

## Planning Board Minutes March 28, 2016

---

A meeting of the Planning Board, Town of Yorktown, was held on March 28, 2016, at the Yorktown Community & Cultural Center, 1974 Commerce Street, Yorktown Heights, NY 10598. The Chair, Richard Fon, opened the meeting at 7:03 pm with the following members present:

John Flynn  
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; Bruce Barber, Town Environmental Consultant; and Councilman Gregory Bernard, Town Board Liaison.

**Discussion:** Fon asked Tegeder to update the Board on two applications that recently were in front of the Town Board. Tegeder stated CJ Diven laid out for the Town Board a particular type of event with a particular vendor that he would like to hold on his site. The vendor holds fitness events with different obstacles, etc. which can be fairly large. Tegeder stated that he and the Building Inspector, John Winter, reminded the board that both resolutions require an event plan for any event where over 200 people are expected to attend. Diven would like to hold a smaller event first, to learn from it, and then begin to hold larger events. Supervisor Grace suggested there be some type of provision in the code that would require an event permit for these types of events; just like the community festival and the San Gennaro festival, that have been happening in town in the past few years. Diven had come to a previous meeting to ask the Town Board about use of the lower fields. The Town Board felt he should be able to use them because they are his property. The land was old paddocks and is considered town wetlands. Councilman Bernard stated the question would be if kids can play on a wetland. The Town Board is in favor of bringing events to town, but the access to the site, parking, etc needs to be considered. Tegeder remembered that at least one of the resolutions restricts use of the lower fields for active recreation. Use of the lower fields will therefore probably be an issue when Diven returns to the Board. Flynn stated that if he owned a wetland area in town and was told he couldn't do anything on it, he would be dismayed if town sanctioned events would be occurring in the wetlands. Flynn also wondered if the Planning Board should be reviewing events and be event planners. Tegeder clarified that the review would consist of traffic flow, parking, etc. Bernard stated that if an event permit were created in the Town Code, the Town Board would be the approval authority and all issues would be taken into consideration. Fon stated that once the parking for one event was agreed upon, maybe the Rec Board would be better to review ongoing events of different types. Tegeder stated that a year or two ago there was an event at Navajo Fields that did cause a traffic problem on Route 6N. Fon asked if the NYSDEC would be involved in this property. Tegeder stated that yes, there is a state wetlands on the property and the permit for the Navajo Fields development is still open.

Tegeder stated that Rocco Triglia addressed the Town Board last Tuesday night as well. Mr. Triglia wanted to talk to the Town Board about his road improvements. The Highway Superintendent indicated that the road would cost approximately \$15,000 to \$20,000 for the 80-100 feet of road required to be built for one new lot. Triglia disagreed with the assessment of this cost. There was a general discussion of future development in the area. There were 2-3 neighbors at the meeting. An active neighbor stated that none of the neighbors want the road improved. However, the Planning Department received an email from a neighbor directly affected on Turus, who does not have this opinion. This neighbor would rather the neighborhood not change, however if new development is going to happen, improvements should be made. The Town Board did discuss that maybe drainage improvements, instead of roadway improvements, would be more prudent to complete. Bernard stated that a new catch basin should be constructed at the corner of Christine and a swale along the road to direct runoff towards this catch basin. Triglia seemed amenable to do this. Tegeder stated that this

## **Planning Board Minutes March 28, 2016**

---

Board requested Triglia look into improving this section of road and that they would be more flexible in doing this. Tegeder stated that he reminded the Town Board they could help the Planning Board by granting some flexibility in the road requirements. The Town Board agreed and voted to grant the Planning Board authorization to use flexibility for the subdivision. The Town Board recognized the Planning Board is the approval authority for the road and drainage improvements.

