

Planning Board Meeting Minutes – April 6, 2020

A meeting of the Planning Board, Town of Yorktown, was held on **Monday, April 6, 2020 at 7:00 p.m.** via Zoom video conference.

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:

- John Tegeder, Director of Planning
 - Robyn Steinberg, Town Planner
 - Tom D'Agostino, Assistant Planner
 - Nancy Calicchia, Secretary
 - James W. Glatthaar, Esq.
 - Supervisor Matthew Slater, Town Board Liaison
 - Councilman Ed Lachterman, Town Board Liaison
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In accordance with the Governor's Executive Order 202.1, the Town of Yorktown Planning Board will not be meeting in person until further notice. All Planning Board meetings will be held via video conferencing and uploaded to the Town of Yorktown's YouTube channel after each meeting.

Chairman / Liaison Reports

On behalf of the Planning Board, Chairman Fon thanked Supervisor Slater and the Town Board for their leadership during this pandemic. The Town Board has a great responsibility with moving the Town forward and appreciates all their effort. In addition, he thanked all the town employees, maintenance workers, doctors, nurses, etc. for all of their hard work and efforts.

Chairman Fon stated that the Planning Board will discuss how they can change their process during this time in order to move projects forward. Chairman Fon asked the Board if they would be opposed to having weekly meetings, when necessary, to review incoming information and project updates. It would be helpful to have this in place in order to move applications along. Chairman Fon added that other members (Boards, Building Department, Engineering Department) could be invited to join the meetings as well. The Board had no objections. Mr. Tegeder stated that additional meetings would be noticed in the paper and posted on the town website.

Chairman Fon also questioned whether Public Informational Hearings were necessary for the time being as we have quite a few. He noted that neighbors are noticed for Public Hearings as well and could comment then. After discussion, the Board decided to continue with the Public Informational Hearings as scheduled. Mr. Tegeder stated the hearings could be scheduled over several consecutive weeks in a row to make it more manageable.

Supervisor Slater thanked the Board for their comments. He stated that the Town has continued to function despite the challenges and obstacles they are currently experiencing. He noted that the Governor has extended New York on pause until April 29th. At this point, he is hoping we are at the plateau and trying to plan ahead so that when this is over, the Town is in a position to reboot. The Planning Board is a significant piece of the puzzle. He applauded the Board's aggressiveness with respect to moving projects and applications along. This sends a positive message to all and noted that they have the support of the Town Board. He has been in contact with the Planning, Building

and Engineering departments. He noted that the Town Board hopes to have a meeting on April 14th via video conferencing as done this evening.

Correspondence

The Board reviewed all correspondence.

- **Sandvoss Subdivision** – Letter from Site Design Consultants dated 4-3-2020. Mr. Tegeder stated that Mr. Riina would like to move forward with the application now that all outside agency approvals have been obtained. He said all that is left is the decision statement. He noted that the Planning Department has not yet reviewed the DEP approval against the Board’s approval but will do so to see if there were any changes. The next step would be to draft a resolution. Mr. Riina stated that the plan is the same as to what was provided with more engineering and planting detail. Chairman Fon asked the Board if there were any objections to moving forward and there were none.

Motion to Approve 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 March 9, 2020.
- There were no minutes from the meeting of March 23, 2020 as the meeting was canceled.

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

Taco Bell

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 and James Ryan, RLA of JMC Site Development Consultants were present. Mr. Dumont updated the Board with respect to the proposed project. They have made a complete re-submission to the Planning Department on 3-20-2020 addressing all comments received. He noted that they still need to meet with the Conservation Board and ABACA going forward. They have addressed items related to parking, ADA access, and loading operations on the site. The drive-thru lane has been revised to provide larger radii along the curves before the drive-thru window. In addition, the lane has been widened to 14’ at the point along where the lane slightly changes direction. They have provided a passenger vehicle turning analysis with the submission. A stage 1 highway work permit review application has been filed with the NYS DOT for the curb cut and associated improvements within the state right-of-way and will update the Board with the review progress.

