

Planning Board Meeting June 27, 2011

A regular meeting of the Planning Board, Town of Yorktown, was held on June 27, 2011, at the Yorktown Community & Cultural Center, Room 16, Yorktown Heights, NY 10598. The Chair, David Klaus, opened the meeting at 7:30 p.m. with the following members present:

Richard Fon
John Kincart, alternate
Darlene Rivera
John Savoca
John Flynn

Also, present were: John Tegeder, Director of Planning and Robyn Steinberg, Town Planner.

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.

Work Session

Yorktown Auto Body

SBL: 37.19-1-81 & 87

Discussion Site Plan

Location: 1798 Front Street

Contact: Al Capellini

Description: Proposed addition of approximately 1,500 SF to the existing auto body repair shop for the installation of two paint spray booths.

Al Capellini, project attorney, and Joe Riina of Site Design Consultants, project engineer, were present. Capellini stated the project has received all the required variances from the Zoning Board of Appeals and the Planning Board held a public information hearing on June 13, 2011. We are here now to request a public hearing for this project. Tegeder asked if the DEP has commented on the project yet. Riina stated that he has met with Mary Golasso from the DEP and she did not see the project requiring any additional approvals because they were replacing impervious area with impervious area. She should be sending a letter to the Board. The Board agreed to schedule a public hearing for the July 11th meeting.

Silverman, Elizabeth

SBL: 5.17-1-18

Amended Improvement Plan

Location: 1195 Williams Drive

Contact: Site Design Consultants

Description: Request for a change of the driveway location from the approved subdivision.

Al Capellini, project attorney, and Joe Riina of Site Design Consultants, project engineer, were present. Capellini stated they applicant met with staff from Putnam Valley and they gave permission for the driveway to be relocated onto the private right-of-way since the original house will no longer be on the private right-of-way. As a condition, Putnam Valley requested an agreement be filed between the new residence and the two existing residences on the private right-of-way. Klaus mentioned that Putnam Valley was not agreeable to the driveway off the private

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right-of-way when the subdivision was being reviewed in the past. Riina stated the new driveway requires almost no grading and no additional tree removal whereas the approved driveway to Willians Drive required clear cutting a large section of the two lots included in the subdivision. So it really made sense to be this way. Tegeder stated the change was an amendment to the improvement plan, but did not change the subdivision plat. He recommended the Board approve a resolution at the July 11th meeting acknowledging the change and listing the revised improvement plans. The Planning Board agreed to waive a public hearing.

Contractors Register

SBL 5.19-1-15, 16.07-1-31

Discussion Amended Site Plan

Location: 800 East Main Street

Contact: Site Design Consultants

Description: Proposed expansion of approved future parking area from 20 spaces to 32 spaces.

Joe Riina of Site Design Consultants, project engineer, and John Santagate and Rob Kalmer from Contractors Register, were present. Riina explained that the approved project included a total of 34 future parking spaces; 6 in the front lot, 8 along the driveway in the rear lot, and 20 spaces located in a lot shown on the north side of the property, opposite the entrance to the rear building. This proposal is to expand the 20 space lot to a 32 space lot and abandon the 8 spaces that were along the driveway. These spaces are not practical to construct. Contractors felt that expanding the additional parking area would make more sense since they would be disturbing this area anyway. Klaus asked why Contractors thought they needed additional parking spaces. Kalmer stated that the parking area for the second building is smaller than the original building although the buildings are the same size. In addition, they have hired more employees since the prior approvals and often max out the current parking lots with employees having to walk from the front lots to the rear building. Kalmer also stated that they would eventually like to come back to the Board to construct a third building on the north end of the property therefore the 32 space parking lot would not be wasted, but used as part of that new plan later. The Board asked about the small proposed basins. Riina stated the original 20 spaces were factored into the existing storm water management plan, however they are proposing the two small basins to treat the entire new parking area. Klaus expressed concern about affect of lighting on the adjacent residential property. Riina showed the Board that this residence was much further south and will show it on future plans. Kincart stated there would be no additional impact of view of the site from the Taconic as the new parking was on the opposite side of the site. Santagate stated the new parking area was staked and taped off in the field if the Board wished to make a site visit. The Board thought the site was well maintained and would make a site visit.

Proposed creation of Chapter 102: Affordable Housing Town Board Referral

The Planning Board recommends against using the County's model ordinance provisions which require one AHU for a 5 lot subdivision. The model states that within all residential developments of 10 or more units, no less than 10% of the total number of units must be created as AHUs, yet in residential developments of five to nine units, at least one AHU shall be created. This would place a 20% requirement on a minor subdivision, which the Planning Board feels is a significant burden, when Westchester County has provided no guarantee that this unit will be included in the county's

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Fair & Affordable Housing Implementation Plan or qualify for county funding. Therefore the Planning Board recommends the threshold for required AHUs not be decreased to 5 units.

Section 102-6(K) allows the Planning Board to waive required AHUs for projects for Special Populations. This waiver is applicable for developments such as a nursing home or group homes, however the definition of a Special Population in Section 102-4(H) is much broader. The Board recommends eliminating from this definition “a group of individuals who are significantly economically disadvantaged,” and “geographically or culturally isolated individuals.” The phrase “significantly economically disadvantaged” can not be defined and is therefore subjective. The terms geographically and culturally isolated do not apply to this area of the country.

Section 102-8(A) provides for a pre-application meeting. The Town Code already provides for a pre-application meeting in Section 195-21. The Planning Board recommends not creating new sections of code that reiterate the application process already stated in Section 195. The Planning Board further recommends limiting the requirement to town staff and consultants only. The NYC DEP is considered a municipal agency and should not be required to attend a pre-application meeting. Pre-application meetings normally occur during the work day and therefore would put an added burden on volunteer board and commission members to attend. In addition, the board or commission member is still one member of a five to a possibly ten member board. Therefore a representative being present at a pre-application meeting does not preclude other members of the board or commission from having additional comments when the applicant is actually before them. Volunteer board or commission members that are available for meetings may attend, but it should not be a requirement of the local law, nor construed as the final opinion of the entire board or commission they represent.

The first Section 102-8(C), which should be Section 102-8(B), requires municipal departments, agencies, authorities, boards, commissions, councils, committees and staff to follow the proposed meeting schedule and conceptual time line established as an outcome of the pre-application meeting. The pre-application meeting should not be the time to determine a project time line. Instead the applicant should take the information they gather during the discussion at the pre-application meeting and use it to discuss with their professional consultants the time frames necessary to submit for the Planning Board’s scheduled meetings. The Planning Board usually meets twice a month, except in July and August. This meeting schedule is determined no later than December of the previous year and is published as a public notice and, along with most other town boards and commissions, on the town website. All applicants are therefore afforded the ability, and are encouraged, to be aware of these schedules and use them to plan and create project time lines. In addition, all applicants may request multi-agency meetings with town staff and consultants at any time during the course of their project review should they feel such a meeting is necessary. The Board does not see the need to reiterate this in the affordable housing law.

Planning staff to write a memo to the Town Board.

Upon motion by Klaus, seconded by Savoca, and with all those present voting aye, the meeting was adjourned at 8:45 pm.