

## Planning Board Meeting December 9, 2013

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A meeting of the Planning Board, Town of Yorktown, was held on December 9, 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

Darlene Rivera

John Flynn

John Kincart 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 Fon stated the Board would seek advice of counsel regarding the Faith Bible Church application at the end of the work session.

Correspondence ABACA memo regarding the JV Mall

Liaison Reports No reports were given at this time.

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

### **Minutes: November 18, 2013**

**Upon motion by Flynn, seconded by Savoca, and with all those present voting aye, the Board approved the minutes of November 18, 2013.**

### **Hilltop Associates**

### **Request for Reapproval**

**SBL: 37.06-1-25**

*Location:* Hilltop Road

*Contact:* Al Capellini

*Description:* A 3 lot subdivision approved by Planning Board Resolution #08-02 on January 14, 2008.

Al Capellini, project attorney, was present. Wagner stated we received the overview of the SEQRA findings, but asked if the applicant met with the Planning Dept. Capellini stated they had not met with Planning, however, the project has been reduced in scope from 3 building lots to 2 building lots. Tegeder stated there was a request for a letter from project engineer, Jack Goldstein, stating the SEQRA status. Fon suggested this be a condition of the approving resolution

**Upon motion by Flynn, seconded by Savoca, and with all those present voting aye, the Board reapproved the subdivision conditioned on receipt of a letter from project engineer Jack Goldstein reporting the project's SEQRA status.**

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### **Yorktown Farms Lot 1**

### **Decision Statement**

**SBL: 6.18-1-80.5**

*Location:* Gay Ridge Road

*Contact:* Ciarcia Engineering

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

Dan Ciarcia, project engineer, was present. This is due to the FF elevation change is greater than 2ft from 579 to 575. Wagner felt the resolution was suitable as submitted. The Planning Dept. had no issues with this lot.

**Upon motion by Rivera, seconded by Savoca, and with all those present voting aye, the Board approved the change in finished floor elevation from 579' to 575'.**

### **Creative Living Development**

### **Decision Statement**

**SBL: 6.14-1-2**

*Location:* Navajo Road

*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.

Al Capellini, project attorney and Joe Riina, project engineer were present. Capellini reviewed the approving resolution. Tegeder stated this resolution does not include the third paragraph of Wagner's memo. Capellini stated the first item, page 7 of 9, in the first resolved, what is meant by May 2014 and can this be changed to May 30, 2014. Tegeder thought the DEC had been clear regarding "by May 2014" however if the applicant was concerned with the 30 days, the resolution could state May 30, 2014 instead. The Board agreed to make the revision. Capellini: On page 8 of 9 in paragraph 11, the request is for the greenhouses to be in compliance with Town and State building code which we are. The applicant was issued a Certificate of Occupancy. Whether the greenhouses are temporary or permanent is a discussion with the Building Inspector. Building Inspector John Winter confirmed that the greenhouse structures would have a certificate of occupancy for temporary or permanent and he was okay with the language included in the resolution. Capellini: With regard to the moveable greenhouse, in paragraph 12d on the same page, the Board is requesting a new nomenclature, not greenhouse, as nothing will be grown here. The Applicant was fine with this request and noted they should probably be called field houses or training facilities. Tegeder added that whatever nomenclature is chosen, it should be to the satisfaction of the Planning Board. Capellini addressed paragraph 12e-h. The Applicant is aware of the Board's concern with diminishing the effects of disturbance on the stream corridor, however they would rather not include the additional conditions listed in e-h. Instead, the applicant would like to go to the NYS DEC using the configuration approved by the Town Board and leaving the final

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reconfiguration to the NYS DEC wetland Authority. Fon stated this is the terminus of the road. Riina replied this location was previously approved by the Town Board and agreed to by NYS DEC. The Fire Commission reviewed the plan and this was the preferential location as they were not happy with the emergency access being through the backstop of the northern field. At the last meeting the NYS DEC, they liked the configuration of the cul-de-sac as first shown. Tegeder asked would happen if NYS DEC did not want the road moved, would you leave it there. Capellini stated if this comes back due to NYS DEC changes, the Planning Board can review the road placement. Flynn felt the resolution should reflect the recommendations of the Town's Environmental Consultant. Riina showed the original road location. The Building Inspector indicated he agreed with the Fire Commission. Capellini asked if the Board can reference the original plan, qualify that section by stating if the DEC requires this to be changed the applicant will return to the Board. The Board did not see any need for this change and wanted to keep the road as suggested by the environmental consultant. The applicant agreed to this. Susan Siegel asked what enforcement mechanisms are place. Fon stated the enforcement is contained throughout the resolution including: site plan changes, a second dome, 72-hour notice for the pre-construction meeting, an on-site environmental inspector and bi-weekly reports. Additionally, SEQRA is addressed on page one of the resolution. Francois asked if the road results in a wider area for mitigation, and was told it did.

