

Planning Board Meeting Minutes – May 4, 2020

A meeting of the Planning Board, Town of Yorktown, was held on **Monday, May 4, 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
-

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 the Town of Yorktown’s website and Yorktown’s YouTube channel after the meeting. All regular sessions will be broadcast on the Town of Yorktown Government Channel.

Correspondence/ Liaison Reports

The Board reviewed all correspondence.

There were no liaison reports.

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 April 27, 2020.

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.

REGULAR SESSION

Correia - Site Plan

SBL: 6.17-2-65

Discussion: Adjourned Public Informational Hearing

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 and Lori Correia were present. Chairman Fon asked the Planning Department if all the mailing notices were in order and Mr. D’Agostino responded that they were. Chairman Fon

asked the Board and Counsel if there were any comments since the last meeting. Mr. Kincart asked about the fire suppression and if there was any information on it. Mr. Riina responded that they have no further information as yet, but will look into it. There were no other comments. Chairman Fon asked the public if there were any comments and there were none.

Upon a motion by Bill LaScala and seconded by John Savoca, and with all those present voting “aye”, the Board closed the Public Informational Hearing.

Nantucket Sound Sons, LLC

SBL: 37.18-2-86
Discussion: Adjourned Public Informational Hearing
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 was present. Chairman Fon asked the Planning Department if all the mailing notices were in order and Mr. D’Agostino responded that they were. Chairman Fon asked the Board and Counsel if there were any comments since the last meeting. Mr. Kincart noted that correspondence was received with respect to the application. There were no other comments. Chairman Fon asked the public if there were any comments. Public comments as follows:

Susan Siegel, resident – Ms. Siegel stated that she would like to go on record noting that she fully supports the mixed use concept and applauds the Board for considering it and feels that the town could benefit from more rental apartments. She had the following comments:

1. With respect to the access, who owns the easement that is marked access and utility? Does the easement extend the full width of the entrance to the parking lot for the apartments?
2. Will there be access to the upper parking lot for the apartments from the Caremount parking lot?
3. Please clarify the access for fire and garbage trucks. Has it been reviewed by the Fire Commission? The garbage and delivery trucks are proposed to pull in and back out into the Caremount lot. Is this typically allowed in recent commercial sites.
4. On the site plan, the charts indicate what the current C-2R setback requirements are and how the site plan conforms to it. According to the zoning code she does not see bulk regulations for C-2R. She is asking for clarification for bulk regulations between C-2R and C-2.
5. Also on the chart for bulk regulations, there is a footnote with parking requirements for the side yard and is seeking clarification for when two-way traffic is involved.
6. In looking through the zoning code it seems that there are no open space or recreational requirements for apartments for C2 and C-2R zones. She is suggesting that the Planning Board send a memo to the Town Board to look into this and possibly change the code.
7. She suggested that the Board wait to further review the site plan until the stormwater issues are worked out.
8. The number of trees to be removed should be documented and sent to the Tree Advisory Board and Conservaton Board for review.
9. The trees along Route 118 that are to be preserved look like they are on town or state right-of-way. She suggested that a provision be made in the final resolution to ensure the health and safety of those trees and possibly ask for a bond to ensure that they will remain healthy for a few years after construction.

Chairman Fon asked the public if there were any other comments and 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 Public Informational Hearing.

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 lot for office and warehouse uses on 1.9 acres in the C-4 zone.

Comments:

Joseph Riina, P.E. of Site Design Consultants and Tony Russo of Environmental Compliance Services Inc. were present. Chairman Fon asked the Planning Department if there were additional written comments with respect to the application. Mr. D'Agostino responded that there were none. Mr. Riina presented the revised lighting plan to the Board based on discussions with Mr. Tegeder and the lighting consultant. They made some adjustments to the angles of the Hercules lights on the back side of the building as there was concern with the light pointing toward the adjoining property owners. At the request of Mr. Tegeder, line of sight profiles were presented to the Board. He noted that they took the closest residence, 3784 Old Crompond Road, and provided three lines of sight (ground level, first floor from the deck, and from a second story window). For the most part, the three lines are shielded from looking directly into the lens of the light on lamp #30, which is most directly pointed toward the neighbors and is not considered to be intrusive. In addition, the light levels have been lowered. As discussed previously, the "drop and hook" procedure was clarified and is noted on the plans. The drain inlets will be fitted with filters to provide collection of large floatables, sediment, etc., similar to what was installed at the Mohegan Audi dealership. The drainage information will be presented to the Town Engineer. They have agreed to maintain the shrubs along the frontage at a height of 36 inches and will replace them if they are no longer viable as noted on the plant schedule. The chain link fence along the front property will be replaced with a picket style fence as requested by the Board. The ADA parking has been relocated inside of the security fence.

