

## Planning Board Meeting Feb 22, 2010

---

A regular meeting of the Planning Board, Town of Yorktown, was held on February 22, 2010 at the Yorktown Community and Cultural Center, 1974 Commerce Street. The Chair, Dave Klaus, opened the meeting at 7:35 with the following members present:

John Savoca  
Bob Giordano  
John Flynn  
Darlene Rivera  
Richard Fon -Alternate Board Member

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

|                          |   |
|--------------------------|---|
| Discussion               | No discussion took place at this time   |
| Correspondence           | Glassbury Court-A letter from developer's attorney requested the Board waive the installation of crosswalks. Tegeder stated according to the site plan the developer had to have a continuum of care. Klaus stated the sidewalks are in place and it is safer for all to instal crosswalks. Wagner asked if this might be a timing issue Steinberg stated she had spoken with developer Bill Balter, and crosswalks will be installed. Wagner will respond to this request. |
| Follow-up Correspondence | No discussion took place at this time   |
| Liaison Reports          | No reports were submitted at this time  |
| Courtesy of the Floor    | No one from the public came forward at this time.   |

### **Dana Cole Hair Salon, Inc.**

### **Commercial Site Plan**

#### **SBL: 15.16-1-31**

*Location:* 1833 East Main Street

*Contact:* Joel Greenberg, Architectural Visions, PLLC

*Description:* Renovation of the existing structure and construction of associated new parking. Joel Greenberg, project architect was present. Greenberg explained the NYS DEC requested changes to the plan approved by the Planning Board. Procedurally, the DEC will only review the project after Planning Board approval. Greenberg stated the Town Engineer was satisfied with the plan, and the Conservation Board only request was a broader mix of plants, which the applicant is agreeable to. Environmental Consultant, Bruce Barber, requested bonding for the bioswale, the planted stilling basin and required plantings .Klaus stated the current resolution we reviewed includes the amendments required by the DEC. Klaus asked if there were any changes to the wetland permit, and Steinberg stated there were none. Klaus stated all of these changes are due to the DEC request.

### **Special Session**

**Upon motion by Giordano, seconded by Savoca, and with all those present voting aye, the Board opened a Special Session.**

**Upon motion by Savoca, seconded by Giordano, with all those present voting aye, the Board approved amended site plan.**

**Upon motion by Savoca, seconded by Giordano, with all those present voting aye, the Board closed the Special Session.**

**Planning Board Meeting Feb 22, 2010**

---

**Bonsignore Wetland Permit**

**Town Board Referral**

**SBL: 16.7-1-37**

*Location:* 738 East Main Street

*Contact:* Donato Pennella

Description: Construction of a 1,500 SF residence in a town wetland buffer.

The applicant was present before the Board. Klaus stated the site was along Old Route 6, near the JV Mall. The applicant stated there is an existing residence which had a wetland permit that expired. The applicant explained that a building permit was filed with the Building Department. The Building Department unnecessarily directed the applicant to the ZBA. During the time with the ZBA, the wetland permit expired. The applicant stated the proposed residence is a little smaller than the former proposal, and the residence is being shifted away from the wetlands. The wetlands were reflagged. The Town Board is the approval authority, and this is before the Planning Board as a referral. The applicant felt the new wetland line was more favorable. The applicant stated very few changes were made to the plan the Town Board had approved. Klaus referred the applicant to the Conservation Board. Klaus stated although the wetlands have been reflagged, the flagging must be confirmed by the Town's Environmental Consultant. The applicant explained handling of run-off with a proposed swale to divert the water. Klaus stated all of the concerns are environmental, there are no planning issues. The Board had no objection and to the Town Board approving a wetland permit, and will issue a memo to the Town Board.

**Soundview Prep**

**Zoning Board of Appeals Referral**

**SBL: 48.6-1-30**

*Location:* 370 Underhill Avenue

*Contact:* Seth Mendelbaum, McCullough, Goldberger & Staudt, LLP

Description: Renewal of Special Permit for a private school granted April 26, 2007.

