

Planning Board Meeting August 09, 2010

A regular meeting of the Planning Board, Town of Yorktown, was held on August 09, 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	Starbucks - Christa Drake, and Sasha Owens, Starbucks representatives were present. Klaus stated the parking lot is much cleaner. Savoca asked who is responsible for the macadam. Klaus explained there is an access agreement, but Mitchell owns the area behind their store. Drake stated Starbucks closes at 9:30 during the week, and no longer allows smoking on the patio. Village Traditions , Al Capellini, project attorney, stated this was not withdrawn at the request of the applicant, but the Town Engineer. Algonquin Gas Line - Steinberg presented the wetland permit application. The Board felt there were no planning issues

Regular Session

Upon motion by Flynn, seconded by Savoca, and with all those present voting aye, the Board approved the minutes of July 12, 2010

Dana Cole Hair Salon, Inc.

Request for One-Year Time Extension

SBL: 15.16-1-31

Location: 1833 East Main Street

Contact: Neil Rusoff, Property Owner

Description: Site plan approved by Resolution #09-20 dated August 10, 2009.

Neil Rusoff, applicant, was present. Klaus asked if the applicant had made any changes to the approved plan, and was told no. Rusoff stated financial matters were causing delays, but hoped to be moving forward shortly.

Upon motion by Rivera, seconded by Savoca, and with all those present voting aye, the Board granted a one-year time extension.

Martinez Minor Subdivision

Request for 2nd 90-Day Time Extension

SBL: 35.16-1-2

Location: Jacob Road

Contact: Al Capellini

Description: A 2-lot subdivision reapproved by Res 06-13 dated Sept 11, 2006, by Res 07-20 dated Oct 15, 2007, and by Res 09-22 dated Sept 14, 2009.

Al Capellini, project attorney, was present. Capellini stated all required fees were paid. At this time, the applicant must address question from the assessor.

Upon motion by Savoca, seconded by Rivera, and with all those present voting aye, the Board granted a second 90-day time extension, based on all required fees being paid.

Sierra Bella fka Samsel Minor

Request for Reapproval

SBL: 47.5-1-13

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Location: 1860 Hunterbrook Road

Contact: Al Capellini

Description: Subdivision approved by Resolution #09-24 dated September 14, 2009.

Al Capellini, project attorney, was present. Capellini stated this was a 2-lot subdivision. Capellini stated this was the first reapproval needed, as the applicant waits for responses from the NYSDEC, the Board of Health, and the NYCDEP.

Upon motion by Rivera, seconded by Fon, and with all those present voting aye, the Board reapproved the minor subdivision.

YKY Wastewater Treatment Plant

SBL: 69.7-1-8

Location: 340 Illington Road

Contact: Eustance & Horowitz

Description: Approved amended site plan for a NYC DEP required wastewater treatment plant.

Jay Beaumont, project engineer and Mr. Friedman, YKY representative, were present. Beaumont stated there were no changes to the approved plan. The applicant needed additional time to get through the bidding process.

Upon motion by Flynn, seconded by Savoca, and with all those present voting aye, the Board granted a one-year time extension.

Request for One-Year Time Extension

Costco Wholesale

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, was present. Capellini stated the applicant submitted the draft scope. Klaus stated the Board has circulated their intent to declare lead agency. The Board will address this at the September meeting, as 30-days, for involved agencies to respond to the request, will have passed.

Circulate Intent to Assume Lead Agency

Stelluti (Condo Deck)

SBL: 17.18-1-18

Location: 28 Adela Court

Contact: John Stelluti, property owner

Description: Expansion of a deck within Ponderosa Estates.

Klaus explained that the way the condos were approved, the decks were approved at a specific size, and any increase encroached into the setback. The enlargement of the deck requires Planning Board approval.

Upon motion by Flynn, seconded by Savoca, and with all those present voting aye, the Board granted a one-year time extension.

Decision Statement

Aspen & Mill Street Subdivision

SBL: 16.5-1-13

Location: 3810 Mill Street

Contact: Al Capellini

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

Al Capellini, project attorney, and Joe Riina, project engineer, was present. Klaus stated at the last meeting there was a question of the ZBA's decision regarding expansion of the single family home. Capellini explained there were two non conformities on this site; firstly, there was a 9-family house, and secondly, there were two main use houses on the one lot (a nine family and a single family). Capellini felt the Board did not understand the ZBA determination. Flynn stated that although he was not a fan of this decision he

Decision Statement

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was trying to work with the ZBA decision as it is. Flynn felt the current owner and the prior owner were not being dealt with fairly, as they were not given the same options for development. Capellini stated the question to the ZBA was if there was a subdivision would it increase the nonconformity, and their decision was that the subdivision would not increase the nonconformity. Flynn stated he would have to conclude the ZBA felt that the applicant had maximized the development of this lot. The ZBA was allowing the four-lot subdivision on the condition there was no further expansion of the single family or the nine family dwelling. Klaus asked if the applicant would restrict expansion on the single family lot. Capellini felt this was unfair to the developer. Wagner asked the Board if they wanted an interpretation of the ZBA decision from the ZBA. Riina stated with regard to the wetland permit, the condition of no material allowed in the wetland or wetland buffer area would hinder the construction of the driveway. Tegeder stated this will be reviewed and clarified.

