

## Planning Board Meeting June 14, 2010

A regular meeting of the Planning Board, Town of Yorktown, was held on June 14, 2010, the Yorktown Town Hall, 363 Underhill Ave, Yorktown Heights, NY 10598. The Chair, Dave Klaus opened the meeting at 7:50 P.M. with the following members present:

John Flynn  
John Savoca  
Bob Giordano  
Darlene Rivera  
Richard Fon-Alternate Board Member

Also, present were: John Tegeder, Director of Planning, Robyn Steinberg, Town Planner, and Karen Wagner, attorney to the Planning 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 from the public came forward

### Regular Session

**Upon motion by Savoca, seconded by Giordano, and with all those present voting aye, the Board approved the minutes of May 24, 2010**

**Kiederer**

**SBL: 27.14-2-4**

**Location: 362 Granite Springs Road**

**Contact: Dan Ciarcia, PE**

**Description: A 2 lot subdivision approved by Planning Board Resolution 05-21 dated September 12, 2005 and**

**last reapproved by the Resolution 09-21 dated September 14, 2009.**

Dan Ciarcia, project engineer, was present with the applicant. Ciarcia stated the applicant is working with the Board of Health. Additionally, the submission of the SWPPP to the Town is being prepared. The applicant asked about sewer relief. Klaus stated sewer relief was a Town Board issue.

**Upon motion by Giordano, seconded by Savoca, and with all those present voting aye, the Board granted the 2nd 90-Day Time Extension.**

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

**Yorktown Farms fka Somers Realty**

**SBL: 17.6-2-32**

**Location: Route 6**

**Contact: Zarin & Steinmetz**

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

Dan Ciarcia, project engineer, was present before the Board. Ciarcia stated a good portion of the infrastructure has been completed and the Board of Health is close to approving the off-site improvements (sewers).

2nd 09 Riveria, Flynn Reapproval Giordano Savoca

**Upon motion by Rivera, seconded by Flynn, and with all those present voting aye, the Board granted the 2nd 90-Day Time Extension.**

**Request for a 2nd 90-Day  
Time Extension & Reapproval**

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**Upon motion by Girodano, seconded by Savoca,, and with all those present voting aye, the Board granted the reapproval.**

**RCB Development**

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

**SBL: 36.5-2-60**

**Location: Old Crompond Road**

**Contact: Ralph G. Mastromonaco, PE, PC**

**Description: A two lot subdivision on 10.32 acres in the R1-20 zone.**

Ralph Mastromanaco, project engineer, was present before the Board. Mastromonaco stated the 90-day time extension would be necessary for the Planning to review the submissions required of the applicant in the resolution. .

**Upon motion by Girodano, seconded by Savoca, and with all those present voting aye, the Board granted the 1st 90-Day Time Extension.**

**Arrowhead Subdivision  
Extensions**

**Request for 1st & 2nd 90 Day Time**

**SBL: 48.13-1-6**

**Location: Underhill Ave**

**Contact: Al Capellini**

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

Al Capellini, project attorney, was present. Capellini stated the 1st 90-day timeextension will expire before the Board's July meeting. Capellini stated this is not a bonded subdivision, therefore, the developer is constructing the improvements. Capellini reported that here is a violation of a silt fence down that had to be reinstalled. After reviewing the environmental reports, Klaus felt .there were many more environmental issues that had to be addressed. Capellini stated the developer was now working on the detention pond. Klaus stated there is the report from the DEC left much to be addressed by the developer. klaus stated that although the Board would grant the 1st 90-day time extension, they would not approve the 2nd-90-day timeextension until such time as the DEC and Town's Code Enforcement Officer were satisfied. . Klaus requested the applicant respond to and satisfy the DEC memo.

