

Planning Board Meeting Minutes – February 10, 2020

A meeting of the Planning Board, Town of Yorktown, was held on **Monday, February 10, 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 Chair
- 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
- James W. Glatthar, Esq.
- Councilman Tom Diana, Town Board Liaison
- Councilman Ed Lachterman, Town Board Liaison

Correspondence / Liaison Report

There were no liaison reports.

The Board reviewed all correspondence.

- Chairman Fon asked about the Hilltop Hanover Lot 9 correspondence for informational purposes. Ms. Steinberg responded that the septic was moved from the back to the front of the house. It does not cross the filter strip and no additional trees will be removed.

Motion to Approve Meeting Minutes

John Savoca recused himself from this item as he was not at the meeting. 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 January 27, 2020.

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

Broad Pines/Prebeck Approved Subdivision

SBL: 27.14-1-7 & 8

Discussion: Building Permit Conditions

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 stated that he submitted answers to the Board’s questions and would like to move forward with the building permit but before he can do this, he needs the Planning Board approval. He noted that this was an approved subdivision from 1990 and is trying to comply with the Planning Board the best he can in order to move forward.

Chairman Fon stated that the Board conducted a site visit on February 9th. The Board observed the stormwater retention structure during their site visit. Discussion followed with respect to the survey stakes, stormwater treatment and wetland mitigation. Mr. D'Agostino stated that they discovered that Lot #7 was never deeded to the town as originally intended and is still owned by Prebeck. Mr. Tegeder added that this lot is in foreclosure. Mr. Letizia responded that he will get in touch with his attorney regarding this lot to see if it can be deeded to the town now. Mr. Savoca stated that it should also be released from the foreclosure action.

Mr. Tegeder stated that the survey should be updated to include the entire property since the berm is not represented in the topography. This will need to be flagged by a surveyor and accepted by the town formally. Mr. Letizia asked if he should modify the placement of the berm. Mr. Tegeder suggested that he get a good representation of what was built, an "as built" to show the berm properly. He also suggested that the Town Engineer review the project to see what its intended design was originally. In addition, the applicant should ask the Town Engineer to verify what needs to be done with the stormwater such as cleaning it up or expanding the system.

Chairman Fon asked about the wetland. Mr. Tegeder responded that the application will be referred to the Conservation Board. The environmental consultant in the Town Engineer's office will need to review the flags and it will need to be picked up on the surveyor map. The acceptance needs to be put in writing and sent to the Planning Department. Mr. Letizia responded that he will ensure the flags are added to the survey. Mr. Bock stated that he would like to see the assessments for the wetland and stormwater impacts. Mr. Letizia responded that he is proposing the original approved stormwater measures.

Discussion followed regarding the widening strip. Mr. Tegeder also noted that the original subdivision was designed so that the driveway shown would be a public road, but was later changed to be a private road and this is the current condition.

Mr. Letizia stated that the playground on Lots 5 and 6 will be relocated. The shed may be repaired and relocated. Discussion followed with respect to landscaping.

Mr. Letizia stated that the Town Engineer requested documents of the deeded properties. He noted that the Town Engineer had different questions. Mr. Tegeder asked Mr. Letizia to send all documents produced and submitted to the Town Engineer to the Planning Department for the Board's review as this would help to avoid parallel actions. Mr. Letizia responded that he will forward all documentation to the Planning Department. Chairman Fon asked the Planning Department send a letter to the applicant listing the items that need to be addressed.

CVS-Crompond Road

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

Discussion: Resolution Conditions

Location: 3320 Crompond Road

Contact: Cuddy and Feder, LLP

Description: Proposed construction of a 13,100 sf (with 1,700 sf mezzanine) CVS/pharmacy with a drive-thru.

Comments:

Dan Peveraro, P.E. of The Lauro Group, Lucia Chiochio, Esq of Cuddy and Feder, LLP, and Dr. Philip Grealy, Traffic Consultant of Maser Consulting were present. Ms. Chiochio stated they have addressed all the details from the Public Hearing. The signage, landscaping and lot line adjustment were addressed. The updated plans were submitted to the Planning Department. Mr. Peveraro stated that they added the 15 foot monument sign on the rendering. The pylon sign along Route 202 will also be 15 feet high.

