

Planning Board Meeting February 14, 2011

A regular meeting of the Planning Board, Town of Yorktown, was held on February 14, 2011, 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
John Kincart, alternate
Darlene Rivera
absent: Richard Fon

Also, present were: John Tegeder, Director of Planning, 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 came forward at this time

Regular Session

Upon motion by Kincart, seconded by Savoca, and with all those present voting aye, the Board approved the minutes of February 14, 2011.

Hilltop Associates SBL: 37.6-1-25

1st 90-day ext. , 2nd 90-day ext. Reapproval

Location: Hilltop Road

Contact: Albert Capellini, Attorney

Description: A 3-lot subdivision approved by Planning Board Resolution 08-02 on January 14, 2008.

Al Capellini, project attorney was present. Capellini stated the applicant was seeking a reapproval and two 90-day time extensions for this preliminary approval. Capellini explained that Jack Goldstein, project engineer, has clarified all questions from the Town Engineer.

Approved Rivera, Savoca,

Upon motion by Rivera, seconded by Savoca, and with all those present voting aye, the Board approved two 90-day time extensions and the reapproval.

Route 6 Office Development SBL: 15.16-1-21

Reapproval

Location: 3571 Mohegan Avenue

Contact: John Meyers Consulting

Description: Site Plan approved by Planning Board Res. #08-05 dated February 11, 2008 and granted two one year time extensions expiring on February 11, 2011.

Diego Vialrealle, project engineer, requesting reapproval of the site plan, Viarealle stated two of the three buildings have been built, and the applicant is searching for a bank to fill the third building. Although the property has been subdivided, the reapproval is for the entire site.

Upon motion by Kincart, seconded by Savoca, and with all those present voting aye, the Board reapproved the site plan.

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

90 day time ext.

Location: 1860 Hunterbrook Road

Contact: Ralph G. Mastromonaco, PE, PC

Description: Proposed 2-lot subdivision on 11.62 acres in the R1-80 zone.

Al Capellini, project attorney was present. Klaus stated the Board has a letter from NYC DEP dated Jan. 25, 2011. Capellini stated there are is an additional 3-4 page memo the applicant is responding to.

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

RCB Development
SBL: 36.05-2-60

2nd 90 Day Time Extension

Location: Old Crompond Road

Contact: Ralph G. Mastromonaco, P.E., PC

Description: A 2-lot submidivison on 10.32 acres in the R1-20 zone.

Klaus stated the last approval expired January 2011.

Upon motion by Rivera, seconded by Kincart, and with all those present voting aye, the Board approved the 2nd 90-day time extension.

Emerald Hills LLC
SBL: 69.19-1-3

Public Informational Hearing

Location: 1339 Kitchawan Road .

Contact: HEC Engineering

Description: Proposed six (6) residential lots on 30.88 acres in a R1-80 zone with domestic wells and septic systems.

William Lackenaur, project engineer, was present with Andrew Cortese, project owner. Lackenaur gave the presentation for this proposal, stating this was a 30- acre site, on which we propose six residential lots. The site is in an R1-80 zone wells and septic systems. Lackenaur stated the applicant has been to the Conservation Board and has had the wetlands verified by Bruce Barber. Lackenaur stated the applicant has worked with the NYC DEP from the beginning of the project, as well as performing deep hole test. Lackenaur stated if one just looked at zoning, you could propose an 11-lot subdivision, however, the owner wants one estate lot. The proposal calls for 4-lots to come off of one driveway, installation of retaining walls, and draining the wetlands, treating the water and then returning the water to the wetlands. Treatment will be on site and may include rain gardens. Pretreatment will take place within the rain garden. Each individual lot will be served by well and septic. Klaus opened the meeting to the public, however, no one from the public came forward.

Upon motion by Kincart, seconded by Rivera, and with all those present voting aye, the Board closed the public informational hearing, 10-days open for written comment.

Old St. George's LLC
SBL: 15.12-2-53

Public Hearing

Location: 1715 East Main Street

Contact: Jeffrey Econom, Engineer

Description: Proposed parking plan for eating establishment.

Jeff Econom, project engineer, and Chris Sciarra, project manager, were present. Econom stated the applicant is before the Board to obtain approval for this eatery/winery at the Old Stone Church. Econom explained that 39 parking spaces are on site, and the applicant lease with DEC with room for approximately 15 spaces. Econom stated the proposal includes landscaping, a level lip-spreader, and rain barrels to catch water from the roof. Klaus where on the leased property was, detail on the landscaping and traffic flow for the site.

