

## Planning Board Minutes November 23, 2015

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A meeting of the Planning Board, Town of Yorktown, was held on November 23, 2015, at the Yorktown Community & Cultural Center, 1974 Commerce Street, Yorktown Heights, NY 10598. The Chair, Richard Fon, opened the meeting at 7:00 pm with the following members present:

John Flynn  
John Kincart

Also present were: John Tegeder, Director of Planning; Robyn Steinberg, Town Planner; Tom D'Agostino, Assistant Planner; Anna Georgiou, Planning Board Counsel.

### **Minutes:**

There was no quorum to review the September 21, 2015 minutes.

**Upon motion by Flynn, seconded by Kincart, and with all those present voting aye, the Board approved the November 9, 2015 minutes with changes as shown on the chair's copy.**

### **WORK SESSION**

#### **Marathon Development Group – *Withdrawn by Applicant***

**SBL: 37.18-2-51**

#### **Discussion Site Plan**

Location: 322 Kear Street

Contact: Site Design Consultants

Description: A three story commercial/residential building with associated parking and walks. The building has a footprint area of 5,000 square feet.

#### **Fieldstone Manor**

**SBL: 15.11-1-17**

#### **Discussion Subdivision**

Location: Strawberry Road

Contact: Site Design Consultants

Description: A 21-lot cluster subdivision on 22.94 acres in the R1-20 zone that received Preliminary Subdivision Approval by Res 14-02 on February 10, 2014.

Al Capellini, project attorney, Joseph Riina, project engineer, and Bill Catucci, property owner, were present. The applicant has finally completed NYSDEC and Health Department approvals. The applicant has also submitted all easements and documents required by the subdivision to the Planning Department. Kincart asked about the future of the tower. Capellini stated that another applicant would like to move the tower to his site and will talk about this later on the agenda. Kincart asked if the lot the tower is on could be another building lot if the tower is removed. If the tower is not moved, it will still be restored.

Catucci would like to retain the mansion and have 7 rental apartments instead of offering the building as condominiums as originally proposed. Capellini stated the flexibility authorization stated the number of units. The applicant will review the Town Board's resolution with the Town Attorney to see whether the approval considered condos vs. rentals. Catucci would also like to remove the garages from the plan. There were to be 7 garage spaces in a large building matching the style of the mansion. Catucci would rather build a nice carport or something less significant than a building. The Board

## Planning Board Minutes November 23, 2015

---

discussed continuing to think about the garage area. Tegeder asked about work being done on the property currently, which would be in violation since there have been no permits issued yet. Riina explained that there was material available from work being done at the George Washington Elementary School adjacent to the property and Catucci used this material to level out the area for the recreation pad. Town Staff and counsel will review all the easements and other documents that have been submitted. The road will be deeded to a corporation and the owners of all the lots will have an obligation to maintain the roads through a declaration. Each lot will be assessed a certain portion of the common property. The road will not be a separate tax lot. The corporation will own the 7 apartments as well.

### **Colangelo, John**

**SBL: 35.16-1-4**

#### **Discussion Subdivision**

Location: 1805 Jacob Road

Contact: Site Design Consultants

Description: Proposed to subdivide the subject property into 6-lots utilizing the "large lot clustering" provision in the Town Code. The 6th lot would include open space and lands to be used for agricultural purposes.

Al Capellini, project attorney, Joseph Riina, project engineer, and John Colangelo, property owner, were present. Riina stated the plan now shows 6 lots, however the concept has not changed. The solar panels are shown to scale. Riina stated that it was determined that septic systems are not feasible on the property therefore a low pressure sewer system is proposed to tie into the sewer line in Catherine Street. The applicant is thinking of moving the tower from the Fieldstone Manor subdivision to the front lot on the site where the farm stand is, instead of building silos. There is still an access to the southern part of the property from the farm stand lot along a proposed walking trail. An area in the southern part of the property is shown as a dog park and is being offered to the town.

Tegeder asked about the tree removal that has happened on the site. Colangelo explained that he had wanted to get into the Agricultural District and was clearing an area around what is shown as Lots 3, 4, and 5. The Town stopped that activity because he did not have a permit. Some trees were also removed after Hurricane Sandy. Colangelo represented that the trees removed had already fallen due to the storm. Tegeder stated that as part of the subdivision approval there will be a tree permit and there cannot be tree removal occurring during the process. The Planning Board must determine tree mitigation for the proposed project. Colangelo stated in the first instance approximately 2 acres of trees were removed. This occurred before the subdivision application was submitted. A tree permit was obtained from the Town Board for this after the fact. Colangelo stated he is now working with a forester. Riina stated that the area that is intended to be farmed is proposed to be cleared of trees. The trail being shown is conceptual. No trees are proposed to be removed for the trail. Tegeder asked if a tree survey is being done. Colangelo said the forester is marking the trees to be removed with blue paint. Tegeder stated the blue paint probably was tagging for removal which should not be done during the subdivision process. Colangelo stated he would like to complete a stewardship plan first. Tegeder explained that a tree survey must be performed for the purposes of reviewing the subdivision to determine what trees exist before anything is disturbed. Riina asked if the tree survey could be limited to the areas of proposed disturbance and not to the areas that are not going to be disturbed at all. Fon requested the applicant meet with town staff to review the entire project. Capellini stated he had spoken to the Building Inspector regarding the solar panels because solar panels are not listed as a use in the town code. Capellini reported that the Building Inspector, John Winter, determined the solar

## Planning Board Minutes November 23, 2015

---

panels were an accessory use on the site. Colangelo asked if the accessory apartments had to be discussed now. Capellini stated the apartments would be applied for afterwards from the Zoning Board. They are not part of the subdivision approval. The applicant needs to outline the phases of the project and meet with town staff.

