

# Planning Board Meeting May 06, 2013

A regular meeting of the Planning Board, Town of Yorktown, was held on May 6, 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

Correspondence Letter from The Town Board to the Planning Dept. regarding Fiedstone Manor, from ABACA regarding BJ Propane Station, Navajo Fields and St George Winery

Liaison Reports Kutter reported on Conservation Board memos to be be circulated.

Minutes April 22, 2013

**Upon motion by Kutter, seconded by Savoca , and with all those present voting aye, expect for Kincart, who abstained, the minutes of April 22, 2013 were approved.**

## Regular Session

### Request 2nd 90 Day Time Extension

#### **Gione Minor Subdivision**

SBL: 27.15-2-1

*Location:* 21 Loder Road

*Contact:* Site Design Consultants

*Description:* A 2 lot subdivision with an existing residence approved by Res #12-11 dated August 13, 2012.

Al Capellini, project attorney, was present. Capellini stated the need for a time extension is due to the title search. As there are existing mortgages, the title search will ensure there are no liens against this property.

**Upon motion by Kincart, seconded by, Savoca, and with all those present voting aye, the Board approved the 2<sup>nd</sup>90-day time extension.**

#### **Arrowhead Subdivision**

SBL: 48.13-1-6

Location: Underhill Avenue

Contact: Al Capellini

### Request for Reapproval & 1<sup>st</sup> 90 Day Time Extension

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Description: A 5-lot subdivision considered under flexibility standards on 45 acres in the R1-200 zone, which was approved by Planning Board Res #07-23 dated October 15, 2007.

Al Capellini, project attorney was present. Capellini stated this project has had a long history. This Board required certain conveyances, and these documents have been submitted to the Town. As the Board is aware, the filing of the first section was to help the applicant finance the project. Capellini requested not just a 1<sup>st</sup> but a 2<sup>nd</sup> time extension.

**Upon motion by Kincart, seconded by, Kutter, and with all those present voting aye, the Board reapproved the Arrowhead subdivision.**

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

**Upon motion by Kincart, seconded by, Savoca, and with all those present voting aye, the Board approved the 2<sup>nd</sup> 90-day time extension.**

**Sierra Bella fka Samsel Minor  
SBL: 47.5-1-13**

**Request for 2nd 90-Day Time Extension**

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. stated he submitted a final approval from DEP, and all requirements for the Department of Health and the applicant is awaiting DOH approval.

**Upon motion by Kincart, seconded by , Flynn, and with all those present voting aye, the Board approved the 2<sup>nd</sup> 90-day time extension.**

**Lake Osceola Realty Corp.  
SBL: 17.5-1-11**

**Amend Approving Resolution**

Location: Hill Boulevard  
Contact: Site Design Consultants

Description: Approved 27,000 SF office building and associated parking by Res #13-02 dated February 25, 2013.

Present were Al Capellini, project attorney, and Joe Riina, project engineer. Capellini commented on the approving resolution. Riina noted the last revision day should be 3.29.13. Capellini wanted there to be consistency.

**Upon motion by Flynn, seconded by Savoca, and with all those present voting aye, the Board adopt the amended resolution.**

**Dubovsky, Michael  
SBL: 59.14-1-18**

**Public Informational Hearing**

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. Applicant is requesting site plan approval.

Al Capellini, project attorney, was present with the applicant. Capellini stated his is a public informational hearing, and has no jurisdiction quality, but to inform the public of the project. The site is on Saw Mill River Road and zoned Country Commercial. This requires housing to be above the commercial uses.

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Riina stated the site is 8/10 of an acre located on the north side of Saw Mill River Road. Country Commercial zoning allows a mixed use. Currently, on an adjacent site is a similar building. This commercial use will require 10 parking spaces, and an entrance off of Route 118. The site is served by private drilled well and individual septic system. Riina stated the applicant will address any Stormwater issues. Flynn asked if what is being proposed allowing the proper distance required for the well and septic systems. Riina stated it was the required 100ft. Fon opened the meeting to the public.

Cheryl Gayowski 666 Saw Mill River Road., Gayowski felt the applicant should be in contact with the NYS DEP and Conservation Board to the close proximity to the Croton Reservoir. As the applicant is the Town's Wetland Inspector he cannot do his own wetland inspection, and the Town should assign someone to do this. This is in an R1-80 zone, and the proposal is beyond the site capacity.

Flynn asked about the stream

Frances Hagenah Somers Resident Mr. Hagenah owns the adjacent property. The apartments are a lot of development. I am concerned with my well.

