

Planning Board Meeting September 13, 2010

A regular meeting of the Planning Board, Town of Yorktown, was held on September 13, 2010, the Yorktown Community and Cultural Center, 1974 Commerce St., 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

Darlene Rivera

Richard Fon

John Kincart/ Planning Board Alternate

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

Discussion Klaus felt the Planning Board should defer to the Open Space Committee regarding recommendations for purchase of the Sullivan property.

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

Upon motion by Rivera, seconded by Savoca, and with all those present voting aye, the Board approved the minutes of August 9, 2010.

Regular Session

Martinez Minor Subdivision

Request for Reapproval

SBL: 35.16-1-2

Location: Jacob Road

Contact: Al Capellini

Description: A 2-lot subdivision reapproved by Res #06-13 dated Sept 11, 2006, by Res #07-20 dated Oct 15, 2007, and by Res #09-22 dated Sept 14, 2009.

Al Capellini, project attorney, was present. Capellini stated the assessor's office found discrepancies on the plat. The applicant has asked the surveyor to redo portions of the plat. Klaus requested language of the change be included in the resolution.

Upon motion by Savoca, seconded by Rivera, and with all those present voting aye, the Board granted reapproved this minor subdivision.

Sierra Bella fka Samsel Minor

Request for 2nd 90 Day Time Extension & Reapproval

SBL: 47.5-1-13

Location: 1860 Hunterbrook Road

Contact: Al Capellini

Description: Subdivision reapproved by Res#10-14 dated Aug 9, 2010.

Al Capellini, project attorney, was present. Capellini stated the Board discussed this matter at their last meeting.

Upon motion by Rivera, seconded by Savoca, and with all those present voting aye, the Board granted a granted a 2nd 90-day time extension and reapproval.

Kiederer

Request for Reapproval

SBL: 27.14-2-4

Location: 362 Granite Springs Road

Contact: Dan Ciarcia, PE

Description: A 2-lot subdivision approved by Res #05-21 dated Sept 12, 2005 and reapproved by Res #06-14 dated Sept 11, 2006, Res #07-14 dated Sept 10, 2007, and Res #08-15 dated Sept 22, 2008.

Dan Ciarcia, project engineer, was present. Ciarcia stated the applicant was ready to proceed with the Health Department. Ciarcia assured the Board that there have been no changes to the approved plan.

Upon motion by Rivera, seconded by Savoca, and with all those present voting aye, the Board reapproved this minor subdivision.

Yorktown Farms fka Somers Realty
SBL: 17.6-2-32

Decision Statement Change in Road Grade

Location: Route 6 & Somers town line

Contact: Dan Ciarcia, PE

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

Dan Ciarcia, project engineer, was present. Ciarcia stated the Town Engineer's comment produced modifications that will be reflected in the as-built. Ciarcia stated the main changes are in the southern portion of the site, while the Town Engineer's comments are focused on the entrance. Klaus asked if there were changes to the slope. Ciarcia stated he did not think the footprint had changed.

Upon motion by Flynn, seconded by Fon, and with all those present voting aye, the Board approved the change in road grade.

Village Traditions
SBL: 15.16-1-32

Decision Wetland Permit

Location: 1821 East Main Street

Contact: Rayex Group

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

Al Capellini, project attorney, was present. Klaus stated the Board had been waiting to hear from NYS DEC and the Town Engineer. Klaus stated memos have submitted and a bond has been posted for wetland seed mix. DEC is waiting for a this Board to issue a negative declaration before issuing there permit.

Upon motion by Rivera, seconded by Savoca, and with all those present voting aye, the Board approved the wetland permit application.

Silverman. Elizabeth aka Nancy Acres
SBL: 5.17-1-18

Decision Excavation Permit

Location: 1195 Williams Drive

Contact: Site Design Consultants

Description: A 2-lot subdivision approved by Res #07-15 dated Sept 10, 2007.