**Upon motion by Flynn, seconded by Savoca, and with all those present voting aye, the Board granted the 1st 90-Day Time Extension.**

**Mongero Properties, LLC**

**Amended Decision Statement**

**SBL: 37.14-1-44**

**Location: Saw Mill River Road**

**Contact: Al Capellini**

**Description: Approved 3,848 SF bank on 2.2 acres in the C-1 zone.**

Al Capellini, project attorney, and Joe Riina, project engineer, were present with applicant John Mongero. Klaus explained that a portion of the parking lot is used by the adjacent Cablevision for parking. The applicant has requested a lot line adjustment. Cablevision has used this area for parking for the last 20-years. Capellini stated all required improvements slated for this portion of the property will be completed prior to the lot line adjustment. Capellini explained that the applicant could not comply with all the conditions of the resolution just to grant the lot line adjustment. This would include the requirement to pay the \$70,000 before any improvements were made. Klaus stated the \$70,000 was a result of the cable being

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moved. The portion of the property being referred is not affected by the cable. Capellini stated only improvements required on this portion of the site will be completed. Although Mongero Properties is ultimately responsible for ensuring all required improvements are completed. Capellini stated the applicant will provide the maintenance agreement and an access easement to the Town.

**Upon motion by Flynn, seconded by Savoca, and with all those present voting aye, the Board granted the 1st 90-Day Time Extension.**

### Teatown-Gilbert Subdivision

**SBL: 69.14-1-8**

**Location: 1595 Spring Valley Road**

**Contact: Insite Engineering**

**Description: Proposed 3-Lot subdivision into 57 acres around the lake, 8 acres for one residence, and 5 acres for the second residence, on 70 acres in the R1-200 zone.**

Wagner requested herself from this hearing. John Watson, project engineer, Fred Koontz, Teatown Director, John Swope, and Nancy Flecher, Teatown Board of Trustees. Watson discussed the Gilbert site, stating the Gilbert Estate has entered into an agreement with Teatown. Watson explained this was going to be a three lot subdivision, which will allow Teatown to remove the two existing lots with homes. The third lot would be approximately 57 acres with no further development. For financial reasons, the 57-acre lot must be shown as a buildable lot for funding. Watson stated deep testholes were witnessed. At this time the applicant is in the process of responding to the Town Engineer's memo. The Board asked if Teatown could get an assessment without a subdivision. It was determined that the subdivision would have to be filed. The Board asked if an easement would affect funding. Koontz stated it would affect funding. The Board suggested a no further building note. Again, Koontz stated the note would hurt funding. Tegeder felt language in the resolution and not on the plat would not affect funding. Watson requested the language from Shadow Lake be made available. Tegeder felt this would be a starting point but would not be sufficient for Teatown. Klaus explained that the Board needs to make sure there is protection for the Town, while the intent of the Board is arrest further development. Flynn asked Watson to clarify the ownership. Felcher stated Teatown is currently raising money, however, our intent is to form a public private partnership. The preference is for the County to have ownership and Teatown administer the maintenance agreement. The County has such an agreement with adjacent property at Shadow Lake. Klaus opened the meeting to the public John Schroeder, Yorktown Land Trust. Schroeder stated the Yorktown Landtrust is in agreement and would endorse the proposed subdivision. Schroeder submitted a memo from the Open Space Committer endorsing Teatown subdivision, and suggested looking at the language for the Hunterbrook Linear Park as a model. Klaus stated at that time the Landtrust was not concerned with funding as the land was a donation.

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

The Board scheduled a public hearing for July 12, 2010.

### Aspen & Mill Street Subdivision

**SBL: 16.5-1-13**

**Location: 3810 Mill Street**

**Contact: Site Design Consultants**

**Description: Proposed 4 lot subdivision where 1 multifamily and 1 single family existing residences will remain on two of the proposed lots.**

Al Capellini, project attorney, Joe Riina, project engineer, were present with the applicant. Capellini made a public presentation and described the site. The site 5.6 acre is located at the intersection of Aspen Road &

