

Planning Board Meeting Minutes – February 25, 2019

A meeting of the Planning Board, Town of Yorktown, was held on **Monday, February 25, 2019 at 7:00 p.m.** in the Yorktown Town Hall Board Room located at 363 Underhill Avenue, 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
- Rich Abbate, Town Attorney

Correspondence / Liaison Reports:

- The Board welcomed Aaron Bock as a new member to the Planning Board.
- There were no liaison reports.
- The Board reviewed all correspondence including a letter from Steve Marino of Tim Miller Associates regarding 2040 Greenwood Street that will be reviewed during that agenda item later tonight.

Meeting Minutes

Upon a motion by John Kincart and seconded by Bill LaScala and with all those present voting aye, the Board approved the meeting minutes of February 11, 2019 with minor corrections.

Motion to Open Regular Session:

Chairman Fon motioned to open the regular session and with all those present voting aye, the Board opened the Regular Session. ADA-compliant assistive listening devices were available to the audience.

REGULAR SESSION

Stahmer Minor Subdivision

SBL: 59.10-1-10, 12, & 16
Discussion: Request for Reapproval
Location: 600 Birdsall Drive
Contact: Insite Engineering
Description: Approved 3-lot subdivision on 10 acres in the R1-80 zone by Planning Board Resolution #18-01, dated February 26, 2018.

Comments:

Chairman Fon stated that Rich Williams, the engineer for this application was unable to attend the meeting this evening. Correspondence was received from Mr. Williams via e-mail on 2-22-2019 stating that he has reviewed the draft resolution and has no objections. Mr. Williams also noted in his e-mail that the DEP indicated that they are completing their review and may be in a position to approve the latest submission. Chairman Fon asked the Planning Board, Mr. Tegeder, Mr. Abbate and the public for comments of which there were none.

Upon a motion by John Kincart and seconded by John Savoca, and with all those present voting aye, the board approved the resolution reapproving subdivision plat for the Stahmer subdivision.

BJ's Wholesale Club – Propane Filling Station

SBL: 36.06-2-75
Discussion: Special Use Permit Renewal
Location: 3315 Crompond Road
Contact: JMC Site Development Consultants
Description: Request for renewal of a Special Use Permit for a Propane Filling Station approved by Resolution #14-03, dated February 10, 2014.

Comments:

Umberto Baldinucci, P.E. was present. Mr. Baldinucci is requesting a special use permit renewal for the propane filling station located at the BJ's shopping center. He has received and reviewed the draft resolution and has no comments. Chairman Fon asked Mr. Tegeder if there have been any complaints or issues to date and Mr. Tegeder responded that there were none. Chairman Fon asked the Planning Board, Mr. Abbate and the public for comments of which there were none.

Upon a motion by Aaron Bock and seconded by Bill LaScala, and with all those present voting aye, the board approved the resolution reapproving a special use permit for a propane filling facility as a permanent outdoor service at the BJ's Wholesale Club.

2040 Greenwood Street

SBL: 37.15-1-38
Discussion: Adjourned Public Hearing
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. Chairman Fon stated that the January 28th public hearing was adjourned as a result of an insufficient mailing which has been addressed. Mr. Riina stated that since the last meeting an additional letter from a neighbor was received with respect to the application of which he has responded to the Planning Department on 2-21-2019. Chairman Fon asked Mr. Tegeder if there were any updates. Mr. Tegeder responded that he had a meeting with Mr. Riina and Steve Marino of Tim Miller Associates regarding the landscaping. Mr. Riina stated that the landscaping plan has been enhanced to add more plantings than previously shown. He showed the renderings to the Board and the public. The areas were pointed out where the density of the screening was increased with the addition of evergreens to create an extra layer of screening coming from the north of the building as well as in between the retaining wall and the stormwater basin. Mr. Riina stated that the most recent letter from Steve Marino of Tim Miller Associates dated 2-25-2019 was to address the ABACA memo dated 1-18-2019 for the record. This item was addressed previously in a plan and at the last meeting.

Mr. Tegeder asked Mr. Riina to explain why he is proposing to have the parking lot a pervious gravel surface as opposed to an impervious paved surface. Mr. Riina responded that a goal of incorporating green infrastructure into projects is to reduce impervious surfaces and this pervious gravel parking area achieves that goal. All of the stormwater run-off from that area that doesn't infiltrate into the ground, will go into the stormwater basin and get treated there. There isn't any part of the proposed development - building, parking or driveway, that does not get captured and treated. Mr. Tegeder asked if the water that infiltrates through the gravel is considered by NYC DEP to be adequate treatment, and Mr. Riina responded that it was. Chairman Fon stated that Mr. Riina did a thorough job in explaining the process at the public hearing with respect to the resident concerns and the existing conditions affecting their properties.

Mr. Tegeder mentioned that they also discussed the color of the building at their meeting. He is suggesting that the building color be darker keeping with the tone of the photo shown rather than a light tan. Mr. Riina responded that Mr.

Cipriani is fine with coordinating the building color and it could be a condition of the resolution. Once a building manufacturer has been selected, they will come back to discuss the color options with the Planning Department.

