

Planning Board Meeting Minutes – June 11, 2018

A meeting of the Planning Board, Town of Yorktown, was held on **Monday, June 11 at 7:00 p.m.** in the Yorktown Town Hall Board Room located at 363 Underhill Avenue, Yorktown Heights, NY 10598.

Chairman Rich Fon, called the meeting to order at 7:00 p.m. with the following board members present:

- John Savoca
- John Kincart
- Bill LaScala
- Rob Garrigan, Alternate

Also present were:

- John Tegeder, Director of Planning
 - Robyn Steinberg, Town Planner
 - Tom D'Agostino, Assistant Planner
 - Nancy Calicchia, Secretary
 - Kristen Wilson, Planning Board Counsel
-

Chairman Fon asked the audience if anyone was in need of an assistive listening device for their use during the meeting. No one present was in need of a device.

Courtesy of the Floor:

Chairman Fon opened courtesy of the floor with all in favor.

- Ann Kutter, long time resident of 3302 Old Crompond Road appeared before the Board on behalf of herself and her neighbors whose properties are located on Old Crompond Road to the west of the Lowe's project with the following statement:

“Last month, at your work session May 21st, you reviewed correspondence from us relating to sewer connections to our homes that were to be made by Breslin Realty Corp also known as Retail Store Construction Co., Inc. (*Breslin*). We provided documents showing the commitment (*made as part of the Costco project*) to connect to each dwelling and to decommission each septic system, as well as a copy of the Town Board's Findings Statement for approval of Hunter Brook Sewer District #20 showing they relied on those promised connections and de-commissionings in making their decision to approve the district. The Findings Statement also noted the environmental benefit derived from removing these properties from septic systems. Again, approval of this district was done as part of the Costco SEQRA process. During your review of the amended site plan for Lowes, Yorktown JAZ, LLC (*the successor to Retail Store Construction Co., Inc.*) submitted a technical memorandum stating that the Lowes project would not result in any significant adverse environmental impacts that were not previously identified or adequately addressed in the Costco Project's FEIS (*page 1 and 2 of 30*). We understand this statement to mean that improvements to be made as part of the Costco project would be made as part of the Lowe's project. As noted in our previous correspondence, we have reached out to Breslin, and while they have indicated they are willing to try and “work something out”, their position continues to be that they are under NO obligation to make any connections or to decommission any septic systems. We have asked the Town Board for help and support in their discussions with Breslin and have met with Supervisor.

While the Town Board considers what, if any position it will take, we are here tonight to ask for your help. Specifically, we ask you to send a memo to the Town Board communicating your understanding that these commitments were made not only to us as homeowners but to the Town.”

Chairman Fon referred to the Planning Board Counsel Kristen Wilson and John Tegeder for comments. Wilson and Tegeder will review the file and comment at the next work session.

Correspondence / Liaison Reports:

- The Board reviewed correspondence from the DEP regarding the Stahmer subdivision.
- There were no liaison reports.

Meeting Minutes:

Upon a motion by LaScala seconded by Savoca and with all others present voting aye, except Tripodi who was not present at this meeting, the Board approved the May 21, 2018 meeting minutes.

Motion to Open Regular Session:

Upon a motion by Chairman Fon, seconded by LaScala, and with all others present voting aye, the Board opened the regular session.

REGULAR SESSION

Ianuzzi Subdivision

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

Reapproval Subdivision

Location: 1189 Baptist Church Road

Contact: Site Design Consultants

Description: A 4 lot subdivision approved by Planning Board resolution #16-11 on June 13, 2016.

Comments:

Joe Riina, P.E. was present. Riina stated that this project is almost at the finish line. All that is left is a final approval for the legal documents, easement and maintenance agreement. Chairman Fon asked the Board for any comments of which there were none.

Upon a motion by Kincart, seconded by Garrigan, and with all others present voting aye, the Board re-approved the Resolution.

Hearthstone Minor Subdivision

SBL: 17.18-1-8

Decision Statement

Location: 3138 Hearthstone Street

Contact: John Annicelli, Esq.

Description: Proposed 2-lot subdivision on 0.96 acres in the R1-20 zone.

