

Planning Board Meeting Minutes – February 11, 2019

A meeting of the Planning Board, Town of Yorktown, was held on **Monday, February 11, 2019 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
- 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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1. **Correspondence / Liaison Reports:**

- The Board reviewed correspondence regarding the Colangelo Subdivision, 2040 Greenwood and a letter from Mr. DellaVecchia dated 2-11-19.
- There were no liaison reports.

2. **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 January 22, 2019 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

3. **Lowe's Home Center**

SBL: 26.18-1-17, 18, 19, 26.19-1-1, & 26.18-1-28
Location: 3200 Old Crompond Road
Discussion: Certificate of Occupancy
Contact: Michael Grace, Esq.
Description: Approved amended site plan and 5-lot subdivision for Lowe's Home Center, two adjacent restaurant building pads, and a bank building pad on the former Costco Wholesale Club site.

Comments:

Michael Grace, Esq. and Bob Rosenberg were present. Mr. Grace stated that they are requesting to amend the subdivision approval for the approving resolution. They are requesting to carry over the mitigation for the plantings on Underhill Avenue as the store will be ready to open before the next planting season. Lowes anticipates to be open by March 15th. The site plan will not change in terms of the plantings. All the plantings will be done in the spring. In order for the subdivision to be filed, all conditions were required to be completed.

Mr. Grace thought that Lowe's could request a temporary certificate of occupancy and the plantings could be a condition of the final certificate of occupancy.

Mr. Tegeder stated that it has been past practice to request a cash bond to ensure installation of particular items, such as landscaping. He asked Mr. Rosenberg if he had an estimate on what the plantings would be in order to set up a cash bond. Mr. Rosenberg responded that he has not heard back from his contractor and does not have a number as yet. Discussion followed regarding a cash bond, letter of credit, temporary certificate of occupancy and permanent certificate of occupancy. The Board agreed to give the applicant the option to tie the plantings to either submission of a cash bond or completing the plantings prior to granting of a building permit for any one of the three building pad front lots.

Ann Kutter, resident, stated that conditions with respect to the sewer agreements have not been resolved as yet and would like to discuss this further before granting the certificate of occupancy. Ms. Kutter submitted a letter dated 2-11-2019 at the meeting to the Planning Board for the record and file. Ms. Kutter discussed their concerns to date (*additional rock removal expense, grading issues, etc.*) Mr. Grace updated the Board as to where they are in the process with the neighbors currently and issues they have run into with some of the properties. Chairman Fon stated that the applicant is here for the landscaping issue and that all other items are part of the record and should be completed. Furthermore, all conditions of the approval have to be met which includes all approvals (*Planning Board, Building Department, Highway Department, State approval for the road, etc.*) and all agreements as part of the record.

Ms. Kutter also mentioned that she and the neighbors have noticed that there is lighting on all night and it does not appear that there are shields on the lights. Mr. Rosenberg responded that this is a temporary condition and it may be an issue with the timers. He will check into it. He also stated that the future plantings will buffer the lighting. Mr. Kincart stated that we are in the middle of winter and there are no leaves on the existing trees currently. The trees that the Board insisted be preserved should help block the lighting.

Mr. Tegeder questioned the off-site mitigation and deer fencing. Mr. Rosenberg stated he thought the deer fencing was completed. Mr. Rosenberg stated that the "as built" survey for the site will be submitted soon.

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

Upon a motion by Bill LaScala and seconded by John Kincart, the Board approved the resolution amending Planning Board resolutions #16-22 Lowes Home Center.

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

4. Brookside Village Subdivision – Lot #1

SBL: 37.10-2-77
Location: 274 Landmark Court
Discussion: Approved Subdivision
Contact: Sharon Kamhi
Description: Approved Subdivision by Planning Board Resolution #85-20, dated October 17, 1985, and approved Wetland and Stormwater Permit by Planning Board Resolution #15-17, dated November 9, 2015, the Applicant proposes the house on Lot #1 of the approved subdivision to change in orientation.