### **Minutes:**

**Upon a motion by Rivera, seconded by Savoca, and with Fon, Rivera, and Savoca voting aye, the Board approved the March 14, 2016 minutes per the chair's corrected copy.**

### **SPECIAL SESSION**

**Upon a motion by Rivera, seconded by Savoca, and with all those present voting aye, the Board voted to open a Special Session.**

#### **Field Home**

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

#### **Request for a one-year Time Extension**

Location: 2300 Catherine Street

Contact: Albert A. Capellini, Esq.

Description: Approved site plan to construct a continuum of care facility consisting of independent living units and a skilled nursing home to replace the existing home for expanded care supporting both communities.

Al Capellini, project attorney, was present. Capellini stated the applicant has completed all the conditions for the NYCDEP approval. The final step is the Board of Health approval. Therefore, the applicant is asking for an extension of the reapproval.

**Upon a motion by Savoca, and seconded by Rivera, and with all those present voting aye, the Board approved a 1st One Year Time Extension for the Field Home Site Plan.**

**Upon a motion by Savoca, and seconded by Flynn, and with all those present voting aye, the Board voted to close the Special Session.**

### **WORK SESSION**

#### **Trailside Cafe**

**SBL: 37.18-2-79**

#### **Discussion Special Use Permit**

**Location: 1807 Commerce Street**

**Contact: SI Design**

**Description: Request for a special use permit to allow outdoor seating at the rear of the building.**

Sid Schloman and Justin Fagan were present. Schloman stated the application is for outdoor seating in the rear of the building. There would not be an increase in traffic or need for parking because approximately 80% of the customers are from the bike path. There are 34 seats proposed on the rear patio, however this includes seating on two stone walls in addition to chairs. There are 29 actual chairs proposed on the patio. The code issue would be parking. The building has no parking. Fagan stated the

## Planning Board Minutes March 28, 2016

---

patio was set up last year without a permit because he was unaware he need to obtain one. Flynn asked if there is any opportunity to waive the parking in the code. Tegeder stated he would have to research the parking issue and consult with the Building Inspector. Flynn brought up Starbucks as an example of a similar use with limited parking. When Starbucks came in front of the Board it was considered whether to remove the front sitting area to create parking or not. At the time, the Board decided to wait and see how the site was used. Fagan stated there are about 10 seats inside the building. There is no food served on the patio. Patrons can sit on the patio after picking up their food inside. The Board agreed the site was an asset to the area and was like the Starbucks. The Board will have to issue a special permit for the outdoor seating. Fagan stated the community lot across the street is always full by the highway department and the Yorktown Autobody employees. The applicant was asked to submit the Special Permit application, a Short Environmental Assessment Form, and the special permit fee. A resolution will be drafted for the April 11<sup>th</sup> Planning Board meeting.

### **Kelderhouse-Dornoch**

**SBL: 16.17-1-48.1 & 48.2**

#### **Discussion Subdivision**

Location: Turus Lane

Contact: Dornoch Development, LLC

Description: Proposal for a combination of 2 lots to form 1 lot for construction of a single family residence.

Bruce Kelderhouse, property owner, was present. Kelderhouse described the development he has completed on Turus Lane up to now. A variance has already been granted for 0 feet of road frontage on a town road for the proposed home. The sewer and water service would be obtained from Christine Road through the Priest Lane right-of-way. Tegeder stated the paper roads are on a filed map therefore, there is an irrevocable offer of dedication to the town for those roads. Kelderhouse stated all the paper roads are a separate lot that he owns. Bernard stated that the Planning Board could abandon the paper roads. Tegeder stated a map would have to be filed in the county to do this. Barber summarized the wetlands that are on the lots within the old subdivision. He still needs to take a look at the parcel where the home is proposed. Kelderhouse stated that a few years ago he did talk to John Schroeder from the Yorktown Land Trust about expanding the town owned land to the south and donating the wetlands to the town. He stated Schroeder told him at the time that he didn't think the town was interested. Barber stated that the Board should consider the drainage infrastructure. Tegeder stated the original subdivision is the basis for jurisdiction of Planning Board to approve the excavation permit for the proposed lot. Fon stated the Board would like to ask their attorney some questions in an advice of counsel session regarding the paper roads and their jurisdiction. Tegeder asked Kelderhouse to bring his site plans for the proposed residence to the next Planning Board meeting on April 11, 2016.