Cheryl Gayowski 666 Saw Mill River Road. This is a busy road. To think you will add a commercial property is too much. Additionally, this is a huge wetland, who will be reviewing the wetland.

Capellini stated the developer will take all of these questions into consideration.

Flynn asked if the prior to this, the four buildings lot was approved by the Town Board as it was a transition zone. Riina stated at one time the applicants submitted a master plan for both properties. Flynn asked to see it and Riina agreed.

**Upon motion by Kutter, seconded by Kincart, and with all those present voting aye, the Board closed the public informational hearing.**

Staples Plaza-Self Storage

Public Hearing Amended Site Plan & Special Permit

SBL: 36.6-2-76

Location: 3333 Crompond Road

Contact: UB Yorktown, LLC and John Meyer Consulting

Description: Proposed self-storage facility in the lower level of the existing main building and related site

work. Applicant is requesting amended site plan and special permit approval.

Tony Romano, project architect, Bob Aiello, project engineer, and Barry, architect Barry stated this 23 acre site The warehouse use will be completely enclosed in the existing building. Access will be via the main entrance to the site. Barry as you know access will be at the south side of the building. We increased the a generous parking area with additional landscaping. We have installed a new canopy placing over the storage and new canopy of all at this level. Fon referred to the ABACA memo. Issues have been address by Rob Aiello. Aiello stated Site improvements provide Self Service entry, 5 spaces 3 spaces for trucks. All so improving SW corner with installation of landscape island, biofilter and a tree lined area to navigate people to the rear of the building. A new sidewalk, and improvements to access road, widening of island a new pylon sign. This will be planted evergreens and X. There are 189 required 1014 including conservation spaces. Net decrease in impervious surface. We have submitted 2 lighting plan including perimeter along the property line will have shields. We have a security lighting plan. After 11:00 1/3 of the lights will turn off. Landscaping plan new landscaping in the interior islands. Two biofilters proposed. John Griddle UB representative, we have changed the maintenance and deliveries. No deliveries at night in the back. The site has all cleaning done manually and during the daytime, and is working toward eliminating truck idling. and although Fon opened the

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meeting to the public.

Andrea O'Connell, 2522 Pine Grove Ct. Ms. O'Connell stated trucks at BJs are very loud, and asked how bright the proposed lights would be.

Joe Adrian, Mark Rd. Adrian stated he knew the value of the Staples properties as he appraised this property in 1986. The 93,000 sf in the basement must be used for storage to an existing tenant. How could this requirement have changes without a rezones or a variance. Peoples home value will be diminished by this action. Tegeder the Town Board has, within the last year, included this action within the C-1 zone. C-1 is the most restrictive zone. Fon stated Best Plumbing used this as storage. Now, with the zone change self-storage s is allowable. Fon stated the application met all the requirements of the zoning ordinance and the special permit provision was not a Planning Board issue. Fon was pleased that Urstadt Biddle listened to and addressed some of the residents concerns. Romano stated he had reviewed the draft resolution and that the asked that special permit be included, and the Board agreed. Flynn talk about traffic flow. Aiello stated there is a driveway from Rte 202 and then there are 3 direction. Customers in there cars will be able to pull up. They can pull out the way, they can enter or go around the building. Trucks will come in, back up, unload and exit going around the building. Trucks can not idle between 11pm to 7am . Tegeder asked Aiello to review the lighting levels. of the nine 16' tall lights along the site's western perimeter. Aiello stated the fixtures will be shielded and aimed toward the center and away the home. Neighbors were still concerned. Aiello stated lighting along the peramiter will move toward 0.

Aiello was asked for a comparison of existing and proposed lighting. but did not have that comparisons. Tegeder asked about the average, as the light goes toward the building. Fon table this for to be tabled to the next meeting. Tegeder asked for light readings and a landscaping plan or reviw.

Andrea O'Connell, 2522 Pine Grove Ct. My property lays below these 9 lights which are being added. Fon would it help if you met with the Town Engineer. Aiello explained the lighting plan along the perimeter. At time of planting the trees will be 8-10 feet tall. Tegeder can you go over the lighting level. Lights along the peramiter will use candle 5-1 the further away you are and closer to the perimeter, perimeter the lower the lighting. Tegeder what is your average as the light goes toward the building. Aiello stated he did not have those comparisons. Fon requested the lighting issue be tabled for the next meeting. Tegeder requested landscaping and lighting plans be reviwed. The neighbor below these lights stated 9 additional lights are being added. Fon thought it would it help if you met with the Town Engineer. Aiello explained the lighting plan along the perimeter. Aiello stated at the time of planting the trees will be 8-10 feet tall, which will help the neighbors.

