

Planning Board Meeting Minutes – November 5, 2018

A meeting of the Planning Board, Town of Yorktown, was held on **Monday, November 5 at 7:00 p.m.** in the Albert A. Capellini Community & Cultural Center located at 1974 Commerce Street, Yorktown Heights, NY 10598 in Room 104.

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

Also present were:

- John Tegeder, Director of Planning
 - Robyn Steinberg, Town Planner
 - Tom D'Agostino, Assistant Planner
 - Nancy Calicchia, Secretary
 - John Buckley, Esq. – Oxman Law Group, PLLC
-

Correspondence / Liaison Reports:

- Tony Tripodi officially resigned from the Planning Board. The Board wishes him well and thanked him for his years of dedicated service.
- John Savoca was reappointed to the Planning Board by the Town Board and was congratulated by all.
- The Board reviewed and approved the 2019 meeting schedule and alternate schedule.
- Memo from the Town Engineer regarding Verrino (*3511 Buckhorn Street*) was reviewed. Discussion regarding the bridge and its' location followed. John Tegeder stated that he will check to see if the bridge is on the property but to keep in mind that the building inspector will also inspect the area and may have a different outcome. Mr. Tegeder will send a memo stating that there are no objections from the Planning Board.
- Correspondence from Marc Petrero, P.E. of JMC regarding the Hill property development along East Main Street was reviewed. Discussion regarding the traffic study followed. The Board requested to see counts on the weekends (*early evenings*) and at the intersections (*Mahopac Avenue, Wood Street, Route 6 and Hill*). Mr. Tegeder will send a memo from the Planning Board.
- Draft of letter to the NYS DEC regarding 2040 Greenwood Street was reviewed. The Board requested that there be more emphasis on inter-connectivity in paragraph 5. In addition, ensure that the address and application number are correct.
- There were no liaison reports.

Meeting Minutes:

Upon a motion by Bill LaScala and seconded by John Kincart, and with all those present voting aye, the Board approved the meeting minutes of October 15, 2018 with a few minor grammatical corrections.

Motion to Open Work Session:

Chairman Fon motioned to open the work session, seconded by John Savoca and with all those present voting aye, the Board opened the Work Session. ADA-compliant assistive listening devices were available to the audience.

WORK SESSION

Adrian Auto Body

SBL: 26.18-1-24

Discussion: Amended Site Plan

Location: 3330 Old Crompond Road

Contact: Ciarcia Engineering

Description: Proposed 900 sf building addition to the existing body shop. The prior approval did not receive a building permit.

Comments:

Dan Ciarcia, P.E. and Joe Adrian were present. Mr. Ciarcia stated that an application for a 3,000 sf addition was previously submitted and approved. The new application is for a 900 sf addition to the existing body shop for a spray booth. This is a much smaller application and their biggest concern was the DEP approval. Mr. Ciarcia stated that he received a phone call from the DEP as of today (11/5) and were told to submit 4 sets of the plans for signatures. An updated DEP approved plan was shown to the Board. Stormwater and paving discussion followed. Mr. Ciarcia requested to work on a resolution with the Board. Mr. Tegeder requested that Mr. Ciarcia provide an approved plan set to the Planning Department.

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:

Jeton Selemaj, partner and owner for the incoming French restaurant was present. Mr. Selemaj stated that he submitted the revised outdoor seating plan and survey as requested by the Planning Board at the previous meeting. There is an issue with the location of the telephone pole and questioned if they can ask Con Edison to move the support cable or if he could work around the pole. Mr. Selemaj stated that he is hoping to have this resolved before the holiday season. Discussion followed regarding the telephone pole, cables, electrical box, sewer line and easement. Mr. Tegeder stated that the Board request a supplemental plan which shows the exact location of the telephone pole, sewer line, easement, etc. The map could be placed on the survey in order to locate the property and gain a clearer understanding of the area in question. It was suggested that the applicant reach out to Highway Superintendent Dave Paganelli as well as Con Edison regarding the telephone pole and wires. Stewart Glass, assistant to the Town Supervisor, stated that he will provide a Con Edison contact to the applicant. The applicant will be placed on a future agenda.

Crystal Court Subdivision

SBL: 27.11-2-43

Discussion: Minor Subdivision

Location: Crystal Court

Contact: John Karrell, P.E.

Description: Proposed 3-lot subdivision on 5.07 acres in the R1-20 zone.

Comments:

Item removed from the agenda as no representative was present.

CVS-Crompond Road

SBL: 26.18-1-25

Discussion: Pre-preliminary Application

Location: 3320 Crompond Road

Contact: Tracey J. Roll

Description: Proposed construction of a 13,100 sf (with 1,700 sf mezzanine) CVS/pharmacy with a drive-thru.

