

# Planning Board Meeting Minutes – March 9, 2020

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A meeting of the Planning Board, Town of Yorktown, was held on **Monday, March 9, 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
- John Kincart, Secretary
- Bill LaScala
- Aaron Bock
- Rob Garrigan, Alternate

Also present were:

- Robyn Steinberg, Town Planner
  - Tom D’Agostino, Assistant Planner
  - Nancy Calicchia, Secretary
  - James W. Glatthaar, Esq.
  - Councilman Ed Lachterman, 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**

John Savoca and Rob Garrigan recused themselves from this item as they 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 February 24, 2020 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**

#### **CVS-Crompond Road**

SBL: 26.18-1-25

Discussion: Site Plan Renderings

Location: 3320 Crompond Road

Contact: The Lauro Group

Description: Approved site plan by Planning Board Resolution #20-02, dated February 24, 2020.

Comments:

Dan Peveraro, P.E. of The Lauro Group was present. At the last Board meeting there was discussion of creating more architectural detail to the north side of the building which forms the streetscape for the businesses behind as part of the resolution. A revised rendering (fourth elevation) with architectural changes was submitted to the Planning Department by their architect. The plans were shown to the Board. Mr. Lauro noted that signage was added to the white wall and windows were added to break up the long fiber cement panels.

The Board was pleased with the revised architectural rendering. Mr. Kincart stated that the additional signage may put them over the sign limit. If necessary, the Planning Board can submit a letter stating that the changes were a condition of the resolution to finalize the architecture. Ms. Steinberg stated that she will advise the Building Department of this change once the signage package is submitted.

### **1961 Commerce Street**

SBL: 37.14-2-63  
Discussion: Preliminary Application  
Location: 1961 Commerce Street  
Contact: JMC, PLLC  
Description: Proposed façade improvements to the existing building on the site. There are no proposed changes to the building footprint.

#### Comments:

James Ryan, RLA and Paul Dumont, EIT of JMC were present. Mr. Ryan stated that the application was initially before the Board last October to discuss changing the building façade. The applicant is proposing to reoccupy a portion of the existing building with a retail tenant (kitchen showroom). The remainder of the space is still to be determined. Additional improvements to the site include addressing the existing drainage conditions, restriping of the parking lots and ADA accessibility improvements. They met with ABACA on March 9, 2020 and they were satisfied with the lighting and landscaping plan submitted. They also met with the Town Engineer and have addressed his comments. A new survey was prepared since there were questions as to the whether the old survey was accurate. They were asked to look at the parking area. The existing ADA space in the Commerce Street lot does not comply with the ADA requirements for the slopes, so it is not possible to provide a compliant ADA parking space within this parking lot. There will be one fully compliant ADA parking space within the Veterans Road parking lot. The site still meets the ADA code requirement for the total number of accessible parking spaces.

Mr. Ryan stated that there are some issues with the drainage. The pipe and catch basin in front of the property on the corner of Veterans Road and Commerce Street are both collapsed and deteriorated. As a result, there is leakage out to Commerce Street and the Wallauer property. In addition, there is an issue with ponding water on the sidewalk along Veterans Road. The challenge was how to get rid of the water. They are proposing to design a catch basin and incorporate a landscaped area. The details have been provided to the Engineering Department. The existing sewer lines were video inspected.

Mr. Ryan stated that the trash enclosure is shown as a single unit. They feel that they do not need a dumpster and do not want an enclosure. The tenant will generate very little trash as it's a showroom. They are proposing to bring the trash out on regular trash pick-up days by a private carter. The Board stated that they would prefer to do what is typical of a site plan and have a trash enclosure. They are concerned with the trash out in front and being knocked down or blown away by the wind, etc. It was also noted that trash pick-up occurs during early morning hours and the store may not be open at that time. Mr. Ryan responded that they will arrange for private trash pick-up at a designated time and day. Chairman Fon stated that they could note in the resolution that if this were to become an issue, the applicant will need to come back to the Board and install a refuse enclosure. Ms. Steinberg stated that the plan should show everything even if it is noted that they are not building it at this time. Mr. Glatthaar stated that a change of use would trigger a re-examination of the site. His suggestion is that it should be reflected on the plans but not required to install. The Board agreed.

