

Planning Board Minutes April 6, 2015

A meeting of the Planning Board, Town of Yorktown, was held on April 6, 2015, at the Yorktown Town Hall Board Room, 363 Underhill Avenue, Yorktown Heights, NY 10598. The Chair, Richard Fon, opened the meeting at 7:38 pm with the following members present:

John Flynn
John Savoca
John Kincart
Darlene Rivera

Also present were: John Tegeder, Director of Planning, and Robyn Steinberg, Planner.

Joint Meeting with the Town Board

Present were Supervisor Michael Grace and Councilmen Greg Bernard, Tom Diana, Susan Siegel, and Vishnu Patel.

Discussion regarding the requirement and acceptance of Performance Bonds for work completed on private property pursuant to a site plan approval.

This issue came up with the A&S (the PEG Realty Site Plan) site improvements. The estimate for the Performance bond was \$250,000. Grace stated the site should be inspected and an erosion control bond required, however the private improvements should not be bonded. Savoca explained that the Board needed to ensure the work on the site plan is constructed properly and completed. Grace stated he thought any improvement that impacted something external to the site, such as connecting to town sewer, water, or drainage might be included, but not curbing in the parking lot. These items should not be bonded; only inspected. Fon stated the Board's intent was not to stifle business, but to make sure projects are finished as approved. Grace stated that legally, the town is not allowed to complete private site improvements unless there is an emergency that affects the health, safety, and welfare of the public therefore the performance bond would not be pulled. Grace also requested the Town Board be kept in the loop on any matter that must be ratified by the Town Board later in the process. Fon asked how best this could be accomplished. Bernard stated that he will be liaison to the Planning Board going forward and he would help make this smoother.

Discussion regarding recreation at the Lake Osceola Square project.

Grace asked if the issue was the reservation of land to the Town. Tegeder stated the Board was looking for some public lake access in any form. It did not necessarily have to be land deeded to the Town. There is no clear picture yet of what the applicant really wants as his vision has been changing recently. Grace requested the Town Board know what is the final proposal before a resolution is adopted by the Planning Board. Most site plans will be mixed use from now on and may not completely comply with the town code. Grace invited the Planning Board to come to the Town Board with unique site plans that may not comply with the code. Also, specific to this project, there may be more important things the town may need the applicant's help with like sewers for the area. The Jefferson Valley area needs to be upgraded.

Correspondence: Fon opened the televised meeting with a review of correspondence.

Minutes: The minutes of the March 23, 2015 meeting were then reviewed by the Board. Kincart suggested several clarifications that the Board incorporated into the minutes.

Upon a motion by Rivera, seconded by Savoca, with all those present voting aye, the Board approved the March 23, 2015 meeting minutes as revised.

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REGULAR SESSION

BJ's/Urstadt Biddle

SBL: 36.06-2-76

Public Hearing

Location: 3333 Crompond Road

Contact: Zarin & Steinmetz

Description: Proposed BJs Wholesale Club gasoline filling station and 2,500 sf new building pad.

Present were David Steinmetz, project attorney from Zarin & Steinmetz, Rob Aiello and Umberto Balducci project engineers from John Meyer Consulting, Nelson Cabral from BJ's Wholesale Club, and Wing Biddle, owner of the Staples Shopping Center.

Upon a motion by Savoca, seconded by Kincart, with all those present voting aye, the Board opened the Public Hearing.

