

Planning Board Meeting Minutes – September 14, 2020

A meeting of the Planning Board, Town of Yorktown, was held on **Monday, September 14, 2020 at 7:00 p.m.** via Zoom video conference.

Chairman 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
- Robyn Steinberg, Town Planner
- Tom D’Agostino, Assistant Planner
- Nancy Calicchia, Secretary
- James W. Glatthaar, Esq.
- 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 the regular session portion of the meetings uploaded to 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

- On behalf of the Board, Chairman Fon thanked Tom D’Agostino for his service to the Planning Department and Planning Board and wished him continued success in his new position.
- Chairman Fon noted that Nantucket Sound Sons, LLC was withdrawn from the agenda at the request of the applicant. This item will be discussed during the work session.
- There was no correspondence.
- There were no liaison reports.

Motion to Approve Meeting Minutes

Upon a motion by Rob Garrigan and seconded by Bill LaScala and with all those present voting “aye”, the Board approved the meeting minutes of August 10, 2020 with minor corrections. Chairman Fon and John Savoca abstained as they were not at the meeting.

Motion to Open Regular Session

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

REGULAR SESSION

BJ's Wholesale Club, Inc.

SBL: 36.06-2-75

Discussion: Renewal - Special Use Permit

Location: 3315 Crompond Road

Contact: Graham Luce

Description: Renewal of a Special Use Permit for outdoor display and sales, approved by Resolution #10-13, dated July 12, 2010.

Comments:

No representative was present. Mr. D’Agostino noted that this special use permit can be approved between 1 and 5 years. It was originally approved in 2010 and then re-approved in 2015 both for 5-year renewal periods. Chairman Fon asked the Planning Department, Board and Counsel if there were any issues and there were none. Chairman Fon asked the public if there were any comments and there were none. The Board agreed to renew the special use permit for 5 years.

Upon a motion by John Kincart and seconded by Aaron Bock, and with all those present voting “aye”, the Board approved the special use permit for outdoor display and sales for the BJ’s Wholesale Club, Inc. for a period of 5 years.

Broad Pines/Prebeck Approved Subdivision

SBL: 27.14-1-7 & 8
Discussion: Amendments to Subdivision Resolution
Location: 309-311 Granite Springs Road
Contact: Enzo Letizia
Description: Decision to amend conditions of the Broad Pines/Prebeck Subdivision approving resolution by the Planning Board, resolution #90-10, dated April 2, 1990.

Comments:

Enzo Letizia was present. Mr. Tegeder stated that the application is before the Board to amend conditions to the approving resolution to take the road widening strips, receive Lot 7, and secure a maintenance agreement for the road and drainage. Mr. Glatthaar, Esq. stated that he reviewed the draft resolution and maintenance agreement and had no issues. He and the Town Attorney will have to confirm with the Town Board that they will accept the terms of the resolution which is a deed in lieu of taxes that are currently in arrears for Lot 7. He noted that the owner did tender a deed 30 years ago to the town which was never recorded. The Planning Board will make a motion this evening and it will be brought back to the Town Board as a completed subdivision. Mr. Tegeder stated that a section should be added in the resolution for the road widening strips which could be condition #3. Mr. Glatthaar confirmed that the Town would take the road widening strips by acceptance of offer of dedication and this should be included in the resolution. Chairman Fon asked the Board and Counsel if there were any other comments and there were none. Chairman Fon asked the public if there were any comments and there were none.

Upon a motion by Bill LaScala and seconded by John Kincart, and with all those present voting “aye”, the Board approved the resolution amending conditions of approving resolution #90-10 for the Broad Pines Subdivision with changes as discussed.

Sandvoss Minor Subdivision

SBL: 59.07-1-7 & 8
Discussion: Decision Statement
Location: 1005 Hanover Street
Contact: Site Design Consultants
Description: Proposed 4-Lot subdivision of two existing tax lots on 16.68 acres in the R1-80 zone.

Comments:

John Kincart recused himself from this agenda item. Joseph Riina, P.E. of Site Design Consultants was present. Mr. Riina stated that he is here as a follow up from the previous meeting. The proposal is for a 3-lot subdivision. There is an existing additional lot which provides access to the back three lots through an easement. This is a minor subdivision which has gone through two public hearings. The applicant has obtained all outside agency approvals - Health Department, NYSDEC, NYCDEP and Army Corp. The Town Engineer has also given his conditional approval. The applicant is requesting to move forward with a resolution in order to file the plat.

Chairman Fon asked the Board and Counsel if there were any comments and there were none. Chairman Fon asked the public if there were any comments and there were none.

Upon a motion by Aaron Bock and seconded by Rob Garrigan, and with all those present voting “aye”, the Board approved the resolution approving a subdivision plat for the Sandvoss subdivision.

CVS-Commerce Street

SBL: 37.14-2-52
Discussion: Public Hearing
Location: 1990 Commerce Street
Contact: Insite Engineering, P.C.
Description: Proposed to install curbed plant beds and bollards along the front of the current CVS Plaza in the C-3 zone.

