

# Planning Board Meeting Minutes – January 13, 2020

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A meeting of the Planning Board, Town of Yorktown, was held on **Monday, January 13, 2020 at 7:00 p.m.** at 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, Vice Chairman
- John Kincart, Secretary
- Bill LaScala
- Aaron Bock
- Rob Garrigan, Alternate

Also present were:

- John Tegeder, Director of Planning
  - Tom D’Agostino, Assistant Planner
  - Nancy Calicchia, Secretary
  - John Loveless, Esq.
  - Supervisor Matt Slater, Town Board Liaison
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## **Correspondence / Liaison Report**

There were no liaison reports.

The Board reviewed all correspondence.

## **Motion to Approve Meeting Minutes**

Upon a motion by Bill LaScala and seconded by Aaron Bock and with all those present voting aye, the Board approved the meeting minutes of December 16, 2019 with corrections as noted.

## **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**

### **Atlantic Appliance**

SBL: 37.15-1-31

Discussion: Site Plan

Location: 2010 Maple Hill Street

Contact: Site Design Consultants

Description: Proposed two story, 25,720 sf building with mixed uses of office/retail and warehouse use on 1.57 acres in the C-2 zone.

Comments:

Joseph Riina, P.E. of Site Design Consultants and Steve Marino of Tim Miller Associates were present. Mr. Riina stated that at the prior Board meeting they talked about the site plan. The main change since then is that they did the stormwater testing and the soil was not suitable for what he had proposed on the site plan. They are proposing to create a pocket wetland for the 100 year storm, the same as was done for the 2040 Greenwood site plan application. The pocket wetland will be oversized noting the flooding concerns on Greenwood Street. They met with the Conservation Board and have received their memo dated 1-9-2020 suggesting to take away the 6 foot retaining wall along Maple Hill Street to provide better curb appeal. Discussion followed. Mr. Riina stated that they do not need the parking spaces in the front, the land banked parking spaces are now proposed to be moved to the south side of the property to create green space. He noted that the retaining wall will continue around as shown on the latest site plans. Mr. Bock stated that he thought this was a good idea as the building next door faces to the side

also. Mr. Kincart asked about the stormwater treatment. Mr. Riina responded that the water table is too high to do infiltration and that this plan shows a surface basin instead.

Steve Marino stated that the purchase of this property came with an additional parcel in the back which they were not planning on doing anything with. Portions of the additional parcel are in the wetlands and would be perfect for mitigation for buffer encroachment. They are proposing to enhance the buffer and create stormwater treatment and controls. Photos of the site were shown to the Board. All debris will be removed and the site will be cleaned up. A restoration plan will be put into place for the wetland plantings. Mr. Marino stated that there are high and low spots and they will look at the topography to make a connection. They are proposing to fence the buffer with a post and rail fence the same as the parking area. The fence will have a mesh screen to catch litter. A more detailed plan will be provided for the Public Informational Hearing.

Chairman Fon suggested that the applicant look at the stormwater issues in the area to tie in the concerns from the nearby residents as this would be a perfect opportunity to help with the water issues.

### **CVS-Crompond Road**

SBL: 26.18-1-23, 25, & 26

Discussion: Site Plan

Location: 3320 Crompond Road

Contact: Cuddy & Feder, LLP

Description: Proposed construction of a 14,700 sf CVS/pharmacy with a drive-thru on 1.96 acres in the C-3 zone.