Comments:

John Annicelli, Esq. was present. Annicelli briefly updated the Board as to the requested modifications. He has addressed the issues presented in the Town Engineer’s memo of 6-5-18 and has submitted the easement to the attorney. Kristen Wilson, Esq. stated the easement was fine. Annicelli also stated that ABACA has signed off. Annicelli requested approval of the application. Tegeder stated that the applicant has not yet submitted a surveyor’s plat of the subdivision. The Planning Board can approve the resolution based on the improvement plans with a condition that a plat is submitted and approved by the Board, however, it is preferable to have a plat

filed with the Planning Department at the time of adoption of a resolution. The Planning Board, therefore, requested that Annicelli submit a plat for their review. The applicant will submit a plat before the Board takes action.

Anderson Subdivision

SBL: 58.09-1-20

Adjourned Public Informational Hearing

Location: 1695 Croton Lake Road

Contact: Ciarcia Engineering

Description: Proposed 2-lot subdivision on 15.72 acres in the R1-80 zone, where one residence currently exists.

Comments:

A motion to open the public informational hearing was made by Kincart, and seconded by Savoca with all in favor. Dan Ciarcia was present. Ciarcia stated that all notices were sent and have been documented with the Planning Department with respect to the application of which this was verified.

There were no comments from the audience. **A motion to close the public informational hearing was made by Savoca and seconded by Kincart with all in favor.**

John Tegeder requested that Ciarcia come to the June 25th work session with the plat. A public hearing will also need to be set up. Ciarcia has applied to the Zoning Board for the required setback variance.

PCSB Bank Commerce Street

SBL: 37.14-2-52

Public Informational Hearing

Location: 1990 Commerce Street

Contact: Insite Engineering

Description: Proposed amended site plan to add a drive-thru window and canopy to the existing bank building located on the same parcel with the CVS.

Comments:

A motion to open the public informational hearing was made by LaScala, and seconded by Savoca with all in favor. Dawn McKenzie was present. McKenzie gave a brief introduction of the application. The home office is in Yorktown with the existing building on Downing Drive. The bank will be relocated to the CVS shopping center on Commerce Street where Chase used to be located as this is a great location with good visibility. The existing bank building will be utilized and cleaned up. The plan is to create a drive thru with a canopy, which will include two drive thru lanes and also allow access for a third bypass lane.

There were no comments from the audience. **A motion to close the public informational hearing was made by Garrigan and seconded by Savoca with all in favor.**

The Board addressed the Town Engineer's memo and comments. McKenzie stated that the applicant is preparing a submission for the next work session in response to the comments which will include the landscaping and lighting plan as well as signage information.

Jefferson Valley Mall

SBL: 16.12-1-24 & 25

Public Hearing

Location: 650 Lee Boulevard

Contact: Cuddy and Feder LLP

Description: Proposed subdivision of the mall property for the purpose of dedicating a new Town road.

Comments:

A motion to open the public hearing was made by LaScala and seconded by Savoca with all in favor. Tony Gioffre and Ralph Peregrine were present. Gioffre stated that the application is to seek a minor subdivision approval of lot 24 into two lots for the purpose of creating the lot for a town road connection. As part of the Town Board site plan approval, the DOT approved a break in access to a new town road from route 6. There is a maintenance agreement that includes a maintenance plan and emergency issues. He stated that many concerns were discussed and addressed at previous Town Board meetings.

Public Comments:

- Bill Beck, resident for 45 years and neighbor across the street from Club Fit. His concern is that this road may not be maintained properly since the road already exists on site and is in poor condition. He walked the site recently and took a few pictures which were shared with the Board. He urged the Board to review the maintenance agreement to ensure that it will be enforced and taken seriously.

Gioffre responded that the plan has already been approved by the town and the maintenance agreement has already been executed. With that said, the mall is making significant investments in the property and will not allow the condition of the mall to deteriorate pursuant to their obligation to the town. The agreement states that there are repercussions for not maintaining the road properly.

Chairman Fon responded that he appreciated Mr. Beck's comments. He also stated that the mall has been beaten down over the years and is going through major investment changes and improvements which is a step in the right direction.

John Tegeder requested Gioffre enumerate the improvements to the proposed road. Gioffre responded that exhibit G of their submission lists the improvements to the road which includes the road to be redone, potholes to be repaired, restriping of the road, as well as a landscaping and lighting plan.