Comments:

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

Dawn McKenzie of Insite Engineering and Chuck DeMilo, property owner, were present. Ms. McKenzie stated that the site is located at 1990 Commerce Street and consists of 3 acres in the C-3 zone. The applicant is proposing to install curbed plant beds with decorative bollards along the front of the CVS store and retail shops to provide much needed traffic safety improvements. She noted that there have been quite a few accidents where vehicles have driven through the front of the CVS store and entered the building where the cashiers and customers are located. This project is in response to a request from CVS to improve traffic safety on the property. In addition, it is proposed to repave and restripe the parking lot. Since the last meeting, the bollards were re-spaced to make them closer together. Dimensions were provided. The bollards are 13 feet apart and rotated so that the diamond point is facing out (*22 inches wide*). The comment memos from the ABACA dated August 27, 2020 and the Town Engineer dated August 28, 2020 were reviewed. The Town Engineer recommended referral to NYCDEP to confirm a SWPPP approval is not required. This referral was already sent and a letter dated September 8, 2020 confirms a SWPPP approval is not required. A separate letter from the NYCDEP SEQRA unit dated September 14, 2020 recommends planting substitutions. A memo from the Fire Inspector dated September 9, 2020 requested fire lane signs, pavement markings, and access to the fire department connection on the west side of the building be added to the plans. Ms. McKenzie presented a sketch responding to these requests.

Chairman Fon asked about the handicapped spaces noted in the Town Engineer memo. Ms. McKenzie responded that an additional handicapped space with the appropriate marking and signage will be provided. This addition will not impact the parking requirements since an access aisle already exists adjacent to the new space. Mr. Tegeger asked if they were eliminating 4 parking spaces. Ms. McKenzie responded that they are not eliminating parking spaces and stated that most of the spaces are larger than what is required by the Town Code. The proposal is to restripe the lot with code conformant parking spaces. Mr. Tegeger noted that they are eliminating 4 spaces but by virtue of the restriping they are providing one more space than exists currently.

Chairman Fon asked the public if there were any comments and there were none. Chairman Fon asked the Board and Counsel if there were any comments. Mr. Kincart stated that he appreciates that the proposed plan is superior to the existing conditions but the spacing of the bollards must be taken into consideration. He would like to see another bollard in the front of the building but the Fire Inspector requires a 3-foot wide access in the front of the building. He is concerned about this space as a car could easily get through. The southeast section of the building where the other stores are located is relatively unprotected and it was noted that the corner has a single bollard. He feels that the bollard proposal should be revisited to add more protection than what is currently proposed. Mr. Kincart added that he would rather see fewer parking spaces and keep the existing wider spaces as it would help with turning maneuvers and visibility. The Board agreed.

Mr. Tegeger asked if there will be a curb at the individual entrances to the sidewalk. Ms. McKenzie responded that there is no curb, the asphalt will meet the concrete sidewalk with a flush transition. Mr. Tegeger asked about the NYCDEP approval as this project is in a designated main street area and noted the Town Engineer's comment requiring an MS4 permit. Ms. McKenzie reiterated that there is a decrease in impervious area on the site and the NYCDEP response letter dated September 8, 2020 confirmed this project does not require their approval. With respect to the MS4, she did not speak to the Town Engineer as yet. Mr. Tegeger stated that if a stormwater permit is required, it should fall under the approval of the Planning Board. Ms. McKenzie stated that they would like to get started in the early Fall as the curbed islands have to be installed before the paving.

Mr. Kincart stated that he would not want to hold the applicant up with installing the proposed safety improvements and enhancements. He feels that it is a tremendous improvement to the site and asked the applicant if they would consider additional bollards and maintaining the dimensions of the parking spaces at the wider width as discussed. Mr. DeMilo, property owner, stated that he had no issues and will commit to the additional bollards and wider parking spaces. Mr. Tegeder stated that the public hearing could be closed as there were no public comments and a decision statement could be prepared for the next meeting. The Planning Department will work with the applicant to address the bollards, parking spaces, landscape plan modification per the NYCDEP and ABACA, fire lane amenities, and closure on the stormwater permit between now and the next meeting. The Board agreed that some of the items could be done as conditions of approval to the satisfaction of the Planning Board.

Mr. Tegeder stated that a condition should also be added to the resolution with respect to the last lighting plan approval to ensure that the fixtures are facing downward and compliant with the Town Code. Mr. DeMilo responded that he had the installation company repoint two of the fixtures and it should now be compliant with the approved plan. Mr. Kincart asked the applicant if the conditional approval would be acceptable. Mr. DeMilo responded that it was otherwise the project will be delayed until the Spring. Mr. Glatthaar asked the Board if there was a concern about issuing a Negative Declaration and site plan approval with the stormwater issues outstanding. Mr. Tegeder responded that he does not have concerns as this was a previously developed site with a stormwater regimen already in place, which is being altered in a way that is not expanding the impervious surface but actually lessening it. He will speak with the Town Engineer. Chairman Fon advised Ms. McKenzie to meet with the Planning Department to address the comments discussed this evening.

