

# Planning Board Meeting Minutes – June 25, 2018

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A meeting of the Planning Board, Town of Yorktown, was held on **Monday, June 25 at 7:00 p.m.** in Room 104 at the Yorktown Community and Cultural Center located at 1974 Commerce Street, Yorktown Heights, NY 10598.

John Kincart called the meeting to order at 7:00 p.m. with the following board members present:

- Bill LaScala
- Anthony Tripodi

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
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## **Correspondence / Liaison Reports:**

- The Board reviewed all correspondence.  
John Tegeder asked if the Board still wants to wait for NYCDEP approval for Adrian Autobody prior to adopting a resolution.
- There were no liaison reports.

## **Meeting Minutes:**

Upon a motion by LaScala seconded by Tripodi and with all those present voting aye, except Rich Fon, John Savoca and Rob Garrigan who were not present at this meeting, the Board approved the June 11, 2018 meeting minutes.

## **Motion to Open Work Session:**

Upon a motion by LaScala, seconded by Tripodi, and with all those present voting aye, the Board opened the work session.

## **WORK SESSION**

### **Anderson Subdivision**

**SBL: 58.09-1-20**

#### **Discussion Minor Subdivision**

**Location:** 1695 Croton Lake Road

**Contact:** Ciarcia Engineering

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

#### **Comments:**

Dan Ciarcia was present. Ciarcia updated the Board on the project and responses from previous meetings. The area to be developed is by the reservoir. There was a compromise to push further back into the rear yard setback, which creates no additional impacts. He has submitted an application for a zoning variance to the ZBA. He is anticipating to be on the July 26<sup>th</sup> Zoning Board agenda and is requesting to open up a public hearing on the subdivision application at the Planning Boards' July 16<sup>th</sup> meeting. He is here this evening to review what is needed

for the upcoming meetings. The Board agreed to open a public hearing on July 16 but stated the hearing would likely be kept open until the conclusion of the ZBA hearing and decision.

**Lowe's Home Center Off-Site Sewer Extension**

**SBL: 26.18-1-17, 18, 19, 26.19-1-1, and a portion of 26.18-1-28**

**Discussion Sewer Extension**

**Location:** Old Crompond Road

**Contact:** Ann Kutter

**Description:** Request from adjacent residential property owners to discuss the approved sewer extension.

**Comments:**

Ann Kutter, a resident of the area affected by the sewer extension was present. As a follow up to her correspondence and comments at the previous Planning Board meeting, Kutter discussed the ongoing situation with the sanitary sewer extensions in her neighborhood and the commitment made to her and the neighbors by the developer of Lowes. They are trying to work with the developer but they are not responding. There was an offer made to them that if they do not sell within the next two years, to come back and they will install the sewers of which Kutter and her neighbors are not in agreement with. She is here tonight to ask the Board to send a memo to the Town Board stating their support for the installation of the sewers to the specific residents as promised. Kutter's opinion is that the intent of the Planning Board from the original approval of 2015 to the 2016 approval was to install the sewers.

Kristen Wilson, PB Counsel stated that an administrative amendment can be made within the realm of the Planning Board clarifying this as a condition of approving the resolution. Kincart stated that they are in favor of showing support for Kutter and her neighbors unless other understandings or agreements come to pass. Kutter stated that she and her neighbors would like the sewers to be done now while the construction is ongoing and are not interested in any cash payments or delayed installations. The Planning Board counsel will draft correspondence for PB review.

**PCSB Bank Commerce Street**

**SBL: 37.14-2-52**

**Discussion Amended Site Plan**

**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 as CVS.

**Comments:**

Dawn McKenzie, landscape architect from Insite Engineering, Robert Ferrier, from PCSB, and Stephanie Fox, project architect were present. Ferrier updated the Board as a follow up from the previous Planning Board meeting. It was mentioned that the property is no longer under a property management firm and is now overseen by the land owner, Chuck DeMilo. Further discussion revolved around the lighting plan, landscaping plan and potential queuing for the drive thru lanes.

Kincart commented about past incidences (*3 of which he can recall*) at this location with cars crashing into CVS. He mentioned that maybe the owner would be interested in placing bollards in front of the building. Ferrier stated that he did not have leverage to do so and would not want the application to be contingent upon this. Tegeder commented that he could reach out to the owner.

McKenzie showed the lighting plans to the Board along with the new signage. Discussion regarding lighting levels, replacing older lights with new ones, the proposal of additional lights in the back of the building to provide security and sign lighting followed. Tegeder stated the lighting needs to follow the town code, and with respect to the signage, the application is to be submitted to the Building Department who will then refer to ABACA.

The landscaping plan is currently ongoing with ABACA of which they have addressed all their concerns. They are on the agenda for tomorrow evening.

The sidewalk and pavement was discussed. Pavement and concrete sidewalks, etc. will be removed and replaced as required. A small infiltration system will be installed to treat the additional impervious area.

With respect to queuing, Ferrier stated that a study was prepared. The bank will have a total of 5 employees. The Board questioned how many vehicles would be in line for the drive thru teller before pass thru traffic becomes blocked. Response was that expected queuing would be 3 cars at maximum. Some customers still like to go inside the bank to conduct their business. There will also be a tube system in place which will be handicapped accessible. In the event of a power outage, there is a standard teller window that can be manually opened.

