

Planning Board Meeting August 8, 2011

A regular meeting of the Planning Board, Town of Yorktown, was held on August 8, 2011, the Yorktown Town Hall, 363 Underhill Ave, Yorktown Heights, NY 10598. The Chair, Rich Fon, opened the meeting at 7:30 P.M. with the following members present:

John Flynn
Darlene Rivera
John Kincart
John Savoca

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

Regular Session

Upon motion by Fon, seconded by Rivera, and with all those present voting aye, except Flynn, who abstained, the Board approved the minutes of May 23, 2011.

Upon motion by Kincart, seconded by Flynn, and with all those present voting aye, the Board approved the minutes of July 11, 2011.

Kitchawan Fire & Rescue Station

Public Hearing

SBL: 70.5-1-13

Location: Kitchawan Road

Contact: Al Capellini

Description: Proposed 3,100 SF Kitchawan Fire Rescue Station with two apparatus bays, day room, storage and wash room facilities.

Al Capellini, project attorney, Karl Ackermann, John Sullivan, project architects, and Bob Roth, engineer, were present. Capellini stated this proposal is to construct a 3,100sf fire and rescue station, located on a 6acre site along Old Kitchawan Road. The station will be unmanned. Ackerman stated the proposed building will be 2-stories, the second floor being used for equipment and storage. The building will have sprinklers prior to the issuance of a building permit. The building is on the westerly side of the property, with access is Route 134. Parking will be accommodated by having the fire truck enter the parking lot and turn around. The applicant has proposed mitigation, including planting of trees. Additional trees will be installed to screen the building from the neighbors. The applicant has submitted a lighting plan, with the majority of lights off, and only a small amount of security lighting on. The proposal includes building a two-story structure with two bays and a gathering room on the first floor and storage on the second floor. Ackerman state ABACA has reviewed the elevations. Fon stated the July 27th letter from ABACA indicates their satisfaction. DOH, DOT have been in contact. The building will have sprinklers and to the satisfaction of the Building Inspector. Flynn asked about the number and type of trees. Ackermann stated 5 additional trees closer to the westerly neighbor and 3 trees by the gate will be installed for screening. Fon opened the meeting to the public.

Mrs. Lois Stevens with attorney Marilyn Ford. Ms. Ford spoke for Ms. Stephens. Mrs. Stevens lives across the street from the proposed project and is vehemently opposed to this project as it is totally unnecessary. An existing fire house is one mile from the proposed fire house. Additionally, the area is in horse country. The noise will disturb the horses. Mrs. Stevens found out about the project by seeing the notice, and was

not notified by certified mail. Mrs. Stephens will see the fire house 24 hours and would rather live out her life with the beauty and serenity she is accustomed to.

Kevin Czipo, 859 Kitchawan Road. Mr. Czipo asked if the sprinkler system will use water, and how this will effect the existing water supply. Mr. Czipo wanted to know if this was an alcohol-free zone.

Martin McGannon, Hedgwick Road, (Former Yorktown Fire Chief) McGannon stated all fire houses in Westchester are alcohol free. The noise does not effect the Laura Thorn horse population. The existing fire house, referred to by Ms. Ford, is in Millwood and is 2 miles away. This Town of Millwood is not responsible for the Town of Yorktown. Although there is mutual aid, and Millwood will respond if necessary, the area is Yorktown's responsibility McGannon stated the question posed was how would the noise effect the animals on the property, not if the sound can be heard.

Kevin Czipo, 859 Kitchawan Road, Mr. Czipo asked if fire hydrants could be extended down the road from the fire house.

Capellini stated it is not the business of one town's fire department to take care of another town's fire issues. Millwood does not have the responsibility for Yorktown. The applicant fully knows how important horses are in this section of town, however, personal safety is the major concern. Capellini stated, in response to Ms. Ford's statement regarding the lack of notification, the notice was sent to the address the applicant received at the assessor's office. This address is in Mt. Kisco. Flynn asked to be shown the location of Mrs. Stevens home. The applicant could not identify Mrs. Steven's home on the submitted plans.

Mrs. Lois Stevens with attorney Marilyn Ford. Ms. Ford stated Mrs. Stevens does not want to pay the taxes for the new fire house, this is a burden to her.

Sullivan explained that there are two curb cuts along the property, which are both on the plan. Savoca asked what the distance was from the proposed building to the Kitchawan Road boundary line, and was told approximately 300ft. Sullivan believed the fire house cannot be seen from Mrs. Stevens house. Sullivan stated w will establish where the house is, and if it can be seen it will be screened.

Mrs. Lois Stevens with attorney Marilyn Ford stated the building is two stories, and Mrs. Stevens will see the building. Mrs. Ford does not want to be an obstructionist, but she wants to have the beauty, and serenity has become accustomed to. Mrs. Stevens understands the need for fire protection.

Capellini stated again that notice was sent as found in the assessor's records. Additionally, the life estate does not pertain to this project, but the property across the street. Ms. Ford explained Mrs. Stevens is a resident that lives across the street, and this project will effect her life. This Ms For stated was the issue, not the life estate. Wagner requested a survey of the property including the adjacent properties.

