

## **Planning Board Minutes May 18, 2015**

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A meeting of the Planning Board, Town of Yorktown, was held on May 18, 2015, at the Yorktown Community & Cultural Center, 1974 Commerce Street, Yorktown Heights, NY 10598. The Chair, Richard Fon, opened the meeting at 7:05 pm with the following members present:

John Flynn  
John Savoca  
Darlene Rivera

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

### **Correspondence:**

Fon noted that letters of correspondence were received but were not discussed.

### **Minutes:**

Fon noted that the Minutes of the April 20, 2015 could not be reviewed without a quorum. The Board moved on to the work session.

## **WORK SESSION**

### **The Winery at St. George**

**SBL: 15.12-2-53**

#### **Town Board Referral**

*Location:* 1715 East Main Street

*Contact:* Tom DeChiaro, Jeff Ecomon

*Description:* Request for wetland permit to create a parking area on Town owned land.

Jeff Econom, project engineer, and Tom DeChiaro, property owner, were present. Econom provided plans to the Board noting two changes:

- 1) Trellis work is being removed.
- 2) Applicant is proposing a land swap to give Town ownership and control of Mohegan outlet.

Econom stated that the Conservation Board and Town Board have approved the plans. The Town Board had given prior approval, but never had a Public Hearing on the wetland permit. The Recreation Commission also approved the plans with a 4 to 1 vote. Fon asked about light pole and if it was completely solar. Econom reported that it was solar. Fon noted that the proposed parking lot would be a great addition to the site. The Planning Department will send a memo stating the Board has no objections to approval of the plan.

### **Staples Plaza Middle Building**

**SBL: 36.06-2-76**

#### **Discussion Landscape Plan**

*Location:* 3333 Crompond Road

*Contact:* John Meyer Consulting

*Description:* Approved renovation of the second building.

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Paul Sysak of John Meyer Consulting was present. Sysak presented the Landscape Plan to the Board. He noted that the applicant had received a letter of recommendation from ABACA today. Sysak reported that the NYC DEP recently approved the stormwater plan. The landscaping will consist of deciduous trees, grasses and shrubs, similar to what is planted around the rest of the shopping center. A proposed planter for up on the raised sidewalk was approved by ABACA as well. An all-season maintenance plan is listed on the plan.

Fon reported that he had inspected site this weekend and then asked group if there were any issues. Flynn had an issue with the square building fitting into the elevations of the property. Sysak then presented a rendering to the Board of the proposed medical building. The owner is going out to bid shortly and would like to get moving on the project. Fon asked about the next step. Steinberg stated that review of the Landscape Plan was a requirement of the resolution. The Planning Department will write a memo to the file approving the Landscape Plan and the applicant will move forward finalizing the plans to be signed.

### **Fieldhome Expansion**

**SBL: 35.12-1-2, 3 & 35.08-1-45**

#### **Discussion Lot Line**

*Location:* 2300 Catherine Street

*Contact:* Site Design Consultants

*Description:* Approved 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, from the Fieldhome were present. Riina explained the requested lot line adjustment that would separate where the Field Hall and where the independent nursing facility would be from the existing skilled nursing building so that the skilled nursing property could be sold.

Ahearn expressed disappointment with the poor sales of the independent units. Ahearn also noted that Medicare funding has been cut back so much that the foundation cannot even support the skilled nursing facility anymore. He reported that the Fieldhome Board has decided to sell the Seabury and Holy Comforter Skilled Nursing facilities. The purchasing group, will be the same entity for both buildings and owns about 10 other medical facilities.

Riina noted that the lot consists of three parcels, including the 22 acres that Holy Comforter sits on now, another 32 acre parcel is the proposed Conservation Easement, and the Field Hall and independent living units would sit on the third parcel. Riina added that the proposed building for the skilled nursing facility has been removed from the plans and that the existing skilled nursing will remain. The rear of the Field Hall would still be removed and the front of the building would remain, just as was approved on the site plan.

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Riina mentioned that this Site is complex due to criss-crossing easements for utilities on the property. He added that the Seabury will remain the same on its own separate lot. Ahearn stated that the The Foundation will maintain all properties until the sale is concluded.