Steinmetz summarized the history of the application in front of the Town Board for the zoning change and gas station special permit. The Town Board reviewed a Full environmental Impact Statement including a Part 3 supplement. At that time, fire suppression, spill prevention, outdoor storage criteria, bringing an economic base to the area, and consistency with the comprehensive plan were discussed. The Town Board adopted a Negative Declaration and a resolution for both the rezoning and special use permit for the gas station. Since then the Applicant has been meeting with the Planning Board in reference to the site plan. Aiello gave an overview of site location and then showed the site animation depicting the proposed development. The gas station is proposed in an underutilized portion of the parking lot mostly used by BJs customers. The station will have 6 pumps with 12 stations for filling. The new restaurant pad is partially over the former septic area. The plan has been modified as a result of comments from ABACA and the Planning Board. More pedestrian access has been added to the site and the restaurant pad. The applicants will be replacing and adding trees to the parking areas. The total project is about 2 acres of disturbance. BJs results in a decrease in impervious area. The new building pad results in a slight increase of about 0.2 acres. The applicant is coordinating design of both stormwater systems, for the gas station and for the new building pad, with the DEP. In the areas of fill for the gas station, the treatment is designed to be isolated with trench drains, directed to sand filters, and then to a water quality practice. On the UB side, an infiltration system will be installed for water quality and quantity. 40 new honey locust trees and hundreds of new shrubs are proposed on the site. All site lighting will be upgraded to LED fixtures. The poles will remain at 25 feet high throughout the parking lot. The canopy will be lit from underneath. The applicant has requested phasing of the plan so that each side of the development, BJ's and UB, can occur separately and obtain COs independently. For traffic mitigation, the applicant has applied to the NYS DOT to add split phasing to the traffic signal, meaning the site driveway and Stony Street will have separate green lights, as well as to modify lane use categories at the site driveway. The applicant is working with Town and the DOT regarding modifications to lane use approaches. These improvements will be completed with whichever project moves forward first.

Councilman Vishnu Patel – My issue is that the gasoline has long chain hydrocarbons that will go through the sand filter. Is there any charcoal or anything that will hold the hydrocarbons? How do you control the vapor in the summer time? That is larger hydrocarbons in the water than the entire site? Is there any provision and how will this be monitored? Fon stated most of what you have asked deals with state code requirements. The applicant will provide a written response that was prepared for the Town Board SEQRA review.

Ann Kutter, 3302 Old Crompond Road – Thank you to UB and BJs for being so responsive to concerns we have raised. Kutter asked if the sidewalk landing near the bus stop side was in anticipation of a crosswalk to the CVS. Aiello stated the bus stop was relocated by the DOT and the cross walks are already striped. Kutter reminded all about the Battle of Yorktown neighborhood litter cleanup on April 18th.

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Tony Grasso, Treasurer of Chamber of Commerce – Grasso welcomes this project because Route 202 has been improved and competition is the best thing for business. This is something that is needed. Developing the hamlets is important for the neighborhoods. The Chamber is behind this project 100%. It is competition and that drives prices.

Fon thanked the applicants Urstadt Biddle and BJs, as well as JMC for addressing all of the Board's issues.

Upon a motion by Flynn, seconded by Rivera, with all those present voting aye, the Board closed the Public Hearing leaving a written comment period of 10 days.

CVS Crompond Road

SBL: 26.18-1-25

Public Informational Hearing

Location: 3320 Crompond Road

Contact: T.M. Crowley & Associates

Description: Proposed construction of a 12,900 sf (with 1,661 sf mezzanine) CVS/pharmacy with drive-thru and a standalone 3,472 sf retail building with a drive-thru. Associated parking, landscaping and utilities are also proposed.

Present were Al Capellini, project attorney; Paul Vitaliano, project engineer and Andrea Connell, traffic engineer from VHB; Doug Grunert, CVS architect from BKA Architects, Inc.; Darren Buiso, the bank building architect from SRF Architect, P.C.; and Tracey Roll from T.M. Crowley & Associates.

Capellini introduced the project. The property is surrounded by three roads and is opposite the Chase Bank and Crompond Crossing, therefore a premier site in the Town of Yorktown. The application is for a CVS pharmacy and a bank building. The comprehensive plan denotes this area as the BMP (Bear Mountain Parkway) Triangle and this property is at the bottom of the hill where the hamlet is envisioned. Vitaliano described the proposed site plan. The property is in the C-3 zone though it is surrounded by properties zoned C-1 and C-2. The site is located in a flood plain according to current FEMA maps. Vitaliano has talked with the Town's flood administrator, Building Inspector John Winter, regarding completing an update of the flood study prepared for the Crompond Crossing Development to understand the flood lines better. The lines are usually conservative and they feel fairly confident going forward with the application which they understand is at their own risk. If the flood line does not move, the elevations would have to be modified to be 2 feet outside (above) the flood elevation. There is a small isolated wetland on the site. This was most likely a depression caused by construction on the neighboring site. The proposed plan would fill the 590 square foot wetland. The proposed development is for a 12,900 square foot CVS with a drive-thru and a bank building. Vehicular access to the site is right in, right out on Route 202. There is a secondary full service entrance on Old Crompond Road. The applicant had a preliminary meeting with the DOT. The DOT appreciated the right in, right out as far from intersection as possible. Delivery trucks will enter the site over the mountable center island in the entrance and leave the site using the Old Crompond Road egress. The applicant is sensitive to this site being a part of a larger future development in this area. The Old Crompond access is aligned with the Crompond Crossing access. Sidewalks will be continued all around the site. There are four entry points to the site by pedestrians. Decorative lighting is proposed along frontage and within site. The stormwater plan will comply with NYC DEP requirements using a lot of sand filters and two underground infiltration systems. Vitaliano stated the applicant will need the Board's help with a road