**Upon motion by Rivera, seconded by Savoca, and withal those present voting aye, the Board declared lead agency under SEQRA.**

**Upon motion by Rivera, seconded by Savoca, and withal those present voting aye, the Board issued a negative declaration.**

**Upon motion by Savoca, seconded by Flynn, and withal those present voting aye, the Board approved the site plan, wetland permit, and SWPPP.**

### **Yorktown Police Department**

**SBL: 37.09-1-4**

*Location:* 2281-2295 Crompond Road

*Contact:* Rahul Verma

*Description:* Stormwater Retrofit Project.

### **Public 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. The proposal is for an extended detention basin, with a contributing drainage area of approximately 24 acres. Stormwater runoff is conveyed from Route 202 through the existing catch basins and piping. In addition, stormwater runoff from the police station/court property goes into the existing catch basins on site. The project includes minor modifications to the existing catch basins, and connecting the piping to route flow into the forebay. The project is adjacent to the wetlands but not within the wetlands. Phosphorus removal for this installation would be 4kg/year.

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

Fon opened the meeting to the public. No one from the public came forward. Flynn asked if there was excavation. Verma stated there was but did not have the amount to be excavated. Verma will submit the excavation calculation to the Planning Dept. The EAF states approximately 47,300sf of total disturbance.

**Upon motion by Flynn, seconded by Savoca, and with all those present voting aye, the Board declared lead agency under SEQRA.**

**Upon motion by Rivera, seconded by Savoca, and with all those present voting aye, the Board issued a negative declaration.**

**Upon motion by Rivera, seconded by Savoca and with all those present voting aye, the Board approved the site plan, SWPPP wetland and excavation permits.**

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

### **Fieldstone Manor**

### **Public Hearing**

**SBL: 15.11-1-17**

*Location:* Strawberry Road

*Contact:* Site Design Consultants

*Description:* A proposed subdivision, with authorization from the Town Board to use flexibility standards pursuant to Town code Section §300-22, on 22.94 acres in the R1-20 zone.

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

Al Capellini, project attorney, Joe Riina, project engineer, and Michael Piccirillo, project architect, were present. Capellini stated the Board has discussed this project at many sessions and held a public informational hearing. The Town Board has had two public hearings regarding flexibility. Flexibility was needed to maintain the manor house with 7 units either condo or rental. This project is subject to affordable housing of two units. The manor house was built in 1930's and the tower around 1919. The proposal calls for 19 lots, 14 quarter-acre single family homes, and private roads throughout the complex. The tower will be situated on its own lot. The tower has been offered to the Yorktown Historical Society; however, we have not received an answer as yet whether they will be able to take it on. This proposal also provides recreational opportunities including: tennis/pickleball courts, and basketball courts. There will be land set aside for the Route 6 by-pass. Riina stated the site is located near the intersection of Strawberry Rd and Lexington Ave, to the west is the Hudson Valley Islamic Center, to the southwest is the George Washington Elementary School, with residential units to the south. The site contains NYSDEC wetlands and buffer, with a man-made pond within the wetland area. The land to the east is vacant. The site has its access point off of Strawberry and as well as a right-of-way through the Islamic Center. Currently, the site contains two small cottages, an abandoned barn,