Flynn inquired about the approved site plan which includes the central section and the 32 acre Conservation Easement. The originally-approved site plan will have to be divided up in order to sell the skilled nursing facility. Tegeder suggested that the original site plan be amended separate into site plans to make it easier to delineate the parcels for future changes to the properties. Savoca asked about the proposed new owner's relationship to the other existing facilities. Ahearn stated that there are no expected issues with their relationships. It would benefit all parties to allow people have access to each facility as needed.

Riina mentioned that a variance will be needed for setbacks, as 150 feet required between all property lines between residential properties and there obviously will not be 150 ft on each side between the Field Hall and the skilled nursing facility. Riina noted that Building Inspector John Winter had taken a look at the plans. Tegeder suggested the Board issue a letter indicating that there are no objections, as long as the required variances are obtained. Fon indicated that the Planning Board is all in agreement about the proposed project.

### **Ianuzzi Subdivision**

**SBL: 47.15-1-14, 15, 16**

#### **Pre-Preliminary Discussion**

*Location:* 1189 Baptist Church Road

*Contact:* Site Design Consultants

*Description:* The property owner is proposing to re-subdivide the existing 3 lots into 4 lots under the Town's Flexibility Standards.

Joe Riina, project engineer, Al Capellini, project attorney, and Stephen Ianuzzi, property owner were present. Capellini presented the plans to the Board explaining that this proposal involves a twenty-acre central parcel, with two additional adjacent parcels. He noted that there are existing residences on the adjacent parcels. The Applicant is proposing that the three existing parcels be subdivided into four parcels. Capellini indicated that the four lots would conform to the R1-160 zone. The applicant would like to use the Town's flexibility standards in order to not build a town road providing each lot with the required frontage.

Flynn inquired about property's vicinity to a nearby horse farm. Riina replied that this property is further east on Baptist Church Road from the horse farm. Tegeder asked about existing structures on the site. Riina replied that there are 5 existing structures, consisting of residences and garage structures. Riina explained that the applicant is proposing to use an existing common driveway instead of building a town road with cul-de-sac. The Metzger house (the front house) would be razed and another residential structure would be built. Riina stated a Conservation Easement would be proposed over the open space at the rear of the property.

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Riina noted that the owner, Mr. Ianuzzi has an irrevocable right-of-way from the City of New York over the aqueduct. The right-of-way has been granted to the landowner and is deeded and recorded on original title. Riina added that acquiring the Metzger property was key to the re-allocation of space, as it afforded frontage to subdivision. Flynn asked about historical significance of the Metzger home to Town. Ianuzzi replied that it had none, as it was built in the 1940's.

Ianuzzi further described the changes to the driveway and noted that the improvements will have minimal impact on the site. Riina mentioned that the existing driveway will have to be widened to accommodate fire vehicles. Flynn expressed concern about impact on the property. Ianuzzi replied that the driveway is Item 4 and already exists and is visually pleasing as an entrance to the property. It just needs to be widened.

Capellini asked about proceeding to go before the Town Board to request the Flexibility Standards be used. He noted that property lots will be larger and meet the 4-acre requirement. Flynn inquired about the changes necessary to achieve the Flexibility Standard.

Georgiou inquired about how this plan is meeting the intent of the Flexibility Standards with the common driveway. Capellini noted that the driveway is existing. The proposed changes to the driveway will be minimal and will conserve much more land than would adding a cul-de-sac, as would be done in a typical subdivision. Cappellini added that lots on the site are visually pleasing. Ianuzzi reported that the existing driveways are well maintained and in good condition. They are plowed privately and well lit. Tegeder asked about surface water on the properties. Riina and Ianuzzi reported that there is only surface water in the early spring. Ianuzzi asked the Board when they would like to visit the site. The Board agreed to meet on June 13<sup>th</sup> at 9:30 am.

### **Hanover Corner (fka Fertucci)**

**SBL: 37.18-2-77, 78**

#### **Pre-Preliminary Discussion**

*Location:* 1803 Commerce Street

*Contact:* Site Design Consultants

*Description:* The property owner is proposing on-site parking to accommodate the existing two-story building.