### Public Informational Hearing

### Public Hearing

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Mill Street in an R1-20 zoning district. The existing dwellings (one multi-family, one single family) will have their own lot and two new lots are being proposed. Capellini stated there was no evidence of public opposition to this proposal. Riina stated the applicant is creating a 4-lot subdivision. The two existing dwellings, a single family and a nine-family, will each be on their own lot and two new single family lots will be created. They will be accessed from Aspen Road, and from the common drive. The current modification will relocate the driveway 50 feet to the left. The proposal also calls for the removal of the existing paved area, which will decrease the amount of impervious surface. Riina stated the site contains a flood zone, however, the proposal will not affect the flood zone. Riina explained that any structure in the flood zone requires flood insurance, these structures will not require flood insurance. The applicant will submit a mitigation plan. As there is a flood management zone the applicant will create a flood storage area, and a wetland area which will flood when water rises. Additionally, a conservation easement will be placed over the front of the property. Riina stated at the point where the Shrub Oak Brook comes back under Aspen Road a pooling area has formed, there is 18 feet of the driveway is in the buffer area. Riina reviewed the improvement plan stating the proposal will include a service connection, sewer and water, flood storage area, and a drainage facility for the parking area and the residences. Riina felt soils in this area were most conducive to infiltration. Riina discussed the landscape plan including: new trees, plantings in the old parking area, and a tree buffer between the residences. The net of the proposal will be a decrease in impervious surface, and an increase in vegetation. Riina stated the Town's Environmental Consult requested a plan to plant the entire area as a forest area, to deal with thermal impacts. Riina stated this was a new request. Klaus asked if the site required flood storage. Riina there was buffer intrusion due to the driveway. Riina felt this work was a gesture toward mitigation. Riina stated that along the common driveway there will be a surface swale and infiltration. Klaus asked if the remaining stormwater will be going subsurface. Klaus asked if anything would impede flow or capacity in the flood zone. Riina stated it would not. Flynn stated this was a nonconforming use that the ZBA allowed to be expanded. Flynn asked if the applicant would be agreeable to not increase the usage. Capellini stated the nonconformity is with the buildings, therefore, the subdivision will not be an expansion. Capellini stated the two existing buildings were approved before zoning, and as they are nonconforming, usage cannot be expanded. Riina stated the wetland permit must be amended. Riina stated at this time the Board must decide which mitigation plan they prefer. Riina felt the forestation plan was preferable as it would cause the least disturbance. Klaus felt that the County and DEC would not want the applicant disturbing the stream. Klaus stated the Board would agree with the applicant, but would require further detail. Klaus opened the meeting to the public. No one from the public came forward. Klaus asked to adjourn the meeting until July 12, 2010.

**Upon motion by Flynn, seconded by Savoca, and with all those present voting aye, the Board adjourned the meeting until July 12, 2010.**

**Upon motion by Flynn, seconded by Savoca, and with all those present voting aye, the Board closed the public meeting.**

### Work Session

**Staples Plaza**                      *Withdrawn by Applicant*

**SBL: 36.6-2-76**

**Location: 3333 Crompond Road**

**Contact: Romano Architects**

**Description: Proposed paint ball facility in the basement formerly used by Best Plumbing.**

**Discussion Site Plan**

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### **Adrian Auto Body**

**SBL: 26.18-1-24**

**Location: 3330 Old Crompond Road**

**Contact: Ralph G. Mastromonaco, PE, PC**

**Description: The project is to add a single story and a partial two-story addition to the auto body shop and excavate a portion of the hillside to add additional queuing and parking areas to the site.**

Ralph Mastromonaco project engineer, was present with the applicant. Mastromonaco stated today we received comments from the Engineering Department and the Conservation Board. Mastromonaco stated trees have been surveyed, and some in the grading area must be removed. There are some spruce trees that are a little dangerous, as they are at the end of their safe lifecycle, and should be removed. Mastromonaco stated all the buffer area disturbed will be replanted, and no paving will occur in the buffer. The proposal calls for decorative and native plantings to be installed, and this replanting of the disturbed area would be the proposed mitigation. Mastromonaco stated the applicant proposes subsurface detention and infiltration. The proposal must go to DEP as it is located within a DEP Main Street area. Mastromonaco stated stormwater items are usually required at the end of the project. Mastromonaco stated the applicant was aware of the request for a thermal impact study, however, the proposal calls for an infiltration system which avoids thermal impact. Mastromonaco stated the increase in pervious surface is only from the proposed building. The Board scheduled a public informational hearing for July 12, 2010. Klaus requested the project be referred to the Town's Environmental Consultant. Tegeder felt the applicant would have to submit a more substantive mitigation plan. Tegeder was concerned with the location of the propane tanks. The applicant stated that the propane tanks will be completely removed.