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abandonment process for the old location of Old Crompond Road. The surveyor picked up the right-of-way as well as utility lines that may or may not have been moved into the current right-of-way. DOT requested a deceleration lane for the Crompond Road access. The plans show the longest deceleration lane (80-90 feet) that could be provided without extensive site work and wetland filling on the adjacent site. The applicant has also agreed to work with the other surrounding projects to coordinate the Route 202 and Stony Street intersection improvements. This includes a four lane cross-section on Stony street and 3 lanes on Old Crompond Road. CVS can accomplish this by widening the road. May have to move some sidewalks into the site and grant easements which they are happy to do.

Andrea Connell, traffic engineer from VHB, gave an overview of the traffic study prepared. The signalized intersection of Route 202 and Stony Street, Stony and Old Crompond, and the site entrances were analyzed. Counts were taken in Sept 2014 at these locations. Machine counts taken in 2013 were also used. The traffic study includes the traffic generated from the Costco, Crompond Crossing, Crompond Terraces, and BJs development in the no build condition. Capacity analysis was performed for the build and no build conditions. The study found minimal impact at the signalized intersection. Most impact was found at the Old Crompond & Stony Street intersection. Both Stony Street and Old Crompond Road are proposed to be widened. The lane assignments for Stony Street are not the same lane assignments that were discussed when we had the meeting with town staff and the adjacent property owners, however the applicant agrees with and can accommodate the 3 lanes southbound and 1 lane northbound.

Vitaliano stated the applicant met with ABACA regarding lighting and landscaping. There is no tenant for bank building, however detailed plans were submitted to approve a conceptual design. The applicant will most likely return to the ABACA when a tenant is selected. A signage package was also submitted. The ABACA requested the initial proposal be toned down. The pylon sign was reduced in height by 9 feet; now 15 feet total height (was 24 feet). The signs match the features of the building. The electronic portion of the pylon sign was removed. A 10 foot monument sign is proposed on the secondary entrance. The signs still require variances. Tegeder stated the Town Code allows only one freestanding sign. The building presence and signage on the building should be enough. Tegeder asked if the pylon sign could be changed to a monument sign. Vitaliano stated that at the moment the pylon sign is directly over the Sherry Brook culvert and possibly might have to be relocated. The building signs also need a variance. Tegeder asked if the discussion with DOT included any mention about development on the neighboring site. Vitaliano stated that they did not discuss the adjacent site. For maintaining the decel lane and access for CVS trucks to the loading area, the applicant would prefer the entrance to stay where shown and grant easements to the neighboring site. Tegeder suggested development of the adjacent site should be discussed with DOT in case they have different comments based on that information. Tegeder stressed discussing the access now instead of leaving it go until the future. Kincart asked if it would make more sense to have an access to the adjacent property near the garbage location in addition to the southern interconnection. Vitaliano said that the applicant had looked at a connection in that location however they felt there was too much conflict with the drive-thru. Cars coming from the adjacent site would be coming from behind someone at the drive-thru window requiring them to look back over their shoulder to see if cars are coming. Tegeder asked if the chamfered corner is normal for a CVS drive-thru. Vitaliano stated that it was for a store that has a mezzanine and therefore the pharmacy is in the back right corner. Kincart stated delivery times would be important to drive-thru traffic as well. Vitaliano stated CVS would agree to the delivery times being restricted.