### **PEG Realty Corporation**

**SBL: 16.08-1-2**

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

Location: 3699 Hill Boulevard

Contact: Signs Ink

Description: Proposed Master Sign Plan for a new shopping center.

Tim Beachak from Signs Ink was present. Tegeder stated that the Building Inspector considers the new building a new commercial complex for which the Town Code requires a master sign plan. Signs Ink is only proposing the building signs now and not the monument sign. The proposed signs conform to the

## Planning Board Minutes March 28, 2016

---

Town Code. Tegeder stated the applicant should go to ABACA for review and the Planning Board can have a resolution approving a maser sign plan for the April 11<sup>th</sup> meeting. The applicant should submit the proposal for the monument sign before the April 11<sup>th</sup> meeting.

### **JCPC Holdings, LLC**

**SBL: 48.07-2-2**

#### **Discussion Site Plan**

Location: Front Street

Contact: Ciarcia Engineers

Description: Applicant proposes to construct a 5,000 sf building for an engine building shop.

Dan Ciarcia, project engineer, and John & Patty Cerbone, property owners, were present. Barber stated the Town Board was supportive of the offsite mitigation concept. An updated EAF was submitted to reflect the work proposed on the Town owned property. Flynn asked how the East of Hudson (EOH) is involved in this mitigation. Barber stated that there is a tremendous amount of pollution from this 88-acre drainage area headed to the town owned property. He has been told that the EOH has this property on an A list for their next round of projects because of the potential to remove a large amount of phosphorus and other pollution from the watershed before it enters the wetlands. Ciarcia stated the applicant's proposed contribution to the larger project is to construct the forebay and prepare the area by cleaning it up, grading, and seeding it. Barber stated this proposal is one of the options, and the option that was favored by the Conservation Board. Another option is to construct only the forebay. This would greatly improve the function of the wetland. Then the cost of the rest of the work shown on the plan would be estimated and the applicant would be asked to set this amount aside, for an amount of time to be determined, to pay for construction in the future. Barber stated the cost for the mitigation would be about \$60,000/acre or \$15,000 for the area proposed. A third scenario would be to not build anything and include the forebay construction in the money set aside by the applicant for the future. Barber would like to see Steve Marino's report on the mitigation before making his recommendation to the Board. He is leaning towards the second option because he would not want any work completed by the applicant to be taken out if EOH does complete a project in the future. Barber suggested the amount of time the money would be set aside for could be 2 years. The Board schedule a Public Hearing for the April 11<sup>th</sup> meeting. Tegeder stated the Planning Department needed Marino's plan at least one week before the meeting. Barber stated the applicant needs authorization from the Town Board apply to perform work on Town property. Bernard agreed that a memo could be sent from the Town Board. The Planning Board will ultimately decide which wetland mitigation option the applicant is required to complete.

### **Chase Bank - 1975 Commerce**

**SBL: 37.14-2-66**

#### **Discussion Site Plan**

Location: 1975 Commerce Street

Contact: Gibbons, P.C.

Description: Proposed to construct a freestanding +/- 4320 sf bank with one drive-thru lane and one bypass lane, with on-site parking and related site improvements.

