

Planning Board Meeting Minutes – October 15, 2018

A meeting of the Planning Board, Town of Yorktown, was held on **Monday, October 15 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

Also present were:

- John Tegeder, Director of Planning
 - Robyn Steinberg, Town Planner
 - Tom D'Agostino, Assistant Planner
 - Nancy Calicchia, Secretary
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Correspondence / Liaison Reports:

- The Board reviewed all correspondence.
- There were no liaison reports.

Meeting Minutes:

Upon a motion by John Kincart and seconded by John Savoca, and with all those present voting aye, the Board approved the meeting minutes of October 1, 2018 as amended with a few spelling corrections.

Motion to Open Regular Session:

Chairman Fon motioned to open the regular session and with all those present voting aye, the Board opened the Regular Session.

ADA-compliant assistive listening devices were available to the audience.

REGULAR SESSION

Mongero Properties, LLC

SBL: 37.14-1-44

Location: Saw Mill River Road

Discussion: Site Plan Reapproval

Contact: Site Design Consultants

Description: Approved 3,848 SF bank on 2.2 acres in the C-1 zone by Planning Board Resolution #09-28.

Comments:

Joseph Riina, P.E. was present. Mr. Riina stated that there is currently no movement with respect to this project and as a result, they are requesting to maintain the prior approval. He stated that there are no changes to the property. The applicant maintains the property and all taxes are current.

Upon a motion by Bill LaScala and seconded by John Savoca, and with all those present voting aye, the Board re-approved the site plan titled Mongero Properties, LLC.

Popeyes (Staples Plaza)

SBL: 36.06-2-76

Location: 3333 Crompond Road

Discussion: Decision Statement

Contact: JMC Site Development Consultants

Description: Proposed 2,350 sf restaurant with a drive through at the Staple Plaza in the C-3 zone.

Comments:

Umberto Baldinucci, P.E. and Rob Aiello, P.E. were present. Mr. Aiello reviewed the draft of the resolution with the Board members. Discussion regarding a few minor changes followed. Mr. Aiello is requesting to add a clarification for building #4 on page 6 of 8, conditions 3 and 4 with respect to delivery times so as not to be confused with the other properties as reflected earlier in the resolution. The Board agreed to the changes. Mr. Aiello also asked when the approval would expire of which Robyn Steinberg stated that the resolution is in effect for one year from the date of approval.

Upon a motion by John Savoca and seconded by John Kincart, and with all those present voting aye, the Board approved the site plan and stormwater pollution prevention permit.

Motion to Close Regular Session and Open Work Session:

Upon a motion by John Kincart, and seconded by John Savoca, and with all those present voting aye, the Board closed the Regular Session and opened the Work Session.

WORK SESSION

Biffer Enterprises

SBL: 16.08-1-1

Location: 3642 Hill Boulevard

Discussion: Amended Site Plan

Contact: Nixon Engineering and Helen Biffer

Description: Amended site plan to allow storage sheds and to relocate the refuse enclosure.

Comments:

Helen Biffer, owner and representative for the diner and Bruce Zarzeski, P.E. were present. Ms. Biffer stated the following:

- Sheds were removed and a fence is enclosing the refuse bins.
- Concrete work for the sidewalks is currently in progress and should be complete by the weekend (*weather permitting*). Additional work was done by installing black top next to the big shed and in front of the doors as the concrete and metal base is broken.
- Painting for the handicapped parking spaces will be complete by this weekend, however installation of the handicapped parking sign poles may be delayed per the contractor's availability.

Mr. Zarzeski questioned if his client can expect to receive the certificate of occupancy in a week. Response was that the certificate of occupancy will be held until Monday after the Board has conducted a site visit to ensure that all requested work is complete.

John Tegeder stated that a clause could be put in the resolution stating that a site visit is to be conducted in order to confirm that all requested work is complete and if not, a violation will be issued. In addition, the last

sentence of the resolution, “*be it further resolved...*” is to note that resolution numbers 95-40 and 18-03 remain effective including changes reflected within this resolution. The Board was in agreement.

Upon a motion by Bill LaScala and seconded by John Savoca, and with all those present voting aye, the board approved the amended site plan pending a site visit to ensure that all work is complete.

345 Kear Street

SBL: 37.18-2-84

Discussion: Special Use Permit

Location: 345 Kear Street

Contact: Esat Gashi

Description: Proposed outdoor seating for a new restaurant at the former Kirby's Grill & Bar.

Comments:

Esat Gashi, property owner and Jeton Selemaj, partner and owner for incoming restaurant were present. Mr. Gashi stated that a French restaurant will be opening within 4 to 5 weeks and is seeking approval for outdoor seating. He presented a plan depicting the tables (*5 in total which would allow for 20 seats*). Discussion regarding a previous outdoor patio application for a former restaurant followed. Mr. Tegeder mentioned that the Board might have a discussion with respect to restricting alcohol consumption outside as done with Finnegan's and Thyme. The Board questioned the property line and requested that Mr. Gashi stake out the area and submit a survey of which Mr. Gashi replied that he will. The Board requested that the Planning Department provide the previous restaurant's site plan for review.