Joe Cermele, project enginner, was present. Klaus stated this proposal is for an excavation permit. Cermele explained the permit was for work on the second 3.1- acre lot. Cermele state the plan has changed, resulting in a smaller house. This change allows the applicant to move the house up the hill, use a gravity septic system, and reduce the disturbance by 7,000sf to 8,000sf. Cermele stated the rear portion of the lot has no change in the amount of disturbance. The area in the rear will be cleared for the installation of septic. The driveway is no longer in the rear of the house, therefore, there will be a decrease in length of the driveway, and 550sf reduction in impervious surface. Steinberg explained the applicant has already filed the plat. As the finished floor elevation changed from 660'.0" to 663'.7", a resolution is now required. Klaus asked about erosion controls. Klaus stated the excavation permit recognises the changes discussed.

Upon motion by Fon, seconded by Savoca, and with all those present voting aye, the Board approved the excavation permit.

Upon motion of Flynn, seconded by Savoca, and with all those present voting aue, the Board approved the change in finished floor elevation from 660'.0" to 663'.7".

Capellini asked if the Board would consider moving the approved driveway, and installing it along the Putnam Valley boundary. The applicant would ask the Planning Board to make this recommendation to Putnam Valley. Klaus asked that the applicant return to a work session. The Board will consider this due to the reduction in disturbance.

Costco Wholesale
SBL: 26.18-1-19

Declare Lead Agency
Receive Draft Scope from Applicant

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Location: 3200 Crompond Road

Contact: TRC Engineers, Inc

Description: Application to construct a 151,092 SF Costco Wholesale Club retail store and club member available filling station.

Wagner recused herself from this discussion. Klaus stated the Planning Board will declare itself Lead Agency. The Board will issue a positive declaration and request an environmental impact study be prepared. **Upon motion by Rivera, seconded by Savoca, and with all those present voting aye, the Board declared lead agency under SEQRA.**

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

Capellini asked that the applicant return at the meeting on September 27 to discuss the scope for the environmental impact study (EIS).

Curry Automotive

SBL: 36.5-1-11

Location: 3493 Crompond Road

Contact: Architectural Visions, PLLC

Description: Amend approved site plan since the previous building was destroyed by a fire.

Joel Greenberg, project architect, was present. Klaus stated the applicant is changing the approved plan, and using the site in a different manor. Greenberg stated the applicant has a letter from the Town Engineer stating no objection. Greenberg gave a short presentation, stating the site has been cleared, and an area for used cars and new cars has been shown on the plan. There is an emergency exit along Old Crompond Road. Additionally, the site will be cleaned along Old Crompond Road. The stormwater location is shown on the plan, including the proposed manhole. The Board discussed closing one of the existing curb cuts, but Greenberg stated this will not be beneficial to the owners. Flynn wanted the middle curb cut closed. Greenberg stated we have worked hard to comply with the Board, however, leaving the curb cuts as is the best solution. Fon asked if this was still two lots with two separate owners, and was told yes. Greenberg felt the ingress in front of Nissan is what will be used most of the time. Flynn stated the juniper bushes were on the plan but all the islands are covered with cars. Greenberg assured the Board that the applicant will work with the Planning Department to develop a workable plan for the islands. Fon asked if parking was a requirement of the site plan. The Board stated each lot stands on its own. Klaus if the applicants want to develop the lots they will have to return to the Planning Board. Klaus felt one of these curb cuts should be closed. Greenberg stated the applicant agreed to not have the mechanics test on Old Crompond Road. Greenberg stated a substantial planter will be installed close to the curb cut, to block egress/ingress. Kincart suggested parking cars to prevent the use of the curb cut. Klaus opened the meeting to the public. No one from the public came forward.

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

The Board requested the applicant return to a work session to resolve the above mentioned items.

LDK Project, LLC

SBL: 25.20-1-2

Location: 3901 Crompond Road

Contact: Matthew Karabaic

Description: Proposed renovation to existing commercial building, construction of a 2,720 SF warehouse, and associated parking.