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

Upon a motion by John Kincart and seconded by Bill LaScala, and with all those present voting “aye”, the Board declared Lead Agency.

Upon a motion by John Kincart and seconded by Bill LaScala, and with all those present voting “aye”, the Board adopted the Negative Declaration.

Upon a motion by John Kincart and seconded by Bill LaScala, and with all those present voting “aye”, the Board approved the resolution approving an amended parking plan for the CVS Plaza with conditions as discussed.

Par 3 Golf Course

SBL: 16.07-1-38

Discussion: Public Hearing

Location: 795 Route 6

Contact: James Martorano Jr.

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

Comments:

Upon a motion by Bill LaScala and seconded by Aaron Bock, and with all those present voting “aye”, the Board opened the Public Hearing.

James Martorano, Parks & Recreation Superintendent, Sean Murphy, and Paul Revant, P.E. were present. Mr. Revant stated that they started working on some of the greens and tees at the site a few days ago. The silt fencing and orange construction fence is up. They are expecting to complete the 2nd tee, 3rd green, 4th tee and 9th green over the next three weeks. They will then move into Phase 2 to work on Sections 4 and 5 with the completion of the project in Phase 3 for sections 6, 7 and 8. They are hoping to wrap up the reconstruction by Thanksgiving. The area is at .25 acres for the greens and tees that are currently being worked on for all three phases. Five dead trees are proposed to be removed. Mr. Martorano added that there is appropriate drainage for the greens as per the addition to the SWPPP.

Mr. Tegeder asked if the entire project had some work to the fairways in terms of tree removal. Mr. Martorano responded affirmatively and noted that there are a number of dead trees along the way that are hazardous and are proposed to be removed. Mr. Tegeder asked if the trees previously removed were dead. Mr. Martorano responded

that they have not removed any trees during his involvement with this project. Mr. Revant responded that he has only been involved with this project since February. Mr. Tegeder stated that they will need to submit an inventory of the trees that remain to be removed in addition to an estimate of the number of trees that were removed prior to their involvement with this project. Mr. Bock noted that there is a memo from the Tree Board dated September 13, 2018 which notes the removal of 90 trees which could be added to what is being removed currently. Mr. Revant stated that in the SWPPP they submitted, they stated that there are approximately 150 additional trees and shrubs proposed to be planted throughout the property. Mr. Martorano noted that the NOI and SWPPP with all the details was provided to the Planning Department.

Chairman Fon asked the Planning Department if this application was referred to the appropriate agencies. Mr. D'Agostino responded that it was referred to all in house agencies.

Mr. Martorano stated that they are proposing 48 parking spaces with an additional 48 spaces outside of the facility. Mr. Tegeder informed the Board and the public that the parking requirements are based on the number of holes (*5 parking spaces per hole plus one space for every two employees*).

Mr. Martorano stated that the clubhouse is proposed to be expanded by 4 feet to enlarge the kitchen. They received a memo from the Town Engineer dated September 10, 2020 noting the food establishment shall have a maximum of 42 seats as a result of the septic system. He noted that they removed two tables to reduce the number of seats to 40.

Chairman Fon asked the public if there were any comments and there were none. Chairman Fon asked the Board and Counsel if there were any comments. Mr. Kincart stated that the Board should keep track of the additional trees to be removed. He asked the applicant if they are considering having the employees park on the auxiliary road in order to free up spaces for the patrons. He noted that this information would be helpful to the Board when making their decision for the formal operation of the site with respect to parking space availability. Sean Murphy responded that they are planning to have the daytime workers park on the auxiliary road. Employees who are expected to close the restaurant after 9:00 pm would park closer to the facility for safety purposes. He noted that he is not opposed to placing this in the resolution and will provide an outline of the facility operations and number of employees to the Planning Department. Mr. Kincart added that he does not need to see this as part of the formal plan as the operation may be fluid for the first several months and just wanted to make a point of it as consideration for approval. Mr. Glatthaar, Esq. stated that it could be noted in the approving resolution if the Board agrees.

Mr. D'Agostino informed the Board that he did not receive the proof of mailing notices for the public hearing. Mr. Martorano responded that he did not send the notices. Mr. Tegeder stated that the public hearing will remain open and the notices will need to be sent out by the applicant. Mr. Glatthaar, Esq. noted that they will incorporate the comments made tonight into the next public hearing.

Upon a motion by Chairman Fon and seconded by John Kincart, and with all those present voting "aye", the Board adjourned the Public Hearing.

Nantucket Sound Sons, LLC

SBL: 37.18-2-86
Discussion: Public Hearing
Location: 385 Kear Street
Contact: Site Design Consultants
Description: Proposed 3-story, 8,101 sf building with a mix of residential and retail uses on 0.36 acres in the C-2R zone.

Comments:

This item was withdrawn by the applicant and moved to the Work Session for further discussion.