Colangelo Major Subdivision

SBL: 35.16-1-4

Location: 1805 Jacob Road

Discussion: Subdivision and Lot Easements

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:

Removed from the agenda at the request of the applicant as they are awaiting a response from the Town Attorney.

Unicorn Contracting Corporation

SBL: 37.18-2-85

Location: 355 Kear Street

Discussion: Amended Site Plan

Contact: Ciarcia Engineering

Description: Approved site plan to demolish the existing restaurant and construct a three (3) story, 40,000 sf building with a mix of retail and office uses.

Comments:

John Savoca recused himself from this item. Dan Ciarcia, P.E. and Paul Guillaro were present. Mr. Ciarcia updated the Board as to the progress of the project since the resolution was passed. He reviewed the plans

with the Board noting areas where changes have been made as a result of the NYS DEP's approval. The following was discussed:

- Refuse Enclosures – Mr. Ciarcia stated that as a condition of the approval, the refuse enclosures are now shown on the plans. The enclosures for the new building have been doubled to accommodate more refuse. As a result, they lost the back out area and added two more parking spaces. The Board suggested the possibility of making the refuse enclosures smaller. The back out area and parking spaces were discussed further.
- Trees - Mr. Ciarcia stated that the landscaping is overgrown. The trees were not on their property and this is why they were not shown on the plan. The trees are coming out and a new landscaping plan will be submitted shortly.
- Landscaping Plan - A 4-season maintenance plan will be added to the Landscape Plan (*architect – Earl McGovern*).
- Legend - The plans will have a detailed legend as requested by the Board.
- Photometrics Lighting Plan – The plan will remain predominantly the same with slight changes. Light packs will replace the poles in the rear of the building. All other lighting will remain as was originally proposed.
- Signage - They are currently working on the signage and the proposed locations.
- Parking Spaces - The drive thru has been eliminated and as a result, three more spaces have been added to the plan.
- Handicapped Parking – The number of spaces were reduced from 12 to 7 which is in accordance with the ADA regulations calculation. In addition, the handicapped parking was moved.
- Curbing – tweaked slightly.
- Back Wall – The wall there presently is 4 ft. A new wall will be installed which will provide a double wall. Plantings and wall materials were discussed. The stone is to have a red and gray tone. All design details will be submitted to ABACA with samples for review and comment.
- DEP Issues – Ciarcia discussed the changes and how it affects the originally approved plan. He stated that it really doesn't change much, however, DEP required to add permeable pavement in areas treated for redevelopment. Discussion followed regarding all areas to be treated.
- Drop Curb - Tegeder questioned the drop curve addition and how it works. The possibility of building it up was discussed.
- Crosswalk was discussed.
- Front of the Building – Ciarcia stated that it will remain clear to allow for visibility.

The Board requested that the applicant return with the Landscape Architect to review the plans (*old versus new, wall height, etc.*) at a future meeting.

Perez Subdivision

SBL: 17.18-2-2

Location: 3232 Gomer Street

Discussion: Preliminary Application

Contact: Ciarcia Engineering, P.C.

Description: Proposed 12 lot subdivision on 12.3 acres in the R1-20 zone.

Comments:

John Kincart recused himself from this item. Dan Ciarcia, P.E. was present. Mr. Ciarcia updated the Board regarding the proposed subdivision application. The cluster formula was discussed. The wetlands have been delineated and verified by Tim Marino. The slope was also discussed. According to the town clustering formula, the number of lots yielded 13. Discussion regarding lot connections, wetlands encroachment in one

area, roads, and right-of-ways followed. Mr. Ciarcia stated that if they proceed with the cluster path, the lots will be smaller. There will be 12 or 13 in total townhomes (*unattached or attached*) on 75 foot wide lots. The townhomes would be narrower, greater in depth than width. In addition, they will lose the front lot. Ciarcia referred to Bridle Ridge as an example. Chairman Fon questioned the sewer hookup. Mr. Ciarcia responded that each individual lot would have it's own pump. Mr. Ciarcia asked the Board for their comments with respect to the conventional or cluster plans.

Mr. Tegeder stated that a survey will be required to justify the cluster formula. Both plans, conventional and cluster, should be looked at. The Planning Board must review a conventional subdivision plan to establish the lot count. Then they can review a cluster plan.

Chairman Fon stated that a site visit is to be scheduled within the next few weeks.

Town Board Referral - Northern Westchester Restorative Care/Treetops fka Marrs Nursing Home

SBL: 15.15-1-23
Location: 3550 Lexington Avenue
Discussion: Approved Site Plan
Contact: David A. Barbuti Architects
Description: Approved site plan to reconfigure the on-site parking lot and trash enclosure needing to satisfy conditions set by the Planning Board via memos dated August of 2015.

Comments:

David Barbuti was present. Mr. Barbuti updated the Board with respect to the application. The bio-retention system and stormwater management plan was discussed. The Board stated that they are awaiting comments from the Town Engineer as the last memo they have is dated from 2017.