Ferrier stated that after much consideration and discussion the bank decided that the new roof will be slate to match the existing slate.

The Engineering Department memo was addressed. McKenzie stated that all items required to be addressed will be submitted with their next application. Per Tegeder, the PB is the approval authority for the SWPPP, which runs concurrent with this site plan application. McKenzie stated that they are performing a soil percolation test which will be coordinated with Engineering.

A public hearing is scheduled for the July 16<sup>th</sup> Planning Board meeting. A draft resolution will be prepared for the meeting.

### **Bellamy Construction**

**SBL: 16.14-1-7.1**

#### **Discussion Approved Subdivision**

**Location:** 3423 Stony Street

**Contact:** Steve Burns, P.E.

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

#### **Comments:**

Steve Burns, P.E. was present. Burns updated the Board as a follow up from the previous Planning Board meeting. He has noted the corner area to be kept (*50x50 triangle*) for sight distance purposes. 8 foot trees will be pruned to above grade. Easement dimension of the line of sight was discussed. Bellamy stated that this could be filed in the description of the deed. Kincart stated that this is an improvement over the former plan. Burns addressed the Engineering memo – one tree in the middle of the site is to be removed. Drains were discussed. Stormwater management application has been submitted. The Board stated that the easement is for the benefit of the town so it can be enforced should it not be followed. This would be a condition of approval, not just an easement. Tegeder recommended the easement be a condition of the final resolution. The easement is to be filed prior to certificate of occupancy. The applicant must submit a line of sight easement description to the Planning Board attorney for review prior to issuance of certificate of occupancy. Fee for SWPPP was discussed – total of \$1,500 of which \$300 has been received. Remaining balance of \$1,200.

A motion to open special session was made by LaScala and seconded by Tripodi with all those present in favor.

Upon a motion by LaScala and seconded by Tripodi, and with all those present voting aye, the Board approved a resolution for the Bellamy construction.

A motion to close special session was made by LaScala and seconded by Tripodi with all those present in favor.

### **Colangelo Major Subdivision**

**SBL: 35.16-1-4**

#### **Discussion 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, P.E. was present. As a follow up to the previous Planning Board meeting, a draft of a resolution was reviewed with the Board and Planning Board Attorney for revisions before approval. Riina stated that the applicant has offered a second easement (*5.3 acres to Westchester Land Trust*). The applicant has requested language regarding the parking easement and construction of the barn to not be linked together. Discussion regarding this request followed. The Board members would like to discuss this further to clarify parking lot language in the resolution before making any decisions. Riina will speak to applicant and return for the July 16<sup>th</sup> meeting.

### **ZBA Referral – Little Red School House Expansion**

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

**Location:** 322 Kear Street

**Contact:** Site Design Consultants

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

#### **Comments:**

Joe Riina, P.E. and Melanie Sindaco were present. As a follow up to the previous Planning Board meeting, Riina presented a plan for the crosswalk. There will be a clear connection from the building to the playground with two signs of which each will be on a post. The asphalt will be expanded to meet the crosswalk at the south side. They are on the Zoning Board agenda for this week and requesting a memo from the Planning Board to the Zoning Board with their comments. Kincart stated that the Board is in favor of the plan and recommending the crosswalk, signs and expansion of the path as shown on the plan.

### **Mobil Gas Station**

**SBL: 37.14-2-51**

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

**Location:** 2035 Saw Mill River Road

**Contact:** Map Architecture

**Description:** Applicant has requested to demolish the existing 1,000 sf convenience store and to construct a 3,000 sf convenience store.

**Comments:**

Mike Piccirillo and a representative from Morris Engineering was present. Piccirillo stated that he worked with Tegeder to come up with site details and changes to satisfy the comments from the April 24, 2018 Planning Board memo. With respect to the parking spots, per the requirement, 3,000 sf of retail space requires 15 parking spots (*5 spaces for every 1,000 sf*). With the addition of parallel spaces they are proposing 11 parking spots. They have calculated the retail space versus the storage space for their building and 2,000 sf of retail space would require 10 parking spots; this would alleviate the need for a variance. Tegeder stated that the discussion of retail space and storage space is important, but a variance from the required 15 spaces is required. The Town Board, as approval authority of this project, is empowered to vary such requirements. Tegeder requested that a floor plan be submitted showing the useable space of 2,000 sf. The building is to be re-evaluated in terms of what the demand will be. Kincart stated that this would be contingent upon no more than 2,000 sf. The Planning Board attorney stated that this would be a condition of the special permit. Street scape, stamped concrete and hedge discussions followed. Kincart stated that a memo will be sent to the Town Board with their comments.

**Misc.**

Joe Riina, P.E. Riina stated that he missed the submission date to the Zoning Board for Mohegan Audi and the next meeting isn't until August. He is hoping to get on the upcoming agenda and is requesting a referral letter from the Planning Board as they need a variance for parking. Kincart stated that they will send a letter to the ZBA.

**Motion to Close Meeting:**

Upon a motion by Lascala, seconded by Tripodi, and with all those present voting aye, the Board voted to close the meeting at 9:05 p.m.