

Planning Board Meeting July 12, 2010

A regular meeting of the Planning Board, Town of Yorktown, was held on July 12, 2010, the Yorktown Town Hall, 363 Underhill Ave, Yorktown Heights, NY 10598. The Chair, Dave Klaus opened the meeting at 7:50 P.M. with the following members present:

John Flynn
John Savoca
Darlene Rivera
Richard Fon

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	No discussion took place at this time
Follow-up Correspondence	No discussion took place at this time
Liaison Reports	No discussion took place at this time
Courtesy of the Floor	No one from the public came forward

Regular Session

Upon motion by Flynn, seconded by Savoca, and with all those present voting aye, the Board approved the minutes of June 28, 2010

Arrowhead Subdivision

Request 2nd 90 Day Time Extension

SBL: 48.13-1-6

Location: Underhill Ave

Contact: Al Capellini

Description: A 5-lot subdivision considered under flexibility standards on 45 acres in the R1-200 zone, which was approved by Planning Board Resolution 07-23 dated October 15, 2007.

Al Capellini, project attorney, was present. Capellini explained that the applicant needed time to complete the public improvements. Klaus asked if the NYCDEP issues had been resolved. Capellini stated these issues were resolved.

Upon motion by Flynn, seconded by Savoca, and with all present voting aye, the Board granted the 2nd 90-day time extension.

Yorktown Farms fka Somers Realty

Request 1st 90 Day Time Extension

SBL: 17.6-2-32

Location: Route 6

Contact: Zarin & Steinmetz

Description: A 22 lot subdivision approved by Res #08-03 and reapproved by Res #09-04 and #10-10.

Dan Ciarcia, project engineer, was present. Ciarcia stated this was the last extension that would be required. All off-site improvements have been installed.

Upon motion by Rivera, seconded by Savoca, and with all present voting aye, the Board granted the 1st 90-day time extension.

Adrian Auto Body

Public Informational Hearing

SBL: 26.18-1-24

Location: 3330 Old Crompond Road

Contact: Ralph G. Mastromonaco, PE, PC

Description: The project is to add a single story and a partial two-story addition to the auto body shop and excavate a portion of the hillside to add additional queuing and parking areas to the site.

Ralph Mastromonaco, project engineer, was present with the applicants. This is a public informational meeting to inform the public about a 4,800sf addition to the auto shop. Mastromonaco explained the project would result in

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wetland buffer impacts, grading, and replanting. A memo from the Conservation Board discussed intrusion into the wetlands. Mastromonaco stated a brand new subsurface drainage system was being planned in the parking lot in addition to an open air system. The proposal also calls for the hillside to be dug out to create a 1:3 slope for a parking lot. Mastromonaco explained that the calculations were made as if there was pervious surface, so that in the future no additional treatment would be required. Flynn asked if the applicant was in agreement with the Conservation Board regarding the types of plantings. Mastromonaco stated the applicants had no objections. Klaus opened the meeting to the public.

Ann Kutter, Old Crompond Road. Looking at the site from Rte 202, the eastern side has bad site distance. Kutter asked if the proposal was for one way traffic or no right turn. Kutter asked if the applicant could save the large spruce trees.

Upon motion by Savoca, seconded by Fon, and with all present voting aye, the Board closed the public informational hearing.

Tegeder wanted the wetlands consultant to review the site before the public hearing was scheduled. Mastromonaco asked the Planning Board to provide assistance in getting the Town's wetland consultant to review the site in a timely matter. Joe Adrian asked if wetland delineation should be shown for the entire area or just the Adrian Property.

Curry Automotive SBL: 36.5-1-11

Public Informational Hearing

Location: 3493 Crompond Road

Contact: Architectural Visions, PLLC

Description: Amend approved site plan since the previous building was destroyed by a fire.

Joel Greenberg, project engineer, was present. Greenberg explained that problems existed on the site after the fire. At this time the applicant request amending the site plan to include customer access to the service area, storage of new cars, and the display of used cars. Tegeder stated conditions for Old Crompond Road were imposed by the Board when the site plan was approved. Klaus request the applicant detail the customer public areas. Greenberg stated the next submission will contain this detail. Flynn asked about the planters along Crompond Road. Greenberg stated the applicant will not install any planters. Tegeder substantiated object placed in the DOT right-of-way would not be objectionable. Greenberg stated the applicant will address this. Klaus opened the meeting to the public.

Ann Kutter, 3302 Old Crompond Road. Kutter asked the Board to review installing connections to adjacent sites. Klaus explained grading is problematic, as there are dramatic elevation changes. Pedestrian access is not a problem.

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

Aspen & Mill Street Subdivision SBL: 16.5-1-13

Adjourned Public Hearing

Location: 3810 Mill Street

Contact: Site Design Consultants

Description: Proposed 4 lot subdivision where 1 multifamily and 1 single family existing residences will remain on two of the proposed lots.