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Doug Grunert presented the proposed CVS building. The proposal includes store windows and sidewalks on both sides of the building leading to the main entrance. To have a more hamlet style building, more windows have been added and they have been lowered. The lower halves of all the windows will be screened due to store shelving inside. In response to comments of the Board, the corner of the building facing the residential zone has been dressed up by chamfering this corner and adding a decorative brick pattern. ABACA had comments about height of building; reducing by 20-30 inches of entire roof line. Tegeder asked if this change would still screen any roof top HVAC units. Grunert responded that the applicant will complete a study and another rendering showing the elevation with the units to confirm the units will still be hidden. ABACA also asked to raise the cornice on the rear of the building (which had been lowered to give the building a more human scale) and break up the other side of the building. Three panels of windows were originally proposed on the Old Crompond Road side of the building. The 3rd panel was removed and replaced with a decorative brick when the corner was chamfered on this side.

Flynn asked if the neighboring use has encroached on the site and if so, has it been resolved. Vitaliano stated the property owner has not contacted the adjacent property owner yet. Flynn asked if the property line shown on the plan was verified as correct. Vitaliano stated the property line was correct. The encroachment of the metal container is on the adjacent property, not the CVS property.

Darren Buiso presented the proposed bank building. There is no tenant for this building therefore the colors are not locked in at this time. However, this building is located at the focal point of the site and intersection so the property owner has requested it be designed for this position. The entrance is on the east side of the building facing the CVS. The drive-thru on the south side of the building. There is a higher parapet of 22 feet on corners of the building and a lower parapet of 18 feet at the sides. This design will hide the rooftop units. Flynn asked if the intent was to integrate this building with the area by matching the building materials of the surrounding building. Grunert explained that some of the materials are similar, but not exactly the same. ABACA had requested the brick to match CVS, but Grunert thought it would be too much of the same. Flynn asked if the front of the building could face to the north and how does the site plan design comply with the hamlet design. Vitaliano explained that the site plan evolved with parking being internal and buildings on the sides instead of parking on the outside. Facing the building to the north, makes the parking the focal point on the corner instead of the building, and it takes away too much parking, putting the site below the parking requirement. The proposed bank is average size typically required by the type of bank that would be at this location. The building would have to be more rectangular if oriented to the north, which typically is not the design banks want. Flynn questioned if the most prominent feature at the intersection on the proposed site plan was not the side of the building, but the cars waiting in the drive-thru. Vitaliano stated that the landscaping and vertical features of the building would break up the view and hide the cars. Tegeder stated the landscaping should be more of a hedge that screens the cars. The rear of the building is facing the intersection and is the most prominent side of the building. Lowering the windows would help it read as a little less as the back of the building and break up the large blank area in the center of this wall. Grunert stated that he would look into that suggestion by possibly bringing glass down at the minor corner on the rear of the building.

Flynn questioned the lane assignments on Stony Street. In the future will another lane going north will have to be needed and there won't be any more space to widen the road once the bank building is completed. Connell stated that the applicant did look into this. Originally it was proposed to have two lanes going north and two lanes going south, however since there is no stop sign for the northbound lane, these vehicles have the right of way to and there will be no stacking. Cars can

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freely make a left or a right and get out of the way to allow people trying to make a left from Old Crompond to be able to see. In the future the studies do not foresee a need for an additional northbound lane at all. All future traffic from all the proposed developments was included in the traffic study no build condition. Fon stated the Board can review the plan of the intersection and lanes at a work session.

Ann Kutter, 3302 Old Crompond Road – As neighbors we welcome this type of development. The intersection doesn't work right now because people are confused about whether they should stop at Stony and Old Crompond and there are not enough lanes on the southbound approach. Southbound traffic queueing at the traffic light fills both existing lanes leaving cars waiting to turn from Stony and from Old Crompond. Sometimes it backs up a good distance towards the Bear Mountain Parkway and makes it so no one can go anywhere until that traffic clears. For these reasons she agreed with the proposal to add a 3rd lane southbound. Kutter asked where the additional lane would be on Old Crompond. Connell stated that there would be two lanes going west at the intersection with Stony therefore cars continuing towards the Bear Mountain Parkway would no longer have to wait for drivers to turn left towards Route 202. Kutter asked if the sidewalks end at the property line. Vitaliano stated that the sidewalk terminates around curve at property line with Adrian.

Upon a motion by Rivera, seconded by Savoca, with all those present voting aye, the Board closed the Public Informational Hearing.

WORK SESSION

Staples Plaza Master Sign Plan

SBL: 36.06-2-76

Discussion Master Sign Plan

Location: 3333 Crompond Road

Contact: Norman DiChiara Architects, P.C.

Description: Proposed master sign plan pursuant to Section 300-193.14 of the Town Code.

