

Planning Board Meeting Minutes – May 18, 2020

A meeting of the Planning Board, Town of Yorktown, was held on **Monday, May 18, 2020 at 7:00 p.m.** via Zoom video conference.

Chairman Rich Fon called the meeting to order at 7:00 p.m. with the following Board members present:

- John Savoca, Vice Chair
- John Kincart, Secretary
- Bill LaScala
- Aaron Bock

Also present were:

- John Tegeder, Director of Planning
 - Robyn Steinberg, Town Planner
 - Tom D’Agostino, Assistant Planner
 - Nancy Calicchia, Secretary
 - James W. Glatthaar, Esq.
 - Councilman Ed Lachterman, Town Board Liaison
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In accordance with the Governor’s Executive Order 202.1, the Town of Yorktown Planning Board will not be meeting in person until further notice. All Planning Board meetings will be held via video conferencing and the regular session portion of the meetings uploaded to the Town of Yorktown’s website and Yorktown’s YouTube channel after the meeting. All regular sessions will be broadcast on the Town of Yorktown Government Channel.

Correspondence/ Liaison Reports

The Board reviewed all correspondence. The following was discussed:

- **Hearthstone Subdivision** - Chairman Fon noted Mr. Glatthaar’s memo to the Board with respect to the easement. Discussion followed. Mr. Kincart stated that he would like to reserve the option for the future right-of-way access but take the utility easement now. The Board agreed. Mr. Glatthaar responded that he would work on this and noted that based on this discussion, the town will accept dedication of the utility portion only at this point, and reserve the right to accept dedication for the right-of-way at some future point. He asked if they would want it dedicated only if it was approved to the town’s standards. Mr. Kincart stated that at the point when they consider accepting it they would want it to be a substantial piece of infrastructure. Chairman Fon asked the Board if there were any additional comments and there were none. Mr. Glatthaar advised the Board to make a motion to approve the decision.

Upon a motion by John Kincart and seconded by Aaron Bock, and with all those present voting “aye” the Board approved the utility easement per the current plan with the offer of the future right-of-way access easement as deemed necessary by the town.

- **Nestle Waters** – Chairman Fon stated that the written record for the Negative Declaration was in the correspondence. Mr. Kincart asked if the Board would need to revote on this item. Mr. Glatthaar responded that at the prior Board meeting, it was voted upon and repealed and then followed up with a revote for approval of lead agency, negative declaration and site plan approval. This is the written record for the file and the Board’s review only.

There were no liaison reports.

Motion to Approve Meeting Minutes

Upon a motion by Aaron Bock and seconded by John Savoca, and with all those present voting “aye”, the Board approved the meeting minutes of May 11, 2020.

Motion to Open Regular Session

Upon a motion by John Kincart and seconded by Aaron Bock, and with all those present voting “aye”, the Board opened the Regular Session.

REGULAR SESSION

Faith Bible Church

SBL: 15.16-2-9, 10, 50, 53, & 54
Discussion: Reapproval Site Plan and Special Use Permit
Location: Mohegan Avenue and Sagamore Avenue
Contact: Site Design Consultants
Description: Special Use Permit, Site/Parking Plan, Stormwater Pollution Prevention Plan Permit, Wetland Permit, and Tree Removal Permit for an 8,000 sf, two-story church and parking approved by Resolution #14-08 on May 5, 2014.

Comments:

Joseph Riina, P.E. of Site Design Consultants was present. Mr. Riina stated that the application has been around for quite some time. The site plan was approved to expand the existing church building and make improvements to the site, which included parking and enhancing the stormwater facilities, as well as connecting to the sewer. The project was stalled due to the lack of funds as a result of the lengthy approval process. However, they did accomplish some of the improvements, which included the demolition of the free standing building to the right rear of the church building and the addition of new parking on both sides of the building. Otherwise, the site remains the same and the church building remains the same size that it was. The applicant is currently trying to raise funds to continue with the renovations and is asking the Planning Board to consider this in their decision to grant a reapproval.

Chairman Fon asked the Board if there were any comments. Mr. Kincart asked if there have been any changes environmentally or if the utility availability has changed. Mr. Riina responded that nothing has changed from that perspective, they still have the ability to connect to the sewer as needed. All the plans are still in place to make enhancements to the wetland and buffer, which was approved as part of the original project. Mr. Tegeder stated that Mr. Riina submitted a letter to the Planning Department with an update on the application and had no issues. Chairman Fon asked the public if there were any comments and there were none.