Comments:

Lucia Chiochio, Esq. of Cuddy & Feder, Dan Patrick, Esq. of Cuddy & Feder and Dan Peveraro, P.E. of The Lauro Group were present. Ms. Chiochio stated that they are here to present their proposal for the construction of a 13,100 sf CVS, pharmacy and drive-thru. The CVS was before the Board a few years prior with a proposal for a CVS and bank at this location. The difference is that this application does not have a bank and the entrance has changed. There were some concerns with the flood plain during that time and the new project engineer designed the site differently in order to deal with this issue.

Mr. Peveraro presented the plan to the Board and stated that it is primarily the same layout as to what was previously submitted except an island was added at the entrance in order to raise the grade. The layout is typical of a standard CVS, pharmacy and drive-thru. The drive-thru will be at the corner of the building. There will be a two-way access onto Old Crompond Road. Discussion regarding entrance and exit, traffic concerns, parking, refuse enclosures, loading area, landscaping, bio-retention area, grading, building elevations and flood plain issues followed.

The Board had the following comments:

- Title issue – the applicant was alerted to a possible title issue with the roadway (*along Stony Street*) for informational purposes only.
- Traffic concerns – the traffic situation needs to be looked at closely since the area has undergone alot of redevelopment.
- Flood plain - building elevation needs to be addressed.
- Parking - currently 2/3 more parking than what is needed.
- Bio-retention area as a buffer looks good. The grading will need to be addressed.
- Soil testing will need to be performed.
- Landscaping is to be reviewed.
- Future connections should be investigated.
- The dumpster and loading area is to be reviewed.

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:

Joseph Riina, P.E., Maria Constanzo, John Colangelo (*via cell phone*) and Mark Blanchard, Esq. were present. The applicant's history was reviewed with the Board. A parcel of land will be dedicated to the Westchester Land Trust Association in the amount of 5 acres for a trailway which is delineated by a stone wall. The parking lot will

be dedicated to the town via an agreement where the town is party to access on behalf of the resident owner, while retaining ownership, in essence, sharing the parking lot. They are here to review and finalize the license agreement between the applicant and the Town of Yorktown for use of the trailway and parking area. The Town Board would have the ultimate approval.

Discussion regarding the terms of the license agreement, trailway, easement and public access to the parking lot followed. The Board reviewed the agreement and the terms therein. One of the terms is for a 5 year renewal with the ability to cancel the agreement by the owner and applicant at any time not just on the 5 year anniversary as a protection measure. Ms. Constanzo and Mr. Colangelo stated that they have concerns regarding the parking lot with respect to the maintenance (*snow plow, etc.*), liability, potential vandalism and trespassers. The applicant feels that a license would offer protection against nefarious activity, etc. but can be tweaked to satisfy both parties. The Board responded that if this activity should occur the police should be immediately contacted. Other options suggested were to install a gate and sign stating hours of operation. Discussion regarding a license agreement versus an easement followed. The Board is of the opinion that the license agreement is not beneficial to either party as it does not run with the land as opposed to an easement which is recorded and runs with the land. Mr. Buckley, Esq stated that an easement would make more sense for the owner as all conditions are set in stone if the property should be sold in the future in order to move forward.

After further discussion regarding the parking lot and parking spaces, Mr. Colangelo agreed to an easement to donate four (4) permanent parking spaces to the trail head. Mr. Riina requested that flexibility be provided by requiring four spaces but not identifying them. The easement would cover the parking lot as restricted, the burden covers the 4 spaces. The plat easement wording is to have flexibility to move forward and a sign for use during town hours of operation. Mr. Blanchard requested that the resolution contain language regarding the easement specifics to protect the homeowner (*i.e. – preliminary approval, parking area as provided, 5 acre donation, describing general area by trail will have meets and bounds, reference file and easement number, etc.*) The Board agreed to place the applicant on the November 19th agenda.

Spirelli Subdivision

SBL: 16.10-4-10

Discussion: Minor Subdivision

Location: 3435 Buckhorn Street

Contact: Site Design Consultants

Description: Proposed 2-lot subdivision on 1.64 acres in the R1-20 zone.

Comments:

Joseph Riina, P.E. and Pat Spirelli were present. Mr. Riina stated that the application is for a 2-lot subdivision on 1.64 acres. The existing 3 family house will remain on the property with one proposed new residence on the new lot. Sewer and water is existing. The topography was reviewed. There will be very little grading change from front to back. The 100 foot buffer is existing. The houses will be staggered in order to create a backyard. There is currently a driveway for the existing house which does not affect the plans and will be discussed at a later time. Mr. Riina stated that an excavation permit will be necessary for the building foundation. Stormwater discussion followed. Mr. Riina is requesting to move forward with a public informational hearing.

