

Planning Board Meeting February 25, 2013

A regular meeting of the Planning Board, Town of Yorktown, was held on February 25, 2013, at the Yorktown Community and Cultural Center (YCCC), 1974 Commerce Street, Room, Yorktown Heights, NY 10598. The Chair, Rich Fon, opened the meeting at 7:30P.M. with the following members present: John Flynn John Savoca

Darlene Rivera

John Kincart

Ann Kutter (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 NYS DOT letter of 2/14/2013 regarding COSTCO

Planning Board memo dated 2/20/2013 regarding Rita's Water Ice at Underhill Plaza
the Town Board resolution for Creative Living dated 2/12/2013 regarding a wetland
permit and a Stormwater Pollution Prevention Plan.

Liaison Reports No discussion took place at this time.

Courtesy of the Floor No one from the public came forward

Minutes of February 11, 2013

Upon motion by Kincart, seconded by Flynn, and with all those present voting aye, the Board approved the minutes of February 11, 2013.

SPECIAL SESSION

Lake Osceola Realty Corp.

Decision Statement

SBL: 17.5-1-11

Location: 505 East Main Street

Contact: Site Design Consultants

Description: Proposed 27,000 SF office building and associated parking. Demolition of one existing residence.

Present were Joe Riina, project engineer, Steve Marino, environmental scientist, and applicant

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

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

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

Tegeder asked that the mitigation taking place at Ceola Manor be included in the approving resolution.

Flynn asked if the remaining mitigation was between the applicant and NYS DEC. Tegeder stated that if the DEC changed the plan enough, the applicant would have to return to the Board. Kutter asked if the need to return should be part of the approving resolution. Wagner asked if there were thresholds for determining substantial changes. Tegeder stated threshold have not been established.

Upon motion by Kincart, seconded by Savoca, and with all those present voting aye, the Board approved the site plan, wetland permit and Stormwater Pollution Prevention Plan (SPPP).

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

WORK SESSION

Town Board Referral

Proposal to erect a sign in the Town Right of Way located in front of the former Bernstein House located at 3147 Old Yorktown Road (Route 132).

Applicant Mark Franzoso was present with representative Bill Primavera. The Board was concerned that the sign at the historic Bernstein House was within the NYS Right-of-Way. The Board felt this was a dangerous distraction for drivers, and requested the applicant move the sign out of the ROW. Franzoso stated the sign was 4ft by 4ft and was not lighted. Kincart asked why the Board was approving the sign if the house is privately owned. Tegeder explained the sign does not fit within the sign ordinance. Flynn requested a plan showing where the sign was on the road. Fon stated NY State is very strict about ROW, and did not understand why the applicant chose this placement. Franzoso stated Yorktown has been very good to his business, and this was an opportunity to give back. Franzoso stated the project awaits approval from Westchester County, and agreed to place the sign out of the NY State ROW. The Board will send a letter to the Town Board recommending the sign be moved out of the ROW for due to safety concerns.

Town Board Referral

Proposed Local Law amending Chapter 300 of the Code of the Town of Yorktown entitled “ZONING,” concerning the keeping of fowl in residential districts.

Tegeder explained the Building Inspector had an issue and brought this to the Town Board. Flynn stated from his experience on the ZBA, he felt a common practice was to locate coops close to the property line, near the neighboring property. The Board felt the 12 chicken limit on smaller lots should be reconsidered and reduced. Kutter discussed heating lights that might be installed in the coops, and questioned the issue of abandoned chickens. Kincart felt chickens invite rodents, and cause a smell placement of coops on small lots problematic. John Schroeder, President of the Yorktown Land Trust, felt some of these complaints were not factual, and spoken by those who had never raised chickens. Tegeder stated the Town has a farm use special permit that should be enforced as opposed to creating a new law. The farm use permit is used when the site is 5 acres or more. The Board wanted to ensure 50 foot setbacks, and parcels having at least an acre for 12 chickens.

Faith Bible Church

SBL: 15.16-2-9, 10, 53, 54

Location: Sagamore Avenue

Contact: Site Design Consultants

Description: Proposed additions to existing one-story church building and associated parking. Al Capellini, project attorney, Joe Riina, project engineer, and Phil Greely, traffic consultant were present with Pastor Zolloti. Greely discussed traffic projections, and road capacity. The Board asked the Pastor about a letter from neighbor Evan Bray,. Bray’s letter referred to plans to use the church as a school (not Sunday school) Pastor Zolloti stated there were no plans for a school, and this had been stated on several occasions. Pastor Zolloti felt the letter was self-serving and did not reflect the intension of the project. Greely reported on Sagamore/Mohegan Ave. Greely recommended tightening up the intersection to control traffic. Greely asked if it made sense to go to a 4-way stop, but at a minimum stop