Motion to Close Regular Session and Open Work Session

Upon a motion by John Kincart and seconded by Bill LaScala and with all those present voting "aye", the Board closed the Regular Session and opened the Work Session.

WORK SESSION

Nantucket Sound Sons, LLC

SBL: 37.18-2-86
Discussion: Public Hearing
Location: 385 Kear Street
Contact: Site Design Consultants
Description: Proposed 3-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 there has been a change of direction for the project since the last Board meeting. He noted that the Board had seen the plan shown this evening conceptually during the earlier stages of discussion. The proposal is for a building with a drive-thru. The parking areas, entry point with drive-thru window, exit and by-pass lane were shown on the plans. 7 parking spaces are proposed off of the upper part of the main drive and 10 parking spaces are proposed down below. Based on this plan they have a deficit of 7 parking spaces and are hoping to demonstrate that this will not be a conflict between the two uses for this building. Mr. Kincart asked if the residential portion of the project was being eliminated. Mr. Riina responded affirmatively and noted that they are now proposing two retail or commercial uses and will return to the Board with more details.

Taco Bell - Mohegan Lake

SBL: 15.16-1-21
Discussion: Site Plan
Location: 3571 Mohegan Avenue
Contact: JMC Site Development Consultants
Description: Proposed Taco Bell restaurant and drive-thru on 0.83 acres in the C-2 zone, at the corner of East Main Street and Mohegan Avenue.

Comments:

Paul Dumont, EIT of JMC Site Development Consultants was present. Mr. Dumont stated that they are before the Board on behalf of Keystone Mohegan Lake LLC who is in contract to purchase the property at 3571 Mohegan Avenue to construct a Taco Bell with a drive-thru. Mr. Dumont gave a brief history of the site. In 2006-2008, his firm processed a subdivision approval to develop the property. Approval was received in 2008 for the three lots. The Credit Union and Learning Experience buildings were completed in 2009. The third lot was approved for a bank with a drive-thru lane. At the time of construction, the parking lot, stormwater management facility and utility stubs for this site were put in but the building pad was never constructed. The owner re-zoned the property to the C-2 district in 2018 in order to market the property to more tenants as they were having difficulty obtaining a bank tenant. At this time, Keystone Mohegan Lake LLC is in contract to purchase this lot and is seeking an amended site plan approval to construct a 2,100 sf Taco Bell fast food restaurant with drive-thru and associated site improvements which include landscaping, lighting, parking, and outdoor dining. The applicant proposes to re-use the existing stormwater management facility and utility stubs that were installed at the time of construction for the bank use. A stormwater pollution prevention plan was submitted to the Town Engineer which demonstrates that the stormwater management facility is adequate for the amended site plan. Mr. Tegeder asked Mr. Dumont to submit the stormwater plan to the Planning Department as well. Mr. Dumont stated that they have met with the Conservation Board, received their comment memo dated September 3, 2020, and will address their comments in the next submission. Mr. Dumont will also respond to the Town Engineer's memo dated September 9, 2020. Mr. Dumont requested the Board schedule a Public Informational Hearing.

Mr. Kincart asked if this proposal was increased by 100 sf from the original proposal and Mr. Dumont responded that it was. Mr. Tegeder noted that there are some planning issues to discuss. The façade facing Route 6 is the only façade that has little to no architectural treatment. The queuing line fronts on a commercial corner and measures should be taken to soften this in some way with landscaping. The south elevation needs to be addressed as well. This building has four important facades, none which should be treated as the back of a building. Chairman Fon noted that the rooftop mechanical equipment should also be screened. Mr. Dumont noted that he is scheduled to meet with ABACA tomorrow and will share the comments made this evening with the Board.

Mr. D'Agostino asked about the right-of-way parcel that supposedly belongs to the town along Mohegan Avenue. Mr. Dumont responded that he thinks this is part of a widening strip that was transferred to the town but will confirm.

Chairman Fon asked the Planning Department to schedule a Public Informational Hearing for the October 26th meeting.

McDonald's Restaurant

SBL: 36.05-1-10
Discussion: Amended Site Plan
Location: 3481 Crompond Road
Contact: Keith Brown, Esq.
Description: Approved amended site plan by Planning Board Resolution #19-32, dated November 18, 2019, new amended plan set to construct a new building addition and associated parking lot improvements at the lot containing on 1.05 acres in the C-4 zone.

Comments:

David Pernick, Esq. from Brown & Altman LLP and Joe Riccadonna of Dynamic Engineering were present. Mr. Pernick stated that this site plan application was originally approved in November of 2019. The applicant is now seeking an amended site plan approval to construct a larger building addition and associated parking lot improvements. Mr. Riccadonna stated that the proposed plan changes include an 886 sf addition to the rear of the building for the kitchen and storage units, dual side-by-side drive-thru lanes at the rear of the building, and a bypass lane in front of the site. McDonald's is trying to grow and modernize all of their existing buildings from the traditional look. As a result of the proposed side-by-side drive-thru lanes, a few parking spaces have been eliminated in the rear of the property to ensure that the tractor trailers can access the site and move around easily. Therefore, under the proposed conditions the application requires a variance to allow 48 parking spaces where 62 parking spaces are required. Additional site improvements proposed include landscaping, a few stormwater items, and a new grease trap design.