Mr. Tegeder suggested that the pylon sign could have a double post (per the sign manual) and not a single post as is currently proposed. Ms. Steinberg asked Mr. Peveraro about the future site of the pylon sign. Mr. Peveraro responded that the sign is proposed off of the CVS property. Ms. Steinberg stated that there should be an explanation in the resolution as to why the sign is not on their property for future clarity.

Mr. Tegeder asked if the tree spacing was changed to 25 feet and the response was yes. Discussion followed regarding the slope in the parking lot. Ms. Chiochio stated that there is a provision in the town code for a waiver on the slopes in the parking lot. Mr. Tegeder asked to show the locations on the plan. Mr. Peveraro showed the plan with colored areas to the Board (purple is 4.8%, green is 5.8% and pink is 7.3%). Mr. Tegeder stated that the applicant will need to look at the green area to see how it affects the curb line and ADA areas. Mr. Tegeder asked if there were any ingress points in the green and pink areas and Mr. Peveraro responded that there were not. Chairman Fon stated that the Planning Department will need to verify that the slopes as proposed will not cause any issues.

Dr. Grealy stated that they have submitted the paperwork to the NYS DOT and are waiting for the permits.

Mr. Tegeder stated that the conditions of the resolution should include the SWPPP approval, lot line adjustment, the waiver for the slopes to make sure its not affecting curb lines, the extension of the sidewalk as far east as possible and the stop bar relocation. Ms. Steinberg noted that the off site road improvements should be included as well. Chairman Fon asked the Planning Department to work on the resolution for review.

Par 3 Golf Course

SBL: 16.07-1-38

Discussion: Site Plan

Location: 795 Route 6

Description: Proposed Par 3 golf course on Town owned parkland.

Comments:

Item withdrawn at the applicant's request. Mr. Tegeder stated that since this item is time sensitive, the Board needs to be updated. He informed the Board that James Martorano sent him a letter from Frank DiPeri, Project Manager, stating that he could not attend the meeting this evening due to health issues. He noted that the applicant was not able to produce the required documents. They are currently working on the DEC permit application.

Chairman Fon suggested that the Planning Department set up a meeting internally with all to discuss the project in order to move it forward. For informational purposes, Mr. Tegeder stated that he, Supervisor Slater, Parks and Recreation Superintendent James Martorano and Mike Quinn, Town Engineer had a meeting this past Friday at which this item was discussed.

Nestle Waters

SBL: 35.08-1-16

Discussion: Site Plan

Location: 3775 Crompond Road

Contact: Site Design Consultants

Description: Proposed to renovate the existing building and parking plan for office and warehouse uses in the C-4 zone.

Comments:

Item withdrawn at the applicant's request.

Correia Site Plan

SBL: 6.17-2-65

Discussion: Site Plan

Location: 250 East Main Street

Contact: Site Design Consultants

Description: Proposed storage facility on 8.22 acres in the Country Commercial zone consisting of two 1 ½ story buildings of 6,000 sf each.

Comments:

Joseph Riina, P.E. of Site Design Consultants was present. Mr. Riina showed the revised plans to the Board. He stated that the building was moved away from the residential properties. There were issues with the grading for the

driveways so driveways were located for each garage door. Discussion followed regarding the retaining wall and the grading.

Chairman Fon stated that the Board was near the site while conducting a site visit and feels that this is a nice plan for the location. Mr. Bock stated that he likes this plan better than the previous plan. Mr. Tegeder asked if the buildings will be used for storage only. Mr. Riina responded that they will be storage only and noted that other than power there are no other utilities. The buildings would be accessory to the main use.

Mr. Riina stated that he is waiting for good weather to perform the stormwater testing. He is requesting to move forward with a Public Informational Hearing. The Board had no issues and asked the Planning Department to schedule a Public Informational Hearing in March.

Nantucket Sound, LLC

SBL: 37.18-2-86
Discussion: Preliminary Site Plan
Location: 385 Kear Street
Contact: Site Design Consultants
Description: Proposed three story, 8,101 sf building with a mix of residential and retail uses on 0.36 acres in the C-2R zone.