Chairman Fon asked the Board if there were any comments. Mr. Lachterman informed Mr. Riina that one of the window boards on the front of the building at the site appeared to be loose and out of place. Mr. Riina responded that he will inform the applicant. Mr. Kincart thanked Mr. Riina and his team for the analysis prepared with regards to the lighting and the noise, as well as the sensitivity to the neighbors' concerns and for demonstrating to the Board how these issues will be addressed. Chairman Fon asked Mr. Tegeder what the next steps were procedurally. Mr. Tegeder responded that the next step would be to review the draft resolution and move forward for approval once the Board is comfortable. Chairman Fon requested that the draft resolution be sent to Mr. Glatthaar, Esq. and Mr. Riina for their review and discussion at the next Board meeting.

Motion to Close Regular Session and Open Work Session

Upon a motion by Chairman Fon, and with all those present voting aye, the Board closed the Regular Session and opened the Work Session.

WORK SESSION

Colangelo Major Subdivision

SBL: 35.16-1-4
Discussion: Subdivision & Public Sewer Extension
Location: 1805 Jacob Road
Contact: Site Design Consultants
Description: Approved 6-lot subdivision in the R1-160 zone by Planning Board resolution #18-23 dated November 19, 2018.

Comments:

Joseph Riina, P.E. of Site Design Consultants was present. Mr. Riina stated that this project was last before the Planning Board on November 18, 2019 where it received preliminary subdivision approval. Since then, Mr. Riina has been actively trying to make an application to the Health Department for the public sewer connection, which he was able to make in the first quarter of this year. The project proposes to install a low-pressure sewer system for

each of the residences and the proposed community barn building. The reason for this is that there is an existing sanitary manhole located at the entrance to Glassbury Court. However, it is not accessible by gravity due to the change in elevation. The two options they were looking into were installing a single pump station or the low-pressure sewer system. Based on the analytics, there was inadequate sewage flow to support a pump station for only six lots. As a result, they are left with the low-pressure sewer system. The plans were shown to the Board. Mr. Riina explained the low-pressure sewer system service connection drawing. The homeowner or homeowners' association would own everything up to and including the check valve. The town would be responsible for the service connection and the second valve out to the low-pressure main, which is out in the road. There will be permanent back-up generators required for each residence, in addition to the one-day storage tank. Mr. Riina noted that they are in the process of review and approval by the Health Department. One of the conditions from the Health Department has to do with an amendment to the town sewer code which would facilitate this project and similar projects in the future. They are in the process of reviewing language of a regulation that has been adopted in the Town of North Castle to see if that language can be incorporated into Yorktown's code.

Mr. Tegeder stated that the project is before the Planning Board for their information and consideration as the Health Department is asking for more involvement by the town in terms of maintenance. This will require a code update by the Town Board with support from the Planning Board. Chairman Fon noted that not everything works on gravity and that this system is common practice throughout the county and did not have any issues. Chairman Fon asked the Board and Counsel if there were any issues and there were none. Mr. Tegeder stated that he will prepare a memo for the Town Board.

Mr. Tegeder advised the Board that when the application returns before them, they may be looking at some easements for the sewerage. In addition, this was done under flexibility so the Board will need to pay attention to where the generators are located to ensure that there are no setback issues. Mr. Kincart stated that he always liked this application as it is the first agri-community and would like to see it move forward. In response to Mr. LaScala's inquiry about the generator size, Mr. Riina stated individual back-up generators would be sized to power each residence and its sewage system.

387 Granite Springs Road

SBL: 27.14-1-74
Discussion: Minor Subdivision
Location: 387 Granite Springs Road
Contact: American Custom Builders
Description: Proposed subdivision to create a building lot for a 0.479 acre parcel transferred by deed in the R1-20 zone.

