

# Planning Board Meeting Minutes October 20, 2014

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A meeting of the Planning Board, Town of Yorktown, was held on October 20, 2014, at the Yorktown Community & Cultural Center, 1974 Commerce Street, Room 104, Yorktown Heights, NY 10598. The Chairman, Rich Fon, opened the meeting at 7:30 P.M., with the following members present:

John Flynn  
Darlene Rivera  
John Kincart  
Ann Kutter, alternate

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

**Discussion:** Costco – Chairman Fon stated that the Planning Board received copies of the Revised FEIS for Costco, which would be filed and circulated by the Planning Department tomorrow. Complete copies of the document may be viewed in the Town Clerk’s Office, the Planning Department, and the John C. Hart Memorial Library. In addition, it will be available on the Town’s website tomorrow or a CD copy may be obtained from the Planning Department. The Planning Department has also received a draft Findings Statement prepared by the applicant, which is being reviewed by staff and our consultants to ensure it reflects all of the findings and conditions that have been raised throughout the DEIS and FEIS. Fon stated that the Board will have a draft to consider and discuss at the next meeting on November 10, 2014.

**Correspondence:** Memo from the Conservation Board regarding the rezoning of the BJ’s parking lot.

**Liaison Report:** No reports

**Courtesy of the Floor:** No one came forward

**Upon a motion by John Flynn, seconded by John Kincart, and with all those present voting aye, the Board approved the minutes of October 6, 2014.**

**Upon motion by John Flynn, seconded by Darlene Rivera, and with all present voting aye, the Board opened a Special Session.**

## SPECIAL SESSION

**Mongero Properties, LLC**

**SBL: 37.14-1-44**

**Request 2nd One Year Time Extension**

*Location:* Saw Mill River Road

*Contact:* Al Capellini

*Description:* Site Plan approved by Res #09-28 on 11/9/09 for a 3,848 SF bank on 2.2 acres in the C-1 zone.

Al Capellini represented Mongero Properties, LLC. Mr. Capellini stated that this is the second one year time extension that is being requested. They have gotten permission from the DOT regarding lowering of the cables. Mongero would like to clear the trees so that this can be done. Mongero applied for a separate wetland permit to complete this work, however, Mr. Capellini does not know why this was done as they have already have gotten prior approval from the Planning Department. Tegeder explained that the moving of the cable is a condition of the site plan approval and therefore it makes sense to have an administrative permit for this clearing work only prior to any other disturbance that would be allowed by the permit the Planning Board approved as part of the site plan. The permit will come from the Town Engineer for this section of the job, Planning will send a memo the Acting Town Engineer regarding this permit.

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Upon motion by John Kincart, seconded by Darlene Rivera, and with all those present voting aye, the Board approved the 2<sup>nd</sup> One-year Time Extension for the Mongero Properties Site Plan.

Upon motion by Darlene Rivera, seconded by John Kincart, and with all those present voting aye, the Special Session was closed.

## WORK SESSION

### **Lake Osceola Square**

**SBL: 6.17-1-43**

#### **Discussion Site Plan**

*Location:* 393 East Main Street

*Contact:* Site Design Consultants

*Description:* Proposed CC development for multi-use facility including parking, building landscaping and necessary infrastructure.

Joe Riina project engineer, Al Capellini, project attorney, Michael Piccirillo, project architect and George Roberta property owner were present. On Saturday October 18, 2014 Board members met at the site to get an idea on the height of the building and discussed the entry walk. The walk will be straight coming down from the road and will be connected to a pathway that will go around the site which connects to the beach. Two concerns one being the roadway to the site and the height of the fence. The fence would be removed to address the site distance. The roadway going up will have new Sugar Maples planted. However, the question arose whether it was preferred to have lower vegetation planted. Plans for the front will need to be discussed further as there will be a county bus that stops at the front of the site. Riina stated he might be able to give the bus a larger area to pull over near the front of the site. Should it be a consideration to take out the 2ft stonewall to make a walkway to the bus stop? The triangle near Wood Street needs to be looked at (with the Highway Superintendent, Dave Paganelli) and the entrance needs to be tweaked for better site coming in and out of the location. Another concern was the height of the building which has since been lowered by 2ft. The front of the building will be parking lot level and the back of the building will have a terrace looking out to the lake. Sewer lines will run through the back of the properties. One concern was that the lake will be blocked by the building, questioning if the building is too massive. However, because of the different roof lines and the windows in the front and the back of the stores (bottom level) it makes it attractive to people (business owners) which is a concern since there is so much empty retail space in Yorktown. The Board scheduled a Public Hearing for the November 10, 2014 meeting.