The Board discussed the dedicated strip, removing the sheds to clean up the area, relocating the trash enclosures and moving the new residence off the property line by a foot from the existing house. The Board agreed to place the applicant on the December 3rd agenda for a public informational hearing.

Tesla Charging Station (Staples Plaza)

SBL: 36.06-2-76

Discussion: Amended Site Plan

Location: 3333 Crompond Road

Contact: GPD Engineering and Architecture Professional Corporation

Description: Proposed car charging station next to the Dunkin Donuts Building in the Staples Plaza.

Comments:

Maziar Dalaeli was present. Mr. Dalaeli stated that they are proposing a Tesla charging station for ten (10) electric cars behind Dunkin Donuts. The plans and photos were reviewed with the Board. The charging stations do not generate any noise and the box heights are between 5 and 6 feet tall. The stations are LED illuminated. Mr. Dalaeli referenced another charging station in front of Staples with a similar concept. The charging station will receive its' power from a solar array which is to be installed on a portion of the roof of the Staples building and from the street pole.

The Board questioned the charging stations, how they work and if vehicles other than Tesla can use them. Mr. Dalaeli responded that the stations are for Tesla vehicles only. There are 3 different types and sizes of plugs for electric vehicles. There may be a possibility in the future that they may come up with some type of adapter for other vehicles but this is unknown at the time. Each Tesla model is different with reference to the charging time, it can be anywhere from 30 minutes to an hour.

Mr. Tegeder informed the Board that the landlord has arranged to dig a 1,000 linear foot trench to bring power from the street behind BJ's, around the site, and to the station. Discussion regarding the solar panel, grid and commercial installation followed. The solar panel will be covered under the solar law. He also stated that under Planning Board authority, the landscaping, signage, lighting, etc. is to be reviewed and a resolution to be drafted listing all comments discussed.

The Board had the following comments:

- Lighting - The plans depict two additional lighting poles (*labeled #9*) and are requesting additional information. The applicant was unsure as to why these were there.
- Tesla sign – The sign states that parking is for Tesla vehicle charging only. The sign will need to be revised as the spaces will **not** be designated to Tesla only.
- Parking - The Board stated that the parking spaces are **not** to be dedicated to Tesla only.
- Curb stops – Options are to install wheel stops or concrete curb stops. The preference would be wheel stops.
- Landscaping – Additional landscaping and screening is required. A landscape professional will be required to review what is there and what is needed. The applicant responded that they will landscape to the extent required.
- Handicapped parking – A parking spot may be required for handicapped accessible visitors.
- Site visit – The Board expressed an interest in conducting a site visit to an existing site to view the lighting and illuminated charging stations.

Town Board Referral – Summit 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:

Withdrawn by applicant.

Town Board Referral – The Weyant

SBL: 37.14-2-32

Location: 2040 Crompond Road

Contact: Site Design Consultants

Description: Petition to rezone the 2.62 acre property from the R1-10 Zone to the Transition Zone to construct two 23 rental apartments in 4 one and two-story buildings.

Comments:

Joseph Riina, P.E., Phil Grealy, John Devito and Kyle Devito were present. The history of the proposed project was reviewed with the Board. They were before the Town Board regarding the mini master plan with respect to the Roma and Weyant applications combined. The Roma application is currently before the Town Board. The original Weyant site plan application submitted was not preferred and an alternative plan was requested. The Town Board's preferred plan is for 23 attached units, one and two story buildings in clusters of 4 to 6 units. Mr. Riina presented two versions of the revised site plan, alternative plans "A" and "B" (*which was driven by the public*) to the Planning Board for their review and final decision on which plan to move ahead with. After discussion regarding the layout, parking, access, etc. the Board agreed that Alternative Plan "A" is their preferred option.

Additional items discussed:

- Site Plan – Mr. Riina stated that the Town Board will have the final site plan approval. In addition, bulk standards will be assigned to the project.
- Layout – 23 attached units, one and two story in clusters of 4 to 6 units. Each unit will have a garage with additional parking in the development. There will also be a back yard area.
- Driveways - The main component of the two projects working together is a common driveway and access which will serve both properties. All the other driveways will be closed.
- Access - The main access will be from Crompond Road with the emergency access off of Hamblyn Street.
- DOT – Mr. Grealy stated that with respect to the two properties, he was asked to look at the master plan for traffic in the area and met with the DOT last Spring. A lengthy follow up meeting with the DOT was held last week which included Mr. Tegeder, Mr. Riina, Supervisor Gilbert, etc. The main focus was to ensure all were on the same page as part of the master plan improvements. Discussion regarding turning lanes, right-of-way, intersection, sidewalks, driveways, curb lines, crosswalks, pedestrian connections, controlled access and land dedication followed. Mr. Grealy stated that the DOT has no money. The DOT can't give you a permit until the land is dedicated and this process can be very lengthy (*1 to 2 years*).
- Comments – Chairman Fon stated that the town needs to be proactive regarding studies. Will the project move forward in pieces and do we have any planning for this? Mr. Grealy responded that the DOT stated that they have no money. Mr. Grealy recommends starting with the overall plan, the other applicant will need to be involved. The town can form a transportation improvement district which has been done successfully before, however, it can become a bit complicated. A transportation improvement district could be voted on. It is estimated to be over two million of improvement and unless there is money for a capital plan, it will have to be done in pieces and the town can continue to ask the state for funding.
- Mr. Tegeder stated that the Planning Department will be involved in the planning process. The negative declaration will be a Town Board issue.