The lighting plan was also included with the submission. They have performed calculations and projections for the sewer usage and have also met with the Town Engineer to address his comments. A stormwater pollution prevention plan has been prepared and submitted for the Board’s review. Also included is a landscaping/wetland mitigation plan. They discovered that the existing culvert that runs through the property is owned by the Town. There is an easement on the neighboring properties, but for some reason no easement was ever recorded on this property. The applicant will create the easement. In addition, they were asked to video inspect the culvert which was completed.

They are aware that fire hydrant accessibility in this area is problematic. They are proposing to install a hydrant on the property which will connect to the existing water main within Old Crompond Road. The location of the hydrant has been reviewed and approved by Fire Inspector Ed Kolisz and the Fire Advisory Board. Mr. Kincart asked about the location of the nearest hydrant along Old Crompond Road. Mr. Dumont responded that there is a hydrant located to the rear of the property along Old Crompond Road and showed the location on the plan. He noted that there are issues with the grade and it is a heavily wooded area. Mr. Kincart asked about the easterly side of which Mr.

Dumont responded that the situation is the same. Mr. Kincart noted that he would rather see a hydrant along Old Crompond Road because then there will be an opportunity to serve properties on the south side of the road as well as the subject property. Mr. Dumont responded that he believes there are several hydrants on Old Crompond Road. Mr. Lachterman stated that he believes there is a problem with the water pressure along Route 202 and Old Crompond Road. Mr. Tegeder responded that he is not aware of a water pressure issue but there is a problem with the sewer flow. Mr. Ryan stated that they have no objection to providing an easement for the water main and hydrant. He noted that they tried to put the main in a location that was suitable and accessible to the fire hydrant.

Mr. Tegeder asked Mr. Dumont if they had a discussion with the Town Engineer about the Hunterbrook pump station with respect to the flow and if they compared it to the former usage. Mr. Dumont responded yes and that they did the calculation with the existing usage. Mr. Tegeder asked Mr. Dumont to submit the analysis and calculations to the Planning Department in terms of a summary and conclusion. Mr. Tegeder also requested that the applicant submit a copy of the material and comments submitted to the NYS DOT for the Planning Department records.

Mr. Tegeder asked about the easement for the culvert which the town owns but no agreement or easement was ever filed. He noted that they are creating metes and bounds and will need details with the culvert. Mr. Dumont responded that they followed the survey. Discussion followed.

Mr. Kincart asked if there was any chance in getting a manhole for the drainage line through the property. Mr. Dumont responded that there is a manhole shown which is accessible.

Mr. Kincart noted that the improvements to the circulation and traffic were all good. He questioned whether the drive-thru exit was right turn only and the response was yes.

Mr. D'Agostino noted that there should be more signage including a "no left turn" sign and Mr. Dumont agreed. He asked Mr. Dumont about the parking spaces shown as there seems to be 9 or 10 less than required by code. Mr. Dumont responded that they submitted the plans and are providing parking spaces in terms of the requirements for Taco Bell. They are of the opinion that there is more than enough parking which meets the standards of Taco Bell which is 25 parking spaces based on their experience in the region. Mr. Tegeder noted that they will need to review the parking as it seems to be less than what is required under the code. Mr. Dumont stated that there is a section of the code that allows the Board to approve a 25% reduction. He will submit the Taco Bell data to the Planning Department.

Mr. Kincart noted that they abandoned the two pond retention system in favor of a single pond. Mr. Dumont responded that JMC evaluated it and found that the existing practice was not meeting current standards. They are proposing to regrade the swale in the rear of the property to create a formal vegetated swale.

Chairman Fon asked the Board if there were any comments and there were none. Mr. Tegeder stated that the next step is to refer the application to all interested agencies and schedule a Public Informational Hearing.

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. was present. Mr. Riina stated that they have submitted all applications along with associated fees to the Planning Department. In addition, a revised set of plans was submitted to the Planning Department. There have been some changes to the site plan since the last meeting. Since then, they worked on the engineering, architectural plans, and landscaping details for the project. A public hearing is scheduled for April 20th. They are still working on the mitigation plan drafted by Steve Marino and are waiting on more elevations. The plan is the same with a little more detail on the stormwater aspect. The erosion and sediment control plan, landscaping plan

and tree plan are included in the plan set. The tree plan lists all trees to be removed by size, type and condition. The plans were reviewed with the Board.

