

## **Planning Board Meeting November 14, 2011**

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A regular meeting of the Planning Board, Town of Yorktown, was held on November 14, 2011, the Yorktown Town Hall, 363 Underhill Ave. Yorktown Heights, NY 10598. The Chair, Rich Fon, opened the meeting at 8:00 P.M. with the following members present:

John Savoca  
John Flynn  
John Kincart  
Darlene Rivera  
Ann Kutter, Alternate

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	The Board had no issues with the submitted correspondence
Follow-up Correspondence	No discussion took place at this time
Liaison Reports	Fon asked the Board members to review the liaison assignments for 2012.
Courtesy of the Floor	Fon opened the meeting to the public. No one from the public came forward.

### **REGULAR SESSION**

Upon motion by Flynn, seconded by Rivera, and with all those present voting aye, the Board approved the minutes of September 26, 2011.

Upon motion by Kincart, seconded by Savoca, and with all those present voting aye, except for Rivera, who abstained, the Board approved the minutes of October 17, 2011.

#### **2012 Schedule**

The Board reviewed the 2012 Planning Board meeting schedule, with starting time of 7:30pm. This schedule will be advertised to inform the public of meeting times and place.

**Upon motion by Savoca, seconded by Kincart, and with all those present voting aye, the Board approved the submitted schedule and requested this be advertised with a starting time of 7:30pm.**

Fon introduced Ann Kutter, the newly appointed Planning Board alternate.

#### **Mongero Properties, LLC**

#### **Request for 2<sup>nd</sup> One-Year Time Extension**

**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-3 zone.

Al Capellini, project attorney was present. Capellini stated this is an application for reapproval. The applicant has received NYS DEC approval, but is awaiting NYS DOT approval. The applicant is waiting for the lowering of the fiber optic cable by AT&T. The applicant has deposited with the Town \$70,000 as the Town Board required. Flynn asked if the work mentioned in Capellini's memo refers to the cable, and was told it did.

**Upon motion by Rivera, seconded by Kincart, and with all those present voting aye, the Board approved the second One-Year time extension**

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### **PEG Realty Corporation**

### **Request for 2<sup>nd</sup> One-Year Time Extension**

**SBL: 16.8-1-2**

*Location:* 3699 Hill Boulevard

*Contact:* Architectural Visions, PLLC

*Description:* Approved 2 lot subdivision and 11,600 SF one-story commercial building.

The applicant submitted a letter explaining the inability to attend this meeting. The Nov. 11, 2011 letter explained that the cross easements were being amended. Savoca asked if would change the site plan.

Tegeger stated this is just an extension , and any change would require the applicant to return to the Board.

**Upon motion by Rivera, seconded by Savoca, and with all those present voting aye, the Board approved the second One-Year time extention.**

### **Revised Resolution for Parking**

### **Route 6 Plaza**

**SBL: 15.16-2-3**

*Location:* 1745 East Main Street

*Contact:* Neil Carnow

*Description:* Proposed new tenants for former Charlie Brown's Restaurant space.

Neil Carnow, project architect, was present. Carnow stated the issue was small discrepancies that existed in the many prior resolutions and memos with regard to required parking. It has become necessary, now to establish a proper description of parking for this property as the owner seeks new tenants to replace former tenant Charlie Brown's. Currently, the owner is in discussion for the third space, while Pizza Hut and TCBY will occupy a portion of the space. When the owner has a third tenant, the layout will be discussed with Tegeger. Tegeger stated there is a 17.5 reduction of parking which was approved by the Planning Board.

Upon motion by Kincart, seconded by Flynn, and with all those present voting aye, the Board approved the revised resolution, affirming the 17.5% reduction in required parking.

### **Work Session**

### **Town Board Referral**

### **Hunterbrook Sewer Districts #17 and #20**

*Contact:* Al Capellini

*Description:* Petition to create Hunterbrook Sewer District #20 and a request to include proposed Hunterbrook Sewer District #20 and the previously formed Hunterbrook Sewer District #17 in the Westchester County Sewer District.

This discussion was table, as the Board awaited comment from legal counsel.

### **Mohegan Lake Motors Volkswagen**

### **Discussion Site Plan**

**SBL: 15.12-1-3 & 4**

*Location:* 1744 East Main Street

*Contact:* Al Capellini

*Description:* Proposed 6,828 SF showroom for Mohegan Lake Motors Volkswagen dealership.

Al Capellini, project attorney, Joe Riina, project engineer, and Michael Piccirillo, project architect, were present with owner Barry Roth. Riina stated we have made a full submission, full engineered drawings, engineer, SWPPP, and landscaping, but are waiting for completion of the traffic study. The site plan has

changed to comply with section 300-71 of the Town Code. For compliance, the applicant is being required

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to move the parking away from the front of the building. The project will require a variance on the side line. We have 0 feet where a 15-foot landscape buffer is required. Flynn asked if a variance would be needed for the trash enclosure, and was told yes. Riina explained the wetland already contains a parking lot, as the site was filled in previous years. Riina stated the project calls for porous pavement in critical areas. Porous pavement is a permeable pavement surface with a stone reservoir underneath. The reservoir temporarily stores surface runoff before infiltrating it into the subsoil. Runoff is thereby infiltrated directly into the soil and receives some water quality treatment. Porous pavement often appears the same as traditional asphalt or concrete but is manufactured without "fine" materials, and instead incorporates void spaces that allow for infiltration. The applicant will also enhance the mitigation with a pocket wetland. Currently, the discharge goes right into the wetland, we are installing a four pocket bay to provide flood storage and polish the discharge before it enters the wetland. What the applicant is proposing goes beyond DEC requirements. Kutter asked about the five 10-12" dba trees that were going to be removed. Riina stated there are six trees, but only one is healthy. The healthy Elm tree would be difficult to save, therefore, the applicant would prefer to reestablish the trees. Kutter stated the EAF sited a 24-car increase, and this was deemed non significant. Kutter asked how significance was determined. Flynn stated 24 seem high as this is an established business and you are adding a new car show room. Roth stated although on the plan, we will not be using this site as a customer drop-off, as we do not have staff for customer service. This serves to meet the German requirements. We are trying to accommodate this with an exterior sign, but there are no requirements for the interior. This requirement works because we have both Audi and VW Franchise. The Conservation Board is reserving comment until they review the mitigation plan. Piccirillo stated materials are being gathered for the ABACA review. Fon stated we have seen a site work greatly improved with the proper landscape plan. Piccirillo stated the landscape architect would address this. Riina stated in the prior plan, the sidewalk was against the curb, however, our traffic consultant asked for a 5ft landscape buffer, therefore, the applicant will provide a 5ft grass buffer. Flynn asked about car flow throughout the site. Riina stated drivers could easily back out. Kincart asked about the Special Use Permit, and was told it goes with the land. Kincart requested the Board make it a condition of the approval. Tegeder stated this can be an explicit condition of the resolution. Tegeder stated the Planning Department needs to circulate for lead agency under SEQRA. The Board requested a public informational hearing be scheduled for December 12, 2011. Kutter asked if the proposed lighting was LED lighting or conventional. Riina stated LED lighting. Piccirillo stated the applicant is proposing EIFS (Exterior Insulation Finishing System) instead of the burnish block approved by VW. The applicant felt the burnish block looked too much like cinder blocks. Piccirillo will submit samples of the EIFS to the Board.

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