

Planning Board Meeting July 11, 2011

A regular meeting of the Planning Board, Town of Yorktown, was held on July 11, 2011, the Yorktown Town Hall, 363 Underhill Ave, Yorktown Heights, NY 10598. The Acting Chair, John Flynn, opened the meeting at 7:30 P.M. with the following members present:

Darlene Rivera

Richard Fon

John Kincart, alternate

absent: John Savoca

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

The minutes of May 23, 2011 could not be approved as the Board lacked a quorum. .

Upon motion by Kincart, seconded by Fon, and with all those present voting aye, except Rivera, who abstained, the Board approved the minutes of June 12, 2011.

Upon motion by Fon, seconded by Rivera, and with all those present the Board approved the minutes of June 27, 2011.

Regular Session

Aspen & Mill Street Subdivision

Request for 2nd 90-Day Time Extension

SBL: 16.5-1-13

Location: 3810 Mill Street

Contact: Al Capellini

Description: Four lot subdivision approved by Resolution #10-23 dated October 18, 2010.

Al Capellini, project attorney, was present. Capellini stated the applicant received the NYS DOT comments on June 26, 2011, and will be addressing these comments shortly.

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

Arrowhead Subdivision

2nd 90 Day Time Extension

SBL: 48.13-1-6

Location: Underhill Avenue

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 with applicant Chris O'Keefe. Capellini stated a letter regarding SEQRA was submitted to the Board. Capellini requested the subdivision proceed in two sections, O'Keefe stated 50% of the improvements are completed with the road and two DEP required retention ponds were also installed. There are no substantial changes, and all DEP requests have been completed. The bridge was installed and the roadway goes further into the site. O'Keefe requested phasing the filing of the plat which would give him the opportunity to sell one lot and use the profits to complete the remainder of the improvements. Capellini felt this could be accomplished with a note on the plat. Tegeder asked how binding was a note on the plat. The note would have to indicate that nothing else can be sold without the completion of all remaining improvements. Tegeder stated he requested the language for the note from the

Planning Board Meeting July 11, 2011

applicant's attorney. Kincart asked if the private road to the cul-de-sac was complete, and O'Keefe stated it was substantially complete. Flynn stated legal counsel can decide if this note is binding and accurate. O'Keefe stated the peak of the site will be the top of Turkey Mountain and will be deeded to the Town. Flynn felt this appeared to be a practical solution, however, moving forward with projects that are not bonded is very unusual. Flynn requested written comment from the Town Engineer verifying the status of the infrastructure. Wagner will research this, as the Town has to be protected. Before a CO is issued, the road, curbing and base coat, must be in place. The Board requested the applicant return to the August meeting.

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

Village Traditions

SBL: 15.16-1-32

Location: 1821 East Main Street

Contact: Al Capellini

Description: Site Plan approved by Resolution #10-12 dated July 12, 2010.

Al Capellini, project attorney, was present. Capellini stated the project the site is located at Route 6 and Lakeland St. Capellini explained that the site work is completed but the landscaping and lighting had not been installed. Capellini explained that the Town Board was reviewing the commercial zoning. Tegeder asked if the applicant submitted regular engineering reports.

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

Request for One Year Time Extension

Don Tommaso's Bistro Italiano

SBL: 37.18-2-75

Location: 334 Underhill Avenue

Contact: Thomas Cuomo

Description: The applicant requests the renewal of a special use permit to provide outdoor dining area. The applicant would use the layout approved for the former tenant. Additionally, fencing has been installed as per NYS law. Flynn felt a two year approval would be appropriate.

Upon motion by Rivera, seconded by Kincart, and with all those present voting aye, the Board approved the special permit for outdoor seating for two years.