Garrigan asked who maintains the access from the hill to the mall of which Gioffre replied that the mall does.

- James Stropoli asked about the design of the entrance access. Peregrine responded that the dip in the berm will be filled, but then a stormwater drainage system will be connected into the states' drainage system. Stropoli stated that the improvements to the mall are appreciated, but wants to make sure the improvements will last for the future.

Audience was addressed for further comments of which there were none. **A motion to close the public hearing was made by Kincart and seconded by Savoca with all in favor.**

Chairman Fon asked the Board if there were any comments. John Tegeder went over the resolution changes suggested by Mr. Gioffre earlier in the day. In addition, lot numbers need to be added to the plat which is to be coordinated with the Assessor. The plat is not to be signed until the variance is received from the Zoning Board as a condition of the resolution.

Upon a motion by LaScala, seconded by Garrigan, and with all others present voting aye, the Board approved resolution with revisions as noted.

Mohegan Audi Addition

SBL: 15.16-1-45

Public Informational Hearing

Location: 1791 East Main Street

Contact: Site Design Consultants

Description: Proposed 11,000 sf addition to an existing 16,000 sf car dealership.

Comments:

A motion to open the public informational hearing was made by Garrigan, and seconded by Savoca with all in favor. Joe Riina, Mr. Steinmetz, Philip Grealy, Greg Reddington, and Barry Rost were present. An 11,300 sf addition is to be created on the west side of the dealership. They have received a response from the Conservation Board as well as the Engineering Department. There are a number of issues which will be clarified as per the Engineering Department memo. Discussion regarding parking, vehicle and pedestrian circulation was discussed.

Joe Riina, P.E updated the Board as follows:

- Lot 44 is corner C-3 parcel. Lot 45 is zoned C4/R1-40. The applicant will combine the two parcels (*Lot 44 and 45*), which will be a total of 3.9 acres.
- The project will require a special use permit from the Board.
- The parking area has a total of 103 existing parking spaces. The proposed plan shows 156 spaces. This will require a variance as only 114 spaces are allowed by code including storage, display, customer and employee parking.
- The plan was revised since its advertisement to remove parking on the R1-40 portion of lot 45. This area will be allowed to go back to its natural state.
- Eliminated two existing entrances on Route 6. Only one entrance/exit on Lakeland Avenue.
- Primary drop off point for vehicle delivery will be off site (*for delivery and storage*). However, in the event that a carrier does deliver to the site, Riina pointed out the landing location and the truck's path through the site.
- A landscaping plan will be forthcoming and will be available prior to the Public Hearing.

Philip Grealy - Traffic Study:

- The access was described, noting that there will be less generation of traffic. They met with NYS DOT, who were pleased with the closure of 3 driveways. There was discussion of adaptive equipment signals (*software and hardware*) already installed at Lexington Avenue signal, that should ease traffic through corridor.
- A crosswalk will be provided on Lakeland Street.
- Right-of-way boundary – land dedication to the State.

Greg Reddington – Architect and Builder:

- The facility will appear a lot simpler and more to scale than other new Audi dealerships.
- The front section of the existing showroom will be demolished.
- The entrance to the service center can accommodate up to six cars. A car jockey will move cars along the interior.
- The exterior will be composite metallic panels which is common in commercial buildings. The predominant corner will have added windows across the top to make it visually pleasing.

Public Comments:

- Tim Mallon, owner of Village Traditions questioned if the road entrance in middle is one way or two way? Response was that it was two-way. Questioned if there would be delivery of trucks, cars? Response was no, all deliveries are sent to another site. Mr. Mallon suggested that signs be placed on Lakeland Street, i.e. – no car carriers, no parking signs.

Discussion of no parking restrictions enacted by the Town Board followed. The Planning Board can make recommendations for unloading of car carriers that can be included in the special permit resolution. Chairman Fon will reach out to the Police Department and Town Board to investigate sign possibilities and include in language.

- Tony Grasso, long time resident and a member of the Chamber of Commerce. Mr. Grasso stated that the Chamber of Commerce is delighted with the expansion and that this business is a good friend and significant contributor to our community. He is looking forward to the ultimate approval of this project and bringing business to the area.

