

## Planning Board Minutes January 11, 2016

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A meeting of the Planning Board, Town of Yorktown, was held on January 11, 2016, at the Yorktown Town Hall Board Room, 363 Underhill Avenue, Yorktown Heights, NY 10598. The Vice Chair, John Flynn, opened the meeting at 7:00 pm with the following members present:

John Kincart  
John Savoca  
Darlene Rivera

Also present were: John Tegeder, Director of Planning; Robyn Steinberg, Town Planner; Tom D'Agostino, Assistant Planner; Anna Georgiou, Planning Board Counsel.

### **Minutes:**

There was no quorum for the December 21, 2015 minutes.

### **REGULAR SESSION**

#### **Marathon Development Group**

**SBL: 37.18-2-51**

#### **Public Hearing**

*Location:* 322 Kear Street

*Contact:* Site Design Consultants

*Description:* A three story commercial/residential building with associated parking and walks.

Al Capellini, project attorney, Joseph Riina, project engineer of Site Design Consultants, Ed Vogel, project architect of Warshauer, Mellusi, Warshauer Architects, and property owner Mark Beida, were present. Capellini stated this application is for the development of a site located on Kear Street that is just under half an acre. A multi-use building is proposed with commercial on the first floor and two upper floors of rental apartments; six one-bedroom and six two-bedroom. The site is in the C-2R zone. The property is on the northerly side of Kear Street near the intersection of Underhill Avenue and Commerce Street. The site is located in the so-called urban area of Yorktown Heights and is walking distance from Town Hall, the firehouse, the highway department, the YCCC building, and two of the main shopping centers in the town; the Yorktown Green and Triangle Shopping Centers. It is in the heart of the town and has the infrastructure, the water, sewer, sidewalks, and municipal offices. It is an area suited for this type of development to support the commercial uses. Everything is in walking distance and there is a bus service that services this part of town.

Flynn noted that although the applicant noticed the hearing properly, the town did not get the proper notices in the newspaper, therefore the Board will continue the hearing to an additional meeting that will be noticed in the newspaper.

Riina pointed out the adjacent buildings and uses on the area map. The site is 0.41 acres or almost 18,000 SF in area which is compliant for that zone. The building footprint is approximately 5,240 SF. The proposed building is three stories with commercial space on the first floor and residential on the two upper floors. The commercial space is approximately 2,700 SF. To the rear of the commercial space, under the second and third floor will be 12 covered parking spaces. There is handicap parking located here as well as tenant spaces. The building will have a maximum height of 35 feet which is compliant with the town code. Overall the project meets all the bulk standards for the zone except the front yard. The building was moved into the front yard 10 feet during the planning process, leaving a 5 foot setback from the property line that will require a variance. The site access will be one-way

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directional flow through the site. The entrance will be next to the Shell Station and exit on the dentist side. The hatched area is a setup area for emergency vehicles including a ladder fire truck. The green shown in this area will be grass pavers to reduce the amount of impervious area, but will look like grass. The spaces along the rear property line will also be pervious pavers. The dumpster is located in the northwest corner of the site. There is snow storage area along the western property line. There is a sidewalk system around the sides and front of the building that connects to the existing sidewalk along the street. There are areas provided for landscaping to enhance the streetscape along Kear Street. The parking required for the zone is 37 spaces as calculated based on the amount of square footage for the commercial space and for the 12 residential apartments. The applicant is asking the Planning Board to consider a 25% reduction in the parking spaces, which is allowed if you have overlapping uses. The applicant has prepared a parking analysis based on another property he owns with a similar use just west of this site. The parking study was conducted over a period of a week and found that there were approximately 1.5 parking spaces per dwelling unit used. This provides support for the request to reduce the parking on the site. In addition there was discussion of possibly land banking the proposed spaces on the sides of the building. These spaces could be made into landscaped areas and only built in the future if needed. This would decrease the amount of impervious area and add more green space. The site will be served by public sewer, public water, and gas. This site is in the NYCDEP Designated Main Street Area which requires a certain level of stormwater management which will be done through a combination of green infrastructure practices and stormwater practices.

