

Planning Board Meeting April 21, 2014

A meeting of the Planning Board, Town of Yorktown, was held on April 21, 2014, at the Yorktown Community and Cultural Center, 1974 Commerce St., Room 104, Yorktown Heights, NY 10598. The Chair, Rich Fon, opened the meeting at 7:30 P.M. with the following members present:

John Savoca
Darlene Rivera,
John Kincart
Ann Kutter, alternate
John Flynn, absent

Also, present were: John Tegeder, Director of Planning; Robyn Steinberg, Planner; and Karen Wagner, attorney to the Planning Board

Discussion: Kutter stated Dr. Ed Pell questioned the empty tree wells in front of Kmart. Tegeder stated the lack of required trees means the applicant is in violation of the site plan. Tegeder stated he would discuss the matter with engineering then write to the owner. The Board wanted to request the Oster lease sign be relocated as it presently blocks sight distance.

Correspondence: Westchester County Dept. of Public Works & Transportation, regarding Costco, and a letter from John Novak regarding the proposed convalescent home on Underhill Ave.

Liaison Reports: No reports were submitted. Kutter stated the Conservation Board meeting was canceled.

Courtesy of the Floor: No one came forward at this time

Meeting Minutes – April 7, 2014

Upon motion by Rivera, seconded by Savoca, and with all those present voting aye, the Board approved the minutes of April 7, 2014.

WORK SESSION

Faith Bible Church

SBL: 15.16-2-54

Discussion

Location: 3500 Mohegan Avenue

Contact: Al Capellini

Description: It is proposed to demolish all existing structures on lots 53 and 54, and reconstruct one new 8,000 SF, two story structure. The proposal includes associated improvements to the parking facilities, utilities (sewer, water, electric), landscaping, and stormwater management, and treatment. Retaining walls are proposed on lots 50, 53 and 54. The proposal also includes parking, via a license agreement, 900 feet north at the Hudson River Teachers Federal Credit Union, located at 3563 Mohegan Avenue, where the applicant will provide shuttle bus service to and from the proposed structure.

Al Capellini, project attorney, and Joe Riina, project engineer, were present. Fon stated, with regard to the project review, our staff has remarkable professionals and they have reviewed the project ensuring compliance.

Capellini and Riina reviewed the draft resolution and discussed the following with the Board:

Pages 6 & 12 should state that Shrub Oak Lake Estates Association (SOLE) conveyed fee title, but reserved permanent easement rights over part of the property, to wit, the parcel now known as Section 15.16, Block 1, Lot 9, for use as a parking lot.

Page 7; flood limit should be flood zone.

Page 7 #2; Riina stated we are removing invasive species to a distance of 150 feet from the shoreline.

Savoca asked if the Board was required to have a parking plan for the off-site parking lot; an addendum which would show the 22 parking spaces. Riina stated although there is not code requirement, a parking plan will be provided. Capellini stated when the project was before the ZBA, the application included such a diagram.

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Wagner asked if the ZBA variance prohibited any type of parking. Capellini stated no, the ZBA approved the distance to the off-site parking.

Kutter requested a list of days, other than Sunday, when the church was in use. This was the same requirement asked of the Hudson Valley Islamic Center. Tegeder stated as per code, one needs all the parking all the time. Fon suggested the agreement reference the service, not the day. Tegeder suggested limiting parking when not on a Sunday. Monday through Saturday parking could be restricted to the 64 spaces, and would not include parking at the Credit Union.

Page 10 building elevations, materials, and colors have not yet been recommended by the Advisory Board on Architecture & Community Appearance (ABACA). Tegeder stated as there is no longer the restrictions imposed by keeping the old building, the architect may find a better solution, at which time the applicant will return to the Planning Board.

Page 11; as per the Conservation Board request, the applicant will be required to post funds for maintenance and bonding.

The Board requested the applicant return to the May 5th Planning Board meeting for an updated resolution.

Fieldhome Expansion

SBL: 35.12-1-3

Location: 2300 Catherine Street

Contact: Al Capellini

Description: Approved continuum of care facility consisting of independent living units and skilled nursing home.

Present were Al Capellini, project attorney, and Joe Riina, project engineer. Capellini stated the applicant is before the Board to discuss the conservation easement and the license agreement for the soccer field as this is a condition of the approving resolution. The area defined as the conservation easement is approximately 32 acres and described in Schedule A of the agreement. Tegeder had the following comments with regard to the license agreement and conservation easement:

Section 3.2 List vague addition fees i.e. damages, cost, and expenses. Capellini stated this was what the Town agreed to in 2006 in the original license

Section 4.2 Tegeder felt practice times were early and limited players to pre-high school age. Practice times were; Monday through Friday from 3:00pm to 7:30pm, Saturday 9:00 am through 4:00 pm and Sunday 10:00 am through 4:00 pm. Kutter asked if the Parks Department was consulted. Capellini stated they were not.

Section 6.1 This section described liability insurance. Tegeder asked what insurance limits the town typically follows, and asked that this be refer this to Town for confirmation.

Section 7.1 This section imposed restrictions on who might use the field. Kutter wanted to insure Shrub Oak Athletic League, and Yorktown Youth Soccer would not be prohibited from using the field.

Section 8.6 The agreement includes removal of the demised premises. Tegeder stated demised should be removed.

