

Planning Board Meeting Minutes – December 17, 2018

A meeting of the Planning Board, Town of Yorktown, was held on **Monday, December 17 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 Kincart
- Bill LaScala
- John Savoca
- 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
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Correspondence / Liaison Reports:

- The Board reviewed all correspondence and requested that 1195 Williams Drive be placed on the next Planning Board agenda for discussion regarding the deed transfer to the Town of Yorktown.
- There were no liaison reports.

Meeting Minutes

Upon a motion by Rob Garrigan and seconded by John Kincart and with all those present voting aye, the Board approved the meeting minutes of December 3, 2018 with minor corrections.

Motion to Open Work Session:

Chairman Fon motioned to open the Work Session, 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

Breslin Realty Subdivision (Lowe's Subdivision)

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

Discussion: Decision Statement - Subdivision

Location: 3200 Crompond Road

Contact: Michael Grace, Esq.

Description: Proposed 5-lot subdivision for the Lowe's Home Center Plaza site.

Comments:

Michael Grace, Esq. was present. Chairman Fon stated that at the previous meeting, the Board reviewed a draft resolution and discussion followed regarding a few changes to the language. Chairman Fon asked Mr. Grace if he was satisfied with the amended resolution. Mr. Grace responded that he had no issue with the amended resolution as is.

Upon a motion by John Savoca and seconded by John Kincart, the Board opened a Special Session.

Upon a motion by John Kincart and seconded by Rob Garrigan, the Board approved the resolution approving subdivision plat and easement plats titled Breslin Realty Development Corporation as amended.

Upon a motion by Bill LaScala seconded by John Kincart, and with all those present voting aye, the Board closed the Special Session.

Colangelo Major Subdivision

SBL: 35.16-1-4

Discussion: Approved Subdivision

Location: 1805 Jacob Road

Contact: Site Design Consultants

Description: Approved preliminary 6-lot subdivision on 54 acres by Planning Board Resolution #18-23.

Comments:

Joseph Riina, P.E. was present. The Board reviewed the amended resolution with Mr. Riina. Mr. Riina requested that the page numbers be fixed. Mr. Tegeder mentioned that language is to be inserted stating that this resolution supercedes the resolution of 11/19/18. Mr. Kincart stated that page 4 of 5 should be consistent with the resolution language.

Upon a motion by John Kincart and seconded by John Savoca, the Board opened a Special Session.

Upon a motion by John Kincart and seconded by John Savoca, the Board approved the resolution approving amended preliminary subdivision layout titled Colangelo Subdivision as amended.

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

PANBAR – Bonsignore Subdivision

SBL: 36.05-2-57.1

Discussion: Approved Subdivision

Location: 2483 Hunterbrook Road

Contact: Site Design Consultants

Description: Proposed elevation changes to lot 57.1 of an approved 3-lot subdivision by Planning Board Resolution #16-04.

Comments:

Joseph Riina, P.E., Louis Panny and John Barile were present. Mr. Riina stated that at the previous meeting, the Board requested that he respond to the comments from the Town Engineer's memo of 12/3/2018 directly to the Planning Board with a copy to the Town Engineer of which was done on 12/4/2018.

Mr. Kincart asked if there have been any discussions regarding the stormwater reports. Mr. Riina replied that they are making arrangements to do the inspections. Mr. Lascala asked how the retaining wall will be affected. Mr. Riina replied that the house will now conform more with the hillside and its foundation will act as the retaining wall.

Mr. Riina stated that he was made aware of a resident complaint with respect to the retaining wall on the south side of the house. The original plan was for 2 tiered walls along the driveway. The current wall is a structural wall holding back the filled area for the driveway. At a later date, an additional wall will be built as planned in front of the current structure wall. The height of the finished walls will be 4 feet and 2 feet.

Comments from the Board are as follows:

- Grading - The Board questioned the grading change of the two walls. Mr. Riina responded that there is a 2 foot elevation difference (*4 foot top wall exposed, and 2 foot between slope*).
- Facing - The Board questioned what the facing of the new wall will be and if the wall will be capped. Mr. Panny responded that they will face off the front with a dry wall and the plan is to create a loose stone wall, stacked stones (*keystone*) and the top will be capped.
- Location - The Board questioned if the walls are in the same location as was approved. Response was yes.
- Landscaping – The Board requested that the landscaping details be submitted to the Planning Department for review. Mr. Tegeder stated that the landscaping plans were submitted with the original site plan.