Mr. Ryan stated that the building has been vacant for quite some time and the owner would like to move forward with the application. The Board asked the Planning Department to schedule a public hearing for the April 6<sup>th</sup> Work Session.

### **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:

Joseph Riina, P.E. of Site Design Consultants was present. A vicinity map was provided to the Board showing distances from the rear property line. Mr. Riina stated landscaping is now shown along the front fence and the

fence detail is also provided. The proposed landscaping will consist of 3 different types of salt tolerant shrubs which will grow 3 to 4 feet at mature height and will provide screening for the front. They are looking at the options of installing either screening or slats in the rear fence. The windows will be replaced in the front of the building to give the appearance of a store front style.

Chairman Fon stated that after the last meeting he went to the site as he was concerned about the operation during the night hours. Discussion followed with respect to the noise level and the surrounding properties. Mr. Kincart noted that there is not much of a grade change rising up to Old Crompond Road and it is currently all wooded, but this area may be developed in the future. Also, Mr. Kincart noted that many of the homes along Old Crompond Road seemed to be used for businesses. There was a lot of equipment parked near the homes. The homes were further away than he thought as well. Adding fence slats may help to muffle the noise and may also help to deflect some noise back toward Route 202.

Mr. Riina stated that he does not know if there is anything that could be done for the sound of the vehicles. The rear fence is 6 feet high and slats will be added. There is a buffer and 300 feet to the homes behind. There will not be any more than four tractor trailers entering and leaving the site at a time. The delivery trucks will be loaded inside the building and back out into their parking spots once a night. There will be 30 delivery trucks (15 per shift). Deliveries will occur between 8:00 pm to 2:00 am. Mr. Lachterman noted that there is a noise ordinance based on a decibel level, however, he doesn't think the sound generated would meet the threshold. Chairman Fon asked if they do the same nightly operations as they do in Elmsford. Mr. Kincart noted that the Yorktown Post Office operates at night as well. Discussion followed. Mr. Riina stated that they will conduct a noise meter test at the site during the night and will report back to the Board.

Mr. Glatthaar noted that not all the residents will get noticed for the Public Informational Hearing because they are not all adjacent to the site. He suggested adding several additional residences along Old Crompond Road to the notification list. The Board agreed. Ms. Steinberg will communicate with Mr. Riina's office tomorrow.

Discussion followed with respect to the stormwater. Mr. Bock noted that they do not know the history of the site and the proximity to the wetlands is a concern and wonders if this is something the Board should consider now that the application is before them as previous uses may have contaminated the soil. Mr. Riina stated that the existing stormwater system has been investigated and are awaiting the results. There may be a blockage but they are not sure. As far as contaminants leaving the site, everything tends to drain towards 202 and not the wetlands. There is a catch basin on the site collecting the water. They are in the process of currently figuring out the system. The Board suggested that a Phase 1 report be performed at the site. Mr. Glatthaar asked if a soil test was done when they listed the property. Mr. Riina responded that they did not as they thought the site was fully developed other than retrofitting the building. Chairman Fon noted that the site was used as a dump for materials and as a storage yard for vehicles with possible soil contamination. Mr. Glatthaar stated that it seems that there is drainage that we do not understand with possible soil contaminants and it would make sense to ask for a Phase 1 report. Mr. Riina stated that he would not advise his client to do so, but would ask if they had already and if so, submit the report.

Mr. Glatthaar advised the Board that they can request a Phase 1 report as a reasonable environmental request to determine if the site has any significant adverse impacts. Mr. Kincart stated that Nestle signed a lease and are a tenant for the proposed use, which does not create any negative impacts. The Board would like to know where the drainage is going, how it is treated, and will wait to see if a Phase 1 report has been completed.

The Board advised the applicant to notice the additional people for the Public Informational Hearing as discussed and to check on the status of the stormwater. The Board asked Mr. Glatthaar for some guidance between now and the hearing. A Public Informational Hearing is scheduled for the April 20<sup>th</sup> meeting.

### **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. and Gene Vetrano, Architect were present. Mr. Riina stated that they have been working on the plan details with respect to site improvements, drainage, landscaping and the architectural concept. They are in the process of completing the SWPPP. A public hearing is scheduled for March 23<sup>rd</sup>. The plans were shown to the Board.