### **Field Home**

**SBL: 35.12-1-3**

#### **Discussion Site Plan**

Location: 2300 Catherine Street

Contact: Site Design Consultants

Description: Proposed lot-line adjustment.

Al Capellini, project attorney, Joseph Riina, project engineer, and John Ahearn, from the Fieldhome, were present. Riina stated the Fieldhome had come several months ago to discuss moving the lot line to be able to separate the nursing facility from the field hall. This is to facilitate the sale of the nursing facility. Capellini stated that the applicant requires the Planning Board's recommendation to go to the Zoning Board to obtain variances for side yard setbacks. The RSP-3 zone requires 150 feet sideyard setbacks. Capellini stated that the original lot line had an odd shape because the line went around the septic system, which was abandoned when the property was connected to the sewer system. There are several utility easements required to be filed when the lot line is moved. Capellini will make application to the Assessor and requested a positive recommendation from the Planning Board when that application comes back to them.

### **Spirelli Electric**

**SBL: 16.06-1-44**

#### **Discussion Approved Site Plan**

Location: 990 East Main Street

Contact: MAP Architecture

Description: Modification to approved site plan.

Sonia Idelsohn of Michael Piccirillo Architects was present. The Board reviewed the approved plan versus the existing conditions plan that was submitted. Fon reviewed items he observed on the site which included two temporary carport structures and that parking spaces 1 and 7 as shown on the as-built are not accurate. The garbage dumpster location moved to the front of the site is usually what the Board tries to avoid. Some clearing was done on the neighboring site that the property owner now owns. Fon stated that the as-built plan does not accurately show what exists on the site currently. The property owner and the architect should meet with town staff to decide what step is next. The owner can clear the adjacent site of garbage, but cannot be parking on that site or driving on that site to get to areas on the original site. The Board again mentioned not being happy with the garbage dumpster in the front of the site.

### **Crompond Terraces**

**SBL: 26.18-1-9, 10, 11, 12, 13, 14, 15, 16**

#### **Discussion Rezoning Application**

Location: 3258 Old Crompond Road

Contact: Ciarcia Engineers

Description: The Applicant has petitioned the Town to rezone 6 parcels to multi-family residential (R-3) and commercial (C-2R) from single family residential (R1-20). The Town of Yorktown wishes to

## Planning Board Minutes November 23, 2015

---

consider 2 additional adjacent parcels in the rezoning action that the Applicant does not control, for a total of 8 parcels, encompassing a total area of 23.61 acres. The Applicant is requesting rezoning for the purpose of developing up to 80 residential townhouse units, 16 affordable rental apartments, a 12,000 square foot multi-purpose recreational facility, up to 45,000 square feet of office space and up to 32,000 square feet of small scale retail space.

Ann Cutignola of Tim Miller Associates, Dan Ciarcia, project engineer, Ann Kutter of Red Tape Rescuers, and Phil Grealy of Maser Consulting were present.

**Fon asked for a motion to go into an advice of counsel session. Upon a motion by Kincart, seconded by Flynn, and with all those present voting aye, the Board opened an advise of counsel session.**

**Upon a motion by Kincart, seconded by Flynn, and with all those present voting aye, the Board closed the advice of counsel session.**

Fon stated that it is the Board's understanding that the application before the Town Board is for rezoning only and it has been represented by the applicant that this could be viewed as permissible segmentation under the SEQRA Regulations. If the applicant comes back for a site plan, the Planning Board will have a full review of the site plan at that time. If the Town Board adopts a Negative Declaration, it will only be for the action of rezoning.

Fon stated the rezoning is in keeping with the vision of the Comprehensive Plan. The Board agreed mixed uses were envisioned for this area. Cutignola requested a memo to the Town Board be sent reflecting that, similar to the memo that was received from Westchester County Planning.

The Land Use Plan in the Comprehensive Plan recommends R1-20 remain, until there was a plan for the area. Tegeder stated that this entire concept must be explained as part of the rezoning. The applicant should not jump from this area being a great economic opportunity to there being a plan in mind that happens to look a lot like the proposed concept plan. The properties were discussed extensively, but a concept plan was never discussed or formalized.

Tegeder stated that the EAF must be corrected to show that the Town Board is the only Involved Agency with respect to the proposed rezoning. All the other agencies would be a part of the site plan review and should not be listed.

Cutignola clarified that the professionals present at the meeting represent Mandalay Builders, not the other two petitioners included in the proposed rezone.

The Board supports the rezone request, however its review was limited to the rezoning action only and the Board therefore reserves its technical concerns to a full SEQRA review as part of a site plan. The Planning Department will draft a memo for the Board to review and send to the Town Board.

**Upon a motion by John Kincart, seconded by John Flynn, and with all those present voting aye, the Board voted to close the meeting at 8:50 pm.**