Chairman Fon asked the Planning Board and Mr. Tedgeder if there were any other comments of which there were none. Chairman Fon asked the public for any comments of which there were none.

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

Mr. Riina asked if a draft of a resolution could be considered for the next Work Session of which the Planning Board responded that it will be placed on the next Work Session agenda.

Courtesy of the Floor

Susan Siegel, resident, asked the Planning Board if they had received the letter that she sent regarding Unicorn Contracting. She stated that she sent a letter to Rich Fon and Tom. Her issue is that in October, the site plan had to be changed because of the DEP. The applicant came back to the Board and the Board raised some questions and requested more information. It is now the end of February and they haven't come back and the building continues to be constructed. She would like to know when the Board is going to ask them back to amend the site plan. *Chairman Fon responded that they will follow up.*

Motion to close the Regular Session and open the Work Session

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

WORK SESSION

Hilltop Associates

SBL: 37.06-1-25

Discussion: First 90 Day Time Extension

Location: 450 Hilltop Road

Contact: Site Design Consultants

Description: Approved 3-lot subdivision on 13 acres in the R1-40 zone by Planning Board Resolution #08-02 on January 14, 2008.

Comments:

Joseph Riina, P.E. was present. The applicant is requesting a time extension for this approval which expires on February 17, 2019. Mr. Riina stated that nothing has changed since the last meeting. The property owner, Mike Blank has been trying to get before the Town Board to discuss the possibility of utilizing an existing town drainage utility easement for the sewer line that would serve the subdivision but has not been successful. They are offering a plan to install sewers up to Elizabeth Road which would make sewer connections available for existing residents in the neighborhood.

Mr. Kincart questioned how far up Ridge Street can the sewer be installed and if houses on Waverly could be sewer. Susan Siegel, resident, stated that maps of the proposed sewer line in the Hallocks Mill Sewer District are available on the town's website under the Engineering Department.

Mr. Savoca asked if the applicant consulted the Engineering Department of which Mr. Riina responded that it's a town drainage easement and the Town Board would need to determine if this is permissible and if there is room for the sewer to go into that easement. Mr. Savoca and Mr. Bock stated that the language of the easement should be looked at.

Mr. Kincart stated that only one house is encumbered by the easement and that Mr. Blank may want to reach out to this resident. Mr. Kincart asked the Town Attorney, Mr. Abbate if he had any comments. Mr. Abbate responded that he was not aware of this application and will check into it.

Ricciardella Estates fka Michael Dubovsky (Additional Agenda Item)

SBL: 59.14-1-18
Location: 702 Saw Mill River Road
Comments:

Joseph Riina, P.E. was present. Mr. Riina stated that Mike Dubovsky transferred the property to Mr. Ricciardella who owns the adjacent property. They would like to eliminate the commercial space and construct three residential units. The Town Board created a special permit to allow residential-only development in the country commercial zone. Mr. Riina stated that they are not changing the size of the building. Extending the transitional zone from the adjacent parcel was discussed. However, Mr. Tegeder stated the transitional zone was not appropriate for this parcel. With a special permit, the property can be adapted to the other allowed main uses in the country commercial zone.

Mr. Kincart noted the current discussion of affordable housing. He is in favor of providing a variety of housing types in town to that end.

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:
Mr. Tegeder stated that this request was placed on this agenda for discussion as a follow up from the previous meeting of 2-11-2019 for clarification. A memo from the Planning Department with the history of the details for the layout of this lot was provided to the Board along with the original approval versus the recent approval. Ms. Kamhi would like to move the home forward to be in line with the other homes in the neighborhood and a pool, if proposed in the future, would be behind the home in the location shown.

Mr. Kincart stated that this was discussed and the preference was not to change the plan for Lot #1. He stated that moving the building up to the front may provide more consistency and a nice street scape but preferred that they stay with the original plan within the setback albeit that the driveway would be longer. Mr. Bock questioned the space in the back as it seems to be quite a bit and if it was protected or encumbered.

Mr. Tegeder questioned which original plan was the Board referring to and pointed out the plans to the Board as depicted in the memo. He stated that the plans presented were 10 to 15 feet off of what was originally approved. The pool will be in the back. The Board decided to move it back closer to the original approval so there is no need to change the setbacks. If a pool is to be installed, the plans will need to come back to the Board to show and confirm the location.

Town Board Referral – 2200 Saw Mill River Road

SBL: 37.10-2-65
Location: 2200 Saw Mill River Road
Contact: PW Scott Engineering and Architecture P.C.
Description: Applicant is requesting to replace the existing stone dam, excavate a diverting channel and relocate material to disposal site, repair the upstream dam, and restore the site with closure of diverting the channel and paving the road.

Comments:
No representative was present. Mr. Abbate, Town Attorney, informed the Board members that this application was on the Town Board Work Session for discussion and has been referred to the Planning Board for comments. Mr. Abbate

said that the applicant is requesting to replace and restore the existing stone dam from the 1700's. The Planning Board has no objections to this request.

Motion to Close Meeting

Upon a motion by Aaron Bock and seconded by John Kincart, and with all those present voting aye, the Board voted to **close the meeting at 7:45 p.m.**