

Planning Board Minutes June 22, 2015

A meeting of the Planning Board, Town of Yorktown, was held on June 22, 2015, 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
John Kincart

Also present were: John Tegeder, Director of Planning; Robyn Steinberg, Planner; Tom D'Agostino, Assistant Planner, and Anna Georgiou, Attorney to the Planning Board.

Correspondence:

Fon noted that there was no correspondence to review.

Minutes:

Fon noted that a quorum was present for May 4, 2015 minutes, which were then reviewed by the Board. Georgiou noted some corrections and language changes to the minutes.

Upon a motion by John Kincart, seconded by John Savoca, with all those present voting aye, the Board approved the May 4, 2015 meeting minutes, with noted corrections/amendments.

Fon indicated that there was not a quorum present for the review of the June 8, 2015 minutes.

Upon a motion by John Savoca, seconded by John Flynn, with all those present voting aye, the Board moved into the Work Session.

WORK SESSION

Tonndorf

SBL: 6.18-1-37

Discussion Subdivision

Location: 76 Route 6

Contact: Tim Miller Associates

Description: Proposed 3-lot subdivision and site plan for a total of 4 commercial buildings on 18.095 acres in the I-1 zone.

Steve Marino of Tim Miller Associates was present. Marino stated he was in front of the Board to re-introduce the project that originally came before the Planning Board in 2006-2007. The project had resurfaced again in 2011. The proposal is for a 3-lot subdivision on the north side of Route 6 at Navajo Road. Two of the lots would have direct access off Route 6. There are three commercial buildings, totaling 100,000 sq. ft. on all parcels being proposed.

Planning Board Minutes June 22, 2015

Marino mentioned that previously identified wetland issues on the site are currently being investigated by Bruce Barber. Applicant is addressing the regulatory status of two elements coming from the Whispering Pines property.

Marino stated that a Public Hearing for this project had been held in 2007. Steinberg provided a memo regarding the project written in 2011. Marino noted that an up-to-date application, as well as a short-form EAF were recently submitted

The purpose of tonight's presentation was to reintroduce this project. Flynn brought up the previously identified, off-site wetland areas. It was noted that watercourses meet on the southeast corner of Navajo Road property. Marino stated that discussions with NYSDOT that had been initiated in 2007 for the curb cut onto Route 6 would be resumed.

Fon asked about prior wetlands concerns. Tegeder mentioned the previously noted watercourse issues. At this time, a neighboring property, Creative Living (aka Navajo Fields), had proposed a large building to the north of this property. Joe Riina of Site Design Consultants was present and when questioned, said that he could not comment on the status of that development. Marino said that he had met with Town staff today regarding this project.

Fon inquired if site was walk-able in order to conduct a site visit, and Marino stated that it was walkable. The Board will look to scheduling a site visit when the project is on a future agenda.

East Coast Auto Sales and Storage

SBL: 48.07-1-56 & 48.11-1-52

Discussion Site Plan

Location: 1401 Front Street

Contact: Lou Russo

Description: Site Plan for a proposed large vehicle outdoor storage and parking facility on the property.

Lou Russo, owner of East Coast Auto Sales, and Joe Riina, project engineer, were present.

Kincart questioned the applicant about the size of the parking spaces for RV storage if modifications to the site plan were proposed. Riina said that there are no plans to change size of parking spaces or make changes to the site plan. Kincart said that he favored this type of parking/storage facility, as RV parking can create issues on residential streets in the Town.

Tegeder said that there would be screening requirements and there should be a discussion with the Building Inspector regarding any other code requirement. Flynn mentioned that he had seen box trucks and trailers on site in the past, and noted that these weren't very visible from street. Fon asked about residential structures close to the site. Neighboring properties were then discussed and it was noted that there were no residential homes nearby.

Planning Board Minutes June 22, 2015

Russo noted that privately owned and registered vehicles would be stored on the property. Fon asked if the storage complied with the Town's Building Code. Tegeder confirmed that it was allowed in the zone. Available parking for existing tenants and neighboring businesses was then discussed. Russo reported that currently, the building is not being fully utilized; so parking was not an issue at present time. Fon noted that any variances would have to be checked.