Upon a motion by William LaScala and seconded by John Kincart, and with all those present voting “aye”, the Board approved the resolution reapproving the site plan, special use permit, Stormwater Pollution Prevention Plan Permit, Wetland Permit, and Tree Removal Permit for Faith Bible Church.

Motion to Close Regular Session and Open Work Session

Upon a motion by Aaron Bock and seconded by John Savoca, and with all those present voting “aye”, the Board closed the Regular Session and opened the Work Session.

WORK SESSION

Sandvoss Subdivision

SBL: 59.071-7 & 8
Discussion: Subdivision Project Updates
Location: 1005 Hanover Street
Contact: Site Design Consultants
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.

Comments:

Joseph Riina, P.E. of Site Design Consultants was present. Mr. Riina stated that they are ready to move forward for final approval of this project. They have obtained all outside agency approvals. They have the Health Department approval, NYCDEP approval and Army Corp approval. They have received a verbal approval from the NYSDEC and are waiting for the written approval.

Chairman Fon asked the Board if there were any comments. Mr. Tegeder stated that an application needs to be submitted for a final review and referral. He noted that the Town Engineer may still have outstanding comments and will need his final response and sign off. Mr. Riina responded that he would submit an application and noted that he did submit a plat signed by the Health Department to the Planning Department. He stated that they addressed all items with respect to the Engineering Department and received the Town Engineer's sign off in order to get the Health Department approval. He noted that they still need to work on an estimate for the bond amount.

Mr. Bock stated that the record for this project is quite extensive and did not take place during his recent tenure on the Board. He noted that the project is ready for final review and potential approval and he wants to make sure that he reads all the material in order to feel comfortable to vote on it. Mr. Kincart noted that the Board did have an additional public hearing in 2018 in order to have a record that was fairly current. Mr. Bock stated that even though he did not participate in any of the previous Board's deliberations on this matter, as he was only recently appointed, he can still familiarize himself with the record and then act upon that and asked Mr. Glatthaar if this was correct. Mr. Glatthaar responded affirmatively.

Nestle Waters – Additional Discussion

Comments:

Chairman Fon stated that the Board received an email from the Planning Department with respect to the bonding requirement for Nestle Waters and asked Mr. Glatthaar if it would be appropriate to add this discussion to the work session. Mr. Glatthaar responded that it would be appropriate and had no issues. Mr. Riina stated that Nestle is asking to bond the fence that is to be installed along Route 202, in addition to the landscaping, as they are trying to occupy the building as soon as possible, and the fence supplier has indicated they will not be able to provide the material for several weeks. Nestle is proposing this to avoid an issue when they apply for the certificate of occupancy. Mr. Kincart stated that he had no problem with the bonding for the fence and noted that the Board could place a time limit on it. Discussion followed. The Board agreed on a 45 day time limit for the fence to be installed. Mr. Tegeder stated that he will issue a memo on the Board's behalf stating that installation of the fence along Route 202 will be included in the bond. The Board had no objections.

Crystal Court Subdivision

SBL: 27.11-2-43

Discussion: Site Visit

Location: Crystal Court

Contact: PANBAR Realty

Description: Proposed 3-lot subdivision on 5.07 acres in the R1-20 zone.

Comments:

John Barile and Lou Panny were present. Chairman Fon stated that the Planning Board and Conservation Board conducted a site visit on Saturday, May 16th. He noted that the top of the property was very flat with a slope down to Crystal Lake, and there is a substantial buffer. There is a group looking to maintain the conservation easement. Mr. Bock stated that he did not see any visible wetland flagging and was not clear where the easement was for the utilities, but there is not much more to do in his opinion. Chairman Fon asked Mr. Tegeder what the next step would be. Mr. Tegeder responded that there are some minor details to work out with the stone wall demarcation of the conservation easement. The tree mitigation and mitigation plan need to be worked on. Once this is complete and acceptable, they can move forward to a decision statement. Mr. Kincart asked about the first lot on the left side with respect to showing a usable rear yard area as discussed by Mr. Tegeder at the previous meeting. The Board would like to see a reasonable rear yard for Lot 1 shown on the plans. This most likely will require intrusion into the wetland buffer and therefore the Board would like to understand the impacts for this lot now and not by the homeowner later. Mr. Tegeder responded that he agrees and will discuss this further with the applicant. Chairman Fon asked the Board if there were any other comments and there were none. Chairman Fon advised the applicant to discuss all outstanding issues with the Planning Department in order to move forward.

Motion to Close Meeting

Upon a motion by John Kincart, seconded by Aaron Bock and with all those present voting “aye”, the Board closed the meeting at 7:38 p.m.