

Planning Board Meeting February 28, 2011

A regular meeting of the Planning Board, Town of Yorktown, was held on February 28, 2011, the Yorktown Community and Cultural Center, 1974 Commerce St. Room 104, Yorktown Heights, NY 10598. The Vice Chair, John Flynn, opened the meeting at 7:45 P.M. with the following members present:

John Savoca

Richard Fon

John Kincart

Dave Klaus enter at 8:15pm:

absent: Darlene Rivera

Also, present were: John Tegeder, Director of Planning, Karen Wagner, attorney to the Planning Board, and Ann Kutter, co-chair of the Conservation 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 Kincart, seconded by Flynn, and with all those present voting aye, except Fon, who abstained, the Board approved the minutes of February 14, 2011.

Kitchawan Fire & Rescue Station

Discussion Site Plan

SBL: 70.05 – 1 – 13

Location: Kitchawan Road

Contact: Albert Capellini, Attorney

Description: Proposed 3,100 sf fire & rescue station with two apparatus bays, day room, storage area.

Al Capellini, project attorney, Mike Goldblum, and Carl Ackerman, of Sullivan Engineering were present with members of the Fire District. Capellini stated the project has been before ABACA twice, and we have addressed all concerns contained in ABACA's first memo. Two items remain from the second memo, these being: the rear roof cover and the trash enclosure. This matter has been deferred this to the Building Dept. Goldblum stated that currently, there is no trash enclosure as trash will be brought to the main center. ABACA had no other comments. Capellini stated the applicant has been before the Conservation Board and everything but the regulations involving the tree ordinance have been resolved. Ackerman stated the applicant will have a tree survey done. Ackerman stated the proposal allows for pervious pavers if economically allowable. The applicant has just received the Town Engineer's review, which is based on an older submission. This situation will be rectified shortly. Flynn asked for the change in impact if pervious pavers are installed. Ackerman stated there is 20,000sf less of an impervious surface. Capellini explained that the job will be bid out, and the use of pavers will be an alternate. The applicant will have a price comparison when the bids are returned. Kincart asked if the site is primarily grass or trees covered, and was told it was primarily meadow. Ackerman stated the well is in front of the project and the septic is downhill from the well. The

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lighting will contain low footcandle lighting which is dark sky compliant. Kincart asked for the septic system capacity. Goldblum stated 500 gallons, and we will not remove the trees in the expansion area. The Board wanted the applicant to remove only those trees that had to be taken down, but leave as many as possible. Fon requested the tree removal schedule be placed on the plan. Flynn requested the applicant label the plan specifically as a substation. Capellini stated this can be called an unmanned station. Flynn labeling the plan as such will be appreciated by the neighbors. Fon stated this plan came from the Fire Commissioners to provide a safe situation for residents, and the Taconic corridor. Tegeder once we get the tree survey we will discuss screening and the applicant response to the Town Engineer's memo.

Crompond Crossing

SBL: 26.18 – 1 - 7

Location: Old Crompond Road

Contact: Neil DeLuca

Description: Proposed 7,700 sf commercial site plan, 26 unit multifamily residential site plan and a 29 lot subdivision to separate the uses

Discussion Site Plan

Al Capellini, project attorney, Neil De Luca, applicant and Carl Ackerman, from Sullivan Engineering were present. Capellini stated a portion of the applicant's site was successfully rezoned to R-2. DeLuca stated Ithop and Pizza Hut pulled out and now one restaurant and one retailer will occupy the commercial space. Flynn asked about the topography, wondering if the applicant proposed to flatten the center of the site. Ackerman stated 10 feet will come down to get the gravity sewer. Kincart felt the site had been disturbed in the past. Fon questioned the changes to the commercial portion. DeLuca stated the building is bigger and there are fewer parking spaces. Stormwater has changed to accommodate the increase in building size. Fon asked if the proposed work was outside the buffer. Flynn asked what type of retail the applicant was looking for. DeLuca stated he wanted this to remain a hamlet setting. Fon asked if the current proposal had gone back to the ABACA. DeLuca stated the finishes will be the same. Wagner asked if we are looking at the same plans as presented earlier. Tegeder also suggested the applicant return to ABACA. Tegeder wanted ABACA's landscape architect to review the landscape plan. Fon felt landscaping at Chase Bank should be considered by this applicant. Tegeder requested the plans for the intersection improvements be submitted. The Board stated NYSDOT is working on the Pine Grove Court improvements. The Board wanted the applicant to respond to the comments from the Water Department and the Town Engineer. Flynn asked if the applicant can help to tie in the Greenway along the Bear Mountain parkway. This would greatly extend the access. Tegeder suggested the applicant connect to the NYSDOT improvements. Ackerman stated there were outstanding issues from the Town Engineer and Bruce Barber that will soon be clarified. A Stormwater Pollution Prevention Plan was submitted. Neither NYCDEP nor NYSDEC wants stormwater in the buffer. Because this area has already been disturbed, the plans do not reflect this request. Additionally, a lighting plan has been submitted. Tegeder stated the applicant must now address intersection improvements, sidewalks, and lighting. Tegeder stated the proposal is adjacent to a trout spawning stream and may affect the thermal load. Tegeder also requested a traffic plan.