Aspen and Mill

Al Capellini, project attorney, and Joe Riina, project engineer, were present with the applicant. Capellini stated at the last meeting the applicant was directed to the Conservation Board. Additionally, the alternate plan was reviewed by Bruce Barber, town wetland consultant. Flynn what about the Town Engineer's memo dated May 15, 2010. Riina stated the memo discusses the SWPPP. Riina felt the alternative plan, was a straightforward plan. Riina stated flood storage would require a more detailed review. Klaus asked if the alternative plans were submitted. Riina stated they were and displayed the plans. Riina stated that instead of having a flood storage basin this proposal calls for replanting the area. Riina reported the town's Wetland Consultant suggested the alternative plan. Ann Kutter, Conservation Board co-chair, stated the Conservation Board had not received the alternative plans, and this made their meeting confusing. Klaus opened the meeting to the public.

John Schroeder, Yorktown Land Trust. Schroeder asked to hear the definition of the Conservation Easement. Schroeder wanted to know who would hold that easement.

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Capellini stated the applicant is proposing to give the town an easement. The easement is similar to the easement at Hanover Hills, which was written and recorded. Flynn asked if this was acceptable to the Yorktown Land Trust. Schroeder explained that the Yorktown Land Trust was trying to educate the public on what a conservation easement is. Schroeder asked about enforcement issues.

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

Klaus asked if there was an issue with the existing single family use, and the expansion of such. Capellini stated by creating the lot for the existing single family house, the applicant has removed one of the non conformities. The nine family dwelling, however, cannot be expanded. Flynn asked if the ZBA decision allows for expansion of the single family dwelling. Capellini stated the ZBA decision does not address this. Klaus stated the nine-family is conforming in other matters, but cannot be increased without receiving a use variance.

Upon motion by Rivera, seconded by Savoca, and with all present voting aye, the Board granted declared lead agency.

Upon motion by Fon, seconded by Rivera, and with all present voting aye, the Board issued a negative declaration under SEQRA.

Klaus stated the resolution will be on hold until the matter of expanding the existing single family house is clarified. The applicant agreed to this.

Village Traditions

SBL: 15.16-1-32

Location: 1821 East Main Street

Contact: Rayex Group

Description: Expand existing parking lot to improve traffic and accommodate additional parking for existing 2nd floor and barn.

Willie Besharat, project engineer, and Al Capellini, project attorney, were present. Capellini explained that the public has been noticed due to the time gap since the last hearing. Besharat stated the old barn will be removed and a new barn installed. The use for this structure will be office use, and will comply with the Town's new comprehensive plan. The new barn will be placed outside of the wetland buffer. Besharat stated the applicant is to provide access to the adjacent property to the west. Besharat stated currently, there is parking along Lakeland St. The applicant has agreed to eliminate the parking on Lakeland St. and install pedestrian amenities. Klaus questioned the adequacy of parking for the original building and the new barn. Besharat stated parking is adequate for both buildings either retail or office. Tegeder stated all required submissions were delivered to the Planning Department.

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

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

Klaus asked for the access easements for Dana Cole, to be submitted. Tegeder requested the applicant submit elevations of the barn before the Board signed the site plan. Tegeder stated a great concern is for the architecture to be in character with the neighborhood. Besharat stated the Town engineer does not have to approve the SWPPP, in order for the application to move forward. All that needs to be done, is for the Planning Board to issue a negative declaration. Klaus stated the wetland permit will be reviewed separately and signed at a later date.

Upon motion by Flynn, seconded by Savoca, and with all present voting aye, the Board approved the site plan.

Teatown-Gilbert Subdivision

SBL: 69.14-1-8

Location: 1595 Spring Valley Road

Contact: Insite Engineering

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.

Wagner recused herself from this hearing. John Watson, Jeff Thompson, Fred Koontz, Nancy Felcher Teatown representatives, were present. Thompson stated this parcel was adjacent to 834 acres of open space and contiguous to 2000 acres of open space. Thompson explained that the County bought adjacent Shadow Lake Estates in 2004, but the economy has changed since that purchase. Felcher reviewed the subdivision map, and explained that Teatown was in

Adjourned Public Hearing

Public Hearing

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discussion with the heirs of the Gilbert estate in order to preserve the site. Felcher reported Teatown raised half of the necessary funds. Klaus stated this site is currently deemed a one 70-acre parcel. Teatown is proposing to establish separate building lots for each of the two existing residences and create a third parcel to be utilized for open space. Klaus explained the applicant must show the viability of a house on the 57-acre lot. Klaus explained the Planning Board must protect the town if the conditions of the subdivision change. Lot #1 will be 57-acres and used as open space, it will include Vernay Lake, and be adjacent to the Shadow Lake Preserve. Lots 2 and 3 will contain the existing residences. Flynn asked if Teatown was selling off the existing house. Flynn also asked if they was served by wells and septic. Felcher stated both houses were on wells and septic and Teatown will be selling them to help pay for the project. We have received approval from the County for this project. Currently we require a negative declaration from the Planning Board to allow the Board of Health to continue their review. Klaus opened the meeting to the public.

