

## Planning Board Meeting May 9, 2011

A regular meeting of the Planning Board, Town of Yorktown, was held on May 9, 2011, the Yorktown Town Hall, 363 Underhill Ave, Yorktown Heights, NY 10598. The Vice Chair, John Flynn opened the meeting at 7:30 P.M. with the following members present:

John Savoca  
Richard Fon  
Darlene Rivera  
John Kincart, alternate

Also, present were: John Tegeder, Director of Planning, Robyn Steinberg, 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 came forward at this time.

**Upon motion by Rivera, seconded by Savoca, and with all those present voting aye, except Flynn, who abstained, the Board approved the minutes of April 25, 2011.**

### Regular Session

#### **RCB Development SBL: 36.5-2-60**

#### **Request for Reapproval**

*Location:* Old Crompond Road

*Contact:* Ralph G. Mastromonaco, P.E., P.C.

*Description:* A two lot subdivision on 10.32 acres in the R1-20 zone.

**Upon motion by Fon, seconded by Savoca, and with all those present voting aye, the Board reapproved this two-lot subdivision.**

#### **Hudson Valley Islamic Community Center SBL: 15.11-1-17.1**

#### **Request for One Year Time Extension**

*Location:* 3680 Lexington Avenue

*Contact:* Al Capellini

*Description:* Site Plan approved by Resolution #10-09 dated May 10, 2010.

Al Capellini, project attorney was present. Capellini stated the applicant needs to continue discussion and pay all of the required fees. The applicant is working toward paying all fees. At this time the applicant is requesting a time extension.

**Upon motion by Savoca, seconded by Fon, and with all those present voting aye, except Kincart, who abstained, the Board granted a one-year time extension.**

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

#### **Request for 1st 90 Day Time Extension**

*Location:* 3810 Mill Street

*Contact:* Al Capellini

*Description:* Subdivision approved by Resolution #10-23 dated October 18, 2010.

Al Capellini, project attorney was present. Capellini stated the applicant is working with the NYSDEC and the NYCDEP.

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**Upon motion by Rivera, seconded by Savoca, and with all those present voting aye, the Board granted the 1<sup>st</sup> 90 day time extension.**

### **Thyme Restaurant**

### **Decision Statement**

#### **SBL: 36.5-1-16**

*Location:* 3605 Crompond Road

*Contact:* Ciarcia Engineering, P.C.

*Description:* The applicant is proposing 5 tables for a total of 20 outdoor seats. An application is being made to the Planning Board pursuant to Chapter 300-80B. (2) of the Town Code.

Dan Ciarcia, project engineer, was present with the applicant. Ciarcia stated the patio was moved, and also added three planters. It was determined the installation of tall grass and eco pavers would best serve the plan. Currently, the NYC DEP is reviewing the pavers. Ciarcia stated he had sent information to Joe Hughes, code inspector, regarding patron safety. Ciarcia explained the plan now calls for inserting steel rods into the proposed wall for reinforcement. Ciarcia stated it was similar to having a guide rail within the brick wall. Ciarcia discussed the 8-parking spaces on the side, while keep the rear access open for Snap Fitness. The applicant stated we believe the parking conflict will only happen during restaurant week. A parking analysis was submitted and we are willing to work with the adjacent business. Flynn requested additional information on the safety of the guard rail. Ciarcia explained about inserting a guide rail into the wall. Flynn required the applicant have the details placed on the site plan. Fon asked if the applicant received any feedback from the Building Department. Kincart stated we discussed signage in the employee parking and striping near the door. Tegeder stated the structural wall and striping can be conditions of the resolution. Tegeder requested the Board sign the site plan as there are unusual conditions. Flynn suggested approval run until October 15, 2011. After this season's experience the Board and the applicant can review the situation and make any necessary changes at that time.

**Upon motion by Fon, seconded by Savoca, and with all those present voting aye, the Board approved the Special Permit for Outdoor Seating.**

### Work Session

### **King Gates & Fence**

### **Discussion Revoke Special Permit**

#### **SBL: 26.19-1-1**

*Location:* 3216 Crompond Road

*Contact:* Louie Gashi, tenant

*Description:* Special Permit for Outdoor Service approved by Resolution #10-27 dated December 13, 2010.

Flynn stated the Board is requesting a public hearing in order to revoke the special use permit. Flynn stated the applicant has been before the Board on several occasions and the Board has tried to negotiate with him. Since new development will not be happening immediately, the Board must revoke the permit as the conditions of the approval are not being followed. Flynn asked that the Planning Department advertise for a public hearing in June.