Vogel stated the mixed use development has first floor retail and second and third floor residential multi-family. There are 12 units; one-bedroom units are approximately 600-625 SF and two-bedroom units are approximately 670-700 SF. Three of each type on each floor. The residential access will be on the east side of the building into a small lobby. Vogel described the architecture of the building. The project is also sustainable and green. The project is entertaining energy star requirements, water saving features, energy efficient equipment, a cool roof, and improved thermal envelopes. Also in the design of the floor plan, the lobby has been designed to encourage the use of the stairs. There is bicycle storage shown for both visitors and tenants. All this lends itself to the proper placement of the project on this site. Tegeder asked to view the side elevations of the building and if where there is the parking under if there is a wall or a column there. Vogel stated there is a column, but essentially the entire space is open.

Flynn asked if this project would be a good use of the NYS incentives for solar power. Vogel stated that solar will depend on the amount of space left on the roof. The footprint of the building is a little over 5,000 SF, but it could be a potential. Flynn asked if the commercial space downstairs would be available to any retail, the concern being the lack of entrance to the commercial space for loading or deliveries. Vogel said the retail space is only 2,673 SF, but is potentially dividable. There are three doors across the front of the building. If there was a single tenant, one of the three entries could be designated for deliveries, but loading is planned to be in the front. Flynn stated his concern is that Kear Street is not wide enough to accommodate on street parking and loading because delivery trucks will inevitably park in front and block the street. In addition, if there is no designated unloading area, there will be no space for boxes to be stacked up until employees move them into the store. Vogel stated there is enough room on the side of the building where the delivery trucks should be unloading for boxes to be stacked should they need to be. All of these circumstances will depend on the type of use and a policing of the deliveries by the retail tenants. The site will not support a restaurant use.

Kincart clarified that the applicant is requesting a 25% reduction in parking so this indicates an overcrowding of the site in his opinion. Vogel stated the applicant is making this request.

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Albert Padovani – 321 Kear Street (directly across the street from the site)

Padovani had many concerns, but stated his main concern is overflow parking using his site where there are only 3-4 spaces in front of the Yorktown Medical Lab. In addition the parking mentioned on the sides of the building was not defined as to number or spaces or dimensions.

Ed Ciffone – 2635 Dunning Drive.

Ciffone noted the site looks different from when he saw the plan a few months ago. The site does not have enough parking. Kear Street has on street parking on the right side, but if cars are parked here, you have to drive over the yellow line to pass by. Ciffone was concerned he heard the applicant state access to the residential is only on one side of the building. There should be another access for fire safety. Ciffone stated he has criticized Yorktown for affordable housing. The Underhill Apartments were low income housing that was changed to affordable housing to help meet the counties affordable housing requirement. There are 26 at Crompond Crossing, 60 at Underhill Apartments, 16 more at the new rezoned property in Crompond, and now this is 12 more apartments. That totals 96 possible affordable units before these 12 more just in Yorktown, which is going to change the whole demographics of the town. Legislator Kaplowitz has stated this housing is for police officers, teachers, etc. That is nonsense. It is to meet the County's requirements to desegregate. Kincart clarified that the Town has no requirement. The County has the requirement for 750 affordable units. Ciffone agreed, but stated there are 31 towns in the county so there should only be 26 units required per town. Ciffone asked to clarify that sewer and water are available at the site already. Kincart confirmed that there is a sewer line and this property has a permit. Ciffone asked if the 12 units will be under the plan and subsidized by the County. Savoca confirmed the units will count towards the County's affordable units. Ciffone questioned the continued hearing and if the plans would be revised. The Board stated the hearing would be continued with the same plan on February 8, 2016. Ciffone requested a list of changes that have been made to the plan since the previous Public [Informational] Hearing. Tegeder stated Ciffone could visit the Planning Department and see the previous plans.

Capellini responded to Ciffone by asking Tegeder approximately how many total residential units there are in town. Tegeder stated there are approximately 11,000 – 12,000 total residential units in town. Capellini continued stating the 60 units at the Underhill Apartments came out of Urban Renewal. They allowed people that were living in substandard housing in the early and late 1960s to be resettled in decent housing. Those people have continued, been successful, and it has been a valuable asset to this community. The 26 units that were approved at Crompond Crossing are 26 single-family fee simple homes where there was an \$80,000 - \$85,000 maximum income to qualify. The 16 units discussed at Crompond Terraces have never come to the Planning Board for site plan approval. The unit count comes out of a concept for a zoning change. And the 12 units discussed here will result in a demographic change. We are dealing with housing for individuals where no profit making entity will build affordable housing. It has to be subsidized. This segment of any population has to be dealt with otherwise they will be living in the streets.