Present was Willing Biddle owner of the Staples Shopping Center property. The Board received the revised master sign plan from the architect. Tegeder stated the Planning Department had requested revisions to the master sign plan because the total square footage of signage for each building was significantly over what is permitted. There were also duplicate signs on each side of buildings and they were all the same size. Tegeder did not feel the same size sign was needed facing Route 202 as facing the parking lot where the patron would be much closer. The Board requested the plan be referred to the ABACA for comment.

Starbucks Coffee

SBL: 37.14-2-56

Location: 1932 Commerce Street

Contact: dpb Consulting Services

Description: Renewal of the outdoor seating permit and to update the furniture. The new furniture will consist of 32 seats, 11 tables and 4 umbrellas.

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Present was Daniel Brennan representing Starbucks. Savoca stated that the outdoor seating area is not an issue. The parking area in front of the store not ever being clean is the concern. The Board had this same concern last time the special permit was renewed. The site needs to be kept clean. Brennan stated he would contact the store manager about this issue. The Board also questioned who is supposed to maintain the asphalt of the parking spaces. This is probably the property owner. The Planning Department will provide the site survey for the Board at the next meeting. No issues with renewing the special permit. The store manager will be present at the Board April 20th meeting.

Taconic Vet Clinic & Canine Kindergarten

SBL: 36.05-1-18

Discussion Amended Site Plan

Location: 3655 Crompond Road

Contact: Michael Piccirillo Architecture

Description: Proposed Canine Kindergarten dog daycare and 24 hour veterinary clinic.

Michael Piccirillo, project architect and Elissa Cohen, owner of Canine Kindergarten, were present. Piccirillo stated the applicant would like some direction before going forward, including addressing the comments from the Planning Department. Tegeder stated that calculating the parking as storage does not work. The Planning Department recommended the Planning Board determine the parking requirement since the dog daycare use was not defined in the Code. Much like a children's daycare, this use would not create the demand for parking that a retail store would. Flynn asked about the landscaping along the front of the site and in front of the door. Piccirillo stated that the applicant will address the points and review the parking layout. The applicant does not have the budget to completely redo the parking lot the way the Grotto Plan was approved. A compromise on some of the improvement would be preferred. Tegeder stated that there are some things on the site plan that don't make sense, but that can be worked out. Fon asked if the applicant would consider phasing the work so that if you come back for the special permit renewal, perhaps at that time the front site landscaping work could be completed. Tegeder asked that the fences and gates between each of the dog play areas be shown on the plan. Cohen stated that these interior fences would be chain link, but the exterior fence around the site would be a white PVC type fence. The Board agreed they did not have issues with the use. Piccirillo asked if timing wise if the applicant could apply for the interior tenant fit up work as an allowed use in the zone and then continue with the amended site plan after. Cohen stated that a former neighbor of the Verplank site wrote a letter complimenting the business. Cohen will be contacting the three rear neighbors to discuss what they think of the proposal.

Bonsignore

SBL: 36.05-2-57

Discussion Subdivision

Location: 2483 Hunterbrook Road

Contact: Site Design Consultants

Description: Subdivide existing 3.422 acre lot with an existing 2-story dwelling into 3-lots.

Present were Al Cappellini, project attorney, Joe Riina, project engineer, and Andy Ryder, the applicant. The Board briefly reviewed this subdivision in 2010. The proposal is to divide the property into 3 lots. Town sewer and water are available. This is in the R1-20. There is wetland buffer on property. The driveways are proposed at the maximum 10% grade. A common driveway for both houses on Hunterbrook did not work. The Board asked that the homes on the adjacent property known as RCB Development be shown on the plan. The Board asked about the house

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facing Old Crompond. Riina stated the finished floor elevation of the home was at 348 feet and Old Crompond Road is at 320 feet therefore it will be about 28 feet above the road with a garage under. The development is under 2 acres of disturbance. The Planning Board decided to make individual site visits.

3525 Crompond Rd, LLC

SBL: 36.05-1-13

Discussion ZBA Referral Memo

Location: 3525 Crompond Road

Description: Special Permit to allow the outdoor storage of vehicles on a portion of the premises.

The Board decided not to do anything further.

Upon a motion by Savoca, seconded by Flynn, and with all those present voting aye, the Board voted to close the meeting at 10:30 pm.