Decision Statement

Crompond Crossing

SBL: 26.18-1-7

Location: Old Crompond Road

Contact: Neil DeLuca

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

Present were Al Capellini, project attorney, Steve Marino of Tim Miller Associates, environmental specialist, Karl Ackermann of Sullivan Architects, project architect, Tim Allen of Bibbo Associates, project engineer, Phil Grealy of John Collins Engineers, traffic engineer, and Joe Riina, Site Design Consultants, flood study engineer, and Neil DeLuca, the developer and applicant. Capellini stated the applicant is requesting a negative declaration at this time. DeLuca stated the Conservation Board was concerned with tree removal in the northern section of the site, and we have remedied this. Tim Allen - The engineering plans have not changed substantially. The southern basin has been placed in an area that was previously disturbed. The northern basin eliminates the need for a DEC permit. This scenario will shade the Hunterbrook and increase the quality of the buffer.

Adjourned Public Hearing

Planning Board Meeting July 11, 2011

Steve Marino- Wetland Mitigation The issue was the projects proximity to the Hunter Brook. The Hunter Brook is a trout spawning stream. There are no DEC wetlands on this site. We prepared a new planting plan for the site. The lawn area will be converted to a more useful buffer, which includes the planting of 18 trees. More trees will be planted near the stream to keep the stream cool. Additionally, the interior of the basin will be replanted. This will result in a vegetated buffer along the Hunterbrook. Flynn asked where the discharge point was, and what happens when the infiltration system fills up.

Phil Grealy-We have been working with NYS DOT for regional improvements. The DOT will create a 5 lane exchange along Route 202 from BJs to Parkside Corners. There will also be an acceleration lane for approximately 1000 ft from the Bear Mountain parkway to Route 202/Stony St/BMP intersection. As part of the area where Costco is being proposed, the DOT will extend their project to Costco. The DOT will go out to bid in Spring 2012 for their project. This will be an 12-18month construction project. Grealy showed the following intersections:

Stony St to BMP intersection - with island removed and a separate left turn lane on both sides, intersection signalized and pedestrian crossings.

Chase Bank- modify radius at Old Crompond Road crosswalk, sidewalks toward BJs and Chase Bank Include DOT's plans from Chase Bank to Pine Grove Court.

The traffic study looked at scenarios with and without DOT Improvements. We have also included improvements introduced by Costco. When asked if the intersection east of Route 202 and Crompond Rd be closed, Grealy stated this is an emergency route. A full traffic study and an executive summary were submitted on June 26. Flynn asked if any of the intersection classification change Grealy stated not because of this project as there is very little change in delay, all are at F classification.

Neil DeLuca -The hatched area on the landscape plan indicates low growth plantings with a variety of species. We will revisit the site and remove what does not work, while we increase what does work. We will remove invasives by hand. The Conservation Board asked that the swale be moved, leaving the existing vegetation and create a demonstration project of deer proof plantings. The eastern property line will be bermed for the neighbor and include 10 spruce trees . Additionally the neighbor will agree to an emergency access reciprocal agreement.

Joe Riina - Riina explained the flood plain analysis. The project is bounded by two flood zones. This is a Zone A floodway, which typically flood 1% annually. When Stony st was realigned Sherry Brook was piped. Existing conditions indicate Sherry Brook boundaries are incorrect, therefore, we had to do our own study. There will be no impact on the flood-way due to this project, nor will the project have a negative effect on the Hunter Brook or the Sherry Brook. Flynn asked if Sherry Brook was piped under the site, and Riina stated it was not. Town Code states that a 2ft separation from the base floodline. The proposal is to come within 4ft , therefore no permit is required.

Karl Ackermann - Pedestrian assess links into the crosswalk and connects to Chase Bank.

Tim Allen - when we get tenants for the commercial buildings, the applicant will return to the Planning Board, and to ABACA for final review of the building elevations.

Flynn asked if there was anyone from the public wanting to speak.