**Upon motion by Kutter, seconded by Kincart, and withall those present voting aye, the Board closed public hearing allowing 10-days for written comment.**

## Faith Bible Church

## Public Hearing

**SBL: 15.16-2-9, 10, 50, 53, 54**

Location: Sagamore Avenue

Contact: Site Design Consultants

Description: Proposed additions to existing church building and associated parking. Applicant is requesting site plan, stormwater pollution prevention plan, wetland permit, and special permit approval. Present were Al Capellini, project attorney, Joe Riina, project engineer, Larry DelFino, project architect,

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Grealy, Traffic Consultant, Steve Coleman, environmental scientist, and Reverend Zioli Riina, stated the project consists of the construction of a new church, by expanding the footprint of the existing church. The site is made up of several parcels culminating in 1.8 acre site. There is a DEC wetland on the site, Mohegan Lake setback of 150 feet, and a flood zone. The flood zone does not affect the building footprint. The existing conditions of the site includes existing buildings, three smaller residential type structures, an existing parking area and an existing gravel area on the other side of Sagamore St. The area of the gravel parking lot has decreased over the years. The current proposal is to build a new church and remove the three smaller buildings containing 7800sf. The plan calls for seating for 344 seats, classrooms, a stage area and a kitchen. The current site plan has 64 parking spaces, a combination of regular and handicap spaces. While 250/4 is required. The applicant has a parking plan with 84 parking spaces. Pastor Zioli Riina has made arrangements for overflow parking at the adjacent bank. Riina stated LED lighting on 12 ft poles will meet town code for maximum foot candles. Lighting along the perimeter will be on a timer and will go off no later than 10pm only two nights a week. Improvements to the site include aesthetic, safety and environmental benefits. The gravel parking lot is currently uncontrolled, but the applicant will curb the area, include a new topping, and install a storm water basin for treating storm water. The existing septic will be removed from the site and a force main for the site and for the Town if they want to service the community. The applicant will be providing storm water quality basin to pick up, reduce and filter runoff going runoff enters Mohegan Lake. There is an extensive landscape plan, including trees, shrubs and ornamental plants. Additionally, the applicant will be realigning the intersection resulting in a 30% reduction in pervious area with regard to the project, and installation of two new fire hydrants. The Chair reminded both Curcuh members and neighbors that this would be a civil discussion and there would be no disrespect aimed at either group.

Coleman stated when assessing the impact of the project, I look at nutrient reduction. It is important to avoid overload the streams, and to this end the installation of sewers will greatly help. Coleman felt the Stormwater system is remarkable, Currently, little is in place to protect runoff into Lake Mohegan. The use of the rain garden will reduce nutrient loading. In addition, the applicant will replace invasives along Mohegan and allow native vegetation to increase.

Grealy stated as part of the traffic study we looked at the existing conditions, following standard procedure.

In terms of trip generation we took a conservative high numbers. This facility has one service, therefore traffic is spread out over some times. The Town's consultant was addressed in Feb and March. For the intersection of Sagamore and Mohegan we recommended a more defined intersection, including striping, new signing, making an all-way stop control. In terms of amount of traffic it will be A/B/C. Fon asked for the current level of service now.

DelFino stated the applicant is consolidating three church buildings into one church building. The new impact reduces coverage from 33% to 19%. The proposal calls for the addition of a 2<sup>nd</sup> story with the sanctuary on the 2<sup>nd</sup> floor. The classroom will be below the sanctuary. The building is well within the setback. Fon asked when the applicant was before the ZBA did he present a renovated building or a new building. Delfino a renovated building. Capellini stated this was presented as a new building, Wagner agreed the ZBA looked at a new building. Fon stated amongst the existing structures, there is a two story one family house. Capellini replied these are old residential buildings, and the applicant will submit all the information available. Reverend Zotolli stated an historical survey was done. The house in question was found to have nothing of historical interest. Capellini stated the Building Inspector has sent a memo including the variances for the Sagamore and Mohegan ROW being less than 50 feet. Capellini stated there is approximately 40 feet. The law states no front yard parking in zones other than residential. We believe this is a residential zone. There are some issues of interpretation that the applicant will be discussing with

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the Zoning Board. Delfino stated when you design a building you take into consideration the neighbors but you have to consider the site.

Fon reiterated the need for civility requesting to hear all those who came forward. Fon opened the meeting to the public.

**Evan Bray, 3496 Mohegan Ave.** Vice President Mohegan Highland. Bray read letter from neighbor. Bray discussed the original approval for the Lakeland Jewish Center. Including the number of trips each year, number of cars that could be parked. Bray who lives next door to the church, oppose the plan as being too large and out of character with the neighborhood. Bray stated that the conversion of single family homes for church use was not legal. In reviewing the plan, Bray stated if the 1st and 2nd floor were used simultaneously, attendance would exceed 700 partitioners.