Mr. Panny stated that the home owner is eager to move in. Chairman Fon stated that since the plan changed from the approved plan these items now need to be addressed. Chairman Fon asked if there are any other changes on the site that they need to be aware of. Response was no.

Mr. Riina stated that he will respond to the resident letter of December 20th as well as the Planning Department with respect to their comments.

The Board requested that the applicant return to a Work Session with detailed information on the retaining walls. The Planning Department will draft a memo from the Board in response to the Town Engineer's memo.

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:

Item removed from agenda.

2040 Greenwood Street – Envirogreen Associates

SBL: 37.15-1-38

Discussion: Site Plan

Location: 2040 Greenwood Street

Contact: Site Design Consultants

Description: Proposed 1 1/2 story commercial building and associated parking on 5.71 acres in the C-4 and R1-40 zones. Project will require wetland buffer disturbance.

Comments:

Joseph Riina, P.E, and Rick Cipriani were present. Mr. Riina stated that at the previous meeting, the Board requested that he respond to the comments from the Town Engineer's memo of 9/7/2018 directly to the Planning Board with a copy to the Town Engineer of which was done on 12/4/2018.

Mr. Cipriani stated that the landscaping plan was enhanced as requested and was referred to the Conservation Board and ABACA for review. The Conservation Board has submitted their comments and found the landscaping plan acceptable but are suggesting that the plant material of the stormwater management be reviewed. ABACA requested an electronic version of the landscape plans in order for their landscape architect to review for comments. ABACA also suggested that the building color be tan.

Mr. Tegeder asked if it was necessary to have the stormwater pond in front of the building. Mr. Riina responded that the location was evaluated and preferred by the DEP. Mr. Tegeder stated the the front of the site will need to be screened as it affects the neighbors.

Additional items discussed:

- Views - The site will be more visible from the road as some trees along the street frontage will be removed. The view from the trail will need to be looked at.
- Cross Sections – Sight line from Greenwood Street needs to be reviewed.
- Screening – More screening should be provided at the rear of the property. Screening closer to the edge of the parking lot would be preferred leaving the woods alone. The building may require more screening in the front as well.
- Plantings – Plantings could be added to provide a vegetation barrier. The front could be more natural looking with additional screening.
- Trees – The Board questioned the existing trees shown to be removed in the front. It was suggested that they not be removed but filled in.
- Stormwater - A full SWPPP will be required.

The Board requested that the applicant return to continue review of the details.

Anderson Subdivision

SBL: 58.9-1-20

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:

Daniel Ciarcia, P.E. was present. Mr. Ciarcia stated that he is here to review the application in order to get referrals out to the appropriate committees. He met with Dave Sessions and two areas were identified for proposed mitigation. If the Conservation Board approves, then a formal mitigation plan will be put in place. Mr. Tegeder asked how much disturbance will be in the wetlands buffer. Mr. Ciarcia responded that there will be around 6,000 to 7,000 sf of disturbance. Mr. Tegeder suggested that the Board request a quantification of mitigation before it goes to the Conservation Board.

Mr. Ciarcia provided a tree inventory indicating the trees to be removed. Discussion followed regarding the diameter of the trees, dead and hazardous trees, vines, and preserving larger trees. Mr. Ciarcia asked the Board if they had any objection referring out to the Tree Commission for comments of which they did not. Chairman Fon stated that this application would be a perfect example with respect to the revised tree law. Chairman Fon and Rob Garrigan stated that they performed a site visit and it was evident that the site needs attention as it has been neglected for years. The Town Engineer's memo was also addressed. The Board requested that Mr. Ciarcia respond to the Town Engineer's memo of 07-11-18 in writing to the Planning Board with a copy to the Town Engineer.

The Board requested that a mitigation plan be submitted for review. Mr. Tegeder stated that it should be clear in the resolution that the improvement plan is the approved plan for the proposed lot.

Motion to Close Meeting

Upon a motion by Bill LaScala and seconded by Rob Garrigan, and with all those present voting aye, the Board voted to **close the meeting at 8:20 p.m.**