A motion to close the public informational hearing was made by LaScala and seconded by Savoca with all in favor.

Prestige Renovations and Remodeling

SBL: 16.10-4-8

Public Hearing

Location: 3511 Buckhorn Street

Contact: Site Design Consultants

Description: Proposed 2-lot subdivision on 0.95 acres in the R1-20 zone.

Comments:

Chairman Fon recused himself from this item as he is friends with the owner.

Motion to open the public hearing was made by Savoca and seconded by LaScala with all present in favor.

Joe Riina, P.E. was present. Riina updated the Board with respect to the application. The total site area is 2.4 acres and located on Buckhorn Street in the R1-20 zone in Shrub Oak. An existing residence was abandoned and eventually removed. The proposal is for a 2 lot subdivision. Aerial photos were provided. No variances are needed as the proposed development is zoning compliant. The proposed lot to the south will be 40,000 sf and the proposed lot to the north is 62,000 sf. Proposed new homes to be situated towards the front of the lots to allow for useable rear yards. Not near flood plain. The wetland boundary line was flagged and confirmed by DEC and the town. As per previous discussions with the Planning Board, the property in the rear would be utilized by the owners with the stipulation that no pools or sheds will be allowed that would require a permit. A conservation easement will be provided. Proposed a 50 foot wide rec parcel to provide a future linkage of the town parcels to the adjacent right-of-way. Each house will be on public water and sewer.

There were no comments from the audience. **Motion to close public hearing was made by LaScala and seconded by Kincart with all present in favor.**

The Board addressed an existing right-of-way that extends from East Main Street towards the Prestige property. Riina stated that the research was done and will provide letter from surveyor.

Pied Piper Preschool Addition

SBL: 37.14-2-8

Public Hearing

Location: 2090 Crompond Road

Contact: Kathleen Dineen

Description: Proposed 4,332 square foot, two-story addition to the existing 3,618 square foot preschool, on 0.68 acres in the R1-10 zone.

Comments:

Motion to open public hearing was made by Garrigan and seconded by Kincart with all present in favor.

Kathleen Dineen-Carey, Max Dineen, Joe Riina, Philip Grealy and Mike Piccirillo were present. A motion to open the public hearing was made by Garrigan and seconded by LaScala with all in favor. Dineen stated that this project is a proposal for a two-story addition to extend past the rear of the existing building, property is .68 acres in size. The business has been existing for 40 years in various locations. They would like to continue use in this location and provide additional services to customers. They applied for a larger addition 2 years ago. The new application has been scaled down and all the major concerns have been addressed. Classrooms will be added for before and after sessions for working parents (proposing to go from 66 to 104 students). There will be no significant overlap of regular students with before and after school students. More discussion regarding classes, student to teacher ratio and parking was discussed. The gym will be located on the second floor. Traffic study was conducted. The easement, with the church, will be rewritten. An evacuation plan is in place – in the event of an emergency, students and faculty will head to Freyers Florist and Androsko Landscaping parking lots. Special events parking will also take place at the Freyers and Androsko parking lots with passes from the school only.

Riina showed the site plan from the previous building followed by the updated site plan based on the new building footprint. The building is narrower and shorter than previous plan. The primary access is to the east and west of the building. There will be 23 parking spaces on the preschool site which is two more than the previous plan. This project requires a full SWPPP. This has been prepared and testing is complete. Sewer and water connections will remain. Must have site plan approval/negative declaration before they can continue application with DEP.

Grealy stated the traffic study was prepared in 2017 for the larger proposed building. The traffic analysis included daily site operations, events discussion and emergency vehicles. Findings of the study remain the same. Further discussion regarding volume reduction, trip generation and peak hours when vehicles would be in and out was reviewed. Still have some signage modifications recommended. 18 additional vehicles in an hour over the condition today. The larger building was 35 additional. In Grealy's opinion, the numbers are conservative because some students are siblings or people may carpool.

Piccirillo discussed design of building and changes. The entire addition is in rear, the front will remain the same. Cupolas are proposed.

