
John Savoca  
Darlene Rivera  
Ann Kutter  
John Kincart absent

Also, present were: John Tegeder, Director of Planning, Robyn Steinberg, Planner, Bruce Barber, Yorktown's environmental consultant, and Karen Wagner, attorney to the Planning Board.

Discussion	2014 calendar was accepted as attached.
Correspondence	ABACA's memo on the Lake Osceola Square, and the Conservation Board memo regarding Fieldstone Manor.
Liaison Reports	Kutter reported on the Conservation Board meeting of Oct 9, 2013. The main issue was the PH for State Land the memos of last year were not responded to by the TB. For Competition carting they wanted to see mitigation as they were close to wetlands. Wetland permits were reported as being approved but could not be found.

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

## **Minutes: October 7, 2013**

**Upon motion by Savoca, seconded by Flynn, and with all those present voting aye, except Rivera, who abstained, the Board approved the minutes of October 7, 2013.**

### Work Session

#### **Competition Carting SBL: 48.7-1-9**

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

*Location:* Front Street

*Contact:* Ciarcia Engineering

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

Dan Ciarcia, project engineer, was present. Ciarcia stated the Town Board approved a license to use the adjacent town property and install a chain link fence. The applicant met with the Conservation Board and a memo was issued. Ciarcia felt that that since work went on at this site and there were no complaints from the DEC no permits were required. Flynn requested a site plan. Ciarcia stated there was nothing permanent being installed. Fon asked if the Building Inspector had given his interoperation and was told not yet. Ciarcia stated the only activity at the site was parking. Flynn disagreed and stated trucks were being topped off. Tegeder stated although it was used for outdoor storage in the past, but not for many years and the use cannot be grandfathered. The applicant was issued a violation which the ZBA was to address. Fon felt the Building Inspector's determination was required. Fon stated the question before this Board is there a site plan required. Ciarcia stated the applicant will shrink the trailer, and use it for logging in and out, and GPS coordinates. Kutter asked if the variance is permanent. Wagner stated this is at the discretion of the ZBA. Flynn stated normally, approval is for two-years. Ciarcia stated the use of the ROW is revocable. Fon explained his concern with the storage of the trucks, and what comes off of these trucks. How will the waste

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be handled. Tegeder stated if Depot Square comes to fruition this property will be needed for the town. Ciarcia explained the town could ask the applicant to vacate the ROW at any time. Ciarcia felt that the ZBA may be the approval authority and the Planning Board is advisory in this case. Ciarcia stated this property all belonged to the Mongero's at one time. The deed makes no ROW provision the Town of Yorktown owns it outright. Kutter stated no wetlands were indicated on the map being submitted. Barber stated the applicant claims a wetland permit was issued for Richard Place, however, I have never seen any wetland permit. Fon stated chemical spills are more likely to occur with this use than the prior use. Barber stated wetland and SWPPP might be necessary. Drainage that was installed does not allow us to address any spills. This site is located in a DEP Main Street. Ciarcia felt much more was parked here in the past than is currently being requested. Fon felt the proposal needs a site plan especially since what comes off the truck goes onto the wetlands. Tegeder stated if it is the ZBA jurisdiction, the Planning Board still wants a more intense review. Tegeder wanted clarification as to the trailer office being a main use or an accessory use. Flynn asked about employee parking which was a big issue under Deco, treatment of contaminants, and screening issues. Kutter asked if there was any storage from the neighboring recycle center. Ciarcia stated they are not the same entity. **The Planning Board will request a short-term renewable permit as "Depot Square" project may cause the town to utilize the town owned property.**

### **Ryder Subdivision**

#### **SBL: 48.06-1-12**

*Location:* 532 Underhill Avenue

*Contact:* Ciarcia Engineering

*Description:* Request to subdivide parcel with existing residence into 2 lots.

Dan Ciarcia, project engineer, was present with the applicant. Ciarcia explained this was a large lot with an existing house that was damaged in a fire. The site has frontage on French Hill Road, and the site is predominately an open field. Barber had been to the site and found wetlands throughout the site. Ciarcia stated The Health Department was on site and a few sewer locations were found. Barber has met with the applicant's wetland specialist, Steve Marino. Flynn stated if the house was pulled back, it would be outside the wetland buffer. Ciarcia stated the preferred septic area is up the hill in the back, and the applicant needs two areas on each lot for septic, one regular one expansion. Barber stated there is an opportunity for mitigation as there is a great deal of lawn. Kutter asked if this require a storm water management submission. Ciarcia stated you can attenuate the flow with the installation of a pond. Kutter stated if there is too much flow to treat, are we wrong to allow the subdivision. Ciarcia stated you can direct the clean water around the houses and concentrate on the water from the disturbed areas. Tegeder asked for a plan showing the houses further up the hill. Barber explained these are hydric soils, seeps, and channelized. As it was not maintained it spread out like a delta. Adjacent to the lawn area there are invasive species. Ciarcia stated the applicant will have the wetland surveyed, and some alternate house locations submitted to the Planning Department.

### **Discussion Subdivision**

### **Nelson Conservation Easement**

#### **SBL: 26.8-2-34**

*Location:* 745 Iris Court

*Contact:* Michael & Lori Nelson

*Description:* Request to amend Conservation Easement approved as a part of the New Hope Farm Subdivision.

### **Discussion Conservation Easement**

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Site visit planned Nov 3. 2013

### State Land Corp

### Town Board Referral

#### SBL: 26.17-1-1

*Location:* Crompond Road

*Contact:* Site Design Consultants

*Description:* Request for a rezone from R1-160 to C-3.

Al Capillini, project attorney, and Joe Riina, project engineer, were present. Capellini stated the applicant was before the Town Board on Oct. 15, 2013. The Town Board closed the hearing and is accepting comments for 20-days. Tegeder stated this project came to the Planning Board 18 months ago, at which time the Board requested an expanded EAF. The applicant has completed that request. Riina stated the footprint of the project has not changed. Capellini stated the applicant has had 9 meetings with Town staff to develop an EAF that is comparable to a DEIS. Kutter stated her concern was that the concept plan rezones the entire parcel to commercial. It will then be up to the applicant to donate approximately 70 acres to the Town. The proposed donation is only theoretical and could, under certain circumstance, be ignored and the entire 100 acres parcel be sold as a commercial lot. Tegeder, stated, although the plan is conceptual, it is well thought out, and necessary for the purposes of SEQRA. Kutter stated if the Town Board rezones this to C-1 then the land could be used entirely as a commercial site. Tegeder stated the Town Board could rezone 30 acres commercial and leave the 70 acres residential. Riina stated we have met with NYSDOT three times and the developable area is still uncertain. Capellini stated the applicant has completed the equivalent of a DEIS that examines a 30+/- commercial parcel with a 70 acre land donation. Capellini stated the prior application was a residential subdivision for Pulte Homes consisting of 26 units. Tegeder stated the current plan eliminates the bifurcation of the site and prevents sprawl. Kutter asked if the applicant was asking for a guarantee of the special use permit. Capellini stated the applicant wants the permit to run with the land not a permit that expires every three years. Fon stated the Planning Board believes the zoning change is a positive step, however, we must protect the Town from development of the entire site. Flynn stated the developer can sell the property once it is rezoned. John Schroder, the Open Space Committee, stated ACOS is requesting the work in Sylvan Glen Park be eliminated. Fon stated the Town Board asked the applicant to look at drainage/flooding on a regional level. Schroeder felt this was alienation of parkland.

**Upon Motion by Savoca, seconded by Flynn, and with all those present voting aye, the meeting was adjourned at 9:30pm.**