John Schroeder, Yorktown Land Trust, Yorktown Land Trust supports this project, and the Planning Board should have received a memo from ACOS committee supporting this application.

Klaus felt the language for the creation of the lots needed work, and must be agreeable to both the applicant and the Town. The Board was told that all items contained in the Town Engineer's memo have been addressed.

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

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

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

BJ's Wholesale Club, Inc.

Special Use Permit Outdoor Service

SBL: 36.6-2-75

Location: 3315 Crompond Road

Contact: BJ's Wholesale Club

Description: Applying for a Special Use Permit for outdoor display of plants and general merchandise.

Klaus stated this is similar to other outdoor displays we have permitted for many other establishments, including the adjacent AC Moore. Klaus explained that one of the conditions was the placement of merchandise. Restrictions are to avoid blocking entrances and exits, and must be sanctioned by the Building Inspector and the Fire Marshal. The Board agreed that outdoor service should be allowed five years.

Upon motion by Flynn, seconded by Rivera, and with all present voting aye, the Board approved the special use permit for outdoor service for a period of 5-years.

Upon motion by Rivera, seconded by Savoca, and with all present voting aye, the Board closed the public portion of the meeting.

Work Session

Stelluti Deck Expansion

Discussion Condominium Deck

SBL: 17.18-1-18

Location: 28 Adela Court

Contact: John Stelluti

Description: Expansion of a deck within Ponderosa Estates.

The Board had no objection to this proposal.

Costco Wholesale

Discussion Site Plan

SBL: 26.18-1-19

Location: 3200 Crompond Road

Contact: Retail Store Construction Co, Inc

Description: Application to construct a 151,092 SF Costco Wholesale Club retail store and club member available filling station.

Al Capellini, project attorney, Nickitas Panayotou, project engineer. Erich Brann, Costco Representative, Ron Gautreau, project environmental analysts, and Phil Greeley, traffic consultant, were present. Panayotou stated the proposal consists of four parcels, of which, the applicant is the contract vendee. The site includes the former motel, gas station, fence contractor, nursery and a residence. The four parcels total 18.7 acres. Panayotou stated the site contained 10-acres of previous developed/disturbed land, and two areas of wetlands. The wetlands were located in the northeast section, 0.2acres, and a larger 1.2 acres wetland in the western portion of the site. The wetlands were identified in 2002 by Evans & Associates. Panayotou stated the Conservation Board will be asking the Town Board to have Bruce Barber, Town Environmental Consultant, verify the wetlands delineation. The Costco improvements are approximately 151,000 sf. with 610 parking spaces, (reduction in the size of the parking space). The number of parking spaces is below the Town's requirements, therefore, the applicant would have to ask the Planning Board for a 25% parking reduction. Panayotou stated the site will contain one fully accessible intersection, all other curbcuts will be eliminated. The site will contain the wholesale/retail store, a 2,605sf enclosed entrance, club member filling station and related improvements. Flynn asked if the gas station was a deal breaker. Brann felt it could be a deal breaker. Flynn asked if the building was visible from the Taconic. Brann stated it can be seen from the Taconic off ramp. Panayotou felt the installation of a hedge would block the entire view. Tegeder asked for the amount of cut and fill, and was told 10cy. Flynn wanted additional information on how this is better for the environment. Fon stated much could be done with landscape architecture. Panayotou stated the applicant may have to install retaining walls. Panayotou stated there will be a plan for this and stormwater management, looking at it as a 5-prong method with water is leaving the site at a higher quality then previously, and pocket wetlands will provide additional filtration. The applicant is considering both pipe or swales. Panayotou stated the DEC is changing their regulations. Fon asked about green or solar roof. Brann stated there is daylighting in the building, but no solar. Brann stated this will be a LEAD Silver building. Brann stated the applicant must expand the County and existing sewer district which currently serves the motel, the temple, and gas station. Kutter suggested gas and sewer systems come up along Old Crompond Road instead of Route 202. Greeley reported that the applicant has met with NYSDOT and learned they have no plans or money for the interchange area. This project, in getting more lanes through the intersection, will not be on the TIP for 5-years. The NYSDOT explained that there are problems with safety and capacity. Every NYSDOT alternative included an acceleration lane. Klaus stated the site has environmental constraints, it is located in the NYSDEC watershed, affects the Hunter Brook, and traffic along Route 202 is problematic. Additionally, there is the question of aesthetics. Klaus stated one with the entrance road being accessible for tracker trailers. Tegeder asked how the warehouse was stocked. with truck traffic coming from the west, along Route 9. Tegeder was told the applicant has a distribution center, and some products come direct from the manufacturer. The applicant stated that due to the elevation difference between the site and Old Crompond Road, crash gates cannot be installed. Capellini stated the applicant would like to submit the scoping document. When asked about lighting, the applicant stated lighting would be the dark sky lighting.