Teatown-Gilbert Subdivision

Decision Statement

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 discussion. Nancy Felcher, Teatown representative, was present. Klaus stated this is a request for a three-lot subdivision. Klaus explained that currently there are two houses and open space on one lot, and Teatown is looking to subdivide the site into three lots. Two lots will accommodate the existing residences, and one, 57-acre lot will be open space. Klaus stated in order for Teatown to receive an assessment of the property they must have it valued as a developable lot. Klaus stated the Planning Board's concern is to ensure that the Town does not provide the opportunity for the 57-acres to be developed should Teatown be unable to raise the necessary funds to purchase the property. Klaus stated there are now conditions in the approving resolution that prohibit development, and the Town has tried to avoid Teatown going through unnecessary submissions and testing.

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

Klaus announced that the next meeting, scheduled for September 13, would be held at the YCCC, 1974 Commerce St.

Village Traditions

Withdrawn by request of the Town Engineer

Approval Wetland Permit

SBL: 15.16-1-32

Location: 1821 East Main Street

Contact: Al Capellini

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

Work Session

Fusco Minor Subdivision

Discussion Minor Subdivision

SBL: 16.14-1-10

Location: 3477 Stony Street

Contact: Daniel Ciarcia, PE

Description: Proposed 2-lot subdivision on 2.720 acres in the R1-20 zone.

Dan Ciarcia, project attorney, was present with the applicants. Ciarcia stated the Board's primary concerns rested with the driveway. Fon stated the Board conducted a site visit on Sunday, and concluded the original driveway plan was the most acceptable. There are no sight distance issues, and the original plan saves many

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more trees. Fon requested a stormwater prevention plan be installed to protect the existing house. Ciarcia stated this plan is very much like the existing driveways along Stony Street. This plan allows for screening, requires no access easements, and conforms with the neighboring sites. This plan also reduces the amount of cut needed. Ciarcia requested the Planning Board give their approval, and allow the applicant to go to the Town Board for a driveway slope variance. Tegeder asked the affect the variance had on the amount of cut required. Ciarcia stated with 10% there is 13 feet, and with 12% it is less then 10 feet. Ciarcia stated currently we have the 12%, and we are trying to reduce the amount of fill. Klaus asked if the 12% was an average or did it increase, maximize, along the driveway. Klaus asked if there was a spot that really was a 14%. Ciarcia explained that the difficulty was getting off of Stony Street. Tegeder asked that some studies be done to understand the benefits of the different percentages. Ciarcia stated 14% for 50-75 feet could help reduce the amount of fill. Steinberg asked how wide the driveway was and was told 14 feet. Ciarcia wanted to return in September. Fon requested the amount of earth movement for each slope be quantified.

Yorktown Farms fka Somers Realty

Discussion Approved Subdivision

SBL: 17.6-2-32

Location: Route 6 & Somers Town Line

Contact: Daniel Ciarcia, PE

Description: Proposed changes to approved subdivision road alignment.

Dan Ciarcia, project engineer, was present with applicant Val Santucci. Ciarcia stated a good portion of the road has been installed, as well as the Route 6 connector. Santucci reported the completion of the pumping station, which had to be completed before any units could be sold. The sewers, pump station, and sidewalks have been installed. Ciarcia explained the profile remains the same, the changes we are requesting do not effect the watershed. This is a change to the vertical alignment. Ciarcia stated the Board should have a letter from the Town Engineer stating she has no objections to this request. Tegeder suggested an amended resolution. Ciarcia stated there was a modification to the entrance with the Gabian Wall, as we used large boulders. Klaus wanted approval from the Town Engineer, and Tegeder wanted this change reflected in the As-Built. Santucci stated all 61 off-site sewer mains were installed.

Crompond Crossing

Discussion Site Plan, Residential Site Plan & Subdivision

SBL: 26.18-1-7

Location: Crompond Rd

Contact: Al Capellini

Description: The applicant proposes 14,000 SF retail space, 26 town house style residences, and a 29 lot subdivision to separate the uses.

