

## Planning Board Meeting September 26, 2011

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A regular meeting of the Planning Board, Town of Yorktown, was held on September 26, 2011, the Yorktown Community and Cultural Center, 1974 Commerce Street, Room 104, Yorktown Heights, NY 10598. The Chair, Rich Fon, opened the meeting at 7:35 P.M. with the following members present:

Darlene Rivera

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	The Board had no issues with the submitted correspondence
Follow-up Correspondence	No discussion took place at this time
Liaison Reports	Tegeder had an issue about meeting space. Tegeder explained there were times when the meetings were bounced from room to room, making it difficult for applicants and the public to attend. Fon will send his comments to the Town Board

Upon motion by Rivera, seconded by Savoca, and with all those present voting aye, the Board approved the minutes of August 08, 2011.

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

### SPECIAL SESSION

#### **Contractors Register**

#### **Decision Statement**

##### **SBL: 5.19-1-15**

*Location:* 800 East Main St.

*Contact:* Site Design Consultants

*Description:* Applicant is proposing a total of 32 parking spaces in an area where 20 spaces was previously approved.

Joe Riina, project engineer and representative of contractors register were present. Riina stated the Board had requested a memo from the Tree Commission. Riina stated the applicant has offered to install 43 trees as mitigation. The proposed trees are 3 to 10' high. The area under consideration was already anticipated for development. The applicant believes moving the parking lot, as suggested, to save one tree will create more disturbance. Tegeder stated there is a 38" oak, that one could scoot back, which could be kept as a buffer. Riina explained that the proposal balances cut and fill, and the suggestion would cause the loss of more trees in the rear. Riina suggested looking at moving the island. Riina explained that the applicant might have to install a well around the tree from the stone used on the wall. Fon discussed the memo from Westchester County. Riina stated pervious paving will not work as this is a heavily used parking lot. Fon requested the applicant incorporate Tree Commissions suggestions into the plan. Riina stated he would work to save the 38" oak. Tegeder asked if the project even met the threshold for mitigation. which is 632" of dbh. Tegeder stated the applicant should provide the mitigation detail the tree law recommends. Tegeder stated the Board can make it a condition of the plan that the applicant needs approval of Planning Dept, Planning Board, and Engineering. Otherwise, the Board can approve it and ask the applicant to return into two weeks to show their progress. Tegeder will work with Riina on saving the tree and bringing the plan back to the Planning Board. The Board requested the applicant work with Tegeder regarding phasing the plan.

**Upon motion of Rivera, seconded by Savoca, and with all these present voting aye, the Board opened a Special Session.**

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

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

**Upon motion by Rivera, seconded by Savoca, and with all those present voting aye, the Board approved the amended site plan as noted on the Chair's copy.**

**Sarubbi**

**Request for Reapproval**

**SBL: 17.18-1-11**

*Location:* 336 Homestead Road

*Contact:* Nick Caricati & Giuseppe Sarubbi

*Description:* A 2 Lot subdivision approved by Res #06-16 and reapproved by resolutions #07-04, #08-12, #08-23 and #10-01.

Steinberg stated the application needs reapproval as the deed was not in order and additional time is required.

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

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

**WORK SESSION**

**Gione Minor Subdivision**

**Pre-Preliminary Subdivision**

**SBL: 27.15-2-1**

*Location:* 21 Loder Rd.

*Contact:* Gione, Gary J.

*Description:* A proposed 3 lot subdivision with an existing residence. The 2 new residences will be serviced with town water and individual septic systems.

Joe Riina, project engineer, was present. There is an existing house on the site, The plan shows two new lots, with both meeting the zoning requirements. The odd shaped lot works to minimize the grade.

Savoca asked what is the distance from the house to the street, and was told 32 side yard, and 47.7 where 50 is required. As a corner lot we may be able to call it a side yard. The applicant will discuss what variances are required with the Building Inspector. The applicant is going to the Dept of Health for the testing requirements to determine if the site contains viable septic areas. Tegeder wanted to refer this to Somers due to the two new curbcuts Riina stated there are no wetlands, and the site is nicely wooded.

**Fieldhome Expansion**

**Discussion Residential Site Plan**

**SBL: 35.12-1-3**

*Location:* 2300 Catherine St.

*Contact:* Site Design Consultants

*Description:* Proposed continuum of care facility consisting of independent living units and skilled nursing home replacing existing home with a common facility supporting both communities.

Al Capellini, project attorney, Joe Riina, project engineer, John Ahearn, CEO of Fieldhome, and Michael Orifaci, project architect were present. Fon asked if the applicant reviewed the scoping outline. Riina stated he has not yet incorporated Tegeder's comments. Ahearn asked the Board to move quickly. As the government cuts back Medicare funding, the project becomes more critical. The state is also asking for a takeback. The state is taking back 1.5 million in the next 12-18 months. Tegeder stated the path correct SEARA path is to create an expanded EAF that will answer all the questions in the scope. Tegeder felt the Board could get all the information necessary and would still have the opportunity to pos dec the project, if they felt there were environmental issues left unanswered. Wagner felt the square footage and the acreage trip a type I SEQRA project. Capellini stated the skilled nursing portion is not being considered as residential. Capellini stated whether this project is a type I or unlisted action the

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applicant will still provide all the relevant information. Wagner asked when the applicant anticipated constructing the 28 future additions. Aheran stated this would be in the very distant future. Ahearn stated the existing children's center will be moved. Riina stated under existing conditions the Fieldhome has a total of 119,000sf. The proposed plan calls for skilled nursing to be 64,000sf, the commons 24,000sf, day care 2900sf and the Administrative Hall 13,000 sf.

Disturbance, demolition, access road, common area, will be on approximately 7.5 acres, includes roads. There is an existing basin the applicant will be retrofitted not expanded. The proposal calls for adding a four-bay and a deep pool. This project removes about 20,000 sf of non-residential project. I believe this is under the Type I threshold. The Board is assuring the State that the environmental review is being performed. The Board requested the traffic study include including Garden Lane, including the physical appearance, and the ability to meet town code. Vishnu Patel, Town Caounselman, stated this project has the blessing of the Town Board. Tegeder stated part of Garden Lane is privately owned, and the Highway Superintendent does not want to take the road until it is up to town Code.

### **Arrowhead Subdivision**

**SBL: 48.13-1-6**

*Location:* Underhill Avenue

*Contact:* Al Capellini

*Description:* A 5-lot subdivision approved by Res #07-23 dated 10/15/07.

Al Capellini, project attorney, was present with developer Chris O'Keefe. O'Keefe state the project has two roads, a private road and a public road. the public road will be used by all 5 home owners. O'Keefe felt the law allows the Board to waive the regulations if it does not hurt the public. Wagner stated that requires that the items to be waived must be deemed unnecessary by the Board. Wagner stated if the Chairman signed a plat without the improvements, it would be deemed that the improvements were waived, and therefore unnecessary whereas the improvements not yet made are, in fact, necessary, being the pricipal road. Wagner stated if it this were a phased subdivision, then the Board is covered by state law. Capellini agreed that Wagner's analysis was correct, and a phased subdivision was required. The issues under Town law is that Town law requires that when the Chairman signs off on the plat the subdivision streets are safe. Wagner asked if the road was paved. O'Keefe stated, no but there are millings, ground asphalt. The milling is needed as a base for the road. After this a binder, andthe a topcoat is applied. O'Keefe stated the paving is contingent on the the sale of the house.

### **Discussion Filing of Plat**

**Upon mition by Savoca, seconded by Rivera, and with all those present voting aye, the meeting was adjourned at 9:06pm.**