Comments:

Joseph Riina, P.E. of Site Design Consultants and Patrick Murphy were present. Mr. Riina stated that the plans shown are the same as the previous plans submitted with more details. The proposal is for a three-story building with a mix of residential and retail use. There will be one story of retail use and two stories of residential apartment units. The second and third stories will consist of three two-bedroom apartment units each. The retail on the lowest level faces towards Mavis Tire to the south. The upper two levels will be accessed from the opposite side which faces Route 118. A patio area is proposed to be used as a common space for the residents. There will be two separate parking areas. The parking calculation for the six apartments is 2.2 spaces per apartment and for the retail space it is 4 spaces per 1,000 sf. Mr. Riina stated that there is more than enough parking for the proposed use. A connection is proposed to the Caremount building. No grading is needed. A connection to the sidewalk on the north side of the building will require steps and therefore will not be ADA compliant from that side.

Mr. Riina stated that the fire trucks will not go into the site instead they will pull up in front. There are two fire hydrants located in the area which were shown on the plans. The trash pick-up and delivery will occur in two movements, the trucks will pull in and back out into the parking lot at Caremount. The turning movements were shown on the plans. Signage will also be provided.

Mr. Riina showed a conceptual landscaping plan to the Board and discussion followed. He stated that the next submission will have a more detailed landscaping plan. Mr. Tegeder asked if landscaping could be provided in front of the wall along Kear Street and Mr. Riina responded that they will look into it. Mr. Tegeder asked how high the walls are and the response was that the highest wall was 4 feet at curb height with a guard rail. The elevations and floor plans for the apartment were shown to the Board.

Mr. Bock stated that conceptually what he sees is residential units with no outside associated space whatsoever and feels they are squeezing a lot into a small space. The Board asked about the patio area and its size. Mr. Riina responded that the patio area is 10 ft x 18 ft. Mr. Savoca suggested the possibility of creating a patio area off the apartments or installing balconies. Chairman Fon noted that he would like to see the architectural details for this project.

Mr. Tegeder asked about the fence and guard rail. Mr. Riina responded that the guard rail will be made out of timber. Mr. Tegeder asked if a fence will be necessary for the patio and the response was that there is a fence shown.

Mr. Tegeder suggested that a full street elevation be provided to see how the proposed plan would look from the opposite corner, near the Mavis entrance. The Board requested to see more views in order to assess if it fits in the area. The recreational/seating area also needs to be evaluated.

Lowe's Plaza Building Pad 'A'

SBL: 26.18-1-17

Discussion: Site Plan

Location: 3200 Crompond Road

Contact: Site Design Consultants

Description: Proposed 12,500 sf office/retail building on building Pad 'A' of the approved Lowe's Home Center Site Plan.

Comments:

Joseph Riina, P.E. of Site Design Consultants, Bob Rosenberg of Breslin Realty, Abigail Adams, Landscape Architect and Michael Grace, Esq. were present. Mr. Riina stated that the site plan shown has not changed from what was previously submitted to the Board. He said that most of the discussion will center on landscaping, architecture, and site use.

Abigail Adams showed the landscaping plans to the Board. Discussion followed with respect to the trees, shrubs, etc. in and around the site. Ms. Adams explained that a four season plan is proposed to create visual interest year round. A row of trees will be planted along the building similar to what was designed for Pad "B". The three islands will be landscaped as well. The two tiers of retaining walls along the west side of the property will have a row of evergreens to stabilize the top slope with the addition of climbing hydrangeas. Cross sections were shown. Mr. Riina noted that they are scheduled to meet with ABACA tomorrow.

Chairman Fon stated that his biggest concern is that the rear of the building will be facing Crompond Road (Route 202) with a view of the loading spaces and pallet area and feels that it is not attractive. Chairman Fon asked about the elevations and Mr. Riina replied that the architect was unavailable to attend this evening, but the elevations were shown. Mr. Tegeder asked why the building can't be turned around. Mr. Riina responded that the orientation of the building is tenant driven. He said that the tenant requested to face the Lowes building and noted that there would be a significant reduction in the number of parking spaces if the building were to be faced the other way.