John Sullivan, project architect, Al Capellini, project attorney, Carl Akerman, architect, and Tim Allen, project engineer, were present with client Niel DeLucca, Sullivan stated this is a mixed use proposal that was initiated 18-months ago. The front of the site is zoned C-2 (commercial), and the applicant is proposing two 14,000sf retail buildings. Sullivan stated this will be a very pedestrian friendly streetscape, along, Crompond Road. The street will move toward the rear of the site. With the new proposal, the front retail portion remains exactly the same, the difference lies in the the residential area. The 26 town houses no longer have garages, and is replaced with parking along the street. At this time the applicant is proposing, and the Town Boars is entertaining, affordable housing. These units are approximately 1,300sf with no basements. Capellini stated this is not a condo, it is fee simple. Capellini stated the current zoning is single famly, however, the Comphrensive Plan will rezone the site to R-3. As the proposal requires flexibility standards, the applicant will ask the Planning Board to officially request the Town Board grant flexibility to allow the lot size to accomodate these units. The site's open space can be developed for passive recreation. Fon asked if this was in the sewer and was told yes. Sullivan stated Costco will be installing sewers as well. Allen stated the applicant tried to keep the pervious surface constant from the prior plan to the current plan. Capellini reiterated the applicant is looking for a zone change and flexibility. Klaus was uncertain if the Planning Board had enough information for the zone change request a change from the Town Board. Flynn suggested the applicant aubmit

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a study at R1-20 zoning. Capellini stated the Town Board is anticipating a change of zone to R-3 with the Comprehensive Plan. Supervisor Seigel felt the change from RSP-2 to R-3 was a minimum change, and informed the Planning Board that the Town Board supports the change. Klaus felt the Planning Board could recommend flexibility standard, by sending a letter to the Town Board, but only after the applicant petitions for a rezone.

Adrian Auto Body

Discussion Amended Site Plan

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 parking areas to the site.

Ralph Mastromonaco, project engineer, was present. Mastromonaco stated that at the last meeting the Board request wetlands be verified. The applicant has a letter from Bruce Barber verifying the wetlands. On Barber's suggestion, the applicant hired arborist. The arborist states that the 17 trees the applicant requested be removed were at the end of their useful life. Tegeder asked about the large open area. Mastromonaco stated large trucks and tow trucks could use this as a staging area. Mastromonaco explained this was more than just a parking lot, it is a working area, not necessarily customer parking. Mastromonaco stated this is an expansion, not just of the building, but of the use. Fon stated if it is a staging area, could vehicles possibly be leaking oil. Mastromonaco stated the applicant has the highest level of treatment in a main street area. Tegeder asked for a generalized floor plan. Mastromonaco explained that gravel was used to reduce the impact of a pervious surface. However, when this was computed, we used the impact of a future paved surface would have. Klaus requested future paving be placed on the plan, and the garage area be labeled. Fon stated that although this applicant ran a clean shop, no one could guarantee that the next owner might have car wrecks throughout the site unless the Planning Board makes every effort to have the work flow on the site plan. Tegeder asked the ratio of the slope and was told 1:3. Tegeder stated the applicant will have to make the case that encroachment into the wetland is necessary. Mastromonaco asked for a public hearing. The Board requested the applicant provide the requested site plan additions before a hearing was scheduled.

Marricco

Proposed new residence on Lot 9.1

SBL: 5.20-1-9

Location: 3880 Indian Hill Road

Contact: Architectural Visions, PLLC

Description: Approved 2-lot subdivision on 9.31 acres in the R1-160 zone.

Joel Greenberg, project engineer, was present with the applicant. Greenberg stated the applicant is requesting the removal of the existing house and construction of a new house. Greenberg explained grading around the house was minimal, and the applicant will use the existing driveway. Greenberg stated no fill is required for the septic systems, therefore, no vegetation has to be removed, however, the applicant will need an excavation permit. Klaus stated the Board will need to see grading and erosion control. Klaus stated if the work for this second home is not included in the original excavation permit then a new application must be submitted. Klaus suggested the applicant request an amendment to the approved permit.

Curry Automotive

Discussion Amended Site Plan

SBL: 36.5-1-11

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. Tegeder stated the applicant needs to include the following: grading, stormwater, fencing, traffic flow, and pedestrian access to Grandmas Restaurant. Additionally, the applicant must resolve the curb cut. Greenberg stated the applicant will not put anything in the DOT Right-Of-Way. Tegeder felt something substantial, such as large tree planters would probably be acceptable. Greenberg stated the applicant would need DOT approval. The Board set the public hearing for September 13, 2010.

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Town Board Referral

Proposed Local Law to repeal and reenact Chapter 168 of the town code entitled "FEES."

The Planning Board requested the Town Board keep the hearing open to allow the Planning Board to comment at their next meeting on September 13, 2010.

Town Board Referral

Proposed Local Law to repeal and reenact Chapter 270 of the town code entitled "TREES."

Ann Kutter and Linda Miller, the Supervisor's representatives for the creation of a new tree ordinance, were present. Ms Miller and Ms. Kutter reviewed Steinberg's memo dated August 2, 2010. This memo summarized the Planning Board's comments from their meeting of June 28, 2010. The Planning Board was concerned with how the Town's preservation goals would be achieved. Additionally, the new law recommends action at the 6" dbh, while subdivision and site plan approvals required a dbh of 8 inches or greater. Other comments include permits for landscape property, and subdivisions, enforcement authority, and weekend violations, The Board felt that a Tree Removal Permit for just two trees per year in a regulated buffer zone was is too restrictive, especially, as there is no regard to lot size.

Upon motion by Flynn, Seconded by Rivera, and with all those present voting aye, the meeting was adjourned at 10:20pm.