

Planning Board Meeting November 18, 2013

A meeting of the Planning Board, Town of Yorktown, was held on November 18, 2013, at the Yorktown Community and Cultural Center 1974 Commerce St. Room 104, 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
Darlene Rivera
Ann Kutter

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

Discussion

Correspondence

Liaison Reports Kutter submitted a report on the Nov 6, 2013 Conservation Board meeting. The Board reviewed a Nov. 7, 2013 NYC DEP memo regarding State Land Corp. Discussed the JV Mall- who will maintain the landscaping, and discussed concerns with the Nelson fence and gully.

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

Minutes: November 04, 2013

Upon motion by Savoca, seconded by Rivera, and with all those present voting aye, except Flynn who abstained, the Board approved the minutes of November 04, 2013.

SPECIAL SESSION

PEG Realty Corporation

Request One-year Time Extension

SBL: 16.8-1-2

Location: 3699 Hill Boulevard

Contact: Architectural Visions, PLLC

Description: Approved 11,600 SF one-story commercial building.

Joel Greenberg, project architect, was present. Neither the Planning Board, nor the Planning Department had any issues with this application. Tegeder stated the SEQRA review was satisfactory.

Upon motion by Kincart, seconded by Flynn, and with all those present voting aye, the Board approved the One-year Time Extension.

WORK SESSION

Creative Living Development *Removed at the applicant's request.*

Discussion Site Plan

SBL: 6.14-1-2

Location: Mahopac Street

Contact: Site Design Consultants

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

Savannah's Restaurant

Discussion Site Plan

SBL: 25.20-1-3

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Location: 3901 Crompond Road

Contact: Paul & Gina DiPaterio, Owner

Description: Request to revise lighting plan

Neither the applicant, nor his representative, were in attendance. The Board discussed the lighting plan at the end of the meeting.

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.

Applicants Lori and Michael Nelson were present. The Planning Board conducted a site visit on Sunday, November 17, which included members of the Conservation Board. The Board asked if the backyard would be enclosed with a fence, and was told it would. Kincart felt it would be a benefit to all if the applicant removed the invasives. M. Nelson stated that they wanted to enhance the area, remove invasives, and would provide a survey and a mitigation plan. The applicant will also save the tree the Planning Board was concerned about. Francois asked if there was access to the stream bank, and Kincart pointed out the utility easement. Francois stated the Conservation Board did not like the 6 foot vinyl fence. The fence is just along the wood line and will impede wildlife from crossing. The applicant felt anything less would be unsafe for the children. Kutter felt the project should be considered a stream bank rehabilitation and would enhance the area. Kutter was concerned with a depressed area she thought might be a drainage structure. A surveyor needs to locate stream, new easement line and the original conservation easement. Fon pointed out that the green colored area represents what the Planning Board is comfortable with. Barber this is a singular act and not a unilateral act that could be used to void other conservation easements. Fon stated the Board found the area was already disturbed. The stream and the easement were not represented properly. Tegeder will provide guidance for the surveyor. Tegeder presented the resolution from 2000, where the Board allowed development in the conservation easement without changing the easement. The Board will review this request when a survey is submitted.

Discussion Conservation Easement

BJ's Wholesale Propane Facility

SBL: 36.6-2-75

Location: 3315 Crompond Road

Contact: John Meyer Consulting

Description: Construction of an outdoor, above ground propane filling facility within the parking lot of the existing BJ's Warehouse Facility.

Rob Aiello, project engineer, and John Dzwonczyk, propane facility designer, were present. Aiello stated the applicant is proposing an outdoor propane facility with above ground tanks. Aiello stated the proposal has been before the Fire Advisory Board. The Fire Advisory Board reviewed the plan, which included the location of the above ground propane facility. The current proposal calls for a 1000 gal propane tank, with room for second future 1000 gal propane tank. The Fire Advisory Board memo requests that no plants or shrubs be installed near the propane tanks. Dzwonczyk stated this is for fire safety, as the shrubbery can obscure the site. An alternative would be a chain link fence with black or green vinyl. Fon asked the applicant to produce a better idea than a chain link fence. Aiello stated BJs may be able to install

Discussion Special Use Permit

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increased/better landscaping in the other surrounding parking lot islands instead, and he will work on that for the next meeting. Dzwonczyk stated the Fire Board had an extensive discussion on above vs. underground tanks, and above ground is preferable for safety. Flynn pointed out that Town policy has been underground tanks. Francois asked what would happen if there were a leak. Flynn stated it was his belief that underground placement is safer, and requested the Fire Advisory Board submit their preference for above or underground placement in writing. Tegeder requested submission of any literature or industrial standards that recommended aboveground installation of propane tanks. Fon asked if the tank location would be the same whether it was above or underground, and was told it would be. Aiello stated the Building Inspector and Fire Inspector were present at the Fire Advisory Board meeting. Aiello stated propane sensors will be installed. These sensors detect leaks. Additionally, video surveillance equipment will be installed. Dzwonczyk explained that were the tanks to leak, the gas would dissipate into the air.