Public Comments:

- Jay Kopstein, Van Cortland Circle. He stated that there is a need for the project and it looks good. He has a concern with traffic safety and entering and exiting the site. Last time, Grealy stated that cars exiting will only make a right turn and there would be signage to this effect. Left turns crossing Route 202 traffic will be difficult and needs to be addressed as this could be a potential for accidents. Suggestion curving entrance and exits to force traffic not to turn.
- Robert Dini, Representative and Member of the Yorktown Vinyard. He is not against the project but does have some concerns. He had a productive meeting with the school today at the church. First, with respect to the easement, it needs to be updated reflecting proper names as they have changed over the years, however, they will not sign the updated easement until all issues are resolved. Second, their parking lot has a drainage issue. Drainage on the left side of the church is always clogged and this causes a mud issue. There is a part of the lot that is unpaved, and to his understanding, Pied Piper is not allowed to pave. When it rains, the area is extremely muddy and he feels that the run off is a major part of their drainage/clog issues. This is especially problematic on Sundays as parishioners have to walk thru the mud to church. Is there a solution to this issue, i.e. – pave and seal once a year? Third, he questioned the square footage.

Piccirillo reviewed the square footage - total sf will be 7,561, first floor is 3,229 and second floor is 4,332. With respect to the drainage, a drainage structure is clogged because of dirt and sand from the Pied Piper portion which cannot be paved.

Riina proposed drainage system more than doubles what is on site now. In order to pave site, the stormwater system would have to double again. This would be a significant cost and there isn't enough area to accommodate this size system. There is currently a drainage system that runs from the back of the site which is substandard and not maintained so is probably all clogged. Also proposing drywells on the Pied Piper site that need constant maintenance. Infiltration system is large because there is nowhere for the overflow to go. The drainage system that runs in the back may be clogging due to the fact that it was never maintained properly. The drainage issues could possibly be resolved as well as possibly paving a small portion of the dirt area. John Tegeder suggested that the applicant take a look at the area to evaluate the silt laden run-off and possible solutions. Possibly the DEP could look for some solutions to this as well. Dini would like to see information from DEP as to stipulations.

Dini's other concern is when the construction actually begins...how will this affect the area in general. Chairman Fon responded that the project will be well coordinated.

- Dan Strauss, 51 year resident. First, all issues with the church and the school were discussed at the last meeting so why wasn't this figured out before the applicant came back? Second, his recollection was that the building was larger and supposed to be scaled down but it seems to be bigger now.

Piccirillo responded that the original proposal was 17,000 sf. and was scaled down to 11,000 sf., reduced by a third.

- John McDonald, resident. Concern is the increased enrollment and additional staff. The additional parking spaces don't seem to be enough. Verizon has occupied the former Chase bank building, so probably not an option for event parking.

Riina responded that the parking spaces have been increased by 5 more than existing conditions which are not delineated (two more parking spaces than previously proposed).

- Jay Kopstein – Questioned the traffic safety plan with respect to recitals and events. As of now, they park in the Cablevision complex and Verizon parking lots. In terms of movement in the driveway – DOT enforcement of signs; paving parking lot on site plan – DOT would have the final say. He is commenting that the site plan is not complete. The entry and exit needs to be looked at. The entrances on 202 should be angled and perpendicular to force the cars to not make left turns. Doesn't believe it's controlled by the DOT.

Grealy responded that the event parking at Cablevision and Verizon will be worked out with agreements. Signage must be approved by the DOT. All Grealy's recommendations are still included in the plan, however the final say is the DOT. He is recommending signage to clearly define the entrances and exit. There is a "no left" turn sign on the property, but it does not meet current standards for DOT signage.

Tegeder stated that on the last approved site plan in 2003, the westernmost access was approved as an entrance only. We can impose signage requirements enforceable under land development and zoning regulations, but not under traffic law.

Motion to adjourn and hold public hearing open was made by Kincart and seconded by Garrigan with all in favor.

Motion to open Work Session

Motion to open the work session was made by Savoca and seconded by Garrigan with all present in favor.

WORK SESSION

Bellamy Construction

SBL: 16.14-1-7.1

Discussion: Approved Subdivision

Location: 3423 Stony Street

Contact: Steve Burns, PE

Description: Proposed residence on Lot 2 of the Friends Subdivision approved by Planning Board Resolution #07-16 on September 10, 2007.