Jennifer Porter, project attorney; Mike DeWitt, project engineer; and Chris Cesca from Chase Bank; were present. Porter reviewed the letter sent after the last Planning Board meeting. The formal site plan application and EAF were submitted. A traffic consultant has been hired. A report will be submitted before the April 11<sup>th</sup> meeting and the consultant will be present at the meeting. A stormwater pollution

## Planning Board Minutes March 28, 2016

---

prevention plan was also submitted. DeWitt reviewed the revisions to the site plan. The ATM was moved back 80 feet from the road. A location map was added to the cover sheet of the plans showing the surrounding properties. In order to protect the existing tree with the monument, the entrance drive was shifted to the east. The stormwater plan proposes to capture and treat the water quality storm. The proposed development decreases the amount of impervious surface on the site. The site is treated as a redevelopment site in the NYCDEP Main Street Area. Barber stated the NYCDEP will most likely not give credit for the decrease in impervious surface since there is new impervious being added. DeWitt stated the stormwater plan was designed taking this into account. The applicant is open to streetscape improvements. Fon stated the landscaping and streetscape should go to ABACA for review. Flynn asked about the demolition permit and a retaining wall that was going to be partially removed. DeWitt stated this is in the front west corner of the site. The retaining wall needs to be cut back to accommodate the entrance drive. Porter stated the applicant submitted a Lighting Plan which exceeds the 0 foot candle requirement at the property line because of required lighting for the ATM. Porter pointed out that the Town's Lighting Ordinance does allow for required ATM lighting. DeWitt stated the ATM requires 2.0 foot candles for 30 feet from an exposed ATM. The lighting plan shows the radii of this required area. Tegeder asked if the light fixtures are fully shielded so the light source is hidden. DeWitt agreed that the lights on the ATM side of the site can be shielded. The Board will hold a Public Informational Hearing at the April 11<sup>th</sup> meeting.

### **Orchard View Realty Subdivision**

**SBL: 36.06-2-78**

#### **Discussion Site Plan**

Location: 2425 Sherry Drive

Contact: Zappico Construction, LLC

Description: Proposal is to subdivide a 9.2438-acre parcel in a R1-20 zone into 9 lots.

Applicants Jim, Brian, and Branden Zappi of Zappico Construction were present. Brian showed the additional layouts that had been considered in their own site designing process. All the alternate plans meet the zoning code. The Planning Board had previously requested showing grading in the back yards of the homes on the west side of the site and this has been added, giving each home approximately 2-30 foot yards. A detail of the infiltration system was also submitted. Fon stated the Town has hired a new Town Engineer and he will review this. Tegeder asked if Zappi has other installations of the infiltration systems in the area. Jim stated that they will be installing their first underground infiltration system under a road on a subdivision approved in Ardsley. Barber suggested maybe reducing the amount of flow to the infiltration system by adding smaller practices on each lot. Brian stated the new road is intended to be dedicated to the town. The applicant is coordinating test holes with Mary Galasso from NYCDEP. Barber stated the Town must also witness the testing if we will be taking over the infiltration system. Tegeder would like to see an alternative plan pulling the cul-de-sac to the south and not providing the required front yards. This alternative may or may not be a better situation. Bernard stated that the town is looking to not continue to take over more basins. Tegeder stated the basin shown already exists and the town is supposed to be maintaining it. Barber suggested the applicant look at green infrastructure practices to treat the stormwater on the individual lots. All subdivisions require a 10% recreation donation so this process still must be done through the Rec Commission. Bernard stated the Hunterbrook Field might be a good project for this applicant to either fund or build. Jim stated the applicant would be willing to improve an existing park if required. Barber suggested the applicant meet with the town staff before completing a lot of analysis on the stormwater.

## **Planning Board Minutes March 28, 2016**

---

A neighbor present at the meeting asked whether the road was proposed to connect Sherry and Pine Grove Court as was stated in a newspaper article. The road is not proposed to connect between Sherry and Pine Grove Court. This was an error in the newspaper.

**Upon a motion by Savoca, seconded by Flynn, and with all those present voting aye, the Board voted to go into an advice of counsel session with the Board's attorney.**

**Upon a motion by Savoca, seconded by Rivera, and with all those present voting aye, the Board voted to close the meeting at 9:45 pm.**