

Planning Board Meeting Minutes – March 11, 2019

A meeting of the Planning Board, Town of Yorktown, was held on **Monday, March 11, 2019 at 7:00 p.m.** in the Albert A. Capellini Community & Cultural Center located at 1974 Commerce Street, Yorktown Heights, NY 10598.

Chairman Rich Fon called the meeting to order at 7:00 p.m. with the following Board members present:

- John Kincart
- John Savoca
- Bill LaScala
- Aaron Bock
- Rob Garrigan, Alternate

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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Courtesy of the Floor

Sharon Kamhi approached the Board with respect to the Brookside Village subdivision, lot #5 as a result of a recent building inspection. The subdivision was processed and approved under clustering and flexibility. She stated that she came before the Planning Board in 2016 to reconfigure lot #5 and the Planning Board modified the setbacks to accommodate turning the house. She said that the house plans were drawn and the house was built with slight changes from what was shown in 2016. A fireplace was added and is located on the northern side. Mr. Kincart asked if the fireplace was pre-fab and off the ground and if so, he did not see any issues with it. Mr. Tegeder stated that these minor plan changes and the field location of the house created minor changes to the setbacks approved in 2016. Mr. Tegeder stated that the Planning Board sets the setbacks for the subdivision because it was approved under clustering and flexibility. The Board agreed that they have no issues with the changes in the setbacks as presented by Ms. Kamhi and confirmed by the Planning Department. The Planning Department will send a memo to the Building Inspector.

Correspondence / Liaison Reports:

There were no liaison reports.

The Board reviewed all correspondence with the following comments:

- Spirelli subdivision correspondence with respect to the 1985 Zoning Board decision on this property from Mr. Buckley, Esq. Mr. Buckley related some conversations he had with Zoning Board members. Mr. Buckley stated that the conditions and parameters have changed and the restriction would not be enforceable and that some of the current Zoning Board members are in agreement. Mr. Savoca questioned why it would be different now from then. Mr. Bock stated that although the Zoning Board's position has changed, the density has not. The Planning Board is not comfortable with conducting a subdivision review with a standing ZBA decision that restricts further subdivision. After discussion, the Planning Board is requesting that the Zoning Board make a determination on their 1985 decision in order for the Planning Board to proceed with the proposed subdivision application.
- Susan Siegel correspondence of 2-12-2019 with respect to Unicorn Contracting. Chairman Fon stated that they did not see this letter at the prior Board meeting and will work on it. Mr. Tegeder stated that he received correspondence from the engineer today. Minor changes are being made to the site plan and a submission is forthcoming.

Meeting Minutes:

Upon a motion by Bill LaScala and seconded by John Savoca and with all those present voting aye, the Board approved the meeting minutes of February 25, 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.

WORK SESSION

Lowe's Home Center

SBL: 26.18-1-17, 18, 19, 26.19-1-1, & 26.18-1-28
Discussion: Approved Site Plan
Location: 3200 Crompond Road
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., Bob Rosenberg and Mr. Panayotou, P.E. were present. Mr. Grace stated that they are here to discuss the change with the guide rails at the site with the Board. He also updated the Board with respect to the neighborhood sewer connections. Of the nine agreements, all are done with the exception of one, which was delayed as a result of a private family matter, and anticipates that all the agreements should be complete within the next few days.

Mr. Panayotou stated that they are proposing to eliminate two guide rails which are located at the main access road at lot 4 (east) and southeast corner of Lowe's parking area (west) and showed the location on the plans to the Board. He distributed an article to the Board entitled "Roadside Design Guide" with required guide rails regulations along with a map for their information. Mr. Panayotou explained guide rails are only required at elevation changes of more than 6 feet. Along the Lowe's parking lot the elevation change is at 6 feet. Measurements and grading were discussed. The applicant is willing to install approximately 50 feet of guide rail in this location. The second location along lot 4 is currently not fully graded and a guide rail isn't necessary in this condition. When the site is fully graded, a guide rail will be installed.

Mr. Tegeder stated that the guide rails are shown in the approved plans. In his opinion, it is preferable to have the guide rails, in particular where the access road intersects with the site circulation road at the southwest corner of the Lowes parking lot.

Mr. Tegeder stated that a bond has been received to address some uncompleted mitigation and landscaping. Mr. Rosenberg mentioned that they anticipate the opening to be March 27th.

2040 Greenwood Street

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. was present. Mr. Riina stated that the public hearing was closed and he would like to review the resolution with the Board. Chairman Fon asked the Board, Mr. Buckley and Mr. Tegeder if there were any comments. Mr. Kincart said that the revised landscaping plan of February 20th should replace the December 20th plan reference.

Mr. Bock questioned the short form EAF. Also, his main issue is with the last point in the resolution that the stormwater is subject to further submission of stormwater management. Mr. Bock asked what specific findings are raised in reference to stormwater. Mr. Kincart stated that the applicant cannot go forward without it. Mr. Riina responded that it is maintained in the SWPPP and on record, the DEP has to issue the stormwater permit on the SWPPP. Mr. Bock asked Mr. Riina to explain one of his responses to the Town Engineer in the memo dated 2-21-19. Mr. Riina responded that the design is based on the gravel parking lot, if the parking lot at any point were to be paved, it would have to be addressed with an amended site plan. Mr. Tegeder said that the stormwater system was designed for the 100 year storm standard and is based on the DEC requirements. The stormwater plan will be routed to the Engineering Department for acceptance as complete assuming there are no issues. It was noted that a clause could be put in the resolution stating acceptance by the Town Engineer and approval by this Board.

Mr. Riina stated that in order to proceed with DEP, a conditional approval is needed from the Board. Mr. Tegeder stated that all technical details have been addressed and clarified. Chairman Fon stated that this application has been discussed and reviewed over the past several months by the Planning Board and they are aware of the resident concerns, however, the engineer has designed a system that will not create additional impacts over the existing conditions, and will be examined by other agencies as well.

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

Upon a motion by Bill LaScala and seconded by John Savoca, the Board approved a resolution approving site plan, stormwater pollution prevention plan, wetland permit, and tree permit for 2040 Greenwood Street.

Upon a motion by Chairman Fon, and with all those present voting aye, the Board closed the Special Session.

Ricciardella Estates fka Dubovsky Site Plan

SBL: 59.14-1-18
Discussion: Special Use Permit
Location: 702 Saw Mill River Road
Contact: Site Design Consultants
Description: Approved site plan by Planning Board Resolution #13-21, dated September 9, 2013. Under new ownership, the Applicant is applying for a Special Use Permit to allow Residential Dwellings in the Country Commercial Zone.

Comments:

Joseph Riina, P.E. was present. Mr. Riina is requesting a special use permit for the property as discussed at the previous Board meeting of 2-25-2019. They are proposing to eliminate the commercial space and construct three residential units. The size of the building will not change. The property is served by well and septic. Mr. Bock asked for a history of the application and Mr. Riina gave him an update. Mr. Bock asked about the trailway access. Mr. Riina stated that the grades prohibit access, but there is access around the corner. Mr. Kincart stated that you wouldn't want people coming from the trails onto the property.

Mr. Riina informed the Board that he had a meeting with the DOT for the permit, and although it is not an issue now, the DOT suggested creating a temporary driveway entrance permit to start construction. He asked the Board if they had any objections and there were none. Mr. Tegeder stated that a public hearing will need to be held for the special permit. The Board will hold a public hearing on April 22nd.

Motion to Close Meeting

Upon a motion by Bill LaScala and seconded by John Savoca, and with all those present voting aye, the Board voted to close the meeting at 7:52 p.m.