Comments:

Steve Burns was present. Burns revised the plan as requested from the previous meeting. Disturbance is reduced to 9,800 sf. The driveways were adjusted. The house was turned to be more in line with the contour. The grading is better. A raised ranch is proposed with a first floor garage. The disturbance was reduced from approved plan. Kincart stated that the plan was an improvement from the original submission and questioned whether John Tegeder had any concerns. John Tegeder stated the house is sited well and the disturbance reduction is a positive. His concern is with the proximity of the driveway from the intersection. Discussion among the Board members regarding sight line views when exiting the driveway revolved around removing the existing vegetation and a potential sight line easement with a requirement that nothing is to be planted 75 feet from the corner. A sight line easement delineating the area on the plan should be submitted and language added to the plan which restricts obstructions to the sight line. A decision statement will be prepared for the next meeting.

Biffer Enterprises

SBL: 16.08-1-1

Discussion: Approved Site Plan

Location: 3667 Hill Boulevard

Contact: Helen Biffer

Description: Amendments to site plan regarding exterior storage sheds and refuse enclosures.

Comments:

Helen Biffer and Lydia Biffer were present. They were questioning what to do with the trailer, storage sheds and refuse enclosures on the property and need a decision on what can stay and what needs to be removed. The sheds were not approved as part of the original site plan. The trailer belongs to the beauty salon of which the salon is not interested in moving. There are multiple sheds (5 in total) that belong to Frankie & Augie's Restaurant of which one has refrigeration and electricity. The Board suggested the applicant remove the trailer. The Board recommended that John Tegeder with the Building Inspector and Fire Inspector schedule a site visit to review and assess the situation. A report is to be submitted to the Planning Board with their ok for their review regarding the sheds.

Colangelo Major Subdivision

SBL: 35.16-1-4

Discussion Major Subdivision

Location: 1805 Jacob Road

Contact: Site Design Consultants

Description: Proposed to subdivide the subject property into 5-lots utilizing the "Flexibility" provision in the Town Code. The remainder of the 47 acre parcel is to provide for a single-family residence, open space and lands to be used for agricultural use.

Comments:

Joe Riina and John Colangelo were present. Colangelo stated that the trail easement has been resolved. A meeting with Walt Daniels, John Schroeder and John Tegeder was held to pinpoint where the trails should be located. Trail runs from Jacob Road to Hunterbrook. Colangelo is proposing a utility easement in order to provide irrigation for the farm. They are working with the Westchester Land Trust Agency who are interested in the easement. Colangelo stated that he received correspondence from the attorney regarding the trail. Per Riina, the next step would be to finalize the language for the resolution. The applicant will have a representative return for the June 25th work session.

ZBA Referral – 322 Kear Street fka Marathon Development Group

Discussion: Special Use Permit

Location: 322 Kear Street

Description: Proposed Special Use Permit for a Preschool/Daycare facility.

Comments:

Melanie and Anthony Sindaco were present. They are currently the owners of the Little Red School House and seeking to expand their business. Melanie gave a brief presentation of the preschool/daycare facility to the Board. The ratio of teacher to students is 1 to 7. There will be a total of 14 students and two teachers. Students are from ages 3 to 5 and will be integrated together as part of their preschool philosophy. Hours of operation are from 7:00 a.m. to 6:00 p.m. The children will be utilizing the playground across the street from the building. The plan is to use the playground twice a day which would require four trips per day. Students will walk in a double row to the playground (*7 students side by side*), with a teacher in front and teacher in back and possibly a third adult with a stop sign. The walking plan and distance was discussed further among the Board. Questions arose regarding student safety during their trips to the playground. Some suggestions were to create a crosswalk or place signs. Parking will not be an issue as there are enough spaces and other locations to park. Students will be quickly dropped off as parents are rushing to work. They are currently before the Zoning Board. Chairman Fon and the Board feel that this program would be well suited to the building as it is operational during the day only. The applicant will return to the next work session with a plan for a potential crosswalk.

ZBA Referral – Homeland Towers, LLC

Discussion: Special Use Permit

Location: Dell Avenue

Description: Proposed Special Use Permit for a Telecommunications Tower.

Comments:

No representative was present. The Planning Department will request renderings and photos for review.

Motion to Close Meeting:

Upon a motion by LaScala, seconded by Kincart, and with all those present voting aye, the Board voted to close the meeting at 10:21 p.m.