Town Board Referral – Old Hill Farm Property Request for Rezone

SBL: 17.08-1-4 & 17
Location: 571 East Main Street, Jefferson Valley
Contact: Zarin & Steinmetz
Description: Petition to rezone the 19.3 acre property from the R1-20 to the R-3 zoning district to construct 150 two-story rental units, as shown on a proposed conceptual site plan.

Comments:

Kathryn Hoenig, property owner; Matthew Acocella, Esq. of Zarin & Steinmetz, Diego Villareale, P.E. of JMC and Nick Minoia of Diversified Properties, LLC were present.

Mr. Acocella stated that they are here as a referral from the Town Board for a petition to rezone the 19.3 acre property from the R1-20 zone to the R-3 zoning district. The Town Board declared their intent to serve as the lead agency for this project.

Nick Minoia, Managing Partner of Diversified Properties, LLC gave a little background history of his company to the Board. They primarily focus on the rental market. The company designs, builds and manages their projects from beginning to end. Discussion regarding the proposed site plan, location and demographics followed. He stated that as a result of following the market for many years, the demand for luxury rentals seems to be the current trend. The development would appeal to millenials and empty nesters who are not interested

in home ownership. This would also be an ideal opportunity for existing residents to stay within the community as well. Rental fees are projected to be in the high \$2,000's.

Kathryn Hoenig, owner and representative for the property stated that the property was owned by her grandfather, Abraham Hill and her father, Ted Hill. The property has been in the Hill family for over 100 years. There has been discussion since 2003 of what to do with this property. Over the years, she has met with many different developers and feels that the best option is what Mr. Minoia's company proposes. She stated that in her opinion this project would be an asset to the Jefferson Valley hamlet which would benefit from and revitalize the area. Ms. Hoenig stated that she has been working with Mr. Minoia for the past year and a half as well as John Tegeder and the late Mr. Capellini. The Town Board is enthusiastic about this project. They are seeking recommendations from the Planning Board for the re-zoning. Ms. Hoenig stated that the zoning change is to accommodate the nature of the housing. She also noted that only 60% of the property will be utilized.

Diego Villareale, P.E. of JMC reviewed the site plan, topography and aerial overlay. There will be 150 residential units (*84 two bedroom units and 66 one bedroom units*) which averages out to 9 units per acre. A total of 11 buildings are proposed and a 3,500 sf clubhouse. The clubhouse will also serve as the leasing and management center on site. There are 300 parking spaces proposed, which includes garage spaces. Pedestrian connectivity was discussed (*units to clubhouse, sidewalks between buildings and connection out to Bank Road*). Parking and driveway discussion followed. The architectural elevations were reviewed with the Board. Every unit will have direct access from the exterior. Stormwater management will be more advanced with the full site plan submission. It was mentioned that they are in discussion with the Club Fit owner to provide a possible connection for pedestrians and emergency access. The Club Fit owner also proposed housing a program in the clubhouse. Mr. Villareale stated that there is NYS DEC regulated wetland on the property. DEC confirmed the wetland flagging and he applied the 100 ft buffer. There is no proposed disturbance in the wetland or wetland buffer.

The applicant is seeking a recommendation from the Planning Board for the re-zoning in order to move ahead with the project. The site plan with all details and supporting information will follow.

The Board had the following comments:

- Lead Agency – With the Town Board as Lead Agency, what depth of involvement will the Planning Board have? What is the best process going forward? The question of density (*traffic and access*), as well as the details that go into the site plan are of prime importance during the SEQRA process.
- Density – How will this be addressed (*parking, cars, emergency vehicle access, safety issues, connectivity, building position, etc.*) Prior to re-zoning, this needs to be established.
- Traffic Study – A traffic study will be required.
- EAF – An EAF with supporting data is to be reviewed.
- Connectivity – Pedestrian and vehicle connections need to be investigated. Connection from Hill Street to Bank Street is another area to be looked at.
- Entrance – The entrance needs to be discussed. Possibilities could be to either screen the area or close it and enter at the clubhouse site where it could be showcased.

John Tegeder will draft a memo to the Town Board listing all comments from the Planning Board (*broader discussion about density, what the exact process will be with the Town Board as the Lead Agency, SEQRA, etc.*) to be discussed at the next meeting.

Town Board Referral – Solar Power Generations and Facilities

Description: Proposed Town legislation to allow the use of harnessing solar power for both residential and commercial properties. It is proposed that projects under this legislation would go through a Special Use Permit and/or the Site Plan application process.

Comments:

The Planning Board will discuss the solar law on Tuesday, October 23, 2018 at a joint meeting of the Boards arranged by the Supervisor's office.

Town Board Referral – Tree Ordinance

Description: Proposed Town legislation to amend the current Town Tree Ordinance, Town Code Chapter 270.

Comments:

The Planning Board will discuss the tree ordinance on Tuesday, October 23, 2018 at a joint meeting of the Boards arranged by the Supervisor's office.

Motion to Close Meeting

Upon a motion by Chairman Fon, seconded by Bill LaScala, and with all those present voting aye, the Board voted to **close the meeting at 9:18 p.m.**