

# Planning Board Meeting November 4, 2013

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A meeting of the Planning Board, Town of Yorktown, was held on November 4, 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 Savoca  
John Kincart  
Ann Kutter  
Darlene Rivera  
John Flynn absent

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

Discussion                      Wagner to submit her findings on Faith Bible Church.  
Correspondence                The Board received the following letters with regard to  
State Land Rezoning: John Schroeder, President of the Yorktown Land Trust,  
John Oliveri 10/28/13 , Vincent Scotto, 10/26/13.  
ZBA 10/22/13 regarding Lake Osceola Square request for 3 variances.  
Liaison Reports                No reports were given at this time.  
Courtesy of the Floor - No one from the public came forward.

## **Minutes: October 23, 2013**

**Upon motion by Kutter, seconded by Savoca, and with all those present voting aye, except Kincart who abstained, the Board approved the minutes of October 23, 2013.**

## **REGULAR SESSION**

### **Yorktown Police Department SBL: 37.9-1-4**

*Location:* 2281-2295 Crompond Road

*Contact:* Rahul Verma

*Description:* Stormwater Retrofit Project

### **Adjourned Public Informational Hearing**

Rahul Verma, East of Hudson Executive Director, was present. Verma stated this is a storm water retrofit project located behind the police station. This project is a phosphorus removal project consistent with the MS4 requirements. There is a drainage system located along Route 202 with a catch basin in front of the police station. This is an extended detention basin, with a contributing drainage area of approximately 24 acres. Stormwater runoff is conveyed from Route 202 (Crompond Road) through existing catch basins and piping. Stormwater runoff from the police/court property is conveyed via catch basins, piping and sheet flow. This project will include minor modifications to the existing catch basins, and connecting the existing piping with new pipes to route flow into a forebay. Maintenance will be done by the town. Currently, East of Hudson (EOH) is developing a contract that would allow EOH to perform maintenance. Kutter asked who is going to do the construction, and Verma stated the contract will go out for public bid. Barber stated a resident; Howard Frank felt the town had not properly notified the public. Barber stated this project was vetted over several years Verma stated he would be managing the project.

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

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

### WORK SESSION

#### **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 Existing Conservation Easement**

Michael and Lori & Nelson were present. The Board had a site visit on Saturday, Nov. 2. Fon stated it was the Board's opinion that mitigation will be necessary if there are changes allowed to the conservation easement. Additionally, there is one tree that should be saved. Tegeder stated it was clear there had been disturbance and encroachment in the conservation easement. Tegeder felt the existing stakes were not truly representative conservation easement location. The Board felt the buffer easement should be respected, even enhanced. Tegeder stated the wild tree line made it difficult to determine the exact location of the buffer easement. The applicant stated the objective was to create as much back yard as possible. Wagner referred to the subdivision notes and stated any activity should be in line with these notes. Savoca felt the developer had already dumped fill along the bank. Kincart stated the stream change was probably a result of the development. Barber thought stabilizing the stream bank, and install turf grass without the use of pesticides and fertilizers was appropriate activity that would enhance the area and have a greater conservation value. Fon stated the first step would be for the applicant to have a survey. The survey should include topography and the actual stream location. Tegeder stated if the Board can establish a line in the field then the applicant can have it surveyed. The line is where the lawn starts to drop off. When finished the applicant should install some permanent monument to delineate the wetlands. The application will also go to the Conservation Board. The Planning Board will conduct another site visit on Sunday, Nov 17.

#### **Competition Carting**

**SBL: 48.7-1-9**

*Location:* Front Street & Richard Place

*Contact:* Ciarcia Engineering

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

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

Dan Ciarcia, project engineer, was present. Wagner stated the Building Dept. memo of 10/15 asks what category of special permit is being sought. Ciarcia stated the trailer size was large enough to warrant a site plan. The applicant will reduce the size, i.e. a garden shed for time keeping. The application conforms to 300-44 exterior storage yard. Ciarcia stated the ZBA has referred this to the Planning Board, but ultimately the ZBA will make the decision. If the applicant refuels the trucks at the site, a multi-sector permit will be required. Barber asked if the applicant has met with the NYS DEC. Ciarcia stated yes, the DEC granted a permit in 1998. The Board asked if there was a difference in pollution possibilities from that 1998 application to this application. Barber stated this proposal may need a town wetland permit. Tegeder asked about

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screening. Ciarcia felt one would be hard-pressed to see anything. Bruce there may have been work done without a permit and we would need to legitimize the activity.

### **Yorktown Farms Lots 11, 12 & 13**

### **Discussion Approved Subdivision**

**SBL: 17.06-2-32.11, 32.12, 32.13**

*Location:* Gay Ridge Road

*Contact:* Ciarcia Engineering

*Description:* Request to review site plans and change in finished floor elevations for three lots in the Yorktown Farms Subdivision.

Dan Ciarcia, project engineer, was present with applicant Val Santucci. Ciarcia stated the Board reviewed and approved Lots 11 and 12 previously. The Board is seeing Lot 13 for the first time. The change is a result of the new homeowners wanting walk out basements which will allow direct access to the backyard. On the Planning Board's approved plan for Lot 11, a retaining wall was going to be installed between Lot 11 & 12 in order to preserve trees between the homes. There is a tier and grading, but basically the drainage remains the same. Raising the elevation on Lot 12 has addressed some of the drainage issues. The change in finished floor elevation for Lot 12 is from 608' to 613'. The new plan eliminates the retaining. The front yards of Lots 12 & 13 will require fill. The Planning Board scheduled a site visit for Sunday, Nov 17.

### **Creative Living aka Navajo Fields**

### **Discussion Site Plan**

**SBL: 6.14-1-2**

*Location:* Navajo Road

*Contact:* Site Design Consultants

*Description:* Discussion of fire emergency access road around proposed air-supported dome.

Al Capellini, project attorney, and Joe Riina, project engineer, were present. Capellini stated we have moved ahead, and the Board has received a letter sent to NYS DEC and the Building Inspector. We are here to discuss an alternate plan which will allow firefighting equipment to the site as a substitute for the ring road. Riina stated we need to move on with the mitigation plan, including a planting plan by Tim Miller. This plan will show what has been planted and what is yet to be planted. This plan will show mitigation for the work that has been completed and requested mitigation that is no longer necessary, due to a change in the plan. The Board wanted to know if the mitigation proposed for the dome will be adequate. Riina stated the applicant proposed two alternative, one being the ring road that goes all around the field, the other is a hammerhead, the difference is in impervious surface of 270sf, but we have more wetland disturbance with the hammerhead. Barber stated there is no material difference but there is additional wetland and buffer disturbance. The Conservation Board felt the plantings that would serve as a visual barrier for the neighbor, did not include the proper plant selection. Riina stated the applicant has taken care of all the planting information. Barber additional mitigation has to be considered as the ring road was not part of the original plan. Riina stated I have to send NYS DEC details of the bridges. Barber stated the DEC stated the greenhouse closest to the stream should be removed by May 14, 2014. Barber asked what the need for the greenhouse structures would be after the installation of the dome. Capellini stated the greenhouses will be used as training facilities. They will be permanent. The Fire Board will send a memo to the ZBA about the access road. The Planning Board felt the ring road was the preferred alternate. Tegeder

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stated with Barber's help, the applicant will develop the proper mitigation plan. The Board will review the plan that is being proposed with the ring road.

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