

## Planning Board Meeting March 11, 2013

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A regular meeting of the Planning Board, Town of Yorktown, was held on March 11, 2013, at the Yorktown Town Hall, 363 Underhill Ave. Yorktown Heights, NY 10598. The Chair, Rich Fon, opened the meeting at 7:35P.M. with the following members present:

John Flynn

John Savoca

Darlene Rivera

John Kincart

Ann Kutter

Also, present were: John Tegeder, Director of Planning, Robyn Steinberg, Planner, and Karen Wagner, attorney to the Planning Board.

Discussion Fon stated he was there to answer the public's questions about the Planning Board, which is made up of 5 members and an alternate.

Correspondence Letter from the NYC DEP regarding Lead Agency for Planet Storage.

Liaison Reports No discussion took place at this time

### **Minutes: February 25, 2013**

**Upon motion by Rivera, seconded by Savoca, and with all those present voting aye, the Board approved the minutes of February 25, 2013.**

### **Regular Session**

#### **Kiederer**

#### **Request 1st 90 Day Time Extension**

**SBL: 27.14-2-4**

*Location:* 362 Granite Springs Road

*Contact:* Ciarcia Engineering, P.E., P.C.

*Description:* A 2 lot subdivision approved by Planning Board Res #05-21 dated Sept. 12, 2005.

Dan Ciarcia, project engineer, was present. Ciarcia stated the applicant is concluding with the Dept. of Health, but is not quite there yet. The plan now calls for the installation of a curtain drain. The applicant has received interest in a lot and there will be an actual testing for the septic system

**Upon motion by Kincart, seconded by Savoca, and with all those present voting aye, the Board approved the 1st 90-day time extension.**

#### **Sierra Bella fka Samsel Minor**

#### **Request 1st 90-Day Time Extension**

**SBL: 47.05-1-13**

*Location:* 1860 Hunterbrook Road

*Contact:* Al Capellini

*Description:* A 2 lot subdivision approved by Res #09-24 on September 14, 2009.

Al Capellini, project attorney, was present. Capellini stated the applicant has been advised that the proposal is in the final stage with the NYC DEP regarding the SWPPP. Capellini explained additional time is required for outside agencies, with approval authority.

**Upon motion by Rivera, seconded by Savoca, and with all those present voting aye, the Board approved the 1<sup>st</sup> 90-day time extension.**

#### **Hilltop Associates**

#### **Request for Reapproval**

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**SBL: 37.6-1-25**

*Location:* Hilltop Road

*Contact:* Al Capellini

*Description:* A 3 lot subdivision approved by Planning Board Res #08-02 on January 14, 2008. Al Capellini, project attorney, was present. Capellini stated this is a 15-acre site at the end of Hilltop Rd. This proposal is a major subdivision due to the installation of the town road. Currently, the reapproval request is for preliminary approval, with final approval to be submitted shortly. Tegeder felt the submission was a modification to the approved plan. Tegeder requested the applicant return to the work session for the Board to fully discuss the proposed changes.

**Gione Minor Subdivision**

**Request for 1st 90-Day Time Extension**

**SBL: 27.15-2-1**

*Location:* 21 Loder Road

*Contact:* Site Design Consultants

*Description:* A 2 lot subdivision approved by Planning Board Res #12-11 dated August 13, 2012. Joe Riina, project engineer, was present. Riina stated the proposal has Dept. of Health approval. The applicant is waiting for approval of the easement language from the Town Attorney.

**Upon motion by Kincart, seconded by Rivera, and with all those present voting aye, the Board approved the 1st 90-day time extension.**

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

### Work Session

**Upon motion by Rivera, seconded by Flynn, and with all those present voting aye, the Board opened an executive session for the express purpose of discussing the Yorktown Realty Temporary Sales Office.**

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

**Yorktown Realty Association**

**Discussion Temporary Sales Office**

**SBL: 5.19-1-14**

*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 a walking track and gazebo within the recreation area. Fon stated the current conditions at the site do not conform to the approved site plan, What the Board knows as the original approval is not being adhered to, therefore, the Board will request enforcement from the Building Inspector.

**Cserenyi**

**Discussion Conservation Easement**

**SBL: 27.19-1-26**

*Location:* 175 Loder Road

*Contact:* Ciarcia Engineering, P.E., P.C.

*Description:* Proposed amendment to Conservation Easement.

Dan Ciarcia, project engineer, was present. Ciarcia stated since the last meeting, a new survey has

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been submitted. Ciarcia addressed the Board's concerns about the installation of a pool, stating the sites topography would prohibit installation of a pool or other such amenities. Conservation Board members Phyllis Bock and JD Francois were present. Kincart felt this was a good approach, as the applicant was giving back an equal amount of conserved area as was being used. Fon stated the project will be referred to the Conservation Board.