Comments:

Jon Farrell, Eliot Senor, and Aaron Schmidt, wetlands consultant, were present. Mr. Senor stated that this application is for a lot that was divided by a deed many years ago. Over the years, there have been various building permits obtained that did not move forward. They are proposing to build a single-family home on this property. He noted that they received the Planning Department's memo and will address their comments. This is a corner lot with two front yards. The garage is proposed to be on the inside property line as opposed to the street line in order to get the driveway further away from the corner; as far away from Granite Springs Road as possible. This pushes the house closer to Granite Springs Road. The applicant must obtain a variance to allow a setback of 27 ft. where 40 ft. is required on this side. The grading of the lot is not proposed to be changed. A wall is proposed along the side and back of the driveway since the garage will be under the house. The first floor will be 4 feet above the existing grade and the garage will be excavated out 4 feet below existing grade.

Aaron Schmidt, wetlands consultant – Mr. Schmidt stated that since the last meeting, they have revised the plan to reflect comments made by the Board. They were asked to put in a potential future location for a pool to show potential future disturbance in the buffer which is now on the plan. In addition, the Board asked for a separation from the rear yard to the remaining wetland buffer space so they are now proposing a dry stack stone wall at the limit of disturbance. The remaining portion of the land, approximately 8,657 sf, outside the limits of disturbance

has been identified on the plan and will be placed into a conservation easement to prevent future disturbance. Since they now have additional disturbed area in the buffer with the proposed pool location, they are proposing additional mitigation in the area labeled Lot A 20,890 sf as shown on the plan. There was an opportunity within this area to provide additional trees, therefore an additional dozen native trees are proposed to be planted in this area. The wetland mitigation plantings are also identified on the plan. These consist of a number of trees and shrubs proposed to be planted near the stream. The Board had mentioned that the stream bank was starting to erode. To rehabilitate this condition, it is proposed to armor the bank of the watercourse with stone riprap and plant the upper bank with pachysandra. This should help stabilize the bank even further and prevent any future erosion. Some of the trees that were originally shown to be removed have been saved. Trees #23 and #24 near the stormwater management system will now be preserved along with a few others. The plan now proposes to remove a total of 20 trees and install 43 new trees and 13 shrubs. As suggested by the Board, the planting scheme along the perimeter of the site was diversified. Along with the green giant arborvitaes, white spruce and Colorado blue spruce were added.

Chairman Fon asked the Board if there were any comments. Mr. Kincart asked if the two trees shown in the potential pool area were previously designated to be removed. Mr. Schmidt responded that they are proposed to be removed in order to create some usable yard space. Mr. Kincart questioned if the proposed house was a raised ranch or colonial. Mr. Senor responded that it is a front porch colonial. Mr. Kincart asked if it would be possible to maintain the 40 ft. setback from Granite Springs Road by putting the hammerhead into the rear yard slightly. Mr. Senor responded no because 25 ft. of space is needed to pull out of the garage.

Chairman Fon asked Mr. Tegeder what the next steps were procedurally for this application. Mr. Tegeder responded that the applicant has addressed the Board's comments and the plan seems to be well developed. If the Board is in favor of this layout, they can then make an application to the Zoning Board for the side yard variance. The application will also be referred to the Conservation Board and a Public Hearing will need to be scheduled. Mr. Tegeder stated that the Board will need clarity with respect to the wetland mitigation and tree mitigation as to what is required for each to ensure that there is appropriate mitigation.

The Board all agreed to move forward with the application and schedule a public hearing. The applicant was advised to submit an application to the Zoning Board for the variance. Mr. Bock informed Mr. Farrell that he will be on the Conservation Board meeting agenda for Wednesday, May 6th. Mr. Glatthaar, Esq. advised Mr. Farrell that the survey itself should be sufficient to enable the applicant to apply for a variance as long as the survey shows the 27 ft. setback as opposed to 40 ft.

Mr. Kincart asked Mr. Farrell if changing the style of the home, for example to a Cape Cod with a smaller footprint, would allow him to increase the side yard and still obtain a return on his investment in the lot. Mr. Farrell responded that the proposed home for this lot is from the 1970's. He added a few details to the plan and stated he favors the nostalgia associated with the older style home. He also likes the idea of the old farm style homes with wrap around porches and feels that they are making a comeback. He noted that he is in contract to purchase the lot directly across from this lot and will ensure that the layout of the two homes will have similar characteristics and fit into the neighborhood nicely.