Chairman Fon asked about the variance for the parking. Mr. Riccadonna responded that there is a decrease of 14 spaces due to the addition of the side-by-side drive-thru in the rear and the re-circulation lane. Mr. Bock asked what was approved in 2019. Mr. Riccadonna stated that the approval was for the existing amount of parking spaces. Mr. D'Agostino informed the Board that in the original Planning Board approval, 52 parking spaces were approved where only 50 were required. Mr. Tegeder asked if the proposed addition shown was the same from the 2019 approval. Mr. Riccadonna responded that the proposed addition is larger than was previously approved. Mr. Tegeder asked if they took this additional space into account for the parking requirement and the response was "yes".

Mr. Kincart asked if the traffic leaving the site can turn east or west on 202 without restriction. Mr. Riccadonna responded that there are no restrictions at the site exit. The site will operate the same as it does now.

Mr. Tegeder asked if they were modifying the curb cuts and the response was "no". Mr. Riccadonna noted that a NYSDOT application will be required for the sidewalk extension that will connect to the existing sidewalk out in the right-of-way. This connection was not offered in the 2019 approval.

Mr. Kincart noted that he had safety concerns with the interior re-circulation drive so close to Route 202. Ms. Steinberg stated that the pass-thru lane and double drive-thru lanes were approved in 2019. The change to the plan is the larger addition which pushes the drive-thru lanes further to the rear resulting in the loss of parking spaces.

Chairman Fon requested for the applicant to submit a side by side comparison of the 2019 approval and the new proposal. Councilman Lachterman asked what the proposed addition will be used for. Mr. Riccadonna responded that it will be used for the kitchen and food storage and not additional dining area.

Mr. Tegeder asked about the utility easement on the side of the property and who it was in favor of. Mr. Riccadonna responded that there is an existing 10 ft. utility easement that cuts through the site which will not be disturbed. They will install an orange fence along the easement during construction. He does not know who the owner of the easement is but will look into it. Mr. Tegeder stated that several angled parking spaces may fit along the eastern property line to reduce the requested parking variance.

The applicant was advised to place a notice sign at the property. The Board discussed waiving the Public Informational Hearing and moving forward to a Public Hearing. The applicant will return to the October 5th Work Session for further discussion.

Bellamy Subdivision

SBL: 37.10-1-38
Discussion: Minor Subdivision
Location: 379 Hallocks Mill Road
Contact: Burns Engineering Services, P.C.
Description: Proposed 2-lot Subdivision on 1.417 acres in the R1-20 zone.
Comments:

Steve Burns, P.E. was present. Mr. Burns stated that he is here as a follow up to the June 22, 2020 meeting. A memo from the Town Engineer dated August 28, 2020 was received. Mr. Burns is coordinating a site visit with the Highway Superintendent to discuss improvements to Hallocks Mill Road. He noted that the sight distance on Hallocks Mill Road will be improved when they remove some of the trees. Two side-by-side driveways are proposed, along with grading and tree removal to the right hand side of the driveway.

Mr. Bock felt that a single shared driveway with one curb cut as opposed to two driveways would operate better. Mr. Burns responded that by dividing the driveways the sight distance will be improved and it will make it easier to grade the driveways into the lots. Mr. LaScala felt that there should be two separate driveways as there are two pieces of property. Mr. Tegeder noted that there is over two feet in elevation from one driveway to the next and asked if a retaining wall would be appropriate. Mr. Kincart noted that most recently they approved a two-lot subdivision on Quinlan Street with a shared driveway. Discussion followed with respect to the steep slopes and topography of the driveways at the roadway.

Mr. Tegeder asked if the survey shows Hallocks Mill Road, its entire right-of-way, and width. Mr. Burns responded that it does not show the south side of the road but will add this information. Mr. Tegeder noted that Hallocks Mill Road is a very old road and this may be a situation where there may be some road widening requested as well.

Mr. Kincart asked about the existing cottage. Mr. Burns responded that the cottage is equipped with a full kitchen and bathroom. The property owner is proposing to keep the cottage and use it as a home office or accessory apartment. All other structures on the property are proposed to be removed. Chairman Fon asked if the cottage was legal and the response was “yes”.

Mr. Tegeder advised the applicant to provide a study with a common driveway, sight distance lines, and elevations. The Planning Department will confirm with the Building Department if the existing structures are legal or pre-existing non-conforming structures. The Board requested that the applicant work with the Planning Department to provide more details as discussed along with the feedback from the Highway Department. The Board also requested that the Planning Department schedule a site visit.

