

## Planning Board Meeting December 23, 2013

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A meeting of the Planning Board, Town of Yorktown, was held on December 23, 2013, at the Yorktown Community and Cultural Center 1974 Commerce St. Room 104, Yorktown Heights, NY 10598. The Chair, Rich Fon, opened the meeting at 7:30 P.M. with the following members present:

John Flynn  
John Savoca  
John Kincart  
Darlene Rivera  
Ann Kutter

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

Discussion            No discussion took place  
Correspondence      No discussion took place  
Liaison Reports      No reports were submitted at this time.  
Courtesy of the Floor   No one from the public came forward.

### **Minutes: December 9, 2013**

**Upon motion by Savoca, seconded by Rivera, with all present voting aye, except Kincart, who abstained due to absence, the Board approved the minutes of December 9, 2013.**

### **WORK SESSION**

#### **Shell Station Canopy Referral**

**SBL: 37.18-2-52**

*Location:* 1821 Commerce Street

*Contact:* Catapano Engineering, P.C.

*Description:* Proposed canopy at existing gasoline fueling station.

Fon requested plan details. The Board knew prior applications were filed when the station went from Texaco to Shell. The Board asked what was located in the rear of the site. Flynn asked about the monitoring wells on the site. Fon requested the Building Inspector conduct a site inspection to ensure the site is in compliance. Flynn stated the station has overhead racks with fire suppression equipment. The Planning Board will conduct individual site visits.

#### **Town Board**

#### **BJ's Wholesale Propane Facility**

**SBL: 36.06-2-75**

*Location:* 3315 Crompond Road

*Contact:* John Meyer Consulting

*Description:* Construction of an outdoor, above ground propane filling facility within the parking lot of the existing BJ's Warehouse Facility.

#### **Discussion Special Permit**

Rob Aiello, project engineer, was present. Aiello stated at prior meeting the applicant submitted their preference for above ground tanks. A memo from Fire Inspector Ed Kolisz indicated the Fire Advisory Board preferred the above ground tanks as well. The Board was satisfied that safety issues had been addressed. Steinberg asked about the landscaped island. Aiello stated the landscaped island would be shown on the plan. The Board set a public hearing for January 13, 2014.

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### **Staples Plaza**

**SBL: 36.06-2-76**

*Location:* 3333 Crompond Road

*Contact:* Anthony Romano

*Description:* Proposed new facade improvements.

Tony Romao, project architect, and Rob Aiello, project engineer, were present. Tegeder felt the Planning Board should comment on the screening, particularly how the new façade will screen the air conditioning units. The Board asked if this will be an upgrade to all four facades and was told it would. Romano stated additional landscaping is not part of this proposal. The Board was pleased with the applicant's upgrade to the site. Kutter asked about work at the entrance. Aiello stated the curb is going in now, however, NYS DOT will not complete their work, consisting of crosswalks and some curbing, until the spring, The applicant will be installing the new island at the entrance. The Board will write a memo to the Building Department.

### **Discussion Facade Improvements**

### **Gione Minor Subdivision**

**SBL: 27.15-2-1**

*Location:* 21 Loder Road

*Contact:* Al Capellini

*Description:* An approved 2 lot subdivision with an existing residence.

Fon recused himself from the discussion as the applicant's relative works for the Town of Greenburgh, as does Fon. Present were Al Capellini, project attorney, and Joe Riina, project engineer. Capellini stated the applicant's lot is encumbered by a conservation easement. This has become problematic. If the Board would offset the easement to the wetlands line this would eliminate the problem to the mortgage lender. There is a conservation easement that includes the wetland buffer area. Capellini asked the Board to change the approving resolution, as there is no encroachment in the buffer area. Tegeder felt there was not a large enough backyard. Riina stated the size of the backyard is small because we had to respect the buffer which is currently lawn area. Capellini asked why is there a conservation easement on the buffer area and not just the wetlands. Tegeder asked how much of the buffer area is lawn. Wagner asked if an appraisal was ever done to value the property with the conservation easement. Capellini stated no appraisal was done, the restrictions have to do with the size of the lot. Kincart suggested the Limit of Disturbance be at the 500' contour line. Tegeder requested the applicant provide demarcation to prevent further intrusion into the buffer. There should be a physical marker and inclusion in the resolution. Tegeder stated when doing the survey for the foundation the surveyor can layout the conservation easement. The Board requested the applicant return to the January 13, 2014 meeting.

### **Discussion Conservation Easement**

### **McCossan & McGoldrick**

**SBL: 48.06-1-25**

*Location:* 482 Underhill Avenue

*Contact:* Al Capellini

*Description:* Request to operate a convalescent home at the premises.

### **Town Board Referral**

Al Capellini, project attorney, was present with the applicants. Capellini stated the property is located on Underhill Ave. and French Hill Rd. The application is for a convalescent home which requires a special use permit. This is a referral from the Town Board. The house is 8,500sf, and

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has an indoor pool, and two cottages on the site. The plan calls for supervised residence, and no new construction. The outbuildings will likely be for residence with a staff member. These are high functioning individuals who are residing here voluntarily. The applicant is not part of a chain organization. There will be 12-14 residence. The applicant stated our mission is to help people who are recovering, and trying to help themselves. Flynn asked for a list of the organization's board members. Kincart stated the Board endorses property being maintained, therefore, we do not want it to be a failure. The Board is requesting the applicant's business plan. The applicant stated people who need treatment for addiction usually have to travel to receive help, but we would like to provide help in their neighborhood. People will go off site for their therapy or work, and would be taken by our one or two mini vans. Tegeder requested an EAF. As there only septic, Tegeder asked that the flows be investigated. Tegeder asked if the applicant had legal septic approval for 10 bedrooms. Wagner stated the Board needs a written opinion from the Building Inspector on the convalescent home use. Flynn asked about the traffic and curb cuts on Underhill Ave. Flynn felt there should be access from the site along French Hill Rd. not Underhill Ave. Fon stated this project is going into a residential neighborhood and I am concerned. Capellini stated this is a residential use. Fon stated the Board needs to ensure this is a permitted use in the area. Fon requested a detail of the planned screening that is being provided. The Board will recommend that the Town Board look at the traffic impact. Kutter asked what the applicant's clients would be doing during the day. The applicant stated clients will not be allowed to have personal automobiles. Flynn asked about lighting. In a memo to the Town Board, the lead agency on this application the Planning Board will recommend the Town Board review the following: screening, lighting, traffic and the Building Inspector's determination of the proposed use for the zone.

### **The Winery**

#### **Route 6, Mohegan Lake**

The applicant is requesting a CO from the Building Department. The Planning Board is requesting this not be issued until further site work is completed. The work includes curbing, installation of gravel, landscaping material, a no left turn sign and wine barrels in the front of the site.

**Upon motion by Savoca seconded by Rivera, and with all those present voting aye, the meeting was adjourned at 8:00pm.**