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the tower and the manor house. The proposal calls for 21 units, 14 single family homes on a minimum of 10,000sf lots, 7 condo/rental units within the manor house (2 affordable units), and two multi-car garages. There will be dedicated open space with a conservation easement and opportunities for recreation. Access will be a private road from Strawberry Road. Internal roads will have low stone walls and plantings, and the main road will pass in front of the Tower. There will be a permanent demarcation of the buffer area with low stone walls and a split rail fence. The project will result in 8,000sf of intrusion into the wetland buffer, which will be mitigated. Mitigation will include preservation of an area adjacent to the buffer area and removing the existing barn and restoring the area. This will result in double the square footage of the disturbance. Additionally, permanent delineation of the wetland using the stone wall and a split rail fence to provide a permanent barrier from intrusion into the buffer. The open space that will be owned by the HOA will include the pond. The existing trails will be maintained, and ice skating will continued on the pond. Each lot will have stormwater detention, such as a rain garden, the main road will have dry swales, and low stonewalls with plantings. Public sewers and public water will serve the site. Riina stated the Town's Water Department requested the water main going through the site be brought to past George Washington school and ending at West Road. The Water Department felt this would alleviate the water pressure problems being experienced by residents on Strawberry Road and West Road where the mains terminate. Connecting the two ends will resolve this problem. The Recreation Commission requested three tennis/pickle ball courts and a basketball court. Riina stated his stormwater pollution prevention plan would have to be revised to include the minor increase in runoff from these recreational areas. Fon asked who will build the recreation area, and was told the applicant. The site is just shy of 23 acres, 6.5 of which are being developed. 9 acres will be used for recreation and 7.6 acres for open space. Structures have been moved outside of the buffer. Piccirillo stated the manor house is 20,000sf and the proposed design is meant to keep the integrity of the exterior and interior architecture. The proposal calls for the creation of a new front portico, and two side doors with portico roofs to access the new units. There is central area for common space. Two new garage buildings are proposed, one 3-bay one 4-bay, that would match the manor house. Piccirillo presented one model of the 14 single family units. Riina stated in the rear of the manor house is space for the community activities, including a swimming pool. Susan Siegel asked if the Town had standards for gravel roads. Ms. Siegel asked who would maintain the gravel road. Riina stated the Recreation Commission was agreeable with gravel. Once the facilities are built the town will maintain them. Ms. Siegel asked if there was any reason why the Town would want the proposed land donation, as opposed to a conservation easement. Capellini stated the Town might want it to ensure space for a possible by-pass. The Board requested the applicant return to the Jan. 13, 2014 as the report from the Town's Traffic Consultant Jacobs should be submitted by that date.

**Upon motion by Rivera, seconded by Savoca, and with all those present voting aye, the Board adjourned the public hearing until January 13, 2014.**

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

### Work Session

#### **Gione Minor Subdivision**

**SBL: 27.15-2-1**

*Location:* 21 Loder Road

*Contact:* Al Capellini

*Description:* An approved 2 lot subdivision with an existing residence.

#### **Discussion Conservation Easement**

Fon recused himself from this discussion because he recently discovered the applicant's relative works for the Town of Greenburgh, as does Fon. Al Capellini, project attorney, and Joe Riina, project engineer, were present with the applicant. Capellini explained the lender, JP Morgan Chase, cannot approve the mortgage as they are required by Freddie Mac to have each lot have at least one acre of unencumbered land surrounding the homes. The lender is requesting approval of the subdivision without the conservation easement. Capellini stated if the lot lines were drawn within the wetland it would solve this problem. The Board was agreeable to relocating the Conservation Easement line closer to the actual wetland buffer line and asked to see the plans drawn.

#### **BJ's Wholesale Propane Facility**

**SBL: 36.06-2-75**

*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.

#### **Discussion Special Use Permit**

*Withdrawn by the Applicant*

#### **Comstock Residential Contracting, LLC**

**SBL: 16.17-2-77**

*Location:* 3319 Stony Street

*Contact:* Site Design Consultants

*Description:* Proposed 13-lot residential subdivision within the R1-20 zone. Each lot to be served by Town sewer and water.

#### **Pre-Preliminary Application**

Al Capellini, project attorney, and Joe Riina, project engineer, were present with applicant Eric Abraham. Capellini stated this is an 8 acre site fronting on Stony Street. Prior to this application there was a house and barn on the property, which has since been demolished by the previous owner. This site is in an R1-20 (half acre, single family) zoning district and it is proposed to

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construct 13 single family homes. These homes will be served by public water and sewer. Riina stated this is a pre-preliminary application. There is a wetland boundary shown on the plat of a subdivision to the west, and there in one residence proposed within that wetland buffer if it still exists. Riina stated he felt comfortable in siting the house in the buffer because there is a ridge between the two subdivisions and they may be in separate watersheds. Riina also showed an alternative plan that pulls the house out of the wetland. Riina stated the proposed dead end would be 1200 feet long, which he believes is the maximum allowed. The proposed homes would be approximately Size 2400sf - 2800sf. Fon stated this subdivision would connect at least one of the other dead end roads and provide residents with additional egress and increased safety. Riina stated connecting the roads would not create a shorter, cut-through because there is no proposed connection to Stony Street.

### **Shell Station Canopy**

### **Town Board Referral**

**SBL: 37.18-2-52**

*Location:* 1821 Commerce Street

*Contact:* Catapano Engineering, P.C.

*Description:* Proposed canopy at existing gasoline fueling station.

Steinberg stated Building Inspector, John Winter had several issues with this site aside from the proposed canopy including: clothing bins, and propane tanks. Fon proposed the Board conduct a site visit. Flynn asked about closing one of the curb cuts, and information regarding the monitoring wells, illustrated on the plans. The Board requested the applicant return to the Dec 23 meeting.

The Board requested Advice from Counsel regarding Faith Bible Church.

**Upon motion by Rivera, seconded by Savoca, and with all those present voting aye, the meeting was adjourned at 10:00 pm.**