**Allan Weger, 1415 Hiawatha St. Sole Beach Community.** Weger stated residents are concerned about traffic, and the parking areas adjacent to the beach. Weger asked the Board to be mindful of the existing residents. The size of this expansion is much larger than the neighborhood. Sole Beach has rights and would like to be considered an interested party in this action and wanted to be informed.

**Tom Smith 1556 Kimble Ave** Mr. Smith felt 100% of the neighbors were against this expansion. Mr. Smith had a petition signed by neighbors.

Pastor Zitoli stated we do not have a congregation of 220 people. Approximately 50% of our congregation are from Mohegan Lake. The church operates Sunday school from 9-10am for all ages and these are the children of the congregation. Approximately 5% would be teens. These students come with their parents. Downstairs will be used by the children of the congregation. The collapsible walls are used for teen gatherings. We have allowed residents to use the parking lot throughout the year.

Kincart asked if there ever was a resolution that restricted the use of the property. Flynn explained the Planning Board cannot simply take a vote of resident on the use of property. We can't approve or disapprove on community sentiment as property owners have property rights. There was discussion of the site's history and the different interpretations of the zoning ordinance. Issues involved calculating front and side yard setbacks, whether a house of worship was allowed, as of right, in a residential zone and if so, what setback requirements were applicable. It appeared that the building inspector and/or the ZBA would have to render an opinion.

**Upon motion by Kincart, seconded by Savoca, and with all the present voting aye, the Board adjourned the public hearing.**

## **Yorktown Farms Subdivision**

## **Site Plans Lots 10 & 18**

**SBL: 17.6-2-32**

Location: Route 6 & Town of Somers

Contact: Ciarcia Engineering

Description: A 22 lot subdivision approved by Res #08-03 dated February 11, 2008.

Dan Ciarcia, project engineer, was present. The applicant is before the Board for lots #10 & 18. We met with staff on site and this resulted in modifications currently submitted. Ciarcia stated the majority of trees were second growth.

**Upon motion by Kutter, seconded by Savoca, and with all those present voting aye, the Board approved the site plans for lots 10 & 18.**

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

## **Work Session**

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## Yorktown Farms Subdivision

## Site Plans Lots 6, 12, 14, 19

**SBL: 17.6-2-32**

Location: Route 6 & Town of Somers

Contact: Ciarcia Engineering

Description: A 22 lot subdivision approved by Res #08-03 dated February 11, 2008.

After meeting we thought we would show the Board groups of homes. 6/19

6 has walkout basement. To avoid building retaining walls we did grading. Lot 19 no grading just establish a lawn. Ann asked no lawn in the buffer. Tegeder suggested demarcating with a stone wall.

Ciarcia will install monument to demarcate the wetland buffer. Customer would like this changed and we will installed drains. Tegeder the open ditches filter and slow down the water. Ciarcia it is going through a pipe system and then into a detention basin. Tegeder stated there is stockpiling and I am concerned that a truck will have to be brought in to remove it. Lot 14-Drainage system and curtain drain. Not extensive draining. We also have to avoid state wetland buffer. Lot 12 no walk out basement minimal excavation.

Adrian Auto Body

Request 2nd One Year Time Extension

SBL: 26.18-1-24

Location: 3330 Old Crompond Road

Contact: Joseph Adrian

Description: Approved single story and a partial two-story additon to the auto body shop and excavate a portion of the hillside to add additional queuing and parking areas to the site; Res #10-25 dated December 13, 2010.

Ralph Mastromonacco, project engineer, was present with the applicant's representative, Joe Adrian. Mastromonacco stated the applicant has 1200 yards to be removed. Tegeder tried to explain the most typical action by the Planning Board is to have the resolution approved with the excavation work as a furtherance of the site plan. With this scenario, the applicant would not have to continue to get time extensions. Tegeder s felt the applicant's approving resolution required three simple items,.

Design plans for a new backflow device as required by the Water Dept.

Location and type of trees to be planted on the slope as wetland mitigation.

Specifications of seed mix to be planted on the slope.

Mastromonacco stated the applicant must also receive approval from all outside agencies and the applicant simply cannot wait for DEP approval. Tegeder stated part of the problem is the revolution covers the entire site. Fon asked that the applicant meet with Planning staff.

Upon motion by Kutter, seconded by Savoca, and with all those present voting aye, the meeting was adjourned at 12:00am.