

Planning Board Meeting July 14, 2014

A meeting of the Planning Board, Town of Yorktown, was held on July 14, 2014, at the Yorktown Town Hall Board Room, 363 Underhill Avenue, Yorktown Heights, NY 10598. The Chair, Rich Fon, opened the meeting at 7:30 pm with the following members present:

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

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

Discussion: Just received the first of 6 documents from Costco; a paper copy of Volume 1 of the Preliminary FEIS. The other 5 documents are appendices that were submitted to the Board on a CD.

Correspondence: The Board received copies of correspondence from the Planning Department to the Cortland Planning Board regarding the Kirquel Subdivision and a memo from ABACA to the Zoning Board regarding the MKMG sign application.

Liaison Reports: No reports.

Courtesy of the Floor: No one came forward.

Upon a motion by Kutter, seconded by Flynn, Fon abstained because he was not at the meeting, and with all those present voting aye, the Board approved the minutes of June 9, 2014.

The minutes of June 23, 2014 were not approved as a quorum was not available.

REGULAR SESSION

Yorktown Farms Subdivision

SBL: 17.6-2-32

Discussion Site Plans Lots 16 & 22

Location: Gay Ridge Road

Contact: Ciarcia Engineering

Description: A 22 lot subdivision approved by Res #08-03 dated 02/11/08.

This item was held to the end of the agenda until the project engineer was present.

Gione Minor Subdivision

SBL: 27.15-2-1

Request for Reapproval

Location: 21 Loder Road

Contact: Al Capellini

Description: An approved 2 lot subdivision with an existing residence. The new residence will be serviced with town water and individual septic system.

Fon recused himself. Al Capellini, project attorney, was present. Capellini stated that the first mortgagee is within a week of approving the donation of the road widening strip. The

Conservation Easement is now acceptable to them however they will not sign off on it until they receive the fully executed agreement, meaning all signatures. Usually the town doesn't sign easements until signing the plat. The Planning Board felt it was okay to have the Conservation Easement signed and then filed later with the subdivision. Capellini stated once the 1st mortgagee is satisfied, the applicant will move onto working with the 2nd mortgagee.

Upon motion by Kutter, seconded by Savoca, and with all those present voting aye, the Board reapproved the Gione Subdivision.

Fieldstone Manor

SBL: 15.11-1-17

Request for 1st 90 Day Time Extension

Location: Strawberry Road

Contact: Al Capellini

Description: A 21-lot cluster subdivision that received Preliminary Subdivision Approval by Res #14-02 on 02/10/14.

Al Capellini, project attorney, and Joe Riina of Site Design Consultants, project engineer, was present. Having difficulty getting all submitted to the health department with surveyor. Requesting 1st 90 day on preliminary approval. Flynn, Savoca, AIF.

Upon motion by Flynn, seconded by Savoca, and with all those present voting aye, the Board reapproved the 1st 90 Day Time Extension for the Fieldstone Manor Subdivision.

Fieldhome Expansion

SBL: 35.12-1-3

Field License Agreement & Conservation Easement

Location: 2300 Catherine Street

Contact: Al Capellini

Description: Approved continuum of care facility consisting of independent living units and skilled nursing home replacing existing home with a common facility supporting both communities.

Al Capellini, project attorney; and Joe Riina of Site Design Consultants, project engineer; were present. Still waiting for Town Attorney to review the license agreement and conservation easement. There might be an issue or two with the stipulations of the license agreement from the Recreation Commission. She is not yet ready to approve, can you make it subject to the Town Attorney's approval. Savoca stated Wagner's also had comments that need to be reviewed. Tegeder suggested the board discuss these items at the next meeting on August 11th.

Grotto Holding

SBL: 36.5-1-18

Public Informational Hearing

Location: 3655 Crompond Road

Contact: David A. Barbuti Architect PC

Description: Convert an existing automobile dealership into retail sales and storage on the first floor and a plumbing contractors office on the second floor.

David Barbuti, project architect, was present. The property is the old Salerno Dodge, which was purchased several months ago by Grotto Holding Corp. The Applicant proposes to convert the first floor to retail and some storage if necessary and the 2nd floor to an office for the owner's plumbing business. The owner had talked to a doggy daycare, however that tenant is not moving