Tegeder said that it should be stipulated that if building becomes fully tenanted, then the Board would have to re-visit plan, and determine if issues with parking have arisen. Tegeder mentioned fencing and screening requirements that may be waived by Board. Georgiou noted that this application did not require a Special Permit and that variances from Zoning Board may have to be obtained to waive the screening requirements.

Tegeder mentioned that Board has additional questions for the Building Inspector. Fon suggested that a meeting between the owner and staff take place. Tegeder then inquired about tractor-trailer movement issues. None was reported.

The Building Inspector, John Winter, joined the meeting and commented on the nature of vehicle storage on the site. Tegeder asked Winter about screening requirements. Fon commented that the height of storage on the property, fencing and the 25% usage issues need to be investigated further.

Triglia & Rezi Subdivision

SBL: 16.17-1-51

Discussion Subdivision

Location: 1415 Christine Road

Contact: Vincenzo Triglia

Description: Proposed to subdivide 1.145 acre parcel to create one new additional lot to construct a single family dwelling.

Al Capellini, project attorney, and Peter Gregory, project engineer were present. Gregory informed the Board that this site is in a R1-10 zone, and that the setback standards required for the property had already been appealed before the Zoning Board. Gregory described the surrounding roads and neighboring residential properties. Three of the four roads on the parcel are private and are not paved over. In February a variance from Town Law Section 280a was granted by the Zoning Board. Gregory noted that the frontage requirement of 80 feet is met. He added that the lot had been created before the Zoning Code was adopted.

Gregory stated the applicant was proposing a two lot subdivision to split the property into one parcel of 24,000+ sq. ft. and the other 25,000+ sq.ft. He mentioned that each lot will respect setback requirements at front of properties.

Flynn inquired about neighboring properties. The owner, Rocco Triglia, showed the site plan with

Planning Board Minutes June 22, 2015

proposed structures, described the sewers, slopes, and swales feeding wetlands in neighboring properties.

The issue of the unpaved roads surrounding the property was then discussed. The owner indicated that the residents don't want roads to be paved, as the unpaved roads contribute to the rural character of the area. Savoca then asked about the maintenance agreement between the owners for the roads. Flynn asked about setback requirements. Cappellini stated both lots meet current standards, except for frontage on a public road.

Kincart asked about the existing sewers. The owner responded that there are some sewer fixtures in the road beds. Kincart asked about deed restrictions or title issues. Al Capellini indicated that he was not aware of any issues. Flynn asked about converting private roads over to town roads. He expressed concern that gravel roads would not suffice for the nature of the proposed construction. Kincart said that the nature of this site is more like a lake community and that gravel roads could be appropriate. Tegeder asked about a building permit for the first lot. Triglia reported that he did have a building permit. The owner provided information on water lines and meter pits on property. He also noted the location of sewer manholes. Kincart asked to see site plan that was the subject for the building permit. Georgiou suggested that the prior building permit should be considered in conjunction with the current site plan.

Triglia reported that the first home is already in the process of being built. The foundation for the home will be poured tomorrow. Georgiou indicated that the applicant would have to go before the Zoning Board of Appeals for construction on the second lot. She added, however, that the owner can proceed with already approved building permit.

Kincart then asked about drainage from the property. Triglia stated the property drained to Baker Street. Cappellini requested the Board schedule a Public Informational Hearing for the project. Kincart suggested a site visit. The Board scheduled the Public Informational Hearing for the July 13th meeting and a site visit the Saturday before.

North Westchester Restorative Care

SBL: 15.15-1-23

Town Board Referral

Location: 3550 Lexington Avenue

Contact: David A. Barbuti R.A.

Description: Request to amend existing special use permit pursuant to Section 300-42 of the Town Code.