Upon motion by Savoca, seconded by Kincart, and with all those present voting aye, the Board closed the public hearing, leaving 14 days open for written comment.

**Dana Cole Hair Salon
SBL: 15.16-1-31**

Request for 2nd One-Year Time Extension

Location: 1833 East Main Street

Contact: 1833 East Main Street, LLC

Description: Site Plan approved by Resolution #09-20 on August 10, 2009.

Heather Cumings, of 1833 East Main St., LLC. was present. Tegeder stated the application indicates that Ms. Cummings is an equal partner.

Upon motion by Savoca, seconded by Kincart, and with all those present voting aye, the Board granted the seconde one-year time extension.

**Contractors Register
SBL: 5.19-1-15**

Public Informational Hearing

Location: 800 East Main Street

Contact: Site Design Consultants

Description: Proposed expansion of approved future parking area from 20 spaces to 32 spaces.

Joe Riina, project engineer, was present. Riina stated the applicant was proposing to extend the parking area in their main headquarters. The 35-acre campus consists of 2 two 34,000sf buildings. At the time of the approval of the second building there were 34 conservation spaces. The applicant is proposing the

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elimination of 8spaces and the addition of 22spaces. As the applicant is required to comply with the tree ordinance, 45 trees will be removed and 43 new trees. Additionally, the new parking lot will contain LED lighting, while the applicant transferred old lighting LED lighting as well. ABACA has reviewed this and has given a positive review, additionally, the Conservation Board has also reviewed this. The buildings are tucked into the hillside and fit in very well. Flynn stated the parking lot at the County Center contains permeable concrete in the actual parking spaces, and asked Riina what he thought of this. Riina stated he was reviewing this, but, as yet does, not know how well it works. Riina did not know how effective or how much penetration there was. Fon opened the meeting to the public, no one from the public came forward. **Upon motion by Kincart, seconded by Savocca, and with all those present voting aye, the Board closed the public informational hearing.**

Riina requested the Board hold a public hearing for this project. Riina stated the applicant has address the tree ordinance and proposed mitigation to tree commission. Tegeder asked if the proposal required a NYS DEC permit for the basin. The Board will hold a public hearing on Sept. 12, 2011 assuming the tree commission conducts a site visits and the limit of disturbance has been staked out.

Crompond Crossing

Decision Statement

SBL: 26.18-1-7

Location: Crompond Road

Contact: Neil DeLuca

Description: Proposed project includes two commercial buildings of 8,500 SF (retail) and 4,200 SF (restaurant/retail), a 26 unit multifamily residential site plan, and a 29 lot subdivision.

Al Capellini, project attorney, John Sullivan and Karl Ackermann, project architects, were present with Neil DeLuca, project developer. Capellini stated the draft resolution was suitable. Fon stated the Board is intimately familiar with the project, however, there are conditions associated with the approval including:

- Surveyor to complete the plat
- Historic structure inventory performed
- Recreation fees to be paid
- Provide neighbors with access
- Dates have to coincide with DOT schedule
- Applicant to visit resident who wrote letters of concern

Tegeder requested the last revision dates be indicated on both the site plan and subdivision plan:

LA1 revision date is Aug 5, 2011

Wetland revision date is Aug 5, 2011

SK1 with front walkway design revision date is Aug 8, 2011.

Upon motion by Savoca, seconded by Kincart, and with all those present voting aye, the Board approved the subdivision.

Tegeder stated that in front of the two commercial buildings there is only one exterior light, the applicant should revise the lighting to the satisfaction of the Planning Board. Flynn asked which commercial building would contain the green roof solution. Tegeder stated revision to sidewalk and planting plan should reflect the changes noted on SK1.

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

DeLuca felt the plan was better because of input from the Planning Board and Planning Department.

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

Work Session

Mallon Property aka Village Traditions

Town Board Referral

SBL: 15.16-1-32

Location: 1821 East Main Street

Contact: Al Capellini

Description: Request for a rezone from C-2/R1-20 to C-2/O.

Al Capellini, project attorney, was present. Capellini stated this proposal is being referred from the Town Board. In order for the proposed office structure to be built a zoning change is required. Fon felt that as the commercial area pushes into a residential area, it lowers the value of residential property. Capellini stated that when the Planning Board approved the site plan, the Comprehensive Plan suggested O-Zoning.

Fon asked the Board members how they would vote with regard to the rezoning of the property:

Kincart aye
Savoca, aye
Rivera, aye,
Flynn ney.

Mongero Properties, LLC

Discussion Conditions of Resolution

SBL: 37.14-1-44

Location: Saw Mill River Road

Contact: Al Capellini

Description: Site Plan approved by Resolution #09-28 on November 9, 2009.

