

## Planning Board Minutes June 27, 2016

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A meeting of the Planning Board, Town of Yorktown, was held on June 27, 2016, at the Yorktown Community & Cultural Center, 1974 Commerce Street, Yorktown Heights, NY 10598. The Chair, Richard Fon, opened the meeting at 7:00 pm with the following members present:

John Flynn  
John Savoca  
Anthony Tripodi

Also present were: Robyn Steinberg, Town Planner; Tom D'Agostino, Assistant Planner; Anna Georgiou, Planning Board Counsel; Michael Quinn, Town Engineer; and Patrick Cumiskey, Recreation Commission Liaison.

**Courtesy of the Floor:** Steinberg stated the Martinez 2-Lot subdivision was requesting a demolition permit for the existing structures on the lot. The Board had approved the 2-Lot subdivision in 2005. The Board no objection to the demolition permit provided no additional earthwork was performed in relation to the subdivision plan and wetland mitigation plan.

Steinberg showed the Board the Amended Solid Waste Law sent by the Town Board. All comments made by the Planning Board were incorporated. Fon reviewed Steinberg's copy, which highlighted the changes that were made and indicated several minor new comments.

### Minutes:

**Upon a motion by Savoca, seconded by Tripodi, and voted in favor by Fon, Savoca, and Tripodi, Flynn abstained, the June 13, 2016 minutes were approved, per the Chair's corrected copy.**

**Upon a motion by Flynn, seconded by Tripodi, and all those present voting in favor, the Board opened a Special Session.**

### SPECIAL SESSION

#### **322 Kear, LLC aka Marathon Development Group**

**SBL: 37.18-2-51**

#### **Decision Statement**

*Location:* 322 Kear Street

*Contact:* Site Design Consultants

*Description:* Proposed approximately 13,000 square foot, three-story commercial and residential building with associated parking.

John Savoca recused himself. Capellini reviewed the proposed resolution and requested the NYCDEP approval be moved to prior to issuance of a building permit instead of the signing of the site plan. The board indicated that signing the plan before receiving DEP approval would be the applicant's risk. If DEP requires modifications to the plans, the applicant will have to return to the Board. Capellini stated the applicant was willing to take the risk.

**Upon a motion by Flynn, seconded by Tripodi, and with Fon, Flynn, and Tripodi voting in favor, the Board approved the site plan for 322 Kear LLC.**

**Upon a motion by Flynn, seconded by Tripodi, and with all those present voting in favor, the Board closed the Special Session.**

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## WORK SESSION

### **Village Traditions**

**SBL: 15.16-1-32**

#### **Discussion Site Plan**

*Location:* 1821 East Main Street

*Contact:* Tim Mallon

*Description:* Proposed change to the approved site plan.

Tim Mallon was present. Mallon stated that two months ago he was about to apply for a building permit and decided to call John Tegeder and ask if he could turn the building. Mallon was not happy with the original design of the barn he had proposed. The building will be very close too the residential area and he thought it would look better if it was more residential in character. Mallon showed an elevation of the building facing the parking lot. The Board was unclear whether the new building was larger than the approved building since only the existing barn outline was shown on the submitted plan. Steinberg suggested Mallon's engineer evaluate the new proposed building against what was approved so that the Board can determine what, if anything, needs to be amended. Steinberg stated the site improvements (sidewalk, landscaping, parking) were not changing. The Board was not sure if the change would require an amended site plan and asked Mallon to address the Town Engineer's memo.

### **Chase (JPMorgan) Bank**

**SBL: 37.14-2-66**

#### **Discussion Site Plan**

*Location:* 1975 Commerce Street

*Contact:* Gibbons, P.C.

*Description:* Proposed 4,320 sf bank with one drive-thru lane and one bypass lane, with on site parking and related site improvements.

Jennifer Porter, project attorney; Matthew DeWitt, project engineer; Marc Petrero, traffic consultant; and Tom Moffatt, Chase VP of Northeast Region Area Manager of Construction; were present at the table. Also present were Keith Imbruglia, VP of Project and Development Services, Construction Lead North East Region – JP Morgan Chase Account; and Chris Cesca, VP and Sr. Market Director of Real Estate for Chase. DeWitt explained there was a meeting late this afternoon where the lighting plan was reviewed with John Tegeder. DeWitt added three more parking spaces to the southwest corner of the site and added a building entrance to the west side of the building where the walk up ATM will be located. It made more sense to have this ATM on the side instead of in the front of the building. The relocation solved a lighting issue near the front property line and made the ATM closer to the parking lot. The applicant will add the 50 foot radius from the drive-up ATM and include the lighting levels within the full radius, even the portion on the Wallauer's property. The applicant will match the light fixture used in the town's streetscape and all other improvements in the right-of-way that will be disturbed during construction of the new driveways. One existing street light and two existing street trees must be relocated. If the trees cannot be relocated along the Chase frontage, Tegeder had suggested they be planted where other existing street trees on Commerce Street need to be replace. DeWitt reviewed D'Agostino's memo. D'Agostino mentioned the distance from the drive-up ATM to the street is approximately 70 feet, where this distance is approximately 56 feet at the existing Chase Bank on the hill. DeWitt stated the applicant will saw cut 2 feet into the existing road all the way across for construction and will replace this pavement with a clean line. The Planning Department will