The second floor of the building occupies the front half of the building only. The back half of the building will have a flat roof. They will be incorporating green infrastructure into the design by creating a green roof, stormwater planters and porous pavement.

The stormwater management system was reviewed with the Board. All drainage for the project was shown to the stormwater management area. The pocket wetlands are designed to get the greatest capacity, more than what is required. It is over-designed in size to reduce the amount of volume to stay below existing peak conditions.

The truck turning movement plan was discussed. All trucks will exit right onto Maple Hill. It was noted that Mr. Vukaj, the property owner, has no objections to forcing all trucks to go out north on Maple Hill on to Route 35 as opposed to going through the center of town.

The architectural elevation was shown to the Board. Mr. Riina stated that the portico will require a variance for 10 feet and is requesting a letter of endorsement from the Planning Board to the Zoning Board.

They have received ABACA's comment memo dated 3-19-2020, which they have addressed. For the most part, ABACA was pleased with the building design. The main floor plan was shown to all from the main entrance. The sidewalk was shown. The basement area will be the warehouse. The side door entrance will take you to the elevator and stairwell to the second floor. The second floor will be another tenant, although there is no plan as yet. The colored rendering of the building was shown to the Board. The building is proposed to be in the color of a blue gray mix. ABACA asked to carry the blue color around into the soffit and fascia on the sides of the building, which was done in addition to some window treatments. The stone along the front of the building will be in the color of a blue gray and will wrap around the building. They are currently working on the signage.

Mr. Garrigan asked about the fence that is located on the right side of the rendering shown and the change in elevation between the front parking lot and the east side of the building. He asked if there is a wall behind and if this area would require a bollard to prevent a car from driving through the fence. Mr. Riina replied there is a wall with a guardrail in front of it, but these aren't clear in the rendering.

The landscape plan was shown to the Board. Mr. Riina noted that some plants can easily be transplanted if necessary down the road. Mr. Tegeder asked to see the elevation of the other side of the building facing north toward the Post Office with respect to the landscaping on that strip. Mr. Riina showed the plan and stated that they are proposing to plant that area with American hornbeams.

Mr. Kincart asked if there would be any benefit to the owner by not joining the two lots. He noted that it would help to reduce the assessment and taxes and would also avoid two tax bills. In addition, it may also help with the calculation of the green infrastructure. Mr. Riina replied that it would not count towards the calculation because it is a measurement of the pervious area, however, he will inform the owner about the possibility of joining the two lots. Mr. Glatthaar, Esq. stated that if the applicant does not join the lot behind the building to the plan they may have to burden that with an easement just so a potential buyer would know that part of the property is restricted unless they found another way to manage the stormwater. Mr. Riina thinks that it would make sense to join the two properties especially if it would help with the assessment and will advise the applicant. Mr. Kincart stated that he didn't think that site could be developed, particularly because it is in the buffer zone and primarily in the wetlands. He asked if the site could be developed in the future. Mr. Riina replied that the Hallocks Mill Brook goes through it and that a portion of the property is in a flood plain with pockets of wetlands. John Tegeder noted that the Town would not be interested in coming into ownership of this property and recommends that the two lots are combined.

Chairman Fon asked what the next step is. Mr. Tegeder responded that a Public Hearing is scheduled for April 20th.

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 and Emilio Diaz, Regional Project Manager were present. Mr. Riina stated that the landlord conducted a Phase II environmental study in 2016. The report was submitted to the Planning Department for their review and records. As requested by the Board, they conducted a noise assessment study at the site. Tony Russo from Environmental Compliance Services who did the analysis and Tom D'Agostino were present. He expects to have a draft report in a few days and a final report for the Planning Board this week. They measured readings from trucks backing up, simulating tractors coming in (30 times from both locations at 5 different locations) throughout the site. They also performed readings along the tree line and by a few houses behind the site.