Al Capellini, project attorney, and Joe Riina, project engineer, were present. Capellini stated the town and ATT have agreed that ATT will lower the existing cable. Riina stated the project is before the Planning Board due to two conditions of the approval: the lighting plan and the site signage. Riina stated both of these conditions are tenant driven. As the applicant does not have a tenant at this time, would be wasting money. The applicant will return to the Board when a tenant is under contract to determine the type of signs and lighting the required. The applicant suggest this be tied to the issuance of a building permit. Flynn asked if a new tenant would want their own building design. Riina stated the applicant is required to returning to the Board if the footprint changes. Riina explained that the the applicant does not want to go through the cost of a revised lighting plan that will most likely change when a tenant is under contract. The Board requested the applicant return to the September 12, 2011 meeting to amend the resolution.

Arrowhead Subdivision

Discussion Subdivision

SBL: 48.13-1-6

Location: Underhill Avenue

Contact: Chris O'Keefe

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, and Chris O'Keefe, developer, were present. Capellini stated the situation is such that the applicant would like to sell the first lot, and use income from this sale to complete the required improvements. To have this happen, would require a the plat be signed with a note to allow no further sale beyond the first lot, until all improvements are installed. O'Keefe felt Tegeder's suggestion to amend the project to a two-lot subdivision would be financially prohibited. O'Keefe stated he is requesting the ability to sell the first lot with prohibition on the sale of the other four lots until all the improvements are installed. The note on the plat will be an ironclad processes that will restrict the sale of the four remaining lots while allowing me to sell lot number one. Kincart asked about the wording on the note. O'Keefe sated the note will restrict the issuance of a building permit until the infrastructure is installed. Wagner stated this would be an accomodation to OKkeefe's circumstances. Wagner suggested bonding the improvemnts. O'Keefe stated bonding was not affordable, nor did he think he could get a bond. Flynn asked if the Board had the authority to fullfil O'Keefe's request. Kincart asked about deed restrictions, including the restriction on the sale of lots 2,3, 4 and 5 until infrastructure is installed. Savoca suggested a declaration in the land records. Tegeder asked if it that was legal and enforcable. The note on the drawing could refer to the declaration. The Board requested O'Keefe return to the September 12, 2011 meeting.

Yorktown Farms Lot 5

Discussion Site Plan

SBL: 17.6-2-32.5

Location: Gay Ridge Road

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Contact: Ciarcia Engineering

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

Dan Ciarcia, project engineer, was present. Ciarcia stated this project was approval but requires individual lot site plans be submitted to the Planning Board prior to the issuance of a building permit. This requirement was only for lots deemed sensitive to the Planning Board. Currently, the site has had sewers installed. Ciarcia felt there were minor changes which required the applicant to return to the Planning Board, as the elevation at Lot 5 is one foot higher and the backyard more level. Tegeder felt this was not a major concern.

Special Session

Upon motion by Rivera, and seconded by Savoca, and with all those present voting aye, the Board went into special session.

Upon motion by Rivera, seconded by Savoca, and with all those present voting aye, the Board approved the issuance of a building permit for lot5 of Yorktown Farms.

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

Fieldhome Expansion

SBL: 35.12-1-3

Location: 2300 Catherine Street

Contact: Al Capellini

Description: Proposed continuum of care facility consisting of independent living units and skilled nursing home replacing existing home with a common facility supporting both communities. Al Capellini, project attorney, Joe Riina, project engineer, and John Ahearn, CEO of Fieldhome, were present. Capellini stated the site plan currently being submitted should be advanced, and circulated to the different agencies. Capellini informed the Board that the Town Board approved the Floor Area Ratio and building height in the RSP-3 zone. Riina felt this plan was an improvement over the plan proposed last fall. The applicant has repositioned the building, and worked with the geographic features of the site. Additionally, this proposal allows the applicant to retain the historic front wing of the Fieldhome. This will include 13,000sf of the total 280,000 to be used for administration offices. The proposal also calls for a common area and a connection to both the skilled nursing and independent living facilities. The existing soccer field will remain, however lot lines will need to be moved to meet setback requirements, and a conservation easement will be placed on 32acres. The number of units will remain the same, but skilled nursing units will decrease and independent living will increase, leaving the applicant less reliant on Medicare. Capellini stated all zoning requirements have been met. Ahearn stated the state does not support skilled nursing, as Medicaid rates have been reduced to 2005 cost. Fon commented on the traffic study, requesting Garden Lane be included. The Board requested the traffic study and wetlands mitigation plan be submitted. Tegeder stated the applicant must submit SEQRA requirements in order for the Board to hold a public informational hearing in October. Capellini stated the applicant is requesting they meet the SEQRA requirements with submission of a Long Form EAF and supplemental information. Riina stated the architect is working on the views, and the wetlands have been flagged. Riina stated the original detention pond was built in the 1980's, and the applicant is proposing to retrofit this. This plan also includes the installation of porous pavement. The new modeling will be more in compliance with state regulations. Riina explained that stormwater management requirements are lower because of the 32acre conservation easement.

Discussion Residential Site Plan

Croton Overlook

SBL: 70.15-1-2

Location: Dell Avenue

Contact: TJ Muldoon

Description: Request for rezone from R1-160 to RSP-1.

Town Board Referral: Review DEIS

As the Town Board accepted the DEIS as complete, the applicant submitted copies of the DEIS to the Planning Board for their review.