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give the applicant the specifications for the streetscape including the park benches. Steinberg requested a larger scale drawing of the streetscape improvements. DeWitt stated he has been working with Quinn on the stormwater plan. Quinn stated that he is looking to the NYCDEP to confirm they will accept the use of the treatment device the applicant is proposing for the project. The jellyfish filter typically requires a lot of maintenance and historically the NYCDEP has not allowed its use. DeWitt stated he spoke with Mary Galasso of NYCDEP and she had told him the practice was okay for a reconstructed area. Quinn asked how big the planting strips on the sides of the site were. DeWitt stated they were less than 10 feet wide. Fon, suggested the use of structured soil because it can work for planting in tight areas by allowing root growth. DeWitt stated taller shrubs were added to the plan around the southwest corner of site at the direction of ABACA.

Quinn reviewed that the original traffic study showed virtually no change in traffic conditions with the proposed bank. The Board had been critical of this and requested the applicant recount on the weekend mornings when sports are being played at the YCCC. Petrero stated that the traffic study was revised based on Quinn's email from April. New counts were taken in May on a Saturday from 9 am - 1 pm. Generally the counts were 11% higher than the previous counts. A sensitivity analysis was performed using the new numbers as the new base. Petrero stated the majority of volumes for the bank are not new traffic on the roadway because existing customers will be redirected from the two existing locations to the new location. Table 5, in Appendix A is the sensitivity analysis. Quinn, restated that the consultant did increase the existing traffic counts, however when put through the model, the results did not change. There will be a few additional seconds delay, which is not significant, however there will be an additive effect over time with new development in the area. This applicant isn't responsible for the C condition of the existing intersections. Fon stated that at some point the town itself will have to look at the corridor. Quinn stated the town's intersections are not compatible with new technology and will have to be replaced. Quinn asked if two left turns from site are necessary. Flynn suggested trying a shared driveway with the Wallauer's site. The board was concerned with the two driveways being so close together. Fon asked Petrero if the traffic signal could be adjusted. Petrero responded that timing could be changed slightly, but it's not necessarily needed. New equipment would use new technology to change lights when needed using different types of sensors. The Board requested the applicant reach out to the Wallauers to share the driveway and provide an alternate right turn only driveway.

The Board scheduled a Public Hearing for the July 11, 2016 meeting.

### **Town Tree Ordinance**

#### **Town Board Referral**

Description: A local law to repeal Chapter 270 in its entirety of the Code of that Town of Yorktown entitled "Trees," and replaced with a new Chapter 270 of the Code of the Town of Yorktown entitled "Tree Ordinance."

Bill Kellner and Dale Saltzman from the Tree Conservation Advisory Commission were present. The Board discussed the proposed law and made the following general comments:

- Fon stated he was concerned with whether the code was enforceable and what the town was targeting by proposing a new ordinance.

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- Fon mentioned criticism of the tree survey requirement. The Board should have the flexibility to request only the significant trees in the area of disturbance be surveyed. Flynn stated he thought the Board already has done this.
- The Board felt the Town Board should not review appeals of Planning Board tree approvals. Flynn stated that one part of a site plan should not be allowed to be appealed to the Town Board. If they did amend this part of the site plan, then two Boards will have approved the plan. Appeal should be by Article 78 only.
- The Board would like the ability to interpret and apply the conditions on the site where appropriate.
- The Board felt a significant tree could be 12 inches on a large site, but maybe smaller on a small site.
- Residential and commercial properties should be defined differently.
- The tree bank could be a good idea as long as its not used to avoid mitigation.
- Be consistent and change all code sections to match. Chapter 195 states a different DBH.
- Flynn stated the ordinance should have procedures for town owned property as well.
- The Board had no comment or the perspective of a small single homeowner permits.
- Referral to the Conservation Board should be mandatory.

The Board requested a review by the Planning staff to determine how the new ordinance is different; what does it take away, and what does it add. The board would also like to hear from member John Kincart.

Upon a motion by Savoca, seconded by Flynn, and with all those present voting aye, the Board voted to close the meeting at 9:00 pm.