Planning Board Meeting July 11, 2011

Anne Kutter, 3302 Crompond Rd. Kutter stated the neighbors were pleased with the improvements planned but concerned with the traffic. Kutter asked if the applicant had considered a stop sign at Stony St. The original traffic study suggested only one additional car resulted from this project, and this seems like an understatement. Kutter asked what happens during construction. Kutter stated a desire for a cul-de-sac and stated she would return to the Board if Costco did not come back.

John Bauzo, neighbor Bauzo asked what would alleviate traffic going toward Peekskill. Greeley stated DOT is aware of the situation, but funding is only available for improvements up to Parkside Corners. Greeley stated there are pluses and minuses about installing any additional stop signs.

Flynn asked about the reciprocal easements. The Board felt that the stop signs should be close to the intersection to make drivers were aware of each other. Greeley stated that should not be done until DOT improvements are complete. The Board felt similar traffic volume at all stops would make the project function better. Capellini stated the applicant would like to start construction in the fall.

Anthony Romano, Chair of ABACA, Romano asked if there was an opportunity to route the pedestrian traffic, ABACA is awaiting architectural elevations.

Upon motion by Kincart, seconded by Fon, and with all those present voting aye, the Board closed the public hearing leaving it open for two weeks for written comment.

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

Upon motion by Fon, seconded by Kincart, and with all those present voting aye, the Board declared lead agency.

Upon motion by Fon, seconded by Kincart, and with all those present voting aye, issued a negative declaration.

Yorktown Auto Body

Public Hearing

SBL: 37.19-1-81

Location: 1798 Front Street

Contact: Site Design Consultants

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, Joe Riina, project engineer, Luigi Zarkete, spray paint booth expert, and Greg McWilliams, project architect, were present. Capellini stated this project will be an environmental benefit. Riina stated the site is located on Front St. The addition is approximately 1,500sf for two spray booths on the right side of the building. Zoning has been changed from C-4 to I-2. The applicant has received a variance for front yard parking, and the project requires an increase of 6 parking spaces. McWilliams stated the existing building is a brick veneer. The existing roof will continue with the same lines. The project calls for stucco over the entire building, and awning that will stick out approximately feet. Zarkete stated the current booths are inadequate for the newer paints. Other states have made the newer, environmentally safer paints mandatory. The new paint reduces the emission of solvent that damages the ozone layers. Additionally, storage of cars will be reduced. Riina stated the applicant has obtained all County permits and Town zoning variances. The meeting was opened to the public, however, no one from the public came forward. Capellini stated the neighbors (neighbors spoke at the public informational hearing) want to see this happen as soon as possible. The Board stated the applicant would have to satisfy ABACA.

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

Planning Board Meeting July 11, 2011

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

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

Upon motion by Kincart, seconded by Fon, and with all those present voting aye, the Board approved the resolution allowing the addition.

Silverman. Elizabeth

Decision Statement

SBL: 5.17-1-18

***Location:* 1195 Williams Drive**

***Contact:* Site Design Consultants**

***Description:* Request to change access driveway in a 2 lot subdivision approved by Planning Board Resolution #07-15 on September 10, 2007.**

Al Capellini, project attorney, and Joe Riina, project engineer, were present. Capellini stated the original approval had a driveway from Williams Dr. Which is a large intrusion into undisturbed land. Capellini confirmed that Putnam Valley has agreed that an access from another Silverman owned property which is less intrusive.

Upon motion by Kincart, seconded by Fon, and with all those present voting aye, the Board approved the resolution allowing a change in driveway access.

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

Work Session

Contractors Register

Discussion Amended Site Plan

SBL: 5.19-1-15

***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, project engineer, was present. Riina explained the applicant is requesting an increase in parking. Additionally, they will construct a stormwater management basin which will address water quality and attenuation. The project will be reviewed by the Conservation Board, the Fire inspector and the Planning Department. Kincart asked if the entire site or the originally approved parking was subject to the new tree ordinance. Riina stated there is a landscape plan which will be reviewed. Tegeder explained that an applicant is not subject to tree mediation unless 30% of the tree cover is removed. The Board requested a public informational hearing in August.