Yorktown Farms Subdivision

Discussion Approved Subdivision

SBL: 6.18-1-80.5, 17.6-2-32.11, 32.12, 32.13, 32.14

Location: Gay Ridge Road

Contact: Ciarcia Engineering

Description: Discussion of site plans for Lots 1, 11, 12, 13, and 14.

Dan Ciarcia, project engineer, was present. Regarding lot 13, Ciarcia stated a slider door would be installed for basement access and a window. A planter garden and some trees would be installed as a buffer to the neighbors. . Ciarcia stated there is a buyer for the house and the developer would like to give them an opportunity to decide on plantings. The Board had no objection.

Lot 1 finished floor elevation was approved at 574' currently proposed at 579'

Lot 11 finished floor elevation was approved at 603' currently proposed at 607'

Lot 12 finished floor elevation was approved at 608' currently proposed at 613'. Landscaping will be added to the rear of the lot.

Lot 13 finished floor elevation was approved at 611' currently 614'. Landscaping will be added to the rear of the lot.

Ciarcia introduced changes to lot 14. The driveway was shifted to the other side of the house and the finished floor elevation was raised 1ft.

Upon motion by Rivera, seconded by Kincart, and with all those present voting aye, the Board opened a special session.

Upon motion by Flynn, seconded by Kincart and with all those present voting aye, the Board approved the changes for lots 11, 12, and 13.

Upon motion by Kutter, seconded by Kincart and with all those present voting aye, the Board approved the changes for lots 14.

Ciarcia requested approval for lot 1, and was told this would be reviewed at the next meeting.

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

Work Session

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Sandvoss

Discussion Subdivision

SBL: 59.7-1-7

Location: 1005 Hanover Street

Contact: Ciarcia Engineering

Description: Proposed 3 lot subdivision of Lot 7 and a new residence proposed on Lot 8 to create 4 new residences on a private road on approximately 16 acres in the R1-80 zone.

Dan Ciarcia, project engineer, and Al Capellini, project attorney, were present. Capellini stated this project was the subject of extensive proceedings. A variance was granted in 2009. Currently, the proposal includes a 4th lot that contains a ROW. This ROW allows access to the three proposed building lots, all of which lack frontage on a public road. Ciarcia stated the applicant has shown that there are benefits to not developing a public road. Capellini stated there was a 5th lot, with an existing residence, that the Board had okayed a lot line adjustment so it could be sold. Flynn stated crossing the ravine seemed environmentally unsound. Ciarcia stated the southern neighbors were asked if they would allow access, but none would agree. Ciarcia stated there are many owners of the existing ROW and they would have to all agree. We have met with NYC DEP, and there has been testing with the Dept. of Health on site. Barber stated there have been changes to the storm water regulations since the applicant was before the Board. Additionally, the wetland delineation has to be revisited. Lots are 5.0, 5.0 and 3.0 acres. The parcel is in an R1-80 zoning district. Tegeder felt the applicant would still need to NYC DEP and NYS DEC approval. Neighbors felt this area was very environmentally sensitive. Tegeder suggested it be referred to town agencies at this time.

With regard to the **Kiederer Subdivision**, Very small encroachments were found on the property and the applicant may have to create two additional very small non-building lots in order to convey those portions of the property to the neighbors/ Ciarcia will submit a revised plat when it is ready.

Fieldstone Manor Subdivision

Discussion Major Subdivision

SBL: 15.11-1-17

Location: Strawberry Road

Contact: Site Design Consultants

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

Al Capellini, project attorney, and Joe Riina, project engineer, were present with applicant, Bill Catucci. Catucci reported that the Recreation Commission was not interested in proposed lot for use as softball fields. Riina stated the recreation parcel would consist of the 8.9 acres of land including the courts and Route 6 Bypass ROW to the South. The 7.6 acres around the pond would be given to the HOA. Capellini stated the Yorktown Historical Society is reviewing the possibilities of acquiring the tower. Tegeder asked how the lot containing the tower can be a non-building lot. Tegeder wanted the proposed parking out of the ROW, however Riina was uncertain if could be done. Catucci requested a public hearing. The Board scheduled a public hearing for Dec. 9, 2013.

The Board discussed the memo being sent to the Town Board regarding the project State Land proposed rezoning. Kutter asked Jonathan Nettelield to speak briefly about a form based zoning project he was involved with in Highland, NY along Route 9W.

Savannahs

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Steinberg explained the owner is requesting the Planning Board allow them to remove the two light fixtures that were approved along the western property line with the Hess Station. The contractor stated that installing the fixtures cause most, if not all, of the trees along the property line to be removed. Steinberg and Tegeder made a sited visit and agree that the wall packs on the building, plus one additional at the top of the new exterior staircase, would be sufficient. Tegeder stated that any new wall packs should be down facing and comply with the Town's Lighting Ordinance. Steinberg also stated the owner would like to look for comparable fixtures to those approved on the plan because they are very expensive. The Planning Dept. will review the new fixtures when submitted. The Board agreed that would be fine. Steinberg will write a memo to the Building Inspector and ABACA regarding the change.

Upon motion by Savoca, seconded by Kincart, and with all those present voting aye, the meeting was adjourned at 9:45