#### Comments:

Dan Patrick, Esq. of Cuddy & Feder LLP; Dan Peveraro, P.E. of The Lauro Group, and Dr. Philip Greal, Traffic Consultant of Maser Consulting were present. Mr. Patrick stated that they are here as a follow up to the adjourned public hearing of 12-16-2019. In response to a resident question at the public hearing, he noted that the CVS will not be a 24 hour store. They have revised the landscaping plan to address comments from the Planning Board and ABACA. The trees along Route 202 will mirror the trees across the street at BJ's. The spacing of the trees will be the same spacing as the BJ's trees which will provide a view to the commercial businesses behind. The plantings in the interior have changed as well. Mr. Tegeder asked what type of trees will be planted and the response was red maple. Mr. Tegeder noted that red maple trees can grow to be 70 feet tall and 50" wide. If the trees are spaced at 25 feet, the view to the commercial businesses behind may be blocked. Mr. Peveraro noted that when the trees are taller, you would be looking under the branches. Mr. Kincart stated that there may be too many trees and it might be a better idea to go with half the amount of trees proposed, or remove every other tree, in order to keep the businesses behind visible as this was their concern. Mr. Tegeder suggested planting another species rather than something that grows very tall. Once the species is determined, the spacing can be adjusted to capture the view of the commercial businesses behind.

Mr. Tegeder asked about the driveway towards the intersection. He noted that they added a turn lane coming west on Crompond that was not proposed in the Crompond Terraces project. Dr. Greal showed the new plans to the Board. Discussion followed. Dr. Greal noted that they will widen the roadway. He said that the DOT asked them to resurface the entire area. There will be new paving and new curbing along the frontage of the property as shown on the plans. Mr. Tegeder asked about the sidewalk. Dr. Greal responded that the sidewalk is within the existing right-of-way and will be 5 feet wide and extend out as far east on Old Crompond as is practical. The crosswalk will be redone and there will be additional signs for pedestrian crossing. Mr. Tegeder suggested the stop bar adjacent to Chase Bank be relocated closer to the intersection.

Mr. Tegeder asked if there will be signs and where they will be located. Mr. Peveraro responded that there will be two free standing signs and showed the location of the signs on the plans. The Board suggested installing monument signs. The applicant was advised that there is a code for the signage.

Mr. Tegeder asked what the final solution to the eastern most lot lines was. Mr. Patrick responded that he discussed the easement with the property owner. Mr. Tegeder suggested to move the lot line over so that the CVS site amenities are fully within the CVS property.

Mr. Bock asked about the DEP. Mr. Patrick responded that its all about the drainage and cannot be reviewed until SEQR is issued. He said that it is a work in progress and will eventually be different. Mr. Tegeder stated that the draft SWPPP that is being reviewed by the DEP should be submitted to the Planning Board. The resolution should note that this is a tentative approval pending finalization for the SWPPP by the DEP.

Chairman Fon suggested that the applicant bring the landscape architect with them to the next meeting to discuss the plan details. The Board asked about the rooftop units. Mr. Peveraro responded that the rooftop units will be 5 feet off the roof line. It was noted that there will be some visibility traveling down the hill due to the slope. Mr. Tegeder asked about the building façade and the possibility of adding windows or banding.

Mr. Patrick requested to close the Public Hearing. The Board asked the Planning Department to place this item on the next Board meeting agenda.

### **Taco Bell – 3605 Crompond Road**

SBL: 36.05-1-16  
Discussion: Site Plan  
Location: 3605 Crompond Road  
Contact: JMC Site Development Consultants  
Description: Proposed Taco Bell restaurant and drive-thru on 1.06 acres in the C-4 zone at the former Snap Fitness location.

#### Comments:

Paul Dumont, EIT of JMC Site Development Consultants was present. Mr. Dumont stated that he is here on behalf of the applicant with regards to the proposed Taco Bell fast food restaurant with a drive-thru. They were before the Board previously on 10-21-2019 to discuss the preliminary application. He is here this evening with a formal site plan application. They are proposing to reoccupy the existing building formerly occupied by Thyme Restaurant and Snap Fitness with Taco Bell and another to be determined retail tenant to share the space. The site is located at 3605 Crompond Road and is zoned C-4. The proposed site improvements will include a drive-thru lane, new curb cuts, paving and restriping of the existing parking lot with exceptions in a few areas, ADA improvements and landscaping. They are proposing a right turn exit only curb cut onto Crompond Road and noted that there was a curb cut years ago but it was closed when the former Taste of Italy deli built a patio. The front of the property will have a new sidewalk, dining area and landscaping. The proposed plan will improve the area greatly.