Chase Media Group

Building Inspector Referral

SBL: 48.11-1-50

***Location:* 1520 Front Street**

***Contact:* Leslie Mancuso**

***Description:* Application for seasonal/temporary exterior sales pursuant to Section 300-73.1.**

Tegeder stated this is on the weekend seasonal sales event. The Planning Board had no problem as the project is currently being stated. This flea & farmers market event would happen during the day, therefore, no lighting is involved. The Board recommend the restriction of area to the front of the building where the market is proposed and ample parking is provided. The Board asked for a the definition of Flea Market. Because this permit is limited to 6-weeks, the Building inspector can make modifications if necessary.

Planning Board Meeting July 11, 2011

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, Karl Ackermann project architect, Rob Roth, of John Meyers, and Andrew Tully, attorney, were present. Ackermann stated the applicant has addressed neighbor complaints about screening in the rear. The applicant has lowered lighting, resulting in the site being dark at night. The Board asked about washing the fire trucks on the site. Ackermann stated there will be a light washing with no soap usually between 7:00pm-9:00pm. Ackermann stated we were asked we are outside the buffer, which we agreed to and the Conservation Board suggested mowing twice a year. Trash is located on the plan, however, most of the trash is being brought back to the main station. Tegeder asked if the installation of some spruces trees would change the vista, as less height will give you more screening. Is screening more effective closer to the building. It was suggested a site visit might be helpful. The Board scheduled a public hearing in August. Evans Assoc identified a small area of jurisdictional wetland, however, it is three hundred feet away from any disturbance. Capellini discussed a Life Estate which is conditions and restrictions in the deed. Capellini stated the deed has no indication of life estate, as determined by the title company. The Fire District purchased the property in 1997 and the policy does not include this site in the life estate. As Dave Klaus has resigned from the Planning Board, a new fire liaison must be appointed.

Trail Side Café

Pre-Preliminary Application

SBL: 37.18-2-79

Location: 1807 Commerce Street

Contact: JB Hernandez

Description: Proposed change in tenant from retail to an ice cream/café shop.

The Board stated the proposed change would have parking issues. As a retail establishment, 4 parking spaces would be required, however, as a restaurant, 9 parking spaces would be required. The Planning Board would be able to reduce the parking requirement by 25%. The Board, the applicant and the Planning Department will review the code.

Lyhus Wetland Permit

Town Board Referral

SBL: 48.11-2-11

The applicant is still developing plan, therefore the Board must wait for additional information before commenting.

Proposed Donation of Land by Gundbar Associates.

Town Board Referral

SBL: 37.14-1-66

The land has possible uses for the town including uses as with the future bike path, as well as school studies. The Board would recommend the Town Board consider these public uses against the amount of taxes that would be paid. The Board has no planning objections with this issue.

Town Board Referral

Proposed Local Law Imposing a Temporary

Three-Month Moratorium on Approvals for Buildings

Accessory to Residences

July 11, 2011

This proposal calls for a halt on all accessory structures that require building permits. The Board recommended a size threshold. The Board suggested the Town Board consult with the Building Department regarding the number of applications they actually have in order to measure the impact. The Board had no planning issues with a 3-month moratorium, but would recommend no extensions.

Amendment to the Zoning Code regarding adding warehouses to the list of permitted uses with a Special Permit in a C-1 Zone.
Tegeder recommended the main use

Town Board Referral

Town Board Referral

Amendment to Chapter 300 pertaining to fence heights.
The Board felt that the ZBA could rectify any hardships this change might create. The Board felt the code was sufficient as is.

Wetland Open space adjacent to future trail. What will it cost
Moratorium- Fon does not believe in moratorium.

Town Board Referral

Upon motion by Kincart, seconded by Savoca, and with all those present voting aye, the meeting was adjourned at 11:30pm.