Section 10.1 This section contained fees to be charged. Capellini stated this was what the Town agreed to in 2006 in the original license

Section 11.1 Tegeder questioned waiving trial by jury

Section 11.5 Capellini stated the license can only be changed when signed by both parties

Discussion Site Plan

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Conservation Easement- page 1(last whereas) Tegeder stated if the Fieldhome sold the property to for-profit entity, this entity would have to pay taxes, and Capellini agreed.

Page 2. 1 and 4.3 Kutter asked if the conservation easement would allow a forest stewardship program, trails, and forest management. Capellini stated that it would allow those activities; however, plans must be approved by the grantor.

Mavis Tire Supply Corp.

SBL: 37.18-2-49

Building Department Referral

Location: 344 Kear Street

Contact: DSAK-MSA Architecture and Engineering

Description: Proposed 2nd floor addition for storage of tires.

Julia Khomut, project architect, was present with Mavis representative. Khomut stated Mavis requires additional storage. This project is for storage only; there would be no increase in work space or increase of business, and there are no plans to hire additional employees. The current building height is 18.5ft and would be increased to 29.0 feet. Tegeder stated, currently, the site plan is in compliance. The net result is the same number of bays, 2 stairways and a tire conveyor. Fon asked if the building has sprinklers. Khomut stated it does not as the building was under 28,000sf. Tegeder asked if the bays were being modified, and was told no. The project does not require any variances. Tegeder felt this could be handled administratively, but the second floor plans must state “for storage, no occupancy”. Tegeder asked how the height compared to the Food Emporium building, and was told Food Emporium was taller. The Board requested placing “second floor for storage only” on the site plan.

Lake Osceola Realty aka 3680 Hill Blvd. LLC

SBL: 17.5-1-11

ZBA Referral #13-14

Location: 505 East Main Street

Contact: Allan Rothman

Description: Approved 27,000 SF office building and associated parking. Request for a free standing sign in the Country Commercial zone.

Al Capellini, project attorney, was present with applicant Allen Rothman. Savoca asked which sign Rothman intended the Board to look at. Rothman described the sign closest to the retaining wall. The Board felt it was too high. Kincart felt the sign obstructed a driver’s vision. The Board suggested the sign be part of the stone wall lining the southern side of the driveway. The Board felt the sign current sign was too big and not appropriately located. Tegeder felt the wall was too high, and suggested the sign be placed 1foot off the ground, and sized at 3ft x 4ft. A memo will be sent to the ZBA requesting a postponement of the public hearing to allow the Planning Board and applicant to develop an appropriate sign for this Country Commercial zone. .

Sunoco Gasoline Station

SBL: 16.08-1-16

Town Board Referral

Location: 3650 Lee Boulevard and Route 6

Contact: Emmanuel Kravakis Architects

Description: Proposed amendments to special use permit Sunoco

Sunoco representatives Emmanuel Kavrakis, and Jameson Torracco were present. Kavrakis stated the company wants to take a gas station and have them mesh with the community. The scope of the project is to change the following: replace the existing wall sign with a new sign of the same copy, size and location, replace existing under canopy lighting, reimagine exterior wall treatment, and add stone knee wall, stucco and deco band, and goose

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neck lighting. There are 6 canopy lights to be replaced with LED lighting; other lights will be replaced with LED low cast soft lighting. The gooseneck lights are LED, and have a canopy. The LED light is inside the canopy and directed downward. The applicant can change the intensity, 1064 lumens can be reduced to 930 lumens. Tegeder asked for a lighting plan. The Planning Board wanted to ensure one would not see the light source.

Staples Plaza

SBL: 36.06-2-76

Discussion Master Sign Plan

Location: 3333 Crompond Road

Contact: Romano Architects

Description: Pursuant to Town Code Section 300-193.14, request to approve Master Sign Plan for shopping center.

Tony Romano, project architect and Paul Tepfer of Norman DiCiara, Architects (NDA) were present. Tepfer stated he had submitted the Staples Plaza Master Sign Plan to ABACA and the Planning Department. Current drawings have been revised based on their recommendations. The main building is currently being renovated, after which he middle building will be renovated. Currently, no change is planned the third building, which houses Dunkin Donuts. Some of the existing signs will be remounted and reused, as the existing tenants want to keep their signs. New tenants must submit applications to ABACA and the Building Department. The Building Department will keep track of tenant sign area usage in accordance with the Master Sign Plan. Other conditions include: the area behind the sign being approved by ABACA, electrical connections concealed, and free standing signs are not to be illuminated. With regard to the main building, a variance was requested and approved allowing 1500sf for building #1 This resulted in signage going from 898sf to 1500s. Building #2, housing Subway and Windowrama, will reuse their existing signs. Building #3 signage has no plans for change. Tepfer explained that a variance will be required to keep what is there now. Fon asked how the square footage is the calculated. Romano asked about the Extra Space Storage tenant that would be under the 1500sf restriction. The Board did not feel this was a concern, as long as the tenant complied with the sign design requirements proposed in the Master Sign Plan. The Planning Department will write a memo to the Building Department. Tegeder stated one of the neighbors informed the Planning Department that the fence may not have been installed properly. Tegeder stated ABACA still needs to review the signs. The Board requested the applicant return to review Master Sign Plan.

Upon motion by Savoca, seconded by Rivera, and with all those present voting aye, the meeting was adjourned at 10:00 pm.