Mr. Vetrano reviewed the architectural plans with the Board. They are currently working on the color palette and leaning towards the colors of blue and off white or gray which is still to be determined. The proposed building material will consist of stone, hardiplank siding and trim. The roof will be composite synthetic slate in dark blue or gray. There will be signage on the building. The south side of the building will have an elevator, staircase and lobby. The south end of the second floor will have office space and the basement will be a warehouse. The elevations were shown to the Board. There will be a two-door elevator system.

The north side is on the property setback line, they are proposing an 8 foot canopy and extending the roof out 3 feet and may need a variance. Mr. Riina stated that he will check with the Building Department to verify if a variance is required for the overhang and canopy.

Mr. Kincart asked if the parking calculations include the offices on the second floor and the response was yes. The Board had no issues. Ms. Steinberg reminded the applicant to submit a special use permit application for the outdoor use.

### **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:

Sean Murphy was present. Mr. Murphy stated that the applications have been submitted. He noted that one of the applications needs to be notarized. A parking plan and floor plan without a seating chart was submitted for review. Mr. Murphy stated that the seating capacity for the restaurant is 49. All the parking will be inside the gate and nothing outside.

Mr. Bock asked if the parking requirements are being met for both the golf course and restaurant on site. Ms. Steinberg responded that they will need to see the floor plans with seating chart to determine the parking requirements. The requirements per the code for a Par 3 golf course is 5 parking spaces per hole and 1 space for every two employees. Mr. Glatthaar stated that there does not seem to be enough parking for the restaurant. He noted that there is the provision for the overlap parking if the parking requirement should be more than what they have now, additionally, the other consideration is parking on the service road. He noted that they will need to justify their decision as to how much parking is required. Mr. Lachterman stated that the employees could be asked to park on the service road in order to free up some parking spaces.

Ms. Steinberg informed the Board that the applicant was supposed to be scheduled for a Public Hearing on March 23<sup>rd</sup>, however site plans were not submitted so they could not do so.

The Board advised the applicant to submit a floor plan for the building interior which includes tables, seats and bar seats to the Planning Department prior to the next meeting. The Board asked the Planning Department to set up a Public Hearing for the April 20<sup>th</sup> meeting.

### **ZBA Referral - Lowe's Plaza Building Pad 'B'**

SBL: 26.18-1-18  
Discussion: Sign Variance  
Location: 3200 Crompond Road  
Description: Approved by Planning Board resolution #19-26, dated October 7, 2019. The Applicant is requesting a monument sign variance to allow a setback of 0 feet, where 5 feet is required.

#### Comments:

Michael Grace, Esq. was present. The Zoning Board referred the application to the Planning Board for their comments with respect to a variance to allow a setback of 0 feet where 5 feet is required for the installation of a monument sign. Discussion followed. The Board had no issues and asked the Planning Department to submit a memo to the Zoning Board.

### **Town Board Referral – Westchester Modular Homes**

SBL: 37.09-1-10  
Discussion: Stormwater Permit  
Location: Madison Court  
Description: Proposed single family home on 0.48 acres in the R1-20 zone.

#### Comments:

Vincent Leto was present. Mr. Leto stated that he is building a single-family home with a limit of disturbance of 8,900 sf. They will be removing a total of 11 trees. He noted that the Conservation Board requested that they remove an additional two trees.

The Board questioned why the application was before them. Chairman Fon stated that the stormwater code does not reflect the revised tree code. The two should work together. Susan Siegel gave a brief history to the Board with respect to the tree code, woodlands disturbance, threshold etc. Mr. Bock questioned what threshold was triggered for this application to be before this Board. Ms. Siegel responded she didn't know. Mr. Lachterman stated that it was referred to the Planning Board because of a question that was brought up at the Town Board meeting regarding the threshold and the intent of the law. Mr. Bock stated that the application is before the Planning Board under the current Town Board adopted tree law and should be treated as such. The Board noted the Town Engineer memo dated 2/13/2020 and the Conservation Board memo. After discussion, the Board agreed that they had no planning issues and asked the Planning Department to submit a memo to the Town Board.

### **Town Board Referral – 1390 Old Logging Road**

SBL: 47.17-1-31  
Discussion: Wetland Permit  
Location: 1390 Old Logging Road  
Description: Proposed dredging of a 0.21 acre pond and removal of approximately 520 cubic yards of wet sediment.