Comments:

Sharon Kamhi was present. Ms. Kamhi stated that a revised survey was done requesting to shift the house on lot #1 forward. It will be consistent with the front line of the adjacent house on lot #2. During the process,

a provision for an in-ground pool, 15 feet off the rear of the house, was also included on the plan for this lot. They would like to get a basement on this lot as well to maximize the space as much as possible. She is proposing to keep the dwelling where it is as it would provide a nice street scape. She is also asking for flexibility on the future location of the pool based on a potential purchaser's preference to utilize as much of this lot as possible.

Discussion followed regarding the location of the house, options, requirements and impacts (*moving the house further back to create a longer driveway, moving the pool further back, etc.*) Mr. Tegeder stated that it's a difficult lot based on the shape of the lot. The Board stated that their preference would be to stay with the original plan.

5. **Fiore Subdivision**

SBL: 26.15-1-69
Location: 2797 Carr Court
Discussion: Minor Subdivision
Contact: Site Design Consultants
Description: Proposed 2-lot subdivision in the R1-20 zone, where one residence currently exists.
Comments:

Joseph Riina, P.E. and Frank Fiore, property owner were present. Mr. Riina stated that the existing property was originally two lots when the subdivision was built. One home was built over the lot line and the lots were combined. The property is 1.14 acre in size. The sewer line was located in the easement, 10 feet off the property. The application meets all the bulk regulations. He stated that the last time they were before the Board, three driveway alternatives were discussed. He showed the plans to the Board with their driveway preference along with the cross sections through the site. The driveway will be sloped down into the lot. The existing sidewalk will remain. The existing walls where the new home is proposed will come out. A new wall will be constructed to the rear of the house. The home will have a walkout basement. There will be a second tier to the yard. The sewer connection will require a pump. A full SWPPP has been prepared. In addition, a catch basin was installed at the end of the cul-de-sac. Mr. Riina designed this drainage system, which includes infiltrators. The existing infiltration systems will remain and the proposed stormwater system will add to this existing system. All the stormwater from the proposed residence will go into the expanded infiltration system which is designed for a 25 year storm. A public informational hearing was already held.

Mr. Kincart stated that the Conservation Board memo of 2-7-19 stated that they had no issues with the stormwater and erosion controls. Mr. Tegeder questioned the use of the 25 year storm design standard. Mr. Riina responded that the Engineering Department required this standard. Mr. Tegeder asked if there is room to further expand if needed. Mr. Riina responded that the 25 year storm should be adequate and is designed for a 6.5 inch rainfall over a 24 hour period, however, it can be increased if it becomes a concern. Mr. Tegeder stated the application was already referred to the Engineering Department. Mr. Kincart requested that the full SWPPP be submitted. A public hearing will be scheduled for March 25th.

6. **Mohegan Audi Addition**

SBL: 15.16-1-45
Location: 1791 East Main Street
Discussion: Approved Site Plan
Contact: Site Design Consultants
Description: Approved site plan by Planning Board Resolution #18-14, dated September 17, 2018.
Comments:

Robyn Steinberg informed the Planning Board that the Stormwater Management Permit application was not approved in the previous resolution. The permit cited in the resolution was incorrect. The Board did receive

and review all the information with the exception of the permit application. The resolution has been revised accordingly and all paperwork has been submitted to the Engineering Department. This resolution will supersede the prior resolution approving this project.

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

Upon a motion by John Kincart and seconded by Bill LaScala, the Board approved the resolution approving an amended site plan, special use permit, wetland permit, and a stormwater pollution prevention permit for the Mohegan Lake Audi building addition 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.

7. Town Board Referral – The Roma Building

SBL: 37.14-2-33

Location: 2040 Crompond Road

Discussion: Parking Plan

Contact: Site Design Consultants

Description: Proposed underground and above parking to construct a mixed use building to include 9,300 sf of first floor commercial space and 42 residential units.

Comments:

Removed from the agenda at the applicant's request.

Motion to Close Meeting

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