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one leg and go to an all way stop. The applicant will install center line markings. Kutter asked about egress and ingress. Could the pedestrian crosswalk be moved back, and signage installed. Greely stated the plan requires 86 parking spaces and to accomplish this there is stacking for 23 cars. Kincart felt stacking might be a safety issue. Capellini stated stacking was a safer alternative than on-street parking. Capellini felt that area residents in houses of near existing worship got use to on-street parking during special events. Flynn asked about parking spaces, and was told these spaces are 8.5 x 16, while standard spaces are 8.5 x 18. Pastor Zolloti stated the monitors will continue helping parkers. The Pastor spoke with the Children's Learning Center and they are favorable toward allowing the church to use 15 space. The monitors would then shuttle parkers to the church. Tegeder asked the distance from the Learning Center parking lot to the church, and was told 450' to 500'. Pastor Zolloti stated the Church has a verbal agreement with the Lake Association to allow lakefront parking in non-summer months. In return, the Lake Association used the church parking lot throughout the year, Tegeder stated a section of the town code would allow the applicant to include the off-site parking in the parking calculation. Fon stated the Board is still waiting for the report from the Town's traffic consultant. This report will include an analysis of the applicant's traffic report. Riina stated the sewer will be a force main, and will include installation of dry lines for neighbors to connect if they desire. Kutter asked about Evan Bray's charge that a school would be installed on the first floor of the church. Pastor Zolloti stated there is no school and there are no plans to have a school. Currently there are 40-70 children that meet once a week. Additionally, there are activities on Wednesday & Friday. The only school will be religious school, which currently has very low attendance, and may be eliminate it. Currently there is a Children's service for those who are coming to the regular service, not in addition. Pastor Zolloti stated the church addition will not stress septic system as the plan, as stated earlier, calls for a connection to the sewer system along Route 6. The Board felt a public hearing could be scheduled for April if all reports were submitted. The Board suggested applicant return to the work session on March 11, 2013.

Fieldstone Manor

SBL: 15.11-1-17

Location: Strawberry Road

Contact: Site Design Consultants

Description: A proposed 16-lot flexibility subdivision on 22.94 acres in the R1-20 zone.

Al Capellini, project attorney, Joe Riina, project engineer and Phil Greely, traffic consultant, were present with applicant, Bill Cattucci. Riina stated when we last meet with this Board we discussed flexibility, which has been approved by the Town Board. We have completed detailed engineering drawings, and a traffic study. Greely stated the applicant is in the process of a Phase B archeological study. The traffic study looked at 4 intersections in the area, these intersections are already at stressed and the additional 20 trips per hour, caused by this project, will not effect change as Strawberry Road handles over 400 vehicles in the morning and 700 in the afternoon. The proposal includes good sight distance, but would require signal timing adjustments. The result of this project would be an increase of 20 trips an hour. The Board asked about problems along Lexington Ave, Greely stated Supervisors Grace and Puglisi are aware of the need for a traffic light at Lexington Ave, but there are grading issues. Greely stated Foothill St. currently is at level E serve and will remain at E. Foot St has sight line issues. The other issue on Strawberry is speed, which makes this a candidate for signalization. Fon felt traffic was a major concern, with or without new development. Tegeder suggested the traffic issue be referred to the Town Board.

Discussion Subdivision

Riina stated this proposal is for condominiums. Capellini explained the Town Board approved flexibility for a maximum of 16 lots for single family dwellings varying from 8,890sf to 14,827sf with approximately 17.8 acres of land to be apportioned for open space, recreation, and preservation. Cappellini stated the applicant's current studies indicate the project would not be profitable or marketable unless there is an increase in the number of units in the mansion. Riina presented a plan that would create five units, and a common area for residents. Capellini stated the Town Board could rezone to R-2 two family or change the lot count. This would require including a portion of the wetland in the formula to calculate lot count. The Board will review the matter again after visiting the building. There appeared to be consensus that the mansion should be saved. The Board will conduct a site visit on March 23, 2013.

Kincart excused himself from the remainder of the meeting.

Planet Storage at Staples Plaza

SBL: 36.06-2-76

Location: 3333 Crompond Road

Contact: UB Yorktown, LLC

Description: Request for a Special Use Permit for a self-storage facility in the lower level of the existing main building and related site work.