In addition, they have updated the lighting plan based on ABACA's comment memo dated 3-19-2020. The change was along the face of the building as there are flush mounted flood lights along the building. ABACA was concerned that even though the light levels were not shedding off the property, coming west on Route 202 there would be a glare and this could be a potential distraction to drivers. They eliminated the mounted building lights and added an additional light pole fixture which pushes all the light onto the site. The lighting level is still the same. They feel that this is a much better plan. Mr. Tegeder's concern is that the light heads seem to be adjustable allowing them an opportunity to be tilted up and eliminate to some degree full shielding that is recommended by the Town Code. He cited the CVS in Yorktown Heights as an example. CVS installed new lights and some tilt up and can be seen from the road and are not very attractive. He noted that when installed they need to be code compliant. Mr. LaScala stated that they could have stationary heads. Mr. Tegeder stated that at the very least it should be stated in the resolution and on this plan that they are supposed to be at 90 degrees facing the ground. Mr. Riina stated that there are wall packs in the back and on the west side of the building. Mr. Tegeder stated that the wall packs in the back and on the west side of the building should face down, be fully shielded and stationary. Mr. D'Agostino requested that Mr. Riina submit the updated lighting plan into the plan set.

Chairman Fon asked if they videoed the stormwater system. Mr. Riina noted that they are waiting on the landlord to clean out the pipe because when they tried to video it there was some blockage. Once the pipe is cleaned, they will video the lines again.

Mr. Riina respectfully requested for the Public Informational Hearing to be waived and to move forward with a Public Hearing. Nestle Waters is considered an essential business because they supply water. They received a dispensation from the State to do work on the site to get it up and running. Mr. Diaz stated that they have received several extensions on the lease from their current location in Elmsford. The landlord is not inclined to give them another extension. They will need to be out of their current location by the end of May.

Mr. Kincart stated that this is a re-use of an existing site and had no issue waiving the Public Information Hearing. Chairman Fon asked the Board if there were any issues with waiving the PIH for this application and there were none.

Upon a motion by Bill Lascala ad seconded by John Kincart, and with all those present voting "aye", the Board waived the Public Informational Hearing for Nestle Waters.

The Public Hearing is scheduled for April 20th. Mr. Glatthaar advised the Board, that once the Public Hearing is closed they will have 62 days to make a decision on the application. He noted that they may have a difficult time making a decision based on the environmental impacts and whether there is a functioning stormwater system on site.

Nantucket Sound, LLC

SBL: 37.18-2-86
Discussion: 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. was present. Mr. Riina stated that the landscaping plan has been revised with minor changes to address comments from ABACA's comment memo dated 3-19-2020. ABACA requested that they provide some visibility from Kear Street to the building's commercial spaces. The revised plans were shown to the Board. Mr. Tegeder stated that the green giant arborvitaes are shown at 5 and 6 feet tall but can grow much taller. If they are to be kept, they will need to have a specific maintenance plan. He is not sure how they will look at 5 to 6 feet high from Kear Street and suggests something lower like a hedge may work better. The commercial area should be accentuated and not hidden. Mr. Riina responded that the arborvitaes may be able to be maintained as a hedge but he will speak to the landscape architect.

Mr. Riina stated that the application is on hold with the stormwater because the DEP is not doing any testing right now. As a result, they cannot move the engineering further than what they have currently.

TB Referral – Proposed Amendment to Chapter 90 - Smoking

Description: Proposed Amendment to Chapter 90 of the Code of the Town of Yorktown entitled "Smoking" by deleting the existing section 90-2 and enacting new sections 90-1, 90-2, 90-3, 90-4, 90-5 and 90-6.

Comments:

The Board reviewed the proposed amendment to Chapter 90 – Smoking. Discussion followed. The Board suggested that an area be designated for smoking at the discretion of the Town Board. Mr. Glatthaar, Esq. noted that with respect to the language, in section 90-2. Definitions under Smoking, the word "lighted" should be replaced with "ignited". The Board requested that the Planning Department submit a memo to the Town Board with their comments.

Additional Comments from the Board:

Chairman Fon asked the Planning Department to prepare a list of projects that have not moved forward going back at least four years (*i.e.* – *Osceola beach*) for the Board's review and discussion. Mr. Kincart stated that this is a good idea and added that it would be great to see applications return. It would be good to develop the hamlets and bring vibrancy back to the town.

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 8:35 p.m.