The Board wanted to see the traffic flow with right turn only. Klaus stated the ZBA is waiting for Planning Board approval. Klaus stated the traffic study found the impact of this proposal would be negligible, less than a half second delay. Econom stated there is a reduction of 1400 sf of disturbance from the original plan. The revised plan results in a gravel surface, which is pervious, and allows water to percolate. The Belgium block allows water to infiltrate as does the level lip spreader. Klaus asked if the applicant had been before ABACA and the Conservation Board. Klaus stated there are still some outstanding issues with the Building Inspector. Econom replied that he had spoken with the Building Inspector and gave them two alternative, including tightening the corner radius. The applicant proposes to move the two handicap spaces to the rear and install a lift. Currently we are going through the 2007, and 2010 building code to ensure adherence. Tegeder stated these alternatives will change the plan, and the signed site plan should reflect the changes. Klaus asked about Bruce Barber's memo, items 1 and 2. Econom stated as far as work on NYS DOT property, the applicant has a lease agreement, with regard to Town property the applicant cleaned up as a favor. If this is problematic for the Town, the applicant will leave things as is. Tegeder requested the proper agreement be contained within the approving resolution. Econom stated the clean up is being done by hand, and the Town Engineer has no issue. Econom stated the existing piles are in the actual wetlands, and the applicant will not disturb the area. Klaus oped the meeting to the public, however, no one from the public came forward.

Upon motion by Rivera, seconded by Kincart, and with all those present voting aye, the Board closed the public hearing, leaving it open 10 days for written comment.

Tegeder stated the Building Dept. agreed that the lift will work, and the Planning Dept. prefers the lift. The Planning Board also preferred the lift. Tegeder requested detail for the additional signs. Tegeder also wanted detail on how the applicant would handle ingress and egress from the main parking lot. Tegeder preferred right turn only from the main parking lot. Tegeder stated the approval of the ZBA should reflect the signing of the site plan.

Upon motion by Rivera, seconded by Savoca, and with all those present voting aye, the Board declared lead agency, under SEQRA.

Upon motion by Kincart, seconded by Rivera, and with all those present voting aye, the Board approved issued a negative declaration.

Wagner stated the draft resolution before the Board did not reference the NYSDOT permit for land that the applicant is using for a portion of the parking requirement. Previously, the Board discussed with the applicant that in the event that the NYS DOT revokes the lease the applicant will have to return to the Planning Board and the ZBA to determine the status of the special permit under those circumstances. The Planning Board needs detail for signage approval, compliance with the Building Inspector's memo, Bruce Barber's memo, items 1 and 2 and detail regarding right turn out only from the main parking lot. Klaus felt that stacking would be internal stacking issue and the applicant should handle this issue. Tegeder requested the Planning Board ask the ZBA to condition their next approval on compliance with the conditions of the Planning Board resolution. Flynn questioned the handicap parking. Sciarra stated this alternative using a wheelchair lift allows the individual to come right into the building.

Upon motion by Flynn, seconded by Klaus, and with all those present voting aye, the Board approved the Parking/Site Plan

Klaus we stated the Board will require the applicant to submit final plans on the wheelchair lift.

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

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Work Session

Glassbury Court

SBL: 35.12-1-4 & 35.16-1-1

Location: Catherine Street

Contact: Homeowners Association

Description: 64 unit age-restricted development proposed patio plans.

Tegeger stated the applicant has already expanded their patio, but felt this should be retroactively approved. Tegeger stated although there is encroachment into the common area, there is no encroachment into anyone's property. Tegeger did not feel this would affect stormwater. The Board felt a letter recognizing this action would be all the applicant required.

Request to expand patios

RBC Industries, Inc.

SBL: 15.12-1-12

Location: 1696-1700 Route 6

Contact: RBC INDUSTRIES INC

Description: ZBA Referral #2/11 Special Use Permit to permit conversion of a residence to a hotel pursuant to Section 300-68 of the Town Code.

After review of the ZBA request the Planning Board required a site plan that contained wetlands delineation and limit of disturbance, and a stormwater treatment plan.

Zoning Board of Appeals Referral

Dornoch Development

SBL: 16.17-1-48.7

Location: Turus Lane

Contact: Dornoch Development, LLC

Description: Request for variance of frontage variance

The project has right of way issues, as it lacks the required frontage. The Board asked if the roadway on the plan actually exist. The Board asked if the applicant had frontage on an unapproved road, know as Turus Lane. Savoca stated if a paper road is shown on the approved plan, all those represented on the plan have common rights. The Board requested the ZBA confirm the lot lines prior to any approval as the site has been the subject of several lot line adjustments. Additionally, The applicant should document legal access or right of way over Turus Lane and Stone Drive. The Board questioned the suitability of the driveway for emergency vehicles in terms of width, turnouts, etc. The Planning Board will send a memo to the ZBA.

Zoning Board of Appeals Referral

Town Board Referral – Ethics Disclosure Form

The Planning Board felt this draft was very invasive and time consuming. As the Town Board will update the draft ethics law, the Planning Board will respond upon receipt of the updated draft.

Upon motion by Kincart, seconded by Savoca, and with all those present voting aye, meeting was adjourned at 9:00pm.