### **McCrossan & McGoldrick**

**SBL: 48.6-1-25**

#### **Town Board Referral**

*Location:* 482 Underhill Avenue

*Contact:* Al Capellini

*Description:* Request to operate a Convalescent Home at 482 Underhill Avenue.

Al Capellini project attorney and Tom McCrossan were in attendance. The matter in front of the Planning Board (sent by Town Board) is the parking and landscaping of property. There will be eight to ten residents none of which are allowed to have a car. There will be two vehicles (vans/SUVs) on site to transport residents if needed. Tom McCrossan said that there will be no more than 5 vehicles on the site, therefore, the driveway will actually be under utilized for the size. One of the recommendations

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from the Planning Board was to have the driveway come out on to French Hill instead of Underhill Ave. It was noted by a board member that if the plan changes allowing residents to have a car it would have to back in front of the Town Board for approval. There will be visitors allowed on weekends but the owners believe there is plenty of extra parking around the driveway to accommodate these cars for brief parking because visitors are not allowed to stay and visit on site. John Kincart suggested one spot for every two residents and that they be restricted to the circle of the driveway and guests/visitors not be allowed to use the lot at the back of the building. The Board recommended that a better fence on the back of the property be put up as the one there is a broken chainlink fence. Screening is needed on the rear and eastern property lines to maintain privacy to the adjacent neighbors. Any change in ownership would require another review of the parking. The Board recommends adding one parking space adjacent to the 5 space grouping at the western side of the driveway to bring the total available parking to 15 spaces. The board then recommends six extra spaces be set aside as conservation spaces that the Town Board could force to be built in the future if needed. Would also like to revisit first memo regarding the entrance onto French Hill Road. The Planning Department will draft a memo to the Town Board summarizing the Board's comments.

### **Sandvoss Subdivision**

**SBL: 59.07-1-7&8**

#### **Discussion Subdivision**

*Location:* 1005 Hanover Street

*Contact:* Ciarcia Engineering

*Description:* Proposed 3 lot subdivision of Lot 7 and a new residence proposed on Lot 8 to create 4 new residences on a private road on approximately 16 acres in the R1-80 zone.

Dan Ciarcia project engineer was present. Stormwater issues need to be addressed and will come back after getting the DEP approval. Health Department will need to see the SEQRA determination before they will review. Residents present at meeting addressed some concern that the plan has changed. They were reassured that the plan was not changed and the proposal is still for 3 homes.

### **Arrowhead Subdivision**

**SBL: 48.13-1-6**

#### **Review Proposed Site Plan**

*Location:* Underhill Ave.

*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 Res #07-23 dated 10/15/07.

Chris O'Keefe, property owner, was present. After the discussion at the October 6<sup>th</sup> meeting and the recommendation of the Board, the house has been turned 10' to give more room around the perimeter of the house. The western setback is no 10' from the property line. The questioned space that was also brought up is a covered porch, not indoor living space. A condition will be put in the resolution that it can only be a covered porch and would have to come back for approval if they decide to enclose the porch and make a living space. O'Keefe stated the Plat would be ready next week. The Planning Board cannot take action on approving a site plan for this lot until the Plat has been filed.