CubeSmart Self Storage

SBL: 16.08-1-14
Discussion: Preliminary Site Plan
Location: 621 Bank Road
Contact: Fred Koelsch, Esq.
Description: Proposed revitalization of the “Toys R Us” Building on 3.6 acres in the C-1 zone.
Comments:

Fred Koelsch, Esq. and John Devito were present. Mr. Koelsch stated that this is the former Toys ‘R’ Us site that has been vacant for over two years. He noted that they have been working with a broker and consulting with the town to re-occupy this building and have looked at many different uses. The current proposal is a self-storage facility. The existing building is 45,000 sf. Additions on either side of the building totaling 19,000 sf are proposed. The existing parking is more than adequate and all the utilities are in place. Mr. Devito stated that this facility fits into the neighborhood and character of Bank Road and will not impact traffic.

The Board agreed that this is a good use for the building and will be a benefit to the area. Chairman Fon asked if the landscaping shown will be the same and the response was “yes”. Mr. LaScala asked about the doors shown on the renderings side elevation and noted that he thought there were to be no additional exits or entrances. Mr. Tegeder stated that originally they thought it could all be interior loaded but the plan has changed since then. He noted that this proposal will require an amendment to the special permit Section 300-75 of the Town Code with respect to the access and its visibility. As an example of what the code allows in the C-1 zone, Mr. Tegeder cited the ExtraSpace Storage facility located at the Staples Plaza that has access in the rear so there is no impact. Mr. Tegeder stated that this is a good use as it is predominately interior loaded and the front façade reads as a storefront. He noted that there will need to be further discussion with respect to screening the doors from the side. The rear side which fronts Route 6 is a large blank wall and could also use some treatment.

Chairman Fon asked about the trees along Route 6. Mr. Devito responded that the trees were not trimmed to look that way. Once all the vines were removed, that is what was left of the trees. Mr. Tegeder asked if those trees were the original screening. Mr. Devito responded that the trees didn’t exist when the Toys ‘R’ Us was constructed and noted that they are in the DOT right-of-way. Mr. Tegeder stated that they can soften the exposure on Route 6 with some landscaping such as low shrubbery underneath the trees.

Mr. LaScala asked about the number of employees. Mr. Koelsch responded that there will be very few employees as it is a storage facility.

Mr. Tegeder stated that the next steps would be to discuss a full amended site plan which includes the parking impact, stormwater retrofits that need to take place, and the additions. The Board asked the Planning Department to place the applicant on the October 5th agenda for further discussion. The Board agreed to schedule a Public Informational Hearing for October 26th.

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 Plaza. The lot contains 1.4 acres and is in the C-3 zone.

Comments:

Joseph Riina, P.E. of Site Design Consultants, Abigail Adams, Landscape Architect, and Michael Grace, Esq. were present. Mr. Riina stated that a full set of engineering plans were submitted to the Board for review. A significant change to the plan is that the entrance to the store was originally in the northwest corner and will now be in the northeast corner. Therefore, they have relocated the handicapped spaces. The cart storage will be underneath the front overhang. Bollards are proposed to be placed along the front of each parking space as there will be no curb since the sidewalk will be flush with the parking area. The loading area has changed to the west side of the building. The pallet storage has been relocated for easy access from the delivery entrance. The back of the building remains the same with the only difference being that they added a secondary egress which is a back door and ramp that will serve as the access way for employees to discard the trash. There will be two trash enclosures; one for the pallet storage and one for the recycling and trash.

The parking area and traffic circulation is the same. The truck movement plan was shown. Deliveries will occur before the business hours. The required number of parking spaces remains at 50. Currently 57 spaces are shown on the site and an additional 34 spaces shared parking spaces on the Lowes site, for a total of 91 parking spaces. All the utility services exist at the site. A lighting plan and lighting details were also included in the plans. A tiered retaining wall system is proposed on the west side of the site.

Ms. Adams, stated that overall the landscape plan is very similar to the original plan submitted. A buffer planting is proposed along the property on Route 202 with a mixture of tall evergreen trees, ornamental trees and shrubs, and a few perennials to create a four-season interest and create a visual buffer to the retaining wall. On top of the slope on the retaining wall climbing hydrangeas and low growing junipers are proposed. Rip-rap is proposed in the area between the two walls. Discussion followed with respect to the planting plan details and alternate ground covers between the retaining walls. Mr. Tegeder asked if ornamental grasses could be used in this area. Ms. Adams stated that ornamental grasses will need to be cut down once a year but the climbing hydrangeas do not require

maintenance. Mr. LaScala stated that they could use river rock instead of rip-rap. Ms. Adams stated that they will revisit this area and look at different ground cover options.

Mr. Riina showed various elevations to the Board which included multiple sign locations on the building. Ms. Steinberg noted that they will need a variance for the amount of signage proposed. Mr. Riina stated that they will also need a setback variance from Crompond Road for the front yard.