Mr. Dumont stated that the wetlands have been flagged and is a function of two systems. There is a stream that crosses the property that is associated with a bio-filter stormwater practice from the former Taste of Italy deli site plan. This stormwater practice has become overgrown with invasive species over the years. They have reached out to the original designers, Evans Associates, to evaluate this area who will also prepare a plan to restore the original design and function of this practice. Part of the plan will be to remove the invasive species and replace and restore plantings in order to re-establish cells and the flow path through that area. In addition, the portion of the wetlands that extends off the site is associated with a drainage culvert that runs through the site to a headwall that exists on the adjacent property to the east. No land disturbance is proposed within the delineated wetland area except work that may be performed to restore this practice. Mr. Dumont stated that they met with the Conservation Board and have received their feedback. They are waiting for the final plan to show what they are proposing.

Chairman Fon asked about the easement for the culvert. Mr. Dumont responded that it appears there never was an easement established for the culvert and that the Town Engineer will establish an easement going forward. They will look at the conditions of the easement and plan to video inspect the culvert to determine its condition. Mr. Kincart asked Mr. Dumont if they would consider a manhole for maintenance once they determined the condition of the culvert.

Mr. Dumont noted that there are several outside agencies who have jurisdiction on the property. The new curb cut onto Crompond Road will require DOT approval and they have initiated the Stage 1 highway work permit review as well. The modification/expansion of the existing impervious surfaces will require approval by the DEP. They had a pre-application meeting with the DEP. They are in the process of preparing a SWPPP for the DEP and Town Engineer.

Mr. Dumont stated that they have received the Town Engineer's memo dated 1-6-2020. Mr. Tegeder asked about item #3 and if he agrees there is an issue. Mr. Dumont responded that the Town Engineer points out that the drive-thru lane along the east side of the site will be difficult to navigate due to site constraints. The access road width is 12 feet wide and curves back and forth which may make it difficult for drivers to navigate. He stated that there is room to widen it but not the whole length, possibly the portion where it curves. He stated that they don't see this as an issue but a larger vehicle may have difficulty.

Mr. Bock asked if they would consider eliminating the curb cut. Mr. Dumont stated that their client would like to maintain the front of the building and keep the entrance in front. They would like to keep this configuration with the new curb cut onto Crompond Road.

Mr. Tegeder asked what the parking count will be. Mr. Dumont responded that they will be providing 40 parking spaces where 49 parking spaces are required. He noted that there is a code that allows the Board to reduce the parking requirement by up to 25%. He stated that they submitted data to the Board in which a Taco Bell of this size in this region requires 23 parking spaces.

Mr. Kincart asked about fire protection and if the location of the fire hydrant on Old Crompond Road was identified. Mr. Dumont responded that they have not yet met with the Fire Board. Mr. Tegeder reminded Mr. Dumont that the outdoor seating will require a special permit. Chairman Fon asked the applicant about the signage and lighting plan and Mr. Dumont responded that they are working on it. Mr. Dumont informed the Board that he will keep them updated as the application progresses.

### **650 Pines Bridge Road**

SBL: 70.10-1-29

Discussion: Minor Subdivision

Location: 650 Pines Bridge Road

Contact: Ciarcia Engineering, P.C.

Description: Proposed 3-lot subdivision on 8.06 acres in the R1-80 zone with one existing residence.

Comments:

Dan Ciarcia, P.E. of Ciarcia Engineering and Alex Cochran, property owner were present. Mr. Ciarcia stated that he has submitted a revised plan set, copy of the property survey, and revised EAF in response to the Planning Department's comments for review. He has received the Town Engineer's memo dated 10-31-2019. He stated that when the property was purchased, the percolation test was brought up to compliance. The soil testing was done and witnessed by the Health Department a while ago. There are no variances required and all is compliant. There will only be two retaining walls. They met with the Conservation Board and there were no concerns.