Applicant Matthew Karabaic was present. Karabaic stated due to financial matters he requires a one year time extension. The Board stated the curbing issue would be discussed at the work session.

Upon motion by Savoca, seconded by Rivera, and with all those present voting aye, the Board approved the 1st one-year time extension.

Upon motion by Savoca, seconded by Fon, and with all those present voting aye, the Board closed the public hearing portion of this meeting.

Work Session

LDK Project, LLC

Request Change to Asphalt Curbing

Applicant Matthew Karabaic was present. Karabaic stated we had trouble with the first contractor, as construction was unacceptable, his work was inferior. At this point we do not have the money for concrete curbing, but we can finish work with asphalt. Klaus explained concrete holds up better, and the Town would look for a bond. Karabaic stated if we had the money for a bond, we would have the money for the concrete. Klaus asked where the concrete was now. Karabaic explained that there was concrete around the building. Once the building is complete, we can arrange financing from the bank. We plan to blacktop the parking lot. When asked about large delivery trucks, Karabaic stated we have another warehouse, and nothing major will be delivered to this site. Klaus stated the Board's major concern was the curbing in the front of the building. Flynn asked that the applicant return with concrete curbing when proposed the warehouse is installed on the site. Klaus explained the primary concern is runoff from the site. The Board requires roof runoff be collected, and not dumped onto Route 202. Klaus felt the proposed island, and other proposed installations could be installed when the warehouse was installed. Karabaic stated we can install the asphalt along the inside. Klaus asked if the applicant would repave before opening, and was told yes. Klaus stated in the event the property changes ownership or construction of the warehouse commences, concrete curbing and the island must be installed. Fon wanted the resolution to reflect the property is being maintained at a this level due to hardship. Klaus stated ABACA must be satisfied with these plans. The plan must be signed, and the areas of concrete and asphalts labeled on the plan. The applicant is prohibited from doing any work until there is a signed drawing.

Adrian Auto Body

Discussion Site Plan

SBL: 26.18-1-24

Location: 3330 Old Crompond Road

Contact: Ralph Mastromonaco, PE, PC

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

Ralph Mastromonaco, project engineer, was present. Klaus stated the Board has received a memo from the Town Engineer suggesting we could move on to the the next step. Klaus stated the applciant has shown the truck circulation plan, which answers why the applicant needs a 60ft wide staging area. Mastromonaco stated that as requested all doors are shown on the plan. The Conservation Board memo encourages the applicant to plant wildflowers, shrubs and trees. Mastromonaco stated the forest area will not be disturbed. The plan had called for a gentle slope with grass, but the appliant is not opposed to wildflowers as suggested by the Conservation Board. The applicant has had testpits done and found rock, so how mcuh planting can be done is uncertain. The applciant is suggesting replanting of the species that exist there now, but properly spaced 6-7 feet apart. Steinberg asked if the applicant will be going to ABACA, and Mastromonaco stated he will. Fon felt the arborist was adequatre as the required professional, and the applicant did not need additional professionals for the planting plan of 6-8 Norweign Spruce, with location to be determined by field conditions. The Board scheduled a public hearing for October 18, 2010.

Kear Street Bank

Pre-Preliminary Application

SBL: 37.18-2-86

Location: Kear Street

Contact: Dan Ciarcia, PE

Description: Applicant proposes to construct a 2,926 sf bank branch with a drive-up window. The application proposes apartments above the bank consistent with the proposed C-2R zone.