Mr. Tegeder asked for clarification on the wall and garage under. The Planning Board would like to schedule a Public Hearing for this application after the Zoning Board's Public Hearing.

Crystal Court Subdivision

SBL: 27.11-2-43
Discussion: Minor Subdivision
Location: Crystal Court
Contact: PANBAR Realty
Description: Proposed 3-lot subdivision on 5.07 acres in the R1-20 zone.
Comments:

John Barile and Lou Panny were present. Mr. Barile stated that they are proposing to remove an additional 40 trees on Lot 3. The trees on Lots 1 and 2 were already removed when the single-family residence had been approved to

be built previously. He stated that the cul-de-sac and the other two lots have already been cleared of trees from that building permit. The tree plan was shown to the Board. Mr. Tegeder informed the Board that the application was initially proposed for a single-family home and is now proposed to be a 3-lot subdivision. The trees originally taken down and the trees proposed to be taken down at the site are to be part of the mitigation plan that is to be developed and submitted by the applicant for review.

Mr. Panny informed the Board that the Board of Health would like them to loop the water main back into the main on Crystal Lake. He stated that this will not be an issue as they have already cleared the trees from this area in error under the original permit. Mr. Tegeder asked if the main was along the shore line and the response was “yes”.

Mr. Tegeder noted that the conservation easement line is unclear as to how it will be delineated and will need to be resolved. Ms. Steinberg noted that the plans state that a wood post and rail fence is to be placed along the easement boundary. Mr. Tegeder stated that there is a limit of disturbance and noted that the backyards will need to be looked at. Lot 1 has little room for outdoor living and may have to extend into the buffer. Lot 2 seems to have some room in which you could show a deck. Chairman Fon added that the Board would like to see realistic backyards with decks and potential pools for future purposes so the impacts can be mitigated now and not by each homeowner later.

Mr. Barile stated that a Phase 1 archaeological investigation was conducted at the site and nothing was found that would warrant any further investigation (*letter from OPRHP dated March 30, 2020*).

Chairman Fon asked the Planning Department to schedule a site visit in conjunction with the Conservation Board. Mr. Bock stated that the Yorktown Land Trust is interested in working on the conservation easement and will schedule a meeting with the applicant to discuss this further.

Town Board Referral - Proposed Local Law pertaining to Outdoor Lighting

Description: Proposed amendment to Local Law, Chapter 200-6H of the Town Code entitled “Procedures and Requirements”

Comments:

Mr. Tegeder stated that the Town Board is proposing a minor change to the wording in the code from “fully shielded” to “shielded to the greatest extent practicable” in order to provide flexibility to look at sports fields reasonably as the lighting requirements are different. In the lighting code currently, it states that even for sports fields the lights should be fully shielded, however, this may not be practical. He cited the Granite Knolls sports field complex as an example, as there have been complaints with the field lights. In this case, the field is on top of a hill so if you are below them you will see the lights. Discussion followed. The Board had no planning issues. Chairman Fon asked the Planning Department to submit a memo to the Town Board.

Town Board Referral - 320 Illington Road, Ossining / SBL: 69.11-1-15 - SWPPP-Tree Permit

Description: Proposed work for a new house, shed, driveway, septic system, domestic water well, geothermal wells, and stormwater retention basin.

Comments:

Russell Seacor, property owner, was present. Mr. Seacor stated that they are at the last step in trying to get the application approved. The plans and photos of trees were shown to the Board. He noted that he submitted an email to the Building Department with a summation of the trees to be removed and replaced (*29 trees, less 3 dead trees plus 13 new trees which brings them to a net loss of 13 trees*). He stated that he is trying to calculate what gets paid to the tree fund. The Board reviewed the plans and discussion followed. Mr. Tegeder stated that he will need to provide a mitigation plan which could include a combination of planting trees, removal of invasive species, or enhancing woodlands by planting native types of ground covers. The Board agreed that the plan presented appeared to be reasonable and had no planning issues. The Board advised the applicant to meet with the Tree Advisory Commission. Chairman Fon asked the Planning Department to submit a memo to the Town Board.

Motion to Close Meeting

Upon a motion by John Kincart, seconded by Bill LaScala and with all those present voting “aye”, the Board closed the meeting at 8:50 p.m.