Mr. Tegeder noted that the scuppers are visible and some appear to be spilling out and some have down spouts. Mr. Riina responded that they will all be tied together. Mr. Tegeder thought that the refuse enclosures should be moved to the employee parking area in the southwest corner so that they are not facing the road. He noted that the parking requirement is 50 spaces and they have a total of 91 so a few of those parking spaces could be removed and used for the trash enclosures. Mr. Riina responded he will look into relocating the enclosures.

Mr. Tegeder stated that the Board would need to see presentation elevations and not construction elevations in order to get a better sense of what the site will look like. The rear façade needs to be addressed and the site needs more architectural response to the roadway. Mr. Kincart noted the high visibility from Route 202 and not wanting to see the the back of a building. Mr. Kincart asked about the enclosure for the pallet storage. Mr. Riina responded that it is proposed to be a masonry enclosure.

Mr. Grace, Esq. stated that the applicant would like to get started on the retaining wall ahead of the site plan approval therefore he would like to propose the tiered retaining walls as an amendment to the existing site plan. The idea is to submit an application for the retaining wall to the Building Department and referral to the Engineering Department. The only thing necessary would be an excavation permit which would fall under the threshold of the Town Board. Mr. Tegeder responded that changing the retaining walls would fall under the Planning Board's review. Mr. Kincart asked if the Board could amend the original site plan to include the retaining wall on that portion of the site. Mr. Tegeder responded that it could be done and asked Mr. Grace to provide a timeframe for the retaining wall and site plan. Chairman Fon asked the Board if there were any additional comments and there were none. Mr. Glatthaar, Esq. stated that the retaining walls amendment and the site plan will be treated as two separate applications on future agendas. The Planning Department will place this item on the October 5th work session for further discussion.

Hilltop Hanover Subdivision Lot #10

SBL: 48.19-1-27
Discussion: Finish Floor Elevation and Stormwater Permit
Location: 1220 White Horse Lane
Contact: Site Design Consultants
Description: Proposed change in finished floor elevation and requested approval of a Stormwater Permit for Lot #10 in the Hilltop Hanover Farm Subdivision approved by Planning Board Resolution #04-09, dated May 10, 2004.

Comments:

John Kincart recused himself from this agenda item. Joseph Riina, P.E. of Site Design Consultants was present. Mr. Riina stated that as previously discussed, the proposed house location was moved further to the south end of the site to create room for recreation purposes. He received the Planning Department letter dated August 19, 2020 and had the following responses:

1. They provided a wood split-rail fence to delineate the conservation easement which is noted on the plan.
2. The delineation for the conservation easement, wetland, and buffer are shown in the existing conditions plan.
3. There are no trees within the proposed house, driveway, and areas around the house, as it was a meadow. All the trees are on the south side of the retaining wall. The only trees to be disturbed are within the primary septic area. Based on their reading of the tree ordinance, there is no permit required for the tree removal for a septic. The applicant would like to save the cost of completing a tree survey if it is not necessary. As part of the original subdivision approval, that was the the designated septic area so there is no change from the original subdivision approval as to the clearing of that area.

Mr. Riina stated he is currently working with the NYCDEP to amend the SWPPP. Comment memos were received from the Conservation Board and ABACA. In response to the Conservation Board, the level spreader and filter strip were moved away from the buffer line. The septic system could not be relocated because there are no other locations on the property that are suitable.

Mr. Tegeder asked if the position of the house moved from the earlier plan shown and the response was “no”. Mr. Tegeder asked the reason for the change in elevation and proposed fill. Mr. Riina stated that the property owner feels that once he regrades the site he will have enough fill. This is his desired location of the house so that he can gain usable space for a recreation area on the north side of the house. Mr. Tegeder asked if the difference was 14 ft. from the original plan. Mr. Riina responded that the existing elevation is 566 and the corner is 568. Mr. Tegeder stated that the plan approved by the Health Department dated April 3, 2020 shows a corner FFE of 562. Mr. Riina responded that the site was disturbed and this plan shows the updated topographical area and this is probably why there is a difference in the FFE. Mr. Tegeder asked how tall the walls are. Mr. Riina responded that there are two 6 foot walls. Mr. LaScala asked what the fill area was for. Mr. Riina responded by the house they are filling about 10 feet to bring it up to the elevation that the applicant would like to achieve. Mr. Tegeder asked for a calculation of the fill to be brought in and background information on the grade difference from the original plan. With the requested details being submitted, the Planning Department will place this item on the October 5th work session agenda for further discussion.

K & P Celebrations

SBL: 15.15-1-44
Discussion: Approved Parking lot Calculations
Location: 1950 East Main Street
Contact: Site Design Consultants
Description: The tenant, K & P Celebrations, is proposing to occupy additional square footage of the building on the lot to expand its business of catering and food preparation services.