Mr. Ciarcia stated that he is still questioning whether this application should be a submission for subdivision approval only or subdivision with site plan approval and not sure how to differentiate the two. He noted that his client's objective is to sell these lots and he has no desire to build. Mr. Tegeder responded that a plan should be provided that proves the buildability of the proposed lots. He advised Mr. Ciarcia to prepare an improvement plan that handles stormwater, sewage and something that is constructible. Mr. Ciarcia noted that the applicants would not come back typically unless there is change in the finished floor elevation or other triggers. In this case, there are no wetland constraints.

Mr. D'Agostino asked about the Fire Memo dated 12-13-2019 requesting a donation of a small piece of land (20' x 50') to expand their remote water sources and since there are no fire hydrants in the area, the ability to install an underground water storage tank which would be beneficial to the applicant and the surrounding community. Mr. Ciarcia responded that given where they are with the septic and well setbacks, he is not sure that this can be done. He will have to ask the Health Department if this would be possible. He will look into this further and report back to the Board. Mr. Tegeder suggested placing the underground tank on lot 2 in the corner near the road. Mr. Ciarcia will check to see if there are any impacts to the well system. Mr. Kincart stated that the island between the roadways might be a good location for the underground tank as well.

Mr. Tegeder asked about the stormwater and if it was a basic SWPPP and the response was yes. Mr. Tegeder asked if they submitted a wetlands application. Mr. Ciarcia responded that they submitted the permit application to the

Town Engineer. He stated that the erosion and sediment control plan and driveway profiles are also included in the plans. Mr. Tegeder stated there should be something to show how to handle stormwater. Mr. Ciarcia responded that there are indicators of stormwater practices in the plans and will provide a SWPPP. He is requesting to move forward with a Public Informational Hearing. The Board had no objections and requested that the Planning Department schedule a Public Informational Hearing in February.

**Broad Pines - Approved Subdivision**

SBL: 27.14-1-7 & 8  
Discussion: Building Permit  
Location: 309-311 Granite Springs Road  
Contact: American Design Consultants  
Description: Proposed buildout of lots 5 and 6 of the Broad Pines/Prebeck Subdivision approved by Planning Board resolution #90-10, dated April 2, 1990.

Comments:

Enzo Letizia was present. Mr. Letizia is proposing to be the owner and builder for lots 5 and 6 in the Broad Pines/Prebeck Subdivision from 30 years ago. Lots 3 and 4 are existing. He is proposing to build two new townhomes and stated that he is working off of a progress print that shows something different from what was approved. He is proposing to increase the first floor elevation by 6 feet, and move the garages under the townhomes instead of on each side. The elevation and profile were shown to the Board. The elevation will increase from 466 to 471 and stated that it can be done at 470 but he prefers a buffer of 471 because the area is wet.

Mr. Letizia noted that he flagged the site and created a new site plan. He stated that water from Broad Street and Granite Springs Road is causing flooding issues. Mr. Tegeder asked Mr. Letizia if the flagging was accepted by the Town. Mr. Letizia responded that the Town Engineer looked at it and it was accepted. He stated that he will remove the septic system and install a sewer system. The stormwater system will remain the same and he will clean and dredge the system. Mr. Tegeder asked Mr. Letizia who will oversee the clean-up and the response was the Town Engineer. Mr. Tegeder advised the applicant to submit a plan with respect to the stormwater to the Planning Board.

It was noted that at the time the development was built, there was a sewer moratorium so septic systems were installed for the existing lots with a provision in the resolution for a future tie in to the sewer should the moratorium be lifted. There are currently septic systems for the two existing lots. Mr. Letizia stated that he has agreements from the owners of the existing lots to tie into the sewer system and has submitted the agreements to the Town Engineer.