Conrad Pitilli, Architect representing David Barbuti, came before the Board. Pitilli informed the Board that this project had been brought in for review once before. He indicated that a parking lot for additional staff is proposed for the site. Screening for storage containers on site is also being proposed. Fon mentioned concerns that the Board had regarding the storage containers and

Planning Board Minutes June 22, 2015

dumpsters. Flynn asked about the nature of the storage in the containers. Pitilli indicated that the containers are used for supplies. He noted that containers would be moved to the corner of the parking lot. Flynn noted that one of the containers was located within the right-of-way for Ellis Street. This container could be relocated closer to the others shown. Fon stated having the containers all together would probably be easier for the trash haulers. Kincart and Flynn Wanted to make sure the relocation did not remove too much screening to the neighboring properties.

Fon then asked how storm water would be treated. Pitilli stated that stormwater has not yet been addressed. Fon also noted some dumping at the back of the property and in neighboring areas. Fon requested that the site survey be updated, as it is over ten years old. Pitilli agreed that any areas had been noted by the Board would be cleaned up. He mentioned that Dave Barbuti met with Conservation Board regarding screening. He reported that the Conservation Board had also asked for some changes to nature of screening.

Tegeder noted that this application was a referral and had to go back to the Town Board. Fon asked for a revised plan be submitted reworking the dumpster area, providing screening, addressing stormwater, and noting the site cleanup. The Planning Department will send a memo to the Town Board outlining the Board's concerns.

Hanover Corner

SBL: 37.18-2-77 & 78

Discussion Site Plan

Location: 1803 Commerce Street

Contact: Site Design Consultants

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

Joseph Riina, project engineer and property owner, Michael Dubovsky were present.

Fon stated he had visited the site over the past weekend and thought there were some site distance issues. He noted how the property related to the sidewalk and to the bike path across the street. Riina then described remedies that proposed plan would afford. Trees and visibility on the site was reviewed. The location of the sidewalk was discussed. Extending the length of the proposed sidewalk was also mentioned. Riina indicated that the owner is willing to make improvements to the sidewalk.

The neighboring property to the west and traffic flow between the two lots was then discussed. Savoca suggested a driveway between the neighboring property. The property owner, Michael Dubovsky noted the significant change in elevation between the two properties, and said that it would require a lot of space to provide a driveway between the two properties.

Steinberg stated that she spoke to the County regarding the bus stop in front of the Trailside Café

Planning Board Minutes June 22, 2015

that had been discussed during previous meetings. The County reported that there was no need to have a bus stop at this site since there were also bus stops in front of Underhill Plaza and in front of the Grace Building. The Board could discuss this further as the site plan progresses. Fon agreed that the proposed improvements would help parking overflow from neighboring businesses.

Kincart asked about grading issues. Dubovsky said that grade would require a retaining wall. Flynn asked about the number parking spaces. Riina said the parking lot would provide two spaces over requirement. Flynn asked about making the extra spaces Conservation Spaces to provide more green space. The owner replied that he is anticipating additional car parking in his lot from the Trailside Café growth and their new outdoor seating being offered. So, the additional spaces would likely be needed.

Ianuzzi Subdivision

SBL: 47.15-1-14, 15, 16

Discussion Subdivision

Location: 1189 Baptist Church Road

Contact: Site Design Consultants

Description: Proposed re-subdivision of the existing 3 lots into 4 lots under the Town's Flexibility Standards.

Joseph Riina, project engineer, Al Capellini, project attorney, and property owner, Stephen Ianuzzi were present.

Fon reported that the Board had visited the site over the weekend. Fon mentioned the size of the existing home, (10,000 sq.ft.), and noted that it is set into the natural surroundings so well, so that it is barely visible. Riina noted that most of the improvements have already been made to the property except widening the common driveway. The Board then discussed the auxillary buildings on the property. Stephen Ianuzzi, owner, reported that there is no commercial use of auxillary buildings on the property. Tegeder inquired about how the buildings on the site are being defined by the NYS Code. Tegeder noted the the definition would impact the driveway width requirements. He added that there is an issue for a driveway serving more than four buildings. In addition, requirements would have to be met for the fire department which also requires certain widths and improvements, such as turn-arounds. Tegeder stated the plan would have to be forwarded to the Fire Council for comment.