Dan Ciarcia, project engineer, was present with applicant Patrick Murphy. Ciarcia stated the applicant is proposing to develop a bank. The current zoning is C-1, while the adjacent parcel, Murphys, is C-2. The proposal will be consistent with the comprehensive plans proposed C-2R zone. The applicant is also proposing to have apartments above the bank. Flynn asked if sewage was proplematic. Ciarcia stated the applciant is proposing a connection to the Yorktown water treatment plant, or subsurface treatment, septic under the parking lot. The proposal meets the parking requirement as the restaurant is allowed to use 12 parking spaces at Brookside Plaza. The bank parking overlaps with the adjacent restaurant, but a parking easement can be initiated. Ciarcia stated there is pedestrian access with a sidewalk along Route 118. Flynn asked what type of bank the applicant was looking at. Klaus asked about the apartments, and was told two 2-bedroom apartments. An office use will not work due to parking requirements. Flynn asked about the geology and was told test holes were at least 12 feet. Flynn asked about stormwater treatment. Ciarcia

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stated we could use underground galleys, or filters. The apartments were added to be consistent with the new zoning. Ciarcia stated the applicant needs direction. Steinberg explained the applicant would have to petition for C2 since C2R does not currently exist. Klaus felt it made sense to address the issues as the Town goes forward with the new watershed regulations, which would allow sewer connections again, and the rezoning. The proposal also requires a lot width variance. The Board wanted the applicant to move forward, however, no hearings would be conducted until the zoning was in place.

Fusco Minor Subdivision

SBL: 16.14-1-10

Location: 3477 Stony Street

Contact: Dan Ciarcia, PE

Description: Proposed 2-lot subdivision on 2.720 acres in the R1-20 zone.

Dan Ciarcia, project engineer, was present with the applicant. Ciarcia stated when the applicant was last here, the Board was still reviewing the driveway. Ciarcia explained there was an attempt to the maximum driveway distance to affect the grade. We changed the road grade and a 14% slope allows you to be right into grade. This plan also reduced approximately 610cy of excavation. Klaus stated the Board usually agrees to 10%. Ciarcia stated the neighborhood contains driveways that are fairly steep, from 12% to 15%. Ciarcia stated in scenario I, the driveway is 14% for 100ft, with the total length of the driveway being 457 ft. Klaus asked if the proposal addressed the Fire Marshal's concerns. Ciarcia stated the applicant needs a recommendation from the Planning Board to the Town Board for the 14% driveway. The Board felt this was in keeping with the neighborhood and agreed. The Board scheduled a public informational hearing for October 18, 2010. When asked what the applicant felt was the ideal driveway situation, the Board was told 14% for 225 feet.

Discussion Subdivision

Faith Bible Church

SBL: 15.16-2-54

Location: Mohegan & Sagamore Avenues

Contact: Site Design Consultants

Description: Proposed additions to existing one-story church building and associated parking.

Joe Cermele, project engineer, and Larry DeFino, project architect were present. Cermele stated the site plan had not significantly changed since the public informational hearing held one year ago. Parking has changed to reflect the comments of the Fire Marshal, and the force main up on Route 6 was being removed, and a sewer line is being installed, as well as a T intersection. The applicant will provide dry sewers for the neighboring properties. This proposal will reduce impervious surface with the installation of pervious pavers as parking material. Cermele stated the applicant has addressed the Conservation Board's comments, and is working on the Town Engineer's comments. Steinberg stated the project must be referred to the traffic consultant. Steinberg will get an estimate of the project cost for the applicant. The Board was told the church will have the same number of seats after renovation, therefore the parking requirements will remain the same. Kincart suggested a crosswalks be installed as a more inviting way to have the public approach the building. Cermele stated mitigation is a 31% reduction in of pervious surface including in the wetlands, and in the lake buffer. Steinberg stated the SWPPP, sewer treatment plan, and traffic study must still be submitted. The applicant stated an application for a DEC wetland permit has been submitted, and a Phase I archeological study has been completed.

Discussion Amended Site Plan

Town Board Referral

Proposed Local Law to repeal and reenact Chapter 168 of the town code entitled "FEES."

Additional issues arise. clause Westchester county. scientific landuse planning

Upon motion by Rivera, seconded by Flynn, and with all those present voting aye, the meeting was adjourned at 10:50pm.