### **Little Sorrento at Parkside Corners**

### **Building Dept Referral**

#### **SBL: 36.05-1-15**

*Location:* 3565 Crompond Road

*Contact:* Architectural Visions, PLLC

*Description:* Proposed expansion of restaurant in existing shopping plaza.

Joel Greenberg, project architect, was present. Greenberg stated business is doing well and the applicant is requesting an expansion. Greenberg submitted an analysis of the parking within the plaza. Additionally, Greenberg stated various patrons and landlords attest to the fact that every parking space is never used. Greenberg requested a letter to the Building Department in order to

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allow the applicant to get a building permit. Greenberg stated no additional kitchen staff will be hired, although the kitchen is being expanded. The Board felt parking had been analyzed and the expansion would not compromise the parking situation.

### Special Session

**Upon motion by Savoca, seconded by Kincart, and with all those present voting aye, the Board opened a special session.**

**Upon motion by Kincart, seconded by Rivera, and with all those present voting aye, the Board approved a resolution allowing the expansion of the Little Sorrento restaurant into the adjoining store space.**

**Upon motion by Rivera, seconded by Savoca, and with all those present voting aye, the Board closed the special session.**

### **Homeland Towers, LLC and T-Mobile, LLC SBL: 48.07-1-56, 48.11-1-52**

### **Zoning Board Referral**

*Location:* 1401 Front Street

*Contact:* Snyder & Snyder

*Description:* Special permit application for a proposed public utility wireless telecommunication facility.

Doug Warden, applicant's attorney was present. Warden explained that the facility is a 130' telecommunication tower located in an industrial area, in this case Front Street. The application includes associated facilities for the tower, which would be located in the rear. Warden stated the pole can have 3 other carriers for a total of 4 carriers. The 130' pole may be raised, but the applicant would have to return to the Zoning Board and request this. Flynn asked what the antennas look like, and was told they are rectangular panels 53" high and 3" wide. The pole will not be installed in the wetland buffer. Flynn stated the residential sections in this area are at a higher elevation on both sides of the valley and the pole will be very visible to them. People will have the perception they are being radiated. Flynn asked about the French Hill location and Tegeder asked about Greenwood Street. Warden explained the process for cell tower location. The first level of choice is Town owned land and the second is industrially zoned property. Steinberg stated alternate two on the submission is French Hill. Tegeder requested a good visual photo analysis. Tegeder stated this will be visible from everywhere in the Commercial area. Kincart requested a side view. Warden stated the applicant has dialogued with the Building Inspector about taking pictures of a balloon test on May 21st at 9:00am. Warden asked for suggested photo locations to be submitted to the Building Inspector. Flynn asked how close to a power line can you place the tower and asked if the carrier could possibly collocate on one of the existing Con Edison towers that cross Underhill Avenue and go down towards Route 118. Warden asked the Planning Board to make their recommendations to the Zoning Board. Warden stated the wireless law is line of sight technology to get coverage. Locating in a residential area is frowned upon by the wireless law. Wagner stated the code speaks to having the tower the minimum height required. Steinberg asked if the list of towers was all towers or just those that the applicant was on. Warden, responding to an earlier suggestion, stated we are already on the Greenwood Street monopole.

### **Crompond Crossing**

### **Discussion Site Plan & Subdivision**

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### **SBL: 26.18-1-7**

*Location:* Crompond Road

*Contact:* Neil DeLuca

*Description:* Proposed project includes to commercial buildings of 8,500 SF (retail) and 4,200 SF (restaurant/retail) and 26 unit multifamily residential site plan, and a 29 lot subdivision.

Al Capellini, project attorney was present with applicant Neil DeLuca. DeLuca stated a meeting was held with Bruce Barber, Sharon Robinson and John Tegeder to address any outstanding issues. DeLuca stated a tree survey will be overlaid on the site plan. Additionally, a completed SWPPP, revised the EAF, revised landscape plan, will also be submitted. The applicant stated new sidewalks will be integrated with those adjacent to Chase Bank. DeLuca stated the traffic study was resubmitted. Capellini stated Bruce Barber will be on the site this Thursday. DeLuca reported sidewalks will be 6' wide and we are working on the appearance of the site to make the public space more friendly. DeLuca requested a public hearing be scheduled for June 13, 2011 and the Board agreed.