#### Comments:

Tracy Chalifoux was present. Ms. Chalifoux stated that she was previously before the Town Board and Conservation Board to discuss the proposal. An overview of the proposal was given to the Board. The proposal is to dredge the pond and remove 520 cubic yards of wet sediment. The total area of disturbance will be 4,500 sf. The DEP has no jurisdiction over this project. The Board noted the Town Engineer's memo dated 2-20-2020 with respect to the downstream effects and asked if there would be any impacts to the surrounding properties and the response was no. Ms. Chalifoux stated that she will prepare a response to the Town Engineer's comments and follow his recommendations. The Board suggested that the proposed soil stock be relocated further away from the pond and the designated area for the dewatering bag. In addition, in the short EAF, question #9 should be checked "no".

The Board was pleased with the proposal and noted that the quality of the pond will be greatly improved. The Board had no issues and asked the Planning Department to submit a memo to the Town Board with comments as discussed.

### **Town Board Referral – 3617 Buckhorn Street**

SBL: 16.10-4-20  
Discussion: Wetland/Stormwater/Tree Removal Permit  
Location: 3617 Buckhorn Street  
Description: Proposed single family house on 0.89 acres in the R1-20 zone.

#### **Comments:**

John Barile and Lou Panny of Panbar Realty were present. Mr. Panny stated that they are proposing to build a single family home on this lot. Mr. D’Agostino asked the applicant if they are proposing to remove 6 trees. Mr. Panny responded that they are removing 4 trees, the other two trees are dead so they did not mention them. Mr. D’Agostino asked if the wood chip area is proposed or existing and the response was that it is not existing. Mr. Panny explained that they will provide the silt fence and the wood chips and another silt fence, as requested by the NYCDEP. Mr. D’Agostino noted that a zoning chart should be added to the plan. Mr. Bock asked what permits did they apply for and the response was a full SWPPP, wetland and tree permit. When asked if they went to the Conservation Board, Mr. Panny responded that they did not. He said that they went to the NYSDEC and received a permit. The Board had no issues and asked the Planning Department to submit a memo to the Town Board with their comments. It was noted that the applicant should meet with the Conservation Board.

### **Town Board Referral – Teatown Lake Preservation**

SBL: 69.14-1-5 & 69.10-1-21  
Discussion: Wetland/Stormwater/Tree Removal Permit  
Location: Spring Valley Road & Blinn Road  
Description: Proposed removal of approximately 600 cubic yards of sediment from a 0.4 acre portion of wetland, installation of a sediment catch basin, and planting of native species and removal of invasive species. There is also a proposed construction access point.

#### **Comments:**

Danielle Begley-Miller and Rich Williams, P.E. of Insite Engineering were present. Ms. Begley stated that they have already met with the Conservation Board. They are scheduled for a public hearing on March 17<sup>th</sup>. They are applying for a wetland, stormwater and tree removal permit. There are three portions associated with this proposal which is the wetlands restoration project, herbicide treatment and dam repair. They have received grants for this project. They are proposing to remove 600 cubic yards of sediment from a portion of the wetland along with an installation of a sediment catch basin. The goal is to restore this area back to a high quality wetland. They are proposing to build an access road and will also address grading issues. The topography and plans were shown to the Board. The Board asked where the sediment is going and the response was that it will be trucked off the site. Ms. Begley noted that she spoke to the Town Engineer and this is not a NYSDEC regulated wetland. She is not sure what the town’s requirements are for how testing the soil before removal from the site, but she will follow the Town Engineer’s requirements. The top soil will be removed and replaced.

The second portion of the project will involve the use of herbicide to remove the invasive shrubs in and around the wetlands. The shrubs will be cut and sprayed with a concentrated solution. The proposed work will be done within the 100 foot buffer and not in the wetlands. The Board asked if there will be any impact downstream with the herbicide and the response was that it will not travel very far downstream into the wetland area and will be localized as much as possible.

The third portion of the project will involve the restoration of the dam. Mr. Williams showed the plan details to the Board. They will use Blinn Road for access. The dam no longer has its capacity and in lieu of taking it down, they will reinforce the armor in the dam with rip rap. They will lower the lake level to gain access to the concrete wall and fix it.

The Board had no planning issues and asked the Planning Department to submit a memo to the Town Board.

### **Motion to Close Meeting**

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