THYME Restaurant

Dining Area

SBL: 36.05 - 1 - 16

Special Use Permit – Outdoor

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Location: 3605 Crompond Road
Contact: Ciarcia Engineering, P.C.
Description: Addition of outdoor seating will require 8 additional parking spaces, 53 required parking spaces, 47 spaces provided.

Dan Ciarcia, project engineer was present. Ciarcia stated this is a minor change as the applicant is requesting 20 additional outdoor seats. The restaurant has 40% of the site. The applicant would like to add five outdoor tables. The issue is how to address parking. Currently, the patron area is one space for 50 sf., and this proposal will require eight additional spaces. At the time of approval, 45 spaces were required and 47 spaces were installed. The required 53 parking spaces includes parking for SNAP FITNESS, the adjacent establishment. Fon stated the site is clean and greatly improved from its former state. If the restaurateur believes outdoor seating will improve business, then this Board should try and accommodate this request. Fon suggested landscaping with concrete planters along the Route 202 be considered. Ciarcia stated the applicant will match the existing bauminite surface. Fon suggested moving the tables against the buildings and seeing if the fitness patrons might use the rear entrance. The seating area could be delineated with movable lattice. Klaus stated other restaurants with outdoor seating were required to have food ordered not just drinks, and there was a restriction on the time of operation. Fon felt the grass area and walkway made sense. Tegeder stated this might be in a DEP Main Street Area. Ciarcia stated they could use permeable pavers. Fon mentioned the portion of the site contained a paved area and removing this may result in no net loss for DEP. Tegeder stated the applicant is short 6 spaces. Fon suggested reviewing employee parking.

Sanctuary Golf Course

Town Board Referral

SBL: 59.09 - 1 - 10

Location: Route 118
Contact: Albert Capellini, Attorney
Description: Request to amend the approved plans to reflect the physical changes to the plans.

Present were Al Capellini, project attorney, and Alan Pilch, environmental scientist. Pilch stated the submittal shows the original approval with proposed and installed changes as an overlay. It was Pilch's belief that existing conditions were compatible with the approved site plan. Fon asked if the wall was approved and was told it was not. Pilch stated the applicant renovated all the holes, and wants to renovate what the tennis court, club house and parking area. Originally there were 4 tennis courts and 2 paddle tennis courts. The new plan will allow for 5 tennis courts and 2 paddle tennis courts. Pilch stated most disturbance was contained within the approved limit of disturbance, with the biggest difference being the grading of the elevated areas. The rocks were created from the blasting, and were then used to create the retaining wall. Fon stated the work done does not follow the approval, and no one checked the work that was done. This was a special use permit from the Town Board. Flynn stated the Board has not seen the site since 2004. Pilch stated the DEP permit was renewed in 2004 and 2006, but is now expired. As the proposed construction exceeds two acres, is located on slopes greater than 15%, and within 100 feet of a watercourse a Stormwater Pollution Prevention Plan is required. Kincart asked if any engineering plans were created for the walls. Capellini clarified that the current submission was created after the wall was installed. Tegeder requested an engineering report certifying the safety and construction of the wall. Capellini stated that with the wall's existing construction the applicant can install a 5th tennis court and a 3rd paddle tennis court. Fon stated the Board needs an as-built. Tegeder asked for the approximate location of bedrock, and the elevations. The Board agreed

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that there needs to be verification of the wall's construction. This plan should not be trusted, as it is without an as-built by a surveyor. Fon stated the Planning Board will require acceptance by the Town Engineer. Fon stated the Board will also require an as-built and will conduct a site visit. John Schroeder, neighbor and president of the Yorktown land Trust, stated construction goes on every day making this an ever-changing site. Schroeder stated he can hear the construction noise every day. Pilch confirmed there was a rock crusher on site. Fon asked if there was County approval for the rock crusher. Fon stated the applicant is to stop construction until there is approval. As the wall was constructed without approval, the Board could ask for it to be removed. There is to be no further construction activity on this site. Fon asked if the Board thought the environmental system planner drawing plans was a conflict of interest. Tegeder stated there has to be an engineered plan. Pilch stated Hole-in-One designed the original golf course, and Evans Consultants did the environmental monitoring in 2006. Currently, there are very few erosion control issues. Capellini stated he would go back to the applicant and explain that construction must stop. Schroeder stated he and the Yorktown land Trust want to see a golf course. Schroeder stated the applicant had no conversation with the town naturalist. Wagner asked Capellini for a time frame for the requested submissions.

Upon motion by Savoca, seconded by Kincart, and with all those present voting aye, the meeting was adjourned at 9:00pm.