### **Kitchawan Fire & Rescue Station**

### **Discussion Site Plan**

#### **SBL: 70.5-1-13**

*Location:* Kitchawan Road

*Contact:* Al Capellini

*Description:* Proposed 3,100 SF Kitchawan Fire Rescue Station with two apparatus bays, day room, storage and wash room facilities.

Al Capellini, project attorney, and Karl Ackerman, project architect, were present with the applicants. Ackerman stated the Planning Board's main request was a tree survey, while the Conservation Board requested grass crete product in the rear of the site. Flynn asked about the truck washing area. Ackerman stated the DEC and DEP agreed to removing the drains. Tegeder stated Bruce Barber found some hydric soils and stated he will forward a memo. Flynn asked if the applicant had worked through any problems with ABACA. Capellini stated the applicant has incorporated all of ABACA's suggestions into the current plan. Kincart stated the Conservation Board is asking for meadow. Ackerman stated part of it will be mowed, and the rest meadow. Fon stated no-mow grass is useful. Tegeder stated the area is highly visible and we are suggesting some additional screening. Ackerman stated the applicant plans to add trees through the years. Tegeder suggested adding this to the plan as phasing. Ackerman stated we have trees around the trash enclosure, and the NYSDOT permit has been filed. Ackerman explained that the Planning Board had requested the distances from the building to the neighbor's house be placed on the site plan. Two of the neighbors were in attendance. Mr. Zimmerman stated we don't really see the cars on Kitchawan Road and we do not believe a traffic light is warranted. The neighbors complained about the lack of screening. Flynn requested a buffer on the property line or closer to the building be installed. The neighbors asked if 14 parking spaces were really needed. The applicant stated a rig has 6 people therefore 2 rigs require 12 people so at least 12 spaces. The rear of the site is grass crete and the front is paved. We have left as many trees as possible. We will reuse some of the stone. The neighbors asked about controlling the lighting. The applicant explained some lights had to be on. There are small red lights and a small white light used for security. Flynn asked for the security lights be labeled on the plan. The neighbor asked for double row of conifers. Tegeder felt planting at the property line gave better results. The neighbor felt a metal industrial building in this area was unfortunate. Tegeder requested the applicant have the new possible wetlands flagged and placed on the site plan before a public hearing. Ackerman requested a public hearing in June and the Board agreed.

### **Hudson Valley Islamic Community Center**

### **Amendment to Site Plan**

#### **SBL: 15.11-1-17.1**

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*Location:* 3680 Lexington Avenue

*Contact:* Al Capellini

*Description:* Site Plan approved by Resolution #10-09 dated May 10, 2010.

Al Capellini, project attorney, and Joe Riina, project engineer, were present. Riina stated we are before the Board to remove part of the approved paved parking lot and convert it to overflow parking instead. The applicant was repaving the parking lot when it was realized the paved area was larger than required or desired. The applicant is requesting to reduce the parking area and make it part of the lawn. Tegeder asked how this worked with the town code parking requirements. Riina stated the projected use of the workshop space was used to calculate parking when the site plan was approved and the remaining paved parking area will still comply with the town code required parking. Riina will find and resubmit his memo from the site plan approval process that explained the parking calculation. Tegeder stated there have been no complaints from neighbors or reports from the police regarding this site. The Board requested the applicant return to the next work session.

### **Yorktown Auto Body SBL: 37.19-1-81**

### **Discussion Site Plan**

*Location:* 1798 Front Street

*Contact:* Al Capellini

*Description:* The proposed addition of approximately 1,500 SF to the existing auto body repair shop for the installation of 2 paint spray booths.

Al Capellini, project attorney, and Joe Riina, project engineer, were present. Capellini stated the applicant went to the Zoning Board and was granted all the requested variances. The existing first 50' was zoned C-4 and therefore, did not require a variance. The Board scheduled a public informational hearing for June 13.

### **Illington Rd Parcel SBL: 69.16-1-5**

### **Sale of Town-Owned Property**

The Board discussed a referral from the Town Board regarding the proposed purchase of a town owned parcel at the intersection of Route 134 and Illington Road by the adjacent property owner. The Board recommended reserving a road widening strip as Illington road has a substandard width. If the property is developed, the new driveway should be located as far from the intersection of Illington Road, Grants Lane, and Route 134 as possible.

**Upon motion by Rivera, seconded by Savoca, and with all those present voting aye, the meeting was adjourned at 9:35pm.**