**Upon motion by John Flynn, seconded by Darlene Rivera, and with all present voting aye, the Board opened a Special Session.**

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## **DeCicco's Marketplace**

**SBL: 16.8-1-21**

### **Request Renewal Special Use Permit**

*Location:* 3651 Lee Road

*Contact:* James Capriotti

*Description:* Special Use Permit for Outdoor Service granted by the Planning Board by Res #09-18 on 08/10/09 and expiring 08/10/14.

No one was present to represent this application however the Board found no reason not to renew the special permit.

**Upon motion by John Flynn, seconded by John Kincart, and with all those present voting aye, the Board opened a Special Session.**

**Upon motion by John Kincart, seconded by Darlene Rivera, and with all those present voting aye, the Board approved the renewal of the Special Use Permit**

**Upon motion by Darlene Rivera, seconded by John Kincart, and with all those present voting aye, the Board closed the Special Session.**

## **Canine Kindergarten at Grotto Holding**

**SBL: 36.5-1-18**

### **Discussion Site Plan**

*Location:* 3655 Crompond Road

*Contact:* Elissa Cohen

*Description:* Amended Site Plan approved by Planning Board Res #14-19 on 09/8/14. Proposed daycare for dogs to occupy first floor retail space.

Steve Corrigan and the owners of Canine Kindergarten were present. Corrigan stated they were in front of the Board to figure out how to amend the site plan to incorporate an outdoor playground for the dogs. The area will be completely enclosed with a 7' high fence. Six parking spots will be eliminated to accommodate this area however; the site has more than the required amount of parking. The Planning Board expressed that they would like to see it be fencing with emergency gates on either side that could be opened should an emergency vehicle have to get through and around the building. The Board asked that the applicant come back with a plan of the outdoor play area, conditions, hours of operation, number of clients to be reviewed further.

## **Wolski Wetland Permit**

**SBL: 25.8-3-2**

### **Town Board Referral**

*Location:* 3211 Lake Shore Drive

*Contact:* Robert Panny

*Description:* Construction of a new residence within the Mohegan Lake 150 ft setback.

Willie Besharat was present for the applicant. The Town Board approved a house of 1360 sf in 2006 based on a Zoning Board approval that specifically listed the square footage of the resident. The new

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buyer is seeking approval to increase the size of the house to 1460 sf. along with extending the driveway. It is still within the setback requirements. The Board suggested, while maintaining setbacks, to rotate the house slightly. Needs to get approval from the Zoning Board and then return back to the Town Board. The Planning Department will write a memo to the Town Board summarizing the Board's comments.

### **BJ's Wholesale Club/Urstadt Biddle**

**SBL: 36.6-2-75 & 76**

### **Town Board Referral & Site Plan Application**

#### **Discussion Site Plan**

*Location:* 3315 & 3333 Crompond Road

*Contact:* Zarin & Steinmetz

*Description:* The applicant is requesting to rezone from C-1 to C-3 on Lot 75 and a portion of Lot 76 to allow the construction of a gasoline filling station on Lot 76, as well as a 3,000 sf bank.

David Steinmetz, project attorney, and Umberto Balducci and Marc Petrero of John Meyer Consulting, were present. A revised Full EAF was submitted to the Town Board as recommended by the Board at the October 6, 2014 meeting. Steinmetz stated that it was suggested by the Town Supervisor to move the Zoning Line straight through to the Staples Plaza, however, it was stated that Urstadt Biddle has no desire to do that. They are only looking for the rezoning to C3 for the front parking lot to include the gas station. The Board did not want to see the rezone line encompass all of the Staples Plaza. Tegeder stated the C-3 zone would make the new Extra Space Storage non-conforming. The Board found no objections to the rezone of special permit and stated they would not object to a Negative Declaration being adopted by the Town Board for this action. This matter will go back to the Town Board and hopefully return to the Planning Board in the beginning of the year the amended site plan.

**Upon motion by John Kincart, seconded by John Flynn, and with all those present voting aye, the Board voted to close the meeting at 10:45 pm.**