**Discussion Amended Site Plan**

### **Zeal Construction**

**SBL: 25.8-2-17**

**Location: 1719 Parmly Road**

**Contact: Al Capellini**

**Description: Construction of a single-family house, driveway, water, sewer and other utilities in a NYS & Town wetland buffer.**

Al Capellini, project attorney, and Kiel Kayler, environmental consultant, was present with the applicant. Kayler stated that although the proposed dwelling is completely in the wetland buffer, this was a permitted activity. Capellini felt this proposal was in keeping with the nature of the neighborhood. In addition, the Town installed sewers and a spur line. Flynn asked if the applicant has been paying sewer tax, and was told he has. When asked about mitigation for wetland buffer disturbance, Kayler stated most of the mitigation is associated with ground water and recharge, as the applicant proposes to install a swale and a vegetative buffer. The swale and vegetated buffer are cleansing elements that will clean the edge of the wetlands. The proposal also calls for the installation of native planting. Kayler felt the vegetative buffer would discourage trespassing, and a note on the plans will restrict the use of pesticides. Capellini stated the proposal does not meet front yard setbacks, as it needs an additional 12- feet. Flynn felt the approval should include a provision to prohibit any further development and require the applicant to provide a conservation easement. Klaus asked if the proposal included a basement, and was told it did not. The applicant stated the proposal called for a slab approximately 3-4 feet above grade. Tegeder asked how many stories the house would have, and was told two-stories. Kayler stated all work to remove debris and invasives would be done by hand, working along the perimeter of the wetlands. Tegeder was not satisfied with the house drawings. Klaus agreed, and stated the ultimate size and shape of the house will make a difference in placement and will therefore, affect the wetlands. Klaus explained that the Planning Board would state their concerns of protection wetlands to the Town Board. The Planning Board, however, will request the Conservation Board

**Town Board Referral**

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take the lead on recommendations to protect these wetlands. Tegeder requested that the Planning Board base their approval on a satisfactory building envelop. Tegeder felt that the applicants need to maintain a 15-foot setback was the crux of the problem, as the future owners will want swings and a deck. Klaus stated the Planning Board would be in favor of any change that would move the house away from the wetlands. Klaus stated the Planning Board will send a favorable recommendation for the applicant to ask for such a variance. Tegeder asked about grading as regards the level lip spreader. Kayler stated current erosion consists of unfiltered ground flow entering Lake Mohegan. Klaus stated a conservation easement would protect the area

### **Village Traditions**

**SBL: 15.16-1-32**

**Location: 1821 East Main Street**

**Contact: Rayex Group**

**Description: Expand existing parking lot to improve traffic and accommodate additional parking for existing 2nd floor and barn.**

Wiilie Bresharat, project engineer, and Al Capellini, project attorney, were present. Capellini stated the applicant is in discussion with the NYSDEC. Besharat explained that the DEC requested the neg dec before t issuing their findings. Tegeder stated this was a typical request from the NYSDEC. Besharat stated the applicant was scheduled to meet with the Conservation Board this Wednesday. Tegeder requested elevations, drawings and pictures. of the barn. The Board requested the applicant return to the June 28, 2010 meeting.

### **Discussion Site Plan**

**Hilltop Associates    Withdrawn by Applicant**

**SBL: 37.6-1-25**

### **Discussion Subdivision**

**Upon motion by Savoca, seconded by iordano, and with all those present voting aye, the Board adjourned the meeting at 9:50pm.**