Al Capellini, project attorney, Joe Riina, project engineer, and Mike Dubovsky, property owner, were present. Riina presented the plan to the Board and noted that previous proposal had full site plan approval for the new building footprint and similar parking configuration. The new plans call for maintaining existing building and garage, as a lot of recent improvements have been made to the structures. Riina noted that the entire first floor of the building is office space with two apartments on upper floors. He stated that there are problems with the existing parking arrangement. Tenants and customers now have to park in town lot across street. The new parking would be of value to the tenants. A new two-way curb cut on Commerce Street is also proposed.

Fon asked about site distance. Riina reported the new configuration will improve site distance. Riina indicated that the existing configuration is not safe, due to the bus stop in front of the Trailside Café.

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Dubosky added that with the outdoor seating and bus stop on the sidewalk, it was difficult for people exiting the property to see towards the intersection. Riina presented photos to show site distance from the new access. Riina stated he would do an analysis and provide site distances. Flynn inquired about sidewalk around site. He suggested that the sidewalk be kept in the plans and that the rise in elevation around the corner that blocks the view be removed. Flynn also asked about issues with neighboring properties and a retaining wall on the site. There had been concern whether building the retaining wall would undermine the existing building on that property. Dubovsky mentioned that he spoke with the owner of the Angelface Spa who purchased the neighboring parcel from her landlord. She had no problems with the proposed plan.

Tegeder asked about parking demands for the site. Riina replied that requirement for the site is 13 parking spaces and that the proposed parking lot provides 15 spaces. Flynn inquired about the apartments meeting the Town Code and the property meeting the outdoor recreational space for residences. Riina replied that the existing structure will not be changed and is grand-fathered in to the older code requirements. Riina added that the calculation for the required 13 parking spaces does factor in apartments, (2.2 required spaces per apartment), as well as the 4 required spaces per 1,000 s.f. of office area, which is 8 spaces. Therefore, the total spaces required is 13, while the proposed plan will accommodate 15 spaces.

Georgiou asked about the increase in impervious surfaces. Riina stated that the increase is minimal, but has not been formally calculated yet. Fon suggested that the Board visit the site on June 13<sup>th</sup> at approximately 10:30 to 11am.

### **Costco Wholesale**

**SBL: 26.18-1-17, 18, 19 & 26.19-1-1**

#### **Discussion Site Plan**

*Location:* 3200 Crompond Road

*Contact:* TRC Engineers

*Description:* Application to construct a 151,092 sf Costco Wholesale Club store and member only gasoline filling station.

Al Capellini, project attorney, and Tom Holmes, from TRC Engineers were present. Capellini stated that since the last discussion in December, 2014, the site plan has been revised. Meetings with the NYCDEP have been conducted. Holmes stated that there were 18 chapters of the FEIS and the Findings went through each therefore the submission has prepared in the same way to answer each point. Holmes reported that there are over 100 items or conditions identified in the Findings.

Holmes gave an overview of the summary document. Holmes explained that notations are made in his summary that correlates to the location on the plan, where you can find the mitigation measures. Holmes also presented a summary of responses to the Watershed Inspector General and the DEP. In addition, several supporting documents were prepared as a result of certain findings. For instance the Findings required a blasting plan, so a blasting plan is included in this document. There was a Finding regarding the operations at the gas station, so an operations manual for the gas station is included in the document. Holmes added that documents numbered 1 through 9, are stand-alone documents. Costco's Corporate Waste Stream was also provided. Holmes mentioned that ABACA wanted to see photos from the southbound Taconic State Parkway. He also noted that the

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NYCDEP has identified two issues late in the process, pollutant loading and the design of water infiltration system.

Fon and Savoca interrupted Holmes and suggested that a separate meeting be held to address all the items listed in the document, and to give the Board time to digest the lengthy book that was just received on the previous Friday. Holmes agreed that it would be important for the Board to have adequate time to review the documents. Savoca explained that the Board wants to fully understand all the changes to the site plan. Holmes offered the book as an aid to understand all the changes. Holmes also stated that some of the mitigation measures simply affirm items that were already on the plans. For example, if a Finding states a note should be on the plan, the response is simply that the note is on the plan. Holmes stated that he wanted to explain what the most significant changes are however, the Board again requested more time to digest all the documents. Tegeder then brought up earlier concerns about traffic flow and bike path.