Tony Romano, architect, Rob Aiello, project engineer, Chris Rafiello, project architect, John Cannon director of operations at Staples Plaza were present. Aiello stated to satisfy the DEC, the applicant will install pervious pavers and will be in contact with Mary Galasso, The applicant has provided lighting cuts to the Planning Board and has met with the Building Inspector. Aiello requested Planning Board input for placement of signs. Landscape buffer trees that have fallen have been removed, broken tree removal and additional cleanup is underway. All tenants have been provided with a copy of the Town's noise ordinance. The trucks formerly allowed to park in this area are gone, and the agreement with Con-Edison to house these trucks is over, therefore there will be no idling on the site. There are 20 signs around the building to direct trucks. Fon stated he had visited the site and understands why the residents are so upset. The buffer has not been maintained and this is troubling. Promises made to the neighbors have not been kept and now the shopping center is making more promises. Fon stated he is not directing these remarks to the applicant, but to the shopping center owner. Aiello stated the application is providing attention to the site. Fon stated the Board will schedule a site visit for as anyone can see, no attention has been given to the site. Promises have been broken, and this is troublesome. Cannon stated there will be a major clean up of the site. Fon felt the site was not maintained and it was a mess. The delay is on the property owner. Aiello stated in 1964 Whites Department Store was approved with a 50 foot buffer. The approved plan in 1994 had a buffer that varied from 25 feet to 75 feet. In the southeast corner there is a 36 foot buffer with 15 conservation spaces. Aiello stated the existing fence varies from a 6 foot high stockade to 12 foot high chain link. The new proposal calls for vegetation to use for fill in the areas with gaps. The applicant is no longer proposing a stockade fence, but instead a 4 foot high vinyl fence. In the rear where it is open there is a hill where the applicant will plant evergreens. We have found a lot of vines choking out the trees, and we propose to remove them. We will replace the fence with in-kind fence. Fon asked for the applicant's plan for maintaining the fence during snow removal. Aiello stated currently there is no plan. Kutter stated you might want to consider a combination of trees and shrubs that will actually allow a create a buffer. A neighbor suggested taller trees to better block the building combined with shrubs. The neighbor stated his dislike of parking at the property line, as this was adjacent to his property. Kutter asked for the life span of White Pine. Aiello stated the proposal also introduces Colorado Blue. Aiello stated a tree inventory has not yet been conducted Tegeder stated the Board will require an inventory of all existing and proposed plantings. Tegeder stated the Board should

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establish a screening buffer with a maintenance plan. The detailed landscape buffering plan and the maintenance plan should be on the site plan and in the resolution. This inclusion would allow the Town to enforce the plan. Kutter stated the removal of invasives should be reviewed by the Conservation Board. Kutter asked for a maintenance plan after the removal of the invasives. Tegeder asked about the existing species. Aiello stated there were a variety of pines, including White Pine and Norway Spruce. The Board scheduled a Site Visit March 23 at 10 am. Aiello stated the applicant has provided catalogue cuts for the lighting fixture. Perimeter lighting will have shields which block the back half of the light. There is a security lighting plan for after hours. There are two lights on the perimeter and several interior lights, with poles that are 16 feet high. With regard to noise, trucks will be able to idle between 10pm and 5:30am only within interior lanes, toward the center of the site.

Site Visit March 23 at 10:00 AM followed by site visit to Fieldstone Manor.

Yorktown Realty Association aka Trump Park Residences SBL: 5.19-1-14

Discussion Temporary Sales Office

Location: Barger Street

Contact: Yorktown Realty Associates

Description: The 141-unit Trump Park Residences was approved in May 2003 and required removal of the temporary sales office and installation of a walking track and gazebo within the recreation area. Joe Apicella, executive vice president for Capelli Enterprises, was present. Also present were Denise and Louis Demico, Co-op Board members, and John Schroeder, Yorktown Land Trust president. Apicella stated the sales operation has moved to the main building. Capelli Enterprises has discussed with the Town Board a reuse for the building as opposed to knocking it down. Apicella stated this was a \$4 million dollar building, and it is our intention to donate this building to the Town. Flynn stated the applicant gave the Town the same options several years ago and it was turned down. This application was approved with a temporary sales office over a recreation and conservation easement. Apicella felt this was a 6000sf sales office that can be reused. Schroeder stated there is a Conservation Easement and Recreation Easement which states no buildings can be in the recreation easement. The Yorktown Land Trust and the Westchester Land Trust co-hold the easement. Other violations exist as well on the conservation easement. Apicella stated any easement can be changed. Flynn wanted counsel to review the two documents, and the Planning Department will contact the environmental consultant to conduct a site visit. Schroeder explained the Westchester Land Trust president, Susan Carpenter, is also the Supervisor of the Town of New Castle. This may make it difficult for her to attend our next meeting. Apicella stated we will grant access to the property to allow the Board members to see the building. Kutter asked if Apicella had spoken to Parks and Rec or the Recreation Commission. Apicella stated he had not, but had spoken with a town supervisor.

Unanimous motion by Flynn, seconded by Savoca, and with all those present voting aye, the meeting was adjourned at 10:00pm