Comments:

Joseph Riina, P.E. of Site Design Consultants and Pam Tiru were present. Mr. Riina stated that K&P Celebrations is a catering operation owned and operated by Katrina Harris and Pam Tiru. The owners are currently using a space within the building at 1950 East Main Street, Mohegan Lake as a storage facility for their catering needs and are now seeking to occupy the retail space formerly known as Tea Temptations for a catering and dining facility. Mr. Riina reviewed his letter dated September 2, 2020 with background information and parking calculations based on current and proposed conditions. He noted that the current parking available is adequate for the project since the present day demand only requires 15-30% of the total parking capacity. The current use of the mixed-use building includes retail, office, and restaurant uses. Using the square footage of the former Tea Temptations restaurant, and according to Town Code Section 300-182(14), a banquet hall establishment would require a total of 1 space per 200 sf of gross area, totaling 7 parking spaces, in addition to 1 parking space per every 3 seats provided. According to present day uses, the current businesses leave a remainder of 53 to 59 unused parking spaces from 8:00 am to 5:00 pm and 48 unused parking spaces after 5:00 pm on weekdays. On the weekends, the occupancy of the parking spaces depends solely on the number of customers going to Hunan Chinese Buffet for which actual counts were observed. The average number of parking being occupied at peak hour is 13 parking spaces, leaving a remainder of 51 unused parking spaces available. Using the ITE trip generation rate, the projected traffic flow for this catering facility was based on 1,392 sf. The projected traffic flow to be expected at maximum capacity would be a total of 11 cars for private events held on Wednesday and Thursdays. There is also a municipal parking lot within walking distance providing an additional 20 parking spaces if necessary. The parking calculations were reviewed with the Board. The catering business will operate on Wednesday and Thursday for private events, Friday and Saturday from 7:00 pm to 11:00 pm and Sunday from 5:00 pm to 9:00 pm. They will be closed on Monday and Tuesday. A letter was submitted by the management company (*D.B. Realty of Westchester LLC*) stating that they do not anticipate any issues with the parking. Mr. Tegeder asked when the parking counts were taken. Mr. Riina responded that the counts were taken on a weekday afternoon into the evening hours up to 9:00 pm within the last few weeks. Mr. Tegeder asked about the patron space for the Hunan Chinese Buffet Restaurant. Mr. Glatthaar asked how many employees will be at this facility. Ms. Tiru responded that most of the time there would be two employees and possibly four if they needed extra help. Mr. Glatthaar asked how many people will be at the catering events and how many will arrive by their own cars. Ms. Tiru responded that for private events at the site they could get about 50 to 60 people and noted that most people carpool for events. Discussion followed with respect to parking. Mr. Riina stated that there are no high intensity uses at the site with the exception of the Hunan House.

Chairman Fon asked the Board and Counsel if there were any issues or comments and there were none. The Planning Department will prepare a draft resolution for the Board's review. This item will be placed on the October 5th work session agenda.

Town Board Referral – 1538 Jacob Road

Discussion: Proposed Full SWPPP Permit

Contact: Site Design Consultants

Description: Proposed single family home on a 0.98 acre lot in the R1-40 zone. Public sewer and water is available at this property and a rain garden is proposed for stormwater treatment.

Comments:

John Kincart recused himself from this agenda item. Joseph Riina, P.E. of Site Design Consultants was present. Mr. Riina stated that the proposal is for the construction of a single family home by Williams Contracting on Lot 27 of the Fox Den subdivision. Since the approval of the Fox Den subdivision, public sewers have become available and extended into this area therefore this lot will now connect to the existing sewer. The manhole is located at the corner of the property which travels through an easement to the cul-de-sac on Oscar Court. The front porch meets the setback with the access on the left side and a walkout basement on the east side of the house. With respect to the stormwater, the roof and driveway will drain into a rain garden. The Town Engineer requested that they provide a tree survey which is currently under way. Once complete, it will be submitted for approval to the Town Engineer under the tree permit which is being reviewed by the Town Board because they are exceeding 60 cubic yards of excavation.

Mr. Tegeder asked to see the original approval and stated that this is a Planning Board approval since it's part of a subdivision with an improvement plan that shows the location of a home. He noted that this development has been built out over the years and has been before the Board for various approvals. With the Board's approval, the Planning Department will send a memo to the Town Board stating the Planning Board should be the approval authority for this application. The Board agreed.

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

Discussion: EAF Evaluation

Description: Proposed to amend the zoning code, Chapter 300 of the Town Code, by adding two new sections titled "Battery Energy Storage Systems" and "Temporary Land Use Moratorium Prohibiting Large Scale Battery Energy Storage System Installations within the Town of Yorktown."

Comments:

The Board had no planning objections. The Planning Department will submit a memo to the Town Board.

Town Board Referral – Solar Power Generations and Facilities

Discussion: EAF Evaluation

Description: Proposed Town legislation to allow the use of harnessing solar power for both residential and commercial properties. It is proposed that projects under this legislation would go through a Special Use Permit and/or the Site Plan application process.

Comments:

The Board had no planning objections. The Planning Department will submit a memo to the Town Board.

Motion to Close Meeting

Upon a motion by John Kincart, seconded by Aaron Bock and with all those present voting "aye", the Board closed the meeting at 11:00 p.m.