Holmes stated that WIG (Watershed Inspector General) and the NYCDEP have requested changes to both the stormwater management design the infiltration practice. He added that the pollutant loading was being treated with infiltration practice system. However, soil percolation on the site was found to be too good. Flow would be too fast for an infiltration practice system to work. An alternative would be to use two pre-treatment devices, Jellyfish filters and Vortec filters. Methods for infiltration usually are either a basin or an infiltration trench. The NYCDEP said that the proposed chambers were functioning as an infiltration trench. They expressed concern about infiltration all in one location. So, instead of one infiltration system, the plan was redesigned to provide three chambers. He noted that stormwater will now be discharged over several hundred feet. The infiltration trench is only permitted to receive 5 acres of stormwater run-off. There are 15 acres at this site. So, three infiltration systems are being designed, each receiving 5 acres of run-off and then distributed over several hundred feet. The design includes Jellyfish filters and Vortec units that will treat the run-off, prior to the water reaching the infiltration system. Changes being made will all be underground. There is no surficial changes to site plan. Tegeder inquired about how surface water is drained and how does it run underground. He questioned if each of the 5 acre areas feed specific infiltration systems. Holmes affirmed that each 5 acre area feeds into a specific filtration system, System D, E and F. Each system has a defined contributing area. Surface areas drain into diversion structures to divert low and high flows. Low flows are directed to systems D, E and F, to maintain water quality. Each infiltration system will be fed simultaneously. In a larger storm, there is an overflow, the water is mitigated, then discharged into the basin.

Holmes informed the Board that two additional reports compliment the SWPPP, to describe what is going to happen to groundwater for paved-over areas. The Ground Water Report describes what will happen to groundwater. The second report is a Pollutant Loading Report. The Pollutant Loading Report confirms that design changes conform to NYCDEP requirements. Holmes added that they have also met with NYSDOT to discuss stormwater issues. The NYSDOT commented that they did not want to see so many structures in the right-of-way that they will have to maintain. The plan is being amended to include only two diverging structures. The NYCDEP is requiring the diverging structures.

Tegeder asked about the NYSDOT memo of May 14, 2015, that requires the realignment of Mohansic Avenue. Holmes stated he thought they had aligned the proposed Costco driveway with Mohansic Avenue however the NYSDOT felt it was not aligned because Mohansic is at a different angle to the intersection. The applicant will realign the road as the NYSDOT has requested.

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Tegeder also inquired about the purchase of 9 acres of property. Holmes could not respond to this NYSDOT item at this time.

Fon asked about who from staff will be needed to attend a special Costco meeting. Tegeder indicated that Bruce Barber will be needed. Fon inquired about giving notice of this meeting to the public. He wants the notice to be more specific, indicating that a special meeting will be held to review the Costco submission. Steinberg suggested a notice similar to the special meeting the Board held to review the FEIS. Fon suggested Monday, June 15, 2015, at 7 pm, for the special meeting at the YCCC. He stated that he feels that it is important to notify the Public about all the changes.

Georgiou asked about the changes to Mohansic Avenue, with respect to SEQRA Review Process. Holmes replied that the applicant was already widening Mohansic Avenue to add a right-turn lane. Tegeder added that the bike trail will be using the shoulder of the road along the site, so pedestrian access to the trail also needs to be addressed. Holmes stated that some items like the bike lane/shoulder were left for discussion during the site plan review and the applicant would be prepared to discuss them with the Board.

### **Minutes:**

As a quorum was now present, the minutes of the April 20, 2015 were reviewed at the conclusion of the work session.

**Upon a motion by Darlene Rivera, seconded by John Flynn, with all those present voting aye, the Board approved the April 20, 2015 meeting minutes, with noted corrections.**

**Upon a motion by John Savoca, seconded by John Flynn, and with all those present voting aye, the Board voted to close the meeting at 9:05 pm.**