Town Board Referral – The Roma Building

SBL: 37.14-2-33
Location: 2040 Crompond Road
Contact: Site Design Consultants
Description: Petition to rezone the 1.34 acre property from the C-3 Zone to the Transition Zone to construct a retail and rental dwellings building.
Comments:
Withdrawn by applicant.

Town Board Referral – Quinlan Telecommunications Tower

SBL: 27.05-1-16
Location: 3101 Quinlan Street
Contact: Saratoga Associates Landscape Architects, Architects, Engineers, and Planners, P.C.
Description: Proposed lease for a wireless telecommunications facility.
Comments:

Klaus Wilma was present. Mr. Wilma stated that they are here to discuss the construction of a 135 ft monopole with antennas and access driveway behind the water tanks on Quinlan Street for a wireless telecommunications facility. Discussion regarding construction, tree removal (*4 on site to be removed by the Water Department*) and visual impacts followed.

The Board had the following comments:

- Site visit – The Board would like to make a site visit to view the area and trees that are to be removed.
- Pole – Will the pole be camouflaged to look like a tree? Mr. Wilma stated that this is not proposed.
- Maps – The Board is requesting a signal coverage map and views of the proposed poles from the surrounding neighborhoods from the applicant to review prior to the next Planning Board meeting. Stewart Glass stated that this is one of 5 sites being proposed of which 3 are owned by the town.
- This item will be placed on the November 19th agenda so the Board can review all supplemental information provided.

Town Board Referral – Celestial

SBL: 15.16-1-21
Location: 3571 Mohegan Avenue
Contact: Daniel Richmond, Esq. – Zarin and Steinmetz
Description: Petition to rezone the 1.13 acre property from the O Zone to the C-3 Zone.
Comments:

Daniel Richmond, Esq. of Zarin & Steinmetz, Diego Villareale, P.E. of JMC and Mark Ellman of Celestial Capital were present. Mr. Richmond stated they are requesting to rezone the 1.13 acre property to the C-3 zone. Mr. Richmond gave a brief history of the property and the original site plan to the Board. The property was acquired in 2006 as part of a larger parcel that was subdivided into 4 lots. Two of the lots are currently occupied by the Learning Experience and Hudson River Teachers Credit Union. The lot adjacent to Mohegan Lake was donated to the town. The property was previously approved for a 4,000 sf bank with two drive up lanes. Since that time, despite repeated efforts they have been unable to market the property under the permitted use of the current Office “O” Zone. With the commercial rezone they will be able to market the property for fast food and retail use.

Mr. Villareale stated that the traffic study was done and improvements were made in 2007 and 2008. An update was performed this year to report on the change to retail use. There was no significant change in levels of service. Details are submitted as a traffic report appendix to the EAF in the submission packet. He stated that a portion of Mohegan Avenue was dedicated to the town. The access will stay as is on Mohegan Avenue which is aligned with the CVS driveway across the street. The retail building shown is a concept plan only. Discussion followed regarding the concept plan and pedestrian connections. At this time, they are only requesting to rezone the property. Any application will be brought back before the Board.

The Board had the following comments:

- SEQR process - What happens with the site plan, how will this work? Applicants' response was it should not be an issue if there are no impacts. The Board's concern is that they are currently viewing a concept and amended site plan. When the actual site plan application is submitted the Planning Board should be able to do some SEQR process. They want to ensure that there is a legal ability to do a SEQR process for an amended site plan if needed. Mr. Tegeder asked if the applicant would object to the Planning Board placing language within the resolution which allows them to require any additional studies if needed. Mr. Richmond replied that they did not have any objections.
- Stormwater permit – still open.
- Entrance - Ingress and egress discussed. The entrance will remain as it currently exists.
- The Planning Department will draft a memo from the Planning Board to the Town Board.

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 submit their comments to the Town Board.

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 submit their comments to the Town Board.

Motion to Close Meeting

Upon a motion by Chairman Fon and seconded by Bill LaScala and with all those present voting aye, the Board voted to **close the meeting at 10:50 p.m.**