Ianuzzi noted that Lot #1 would be increased in size to over 4 acres. The homes on site have been in place for over 25 years. There have never been issues with turn-arounds and emergency vehicles to date. The owner then asked the turn-around requirements for Lot #2. Fon replied that although existing homes have been present for 25 years, as there is a change to the site, then the revised plan will have to meet current code requirements.

Planning Board Minutes June 22, 2015

Bonsignore Subdivision

SBL: 36.5-2-57

Discussion Subdivision

Location: 2483 Hunterbrook Road

Contact: Site Design Consultants

Description: Subdivide existing 3.422 acre lot with an existing 2-story dwelling into 3-lots with 2 1/2 story dwellings.

Joe Riina, project engineer and Al Capellini, project attorney represented the Applicant before the Board. Andrew Ryder, and Brian Bonsignore, property owners, were also present.

The Board had asked Riina to study alternate route for a driveway for Lot #2. Riina presented the Board with revised driveway plans and. Different alternatives driveway routes were reviewed. Riina noted that grading issues on the site present problems for alternative plans. Riina commented that he doesn't like either of the revised plans due to grade issues present, and that he would rather keep the original plan.

Fon was concerned about the driveway design and steep grade on Lot #3. Riina noted the steep driveway and curve, but that there was no other way to approach the proposed residence.

Tegeder asked about the limits of disturbance on property. The location of the existing driveway at the corner of Old Crompond Road and Hunterbrook Road were discussed. Tegeder then asked about rotating second proposed structure to alleviate steep driveway and site disturbances. Fon inquired about where the residents would park on Lot #1. Alternative access and routes through lots were proposed to improve safety at the corner. Bonsignore, reported that there haven't been problems with existing access to the property. Fon explained that as new structures are being proposed, improvements to the site to meet current standards and improved safety features have to be considered. The Board asked Bonsignore to ask the existing neighbor who shared the corner driveway about possibly moving the access away from the corner.

Envirogreen Associates

SBL: 15.16-1-30 & 31

Discussion Demolition Permit

Location: 1851 ,1867,1875 East Main Street

Contact: Site Design Consultants

Description: Proposed redevelopment of lot 31 and a portion of lot 30 by removing one of the existing buildings and parking area, and constructing a new 10,000 to 12,000 sf retail center with associated parking and through road connecting to adjoining properties.

Planning Board Minutes June 22, 2015

Al Capellini, project attorney and Joe Riina, project engineer, represented owner, Rich Cipriani. This application involves the demolition of a building, the corner of which is in the wetland buffer. Therefore, the demolition permit requires a wetland permit. This issue was already commented on to the Town Board.

Fon stated that Board conducted a site visit over the past weekend. Riina noted changes to the plans to comply with the Board's requests at their last meeting. Changes to the parking configuration were noted.

The owner of the adjacent corner property, Tim Mallon, questioned the Board about cars traveling through his property. He said that there were no easements through his property. There are 140 parking spaces in newly proposed plan. Mallon stated that his property would be negatively impacted by all the cars traveling from the proposed retail center, through the back of his property.

Fon explained that Planning Board has to review the plan before them and whether the parking lots are connected through the rear will be a part of that discussion. The Board then reviewed the plan without considering the easement to Lakeland Street. Riina noted that, at the previous meeting, the Board's main concern was to get owner of adjacent property to reconfigure the parking lot on Route 6, as it is not safe. Riina indicated that by moving the curb cut entirely would remove the unsafe conditions. Tegeder suggested that connection between the properties should be pursued and that the first curb cut on the Envirogreen should be further to the west on Route 6 so it wouldn't be so close to the connection to Mallon's property. Cipriani asked about moving forward.

Upon a motion by John Flynn, seconded by John Kincart, and with all those present voting aye, the Board voted to close the meeting at 9:41 pm.