forward at this time. Barbuti explained two changes to the plan from last meeting with the Board; (1) An interior stair was found to not be built to code. He proposed to remove that stair and create an exterior stair instead; and (2) The Applicant proposes to abandon the existing septic system and connect to the sewer. Sewer details will be added to the plans. Fon asked how long the property has been vacant. Barbuti stated for at least 5 years. The existing A/C units outside will be upgraded, but will be in the same location as the existing units. Barbuti explained the Applicant is in front of the Planning Board because the site does not match the existing approved site plan, approved by the Board in 199X for the Salerno Dodge. There was an existing stormwater pipe that ran under the parking lot that had collapsed and was repaired and changed by the highway department, which led to some of the non-conformity. Fon asked what the required number of parking spaces was and if there are enough spaces for the proposal. Tegeder asked Barbuti to confirm the 2nd floor was added space. Barbuti explained that the approved plans for the Dodge did include an office and elevator, but the elevator was never installed. The site as proposed requires 40 spaces and the proposed plan shows 47 spaces. Fon asked if there would be any alterations to the outside of the building. Barbuti, stated the owner was not proposing exterior renovations right now, but that he would come in later for a façade improvement to make the building look less like a car dealership. Barbuti explained that the upstairs office would be strictly a plumbing contractor's office, not a plumbing supply store or showroom. The footprint of the building will stay the same. Flynn asked if the first floor retail use could be anything and what if a tenant must use a different parking requirement. Barbuti stated the Applicant will have to figure that out when there is a tenant that would need more than 47 spaces. Fon asked if the project would have to visit any other boards. Kutter asked if there were any proposed changes to the site lighting. Barbuti stated the existing lights would not be changed. Fon stated the application was for a new site plan so the Board should check the existing lights are in compliance with the code. Tegeder asked Barbuti to show the photometrics for the existing lights. Fon opened the meeting to comments from the public.

Anthony Romano of 2605 Quaker Church Road asked what happened to the east side of the property. Tegeder explained that the dealership site plan was on two separate lots that have always been in different ownership.

Fon asked what the next steps for the application would be. Tegeder stated the Board could schedule a Public Hearing provided the added details discussed tonight, including the lighting plan, be submitted before the hearing. The Board scheduled the Public Hearing for the August 11th meeting.

Teatown-Auxiliary Parking Lot

SBL: 69.14-1-8.1

Public Informational Hearing

Location: 1595 Spring Valley Road

Contact: Insite Engineering

Description: The project consists of the constructions of an auxiliary parking lot, to be utilized seasonally as an overflow parking lot.

Planning Board Attorney Karen Wagner recused herself from this application. Rich Williams of Insite Engineering, was present. Williams explained the application is for a 46 space parking overflow parking lot. Teatown on weekends and peak hours of use guests park on Spring Valley Road which is narrow and windy. The parking lot would be gravel and used seasonally. The lot will not be cleared or treated in the winter. There would be a one way entrance into the parking lot directly across from the existing Teatown entrance and then one way out. The applicant is

requesting site plan, stormwater, wetland, and tree removal approvals. There is a town regulated wetland on the eastern portion of the site. The site plan provides wetland mitigation and a full stormwater plan even though not required because the lot will be pervious. Kutter asked if the applicant was able to work with the neighbors on screening. Williams stated that he and Teatown had met with the Bensons several times since the last Planning Board meeting. During the summer, there is enough screening that already exists. Teatown will provide some additional screening on the the Benson's property in addition to that already shown on the site plan. The plan also includes construction of a swale to direct runoff away from the Benson's property. Fon stated the Conservation Board sent memo dated June 6, 2014 which states they are satisfied with the plans. Fon opened the Public Hearing to comments from the public. No one came forward. Flynn asked if there was significant tree removal proposed. Williams stated trees would be removed around the entrance to the parking lot. The plan maintain as much existing vegetation along Spring Valley Road as possible. Flynn asked if there were any significant trees being removed, meaning 18 inches dbh or larger. Williams stated there was one 20 inch Hickory that would be removed. Kutter asked if the Tree Commission had reviewed the plan. Williams stated he had not met with the Tree Commission. Tegeder asked how many trees were to be removed. Kutter stated the application indicated 5 trees between 10 – 20 inch dbh are to be removed. Tegeder asked if the tree survey would be updated. Williams stated additional topography was surveyed, however he did not expect the tree count to change from what was indicated on the application. Williams stated additional ledge outcrop was found in mitigation area and this information would be added to the plans. Fon asked if the Board should wait until the additional information was submitted before scheduling the public hearing. The board discussed going ahead and getting the additional info in the meantime. The Board scheduled the Public Hearing for the August 11th meeting.

Staples Plaza - Building 2

SBL: 36.06-2-76

Public Hearing

Location: 3333 Crompond Road

Contact: John Meyer Consulting

Description: Request for an amended Site Plan Approval to renovate the middle building.

Tony Romano, project manager, Rob Aiello of John Meyer Consulting, project engineer, and Paul Tepfer of Norman DiChiara Architects, were present. Romano stated the application is for an amended site plan for the middle building at the Staples Plaza property; a 17 acre site on the south side of Route 202. The exterior changes were presented at the Public Informational Hearing on Feb 10th and will be explained by Tepfer. Notices were sent for this meeting.