Glyn Hearn, headmaster, was present. Klaus stated the original special use permit was approved two years ago. The applicant is renewing the special use permit and requesting a 5-year approval. Klaus asked if any of the conditions had changed, and was told there were no changes. Wagner stated the ZBA notes indicate there are no changes. Klaus stated in the two years that Soundview Prep has been in operation no problems have been brought to the Planning Board. The Planning Board has no objection to a 5-year approval for the special use permit, and will send a memo to the ZBA stating same.

**King Gates & Fence**

**Special Permit - Outdoor Service**

**SBL: 26.19-1-1**

*Location:* 3216 Crompond Road

*Contact:* Louie Gashi, King Gates & Fence, Inc

Description: Existing gate & fence business to enclose outdoor service area.

The applicant was present. The applicant wants to enclose an outdoor service area with an 8ft high fence. Klaus explained that 8ft high fence would require a ZBA variance. The applicant was agreeable to a 6-foot fence. Klaus stated the Board needs additional information on how the fence relates to the site. The Board needs the applicant to overlay the fence onto the survey. Klaus requested Tegeder help the applicant display the fence on the site plan.

**Zeal Construction**

**Town Board Referral**

## Planning Board Meeting Feb 22, 2010

---

### **SBL: 25.8-2-17**

*Location:* 1719 Parmly Road

*Contact:* Joseph Scorsone, Zeal Construction

*Description:* Construction of a single-family house, driveway, water, sewer and other utilities in a NYS & town wetland buffer.

The applicant was present. Klaus stated all issues concerning this application are environmental. It is the Planning Board's recommendation that the applicant meet with the Conservation Board. The applicant stated the house depicted is just a building envelope. Tegeder explained if the actual house encroaches into the wetland or wetland buffer, the applicant must return to the Board. The applicant is developing the plan with the owner. Klaus requested the applicant return after addressing the Conservation Board.

### **Teatown-Gilbert Subdivision**

### **Pre-Preliminary Application**

#### **SBL: 69.14-1-8**

*Location:* 1595 Spring Valley Road

*Contact:* Fred Koontz, Teatown Lake Reservation

*Description:* Proposed 3-Lot subdivision into 57 acres around the lake, 8 acres for one residence, and 5 acres for the second residence, on 70 acres in the R1-200 zone.

Fred Koontz, and Nancy Felcher, Teatown Lake representatives were present, with John Watson of Insite Engineering. Felcher stated we are here to talk about a pre-preliminary application. This parcel has been in Teatown sights for many years and the Gilbert heirs want to preserve the land. Teatown will buy the 72 acres and create three lots. The subdivision will create one 5-acre lot that will contain the existing yellow house, the second 8-acre lot will contain the main house, and the third lot preserve the remaining 59-acres. Felcher stated that currently the estate owns the 72-acres, and Teatown is proceeding with the subdivision with the authority of the heirs. Koontz stated The neighboring property is owned by the County and managed by Teatown. Klaus stated there really is no objection to carving out the two existing house. One house will be non conforming and you will need a variance. Klaus request the wells and septic systems be shown on the plans. Koontz stated Westchester County requires the purchase to be vacant land if they were to consider partnering with Teatown. Teatown will sell the two building lots. Felcher stated the site containing the main house also has a greenhouse, and a garage with two apartments above. Klaus explained the garage must comply with the Town Code for a caretaker's cottage. Tegeder stated this qualifies as did the WOW Associates subdivision, as a nonjurisdictional. Koontz explained this was a very important 59 acres to Teatown. Shadow Lake drains into Vernay Lake and this is part of the 59-acre site. Koontz stated with the acquisition of the 59-acres approximately 90% of the watershed is protected. Koontz stated this site is described in the Croton to Highlands Biodiversity Study as a biotic corridor, which contain significant wildlife including otters and dragonflies. Klaus stated the Board had no objection to the subdivision, and instructed the applicant to meet with the Planning Department to prepare a formal application.

**Upon motion by Girodano, seconded by Flynn, and with all those present voting aye, the meeting was adjourned at 8:30pm.**