Kincart asked if the 12 units will be available to Yorktown residents if they qualify. It would be nice if the apartments were available to Yorktown residents first. Capellini stated that isn't the way it works. The apartments will be available to anyone who qualifies. The rentals range from \$1,000 - \$1,500.

Beida stated the units have to be advertised to a wide area. The same was done at Underhill Apartments where a vast amount were from Yorktown and the surrounding towns.

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Capellini stated that this parcel has been vacant for years and nothing has been built. Flynn agreed. There has only been one other application for this parcel, which was for a bar and grill that didn't have enough parking.

**Upon a motion by Kincart, seconded by Rivera, and with all those present voting aye, the Board voted to adjourn the Public Hearing until the Board's February 8, 2016 meeting.**

**Upon a motion by Savoca, seconded by Rivera, and with all those present voting aye, the Board closed the regular session.**

### WORK SESSION

#### **JCPC Holdings, LLC**

**SBL: 48.07-2-2**

#### **Discussion Site Plan**

*Location:* Front Street

*Contact:* Ciarcia Engineering

*Description:* Applicant proposes to construct a 5,000 sf building for an engine building shop and to restore and repair cars.

Dan Ciarcia, project engineer, Steve Marino, project environmental consultant of Tim Miller Associates, and the applicants, John and Patty Cerbone, were present. The wetland on site is a town wetlands and not under state or federal jurisdiction. The Board agreed the project can move forward on functional assessment of the wetland. There is a pipe on the site that might have allowed drainage in the past, but seems to be blocked soon after leaving the manhole. The end location of 10 inch pipe is unknown. Board questioned if the pipe is opened up if the wetland will disappear. Ciarcia stated that overflow from the clogged pipe will be gone, but the site itself is a low area cut off by Front Street and will still collect water from the road and from the rear of the property, where the larger surrounding drainage area drains downhill to the site. Bruce Barber, the Town's Wetland Consultant, stated the function of the wetland could simply be ground water recharge and relief of flooding. Some spots are 6" to a foot lower than the sidewalk enough to make the water collect. The Board asked how the drainage from the hill will be handled. Ciarcia stated that water will be diverted away from the building and parking areas. The Board would like the applicant to investigate the unknown pipe before next work session. Barber cautioned that a wetland permit would be needed if there was any digging. Marino and Barber agreed that mitigation would most likely have to occur off-site and they had discussed an area behind the UPS as a possible location. The proposed building is a one-story, high-ceiling building.

#### **East Coast Auto Sales & Storage, Inc.**

**SBL: 48.07-1-56**

#### **Discussion Site Plan**

*Location:* 1401 Front Street

*Contact:* Site Design Consultants

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*Description:* Discussion public garage use on existing lower level of the building and the associated outdoor storage of vehicles.

Joseph Riina, project engineer, stated the applicant was not present and they would come to another work session to discuss the project.

### **Staples Plaza**

**SBL: 36.06-2-76**

#### **Discussion Master Sign Plan**

*Location:* 3333 Crompond Road

*Contact:* Norman DiChiara Architects

*Description:* Discussion of the revised master sign plan for the shopping center.

Paul Tepfer, project architect, was present. Tepfer expressed a few issues the property owner, Urstadt Biddle, would like clarified. First, if a tenant moves from one building to another whether the existing sign can be moved with them. An existing sign is allowed to be reinstalled in the same location where it was removed if the façade is upgraded, so the question is why it wouldn't be allowed at new location. The Board agreed an existing sign could move to another location on the building as long as it fit in the sign field. Tepfer questioned what face-lit signs meant and if this language could be eliminated. Steinberg clarified that this statement was meant to exclude externally lit signs from being allowed. Tepfer stated the language regarding "excessively bright colors, neon or florescent are prohibited" was not clear. Tegeder stated this was to prohibit certain types of colors that are made to reflect light or fluoresce. These colors used in a logo may not be offensive, however an entire sign made with these bright colors may not be up to standards of how Yorktown should look. In order to maintain prohibition, it should be rewritten that the use of fluorescent paints should be prohibited. The Board agreed and will continue their review at the next meeting.

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