Mr. Tegeder asked Mr. Riina if he analyzed the parking requirements. Mr. Riina replied that he did. He stated that they are adding parking but not creating a deficit in the original parking scenario. Mr. Tegeder asked Mr. Riina to prepare a narrative that goes through the elements of the SEQRA review to ascertain that it does not cause any additional significant impacts.

Discussion continued regarding the appearance of the rear of the building that now faces the front road. Mr. Garrigan stated that he thought that the back of the building didn't appear to have a heavy duty industrial look to it. Mr. Tegeder stated that it doesn't have an industrial look but it doesn't have architecture that would be expected facing a main road. He suggested installing a canopy over the loading area to give the building more dimension rather than just a flat wall. Mr. Riina responded that a canopy will increase the variance needed from the front setback. Mr. Tegeder also suggested adding a taller architectural element to the southeast corner of the building to draw the eye up and away from the loading area, dumpster enclosure, and pallet enclosure. A sign for the store could also be placed on this element.

Mr. Tegeder asked about the lighting plan and Mr. Riina responded that they are working on it. Mr. Riina stated that the refuse containers will be enclosed and the pallet storage will be in a separate area. There will be no official loading dock as everything is done low to the ground. Mr. Bock noted the Town Engineer's memo dated 2/6/2020.

The Board requested that the applicant provide views of the site in addition to the architectural plans for review. Chairman Fon stated that they like the project and want to move forward. The applicant was advised to schedule a meeting with the Planning Department to discuss the project further.

Town Board Referral - Proposed Local Laws pertaining to Battery Energy Storage Systems

Description: Proposal to amend Chapter 300 of the Code of the Town of Yorktown entitled “Zoning” by adding a new Article VII Section 300-81.5 “Battery Energy Storage Systems”.

Comments:

Mr. Tegeder updated the Board with respect to the most recent changes to the proposed law. Mr. Tegeder noted that paragraph J of Section 8 – Permit requirements for Tier 3 was amended. The minimum lot size for a battery storage system is $\frac{3}{4}$ acre. The setback requirements of the underlying zoning district for principal structures notes that the Planning Board may determine that the setback be increased for adequate screening. Language was added to the height and screening requirements. Mr. Bock asked if it was recommended that this law would allow this use in all zones. Mr. Tegeder responded yes. Mr. Bock stated that the three tiers are distinguished for battery use. Mr. Tegeder noted that NYSERDA recently compressed the three tiers into two tiers in January. The site approval for Tier 2 will remain the same. Discussion followed with respect to the Tier descriptions, requirements and approving authority.

Chairman Fon stated that he attended a seminar on battery storage facilities and noted that the codes are changing rapidly to keep up with the technology. The setbacks, location, and how far out the units should be placed will be a constant change. He noted that they discussed the explosion that occurred not too long ago in Texas and safety is a big concern. He stated that he would like to see examples of what these larger facilities look like. Mr. Tegeder responded that he will look for some photos.

Mr. LaScala stated that there should be a limit for the square footage and height of the solar panels. He also suggested that the battery storage units be contained in a concrete encasement as they do with gas tanks for safety purposes. The Board suggested putting a restriction on the allowed coverage. Discussion following regarding residential and commercial zones, screening requirements, restrictions on coverage, visual impacts and safety issues.

Mr. Bock noted that under Section 10, paragraph A, the third line from the bottom needs to be cleared up with respect to who is granting the extension and the approving authority. Mr. Bock also questioned if the Board should make recommendations with respect to zoning.

Chairman Fon asked if there was a response timeframe. Mr. Tegeder responded that the Board could request for more time in order to get their comments together. Councilman Lachterman stated that the Board wants to move forward, but it is more important to ensure that this is done right. Councilman Diana stated that the draft was referred out to multiple agencies and the Town Board is waiting for the responses before it goes to a public hearing. Mr. Glatthar asked the Board what their biggest concern was and noted that if it was safety there are codes for protection. The Board asked the Planning Department to submit a memo with their comments as discussed to the Town Board.

Motion to Close Meeting

Upon a motion by Bill LaScala and seconded by John Savoca and with all those present voting aye, the Board closed the meeting at 9:00 p.m.