### **Dubovsky, Michael**

### **Pre-Preliminary Application**

**SBL: 59.14-1-18**

*Location:* 702 Saw Mill River Road

*Contact:* Site Design Consultants

*Description:* Application to construct a main building with 2 commercial spaces below with 2 residential apartments above. A secondary garage/barn structure in the rear of the property. Joe Riin, project engineer, and Al Capellini, project attorney, were present with applicant Michael Dubovsky. The proposal is a site plan under County Commercial Zoning District. The proposal is for a structure with two retail spaces below and 2 residential above, with a garage/barn in the rear of the site. The entire building will look residential, and have 10 parking spaces. The project will require a NYS DEC permit, but will not involve the NYC DEP. The NYC DEP has no jurisdiction with regard to this site as it is outside the 300 ft setback from the reservoir. Flynn stated there had been a stop work order issued and the site had been cleared and graded. Tegeder wanted to have a full application to allow the project to be referred out. The Board suggested the applicant hire an environmental scientist. Kutter asked if solar panels or other green features could be included in this project. Dubovsky explained that with Town Board approval, the adjacent site will have a residential building in a transitional zone.

### **Fieldhome Expansion**

### **Discussion Approved Site Plan**

**SBL: 35.12-1-3**

*Location:* 2300 Catherine Street

*Contact:* Site Design Consultants

*Description:* Proposed changes to the erosion control and stormwater management plans pursuant to NYC DEP review.

Joe Riina, project engineer, and Al Capellini, project attorney, were present. Riina stated stormwater plans have received approval, including features such as an infiltrator system to handle run off bio-filter, and porous pavers. The existing stormwater basin was built with the Holy Comforter, but is not up to today's standards. The proposal now calls for the stormwater basin to be brought up to today's standards. Riina reported that after some back and forth with the DEP he learned the DEP now considered the existing stormwater system a water course, although it was a man-made system. The NYS DEC and Bruce Barber, Yorktown Environmental Consultant, did not agree with the DEP interpretation. Riina stated he submitted a new plan that the DEP was looking favorably toward. The new plan included installation of an infiltration system. Unfortunately, this will cause additional disturbance to the wooded area. Stormwater will be redirected to the basin, resulting in overall wetland disturbance of 0%. The old pipes will remain and new pipes will be installed to redirect water. Wetland buffer disturbance goes from 1 acre to 0.8 acres, and limit of disturbance from 19.5 acres to 18.5. Tree removal increases from 35 to 152, with overall forested area decreasing from 18.5 acres to 16.5 acres. Kutter asked if the applicant was clearing to the edge of the property, and Riina

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replied yes. Riina stated NYC DEP has conceptually approved this plan, and currently will be reviewing the entire plan for actual approval. Tegeder stated the Town should be an involved agency in any SEQRA review. Tegeder stated the Board was never informed. Riina will speak with this tomorrow. Riina explained that the DEP will not sign off until the Town Engineer signs off. Tegeder suggested the applicant submit an application for an amended site plan. Tegeder felt the DEP should have notified the Town with their findings.

**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.** Steinberg had requested information from Hilltop Hanover Farm, but has not received any information at this time. The Planning Board will send a memo to the Town Board requesting additional time to allow for review of information from Hilltop Hanover Farm. The Planning Board tabled the discussion.

### **Town Board Referral - Boniello Rezone**

Al Capellini came forward to give information. Capellini stated back in the day, the Town had an aggressive affordable housing program that gave developers bonus lots for affordable housing. In this instance, the Town Board allowed 14 lots with public sewers on three acres. Then there was a sewer moratorium, initiated by the Board of Health, and this has lasted 23-years. Currently, the applicant is proposing to build 2-family houses. The applicant asked the Town Board to eliminate the connection to sewer and affordable housing allotment. Tegeder stated these conditions are acceptable as long as you can provide adequate septic and set backs. Capellini felt stated 6 lots were the maximum number of lots. Tegeder stated currently, the Board is unaware of how the lots are being configured. If it is 3 lots and 6 units the Planning Board would not have an issue. Kincart requested a formal application be submitted. Tegeder stated the sewer requirements were established for a reason, especially pollution that can cause harm to life and property.

### **Town Board Referral - Proposed Fill at the Holland Sporting Club**

Phyllis Bock, Conservation Board Chair, stated the Town Board is discussing 86,0000 cubic yards of fill being used at the Holland Sprorting Club. Bock asked about the resulting environmental impact that would result from placing this close to the lake. Bock stated the Conservation Board wants to see a plan, stormwater considerations, and reports on any contaminants. It seems that there is no plan just a concept. Tegeder felt the Town Board should submit whatever is required of any other applicant. Kincart felt it was imported that the fill be vetted out. Fon stated all fill should be tested, and there must be a site plan. Kutter stated if this being offered by the NY State the Town could lose the opportunity if we take too long. Bock felt the Town was being pressured to accept this by April 2013. Fon stated the Planning Board would be in favor of improving the property, in some manor, however, SEQRA should be initiated for any plan.

**Upon motion by Rivera, seconded by Savoca, and with all those present voting aye, the meeting was adjourned at 9:30pm.**