Mr. Bock asked what kind of review the Board can do as this is from 30 years ago. Mr. Tegeder stated that the Planning Board will need to review the environmental and stormwater impacts for approval, the wetlands flagging will need to be confirmed, the permits will need to be redone and the lots will need to be reviewed with respect to circulation and operation. Mr. Letizia stated that he has been working with the Town Engineer on this proposal for a while and there should be a record on file. He noted that the plans will remain the same with the exception of the elevation.

Mr. Tegeder noted that the original subdivision should be adhered to and noted in their resolution. The Board stated that they will review the application and the Town Engineer's recommendations/comments. The Board asked the Planning Department to coordinate a site visit with the Conservation Board.

**ZBA Referral – Lowes Pad ‘B’**

SBL: 26.18-1-18  
Description: The Pad B of Lowe's Plaza has a required front yard setback of 75 feet where the plan is showing 50 feet. Therefore, the Applicant is requesting a variance of 20 feet. This request is only for 20 feet due to the NYS DOT R.O.W. taking of Lowes.

Comments:

No representative was present. The Board had no objections and requested that the Planning Department prepare a memo to the Zoning Board.

**ZBA Referral – 1295 Winslow Drive**

SBL: 47.18-1-53

Description: Applicant is proposing an accessory structure of solar panel installation and is requesting a variance to allow a setback of 36 feet, where 75 feet is required. This address is a corner lot and is subject to Town Code Section 300-13G “Corner Lots”.

Comments:

No representative was present. The application is for a variance to allow a side yard setback of 36 feet, where 75 feet is required for a proposed 10 foot high ground mounted accessory structure for a solar panel installation on a corner lot. The Board reviewed the plans submitted. Mr. Tegeder noted that this is allowed as an accessory use on the ground serving the resident. There were concerns regarding the visual aspect in relation to the neighboring properties. Discussion followed with respect to screening the structure. Chairman Fon stated that he would like to see cross sections of the site. The Board requested that the Planning Department coordinate a site visit with the Conservation and Zoning Boards.

**Town Board Referral – 2241 Saw Mill River Road**

SBL: 37.11-1-46.1

Description: Applicant is proposing a new Single Family House and Stormwater Management System along Gady Place, off of Saw Mill River Road. This address was a part of the Spano Minor Subdivision approved by Planning Board resolution #02-16, dated June 10, 2002. There is a road maintenance agreement on file with the Town for the property owners with frontage on Gady Place.

Comments:

Azim Aliriza, P.E. of Fusion Engineering PC was present on behalf of Mr. McTaggart who is the developer for this property. Mr. Aliriza stated that this is a vacant lot which is part of the Spano Minor Subdivision. The property is located off of Saw Mill River Road on the private road Gady Place. He noted that a variance was granted for no frontage on a town road when the subdivision was approved. Mr. Aliriza read the December 6, 2001 Zoning Board variance to the Board members. The applicant is proposing to build a single family residence on this lot. A stormwater management application was submitted to the Engineering Department. He said that they did the soil testing and met with the Town Engineer and there were no issues. The plans were shown to the Board.

Mr. Tegeder asked how the stormwater system differs from the original plan. Mr. Aliriza responded that all the water will go into chambers and he does not know what the original plan was. Mr. Tegeder advised the Board members that the Town Board is requesting a variance for the stormwater permit. He noted that the plan should be compared to the original subdivision to see what the needs are. Chairman Fon requested, and Supervisor Slater agreed, that the Planning Department coordinate a meeting with all involved to review the application.

**Additional Discussion - Crystal Court Subdivision**

Mr. Tegeder asked the Board if they were in favor of the phase 1 shovel test as noted in the OPRHP letter dated 11-22-2019 in response to John Karrell’s e-mail dated 11-14-2019. The Board responded that they are in favor of the test.

**Motion to Close Meeting**

Upon a motion by John Kincart and seconded by John Savoca and with all those present voting aye, the Board closed the meeting at 8:56 p.m.