Aiello showed the overall shopping center plan. The project includes about 1/3 acre disturbance. No new building area is proposed. Improvements are to repurpose the existing building to have better access to the north and east sides of the building. An elevated sidewalk is proposed at the elevation of the first floor of the building. The drive-thru from the old Emigrant Bank will be removed. A ramp will be provided at the northeast corner of the building and stairs are proposed on either side of the elevated sidewalk. A stormwater biofilter is proposed in the new grassed area where the drive-thru is currently located. There is a slight increase in the proposed impervious area. Since the site is located within a NYC DEP Designated Main Street Area, a Full Stormwater Pollution Prevention Plan has been prepared and submitted to DEP. Kutter asked where the handicap parking will be located. Aiello indicated the handicapped parking spaces are proposed to be located in front of the north side of the building.

Tepfer explained the existing building is a combination of brick and anodized metal cladding. The Applicant is proposing to clad over the existing brick and replace all storefronts with dark bronze cladding and energy efficient windows. Canopies are proposed over each storefront. The lower parapet shown is the existing height. In the northeast corner of the building it is proposed to raise the parapet height approximately 3½ feet above the existing. The façade will match the recently approved changes to the main building. Ornamental railings will be added around the elevated sidewalk. The two existing signs will go back onto the existing façade; Subway and Windowrama. Kutter asked if this corner space does become a restaurant, is there enough space on elevated sidewalk for seating. Tepfer and Aiello indicated there would be ample room for outdoor seating as the Burger Fi had required 16 ft width of sidewalk on driveway side and this plan has not changed that even though Burger Fi is no longer going to be a tenant.

Fon stated a lot of work has been done on the main building that has addressed comments and concerns of the neighbors as well as the Board, for which the project team should be commended.

Romano stated that although the public notice in the newspaper and the notices sent to the neighbors both still mentioned the restaurant as a tenant in the description of the proposed action, but at present the property owner does not have any new tenants for the building. Romano inquired for a resolution would be granted at the Board's next meeting.

Fon asked the Board if there was a motion to close the Public Hearing. This motion was made by Flynn, seconded by Savoca, and with all those present voting aye, the Board closed the Public Hearing, leaving a written comment period open for 10 days.

Fon made two announcements:

The Board may possibly open a special session later in the meeting should the engineer for Yorktown Farms be present.

The Board received the Costco FEIS document tonight so more info will be forth coming.

Upon motion by Flynn, seconded by Savoca, and with all present voting aye, the Board closed the regular session.

WORK SESSION

Lake Osceola Square

SBL: 6.17-1-43

Discussion Site Plan

Location: 393 East Main Street, Jefferson Valley

Contact: Site Design Consultants

Description: Proposed CC development for multi-use facility including parking, building landscaping and necessary infrastructure.

Joe Riina of Site Design Consultants, project engineer; Al Capellini, project attorney; Michael Piccirillo, project architect; Phil Grealy of Maser Consulting, the applicant's traffic consultant, and the property owner, were present. Riina stated that since the last meeting the applicant submitted a traffic study and a vicinity map, but was still waiting on the wetland delineation that was completed last week. The surveyor will pick up the flags so they can be added to the plans. Grealy stated he looked at weekday and weekend traffic on East Main Street from Hill Boulevard to the Route 6N intersection. Turning movements and speed data were reviewed. The posted

speed limit is 30 mph, however the 85th percentile speed approaching 40 mph. In the morning and evening rush hours there were 800-900 vehicles per hour. The majority of vehicles were traveling westerly in the AM, and easterly in the PM. From noon to 1 PM was the weekend peak hour with vehicles evenly balanced going both directions. As a result of the project, new trips on the roadway would be from residential, retail, and office uses. The project would attract from traffic already in the corridor where 40-50% of the trips would be from existing traffic. Currently traffic conditions at the Hill Boulevard intersection are okay. It is a very wide pavement section with no striping or definition. Wood Street was striped in the past, but it has faded. Site distances are adequate at the access. Grealy recommended additional cautionary signs in both directions to slow traffic through the corridor. Traffic volume will not significantly change the condition of the intersections. Speed is more the issue. Kutter asked if two intersections were already at LOS D or becoming D. Grealy stated some intersections would have LOS D with or without the project, for example Hill Blvd turning left to go westbound. Not at the point for signalization even under the proposed conditions. Kutter asked about accident reports. Grealy stated accident reports were requested, but have not been received yet. Again, from the site to 6N, speed is a problem. Kutter asked about the Wood Street intersection because residents had complained to the Town Board regarding accidents. Would this project increase the likelihood of accidents. Grealy explained that site distance was an issue at Wood Street. When the intersection had been realigned several years ago, Wood Street was brought to more of a T intersection with East Main Street to allow for greater site distance, but again speed is primarily the problem. Many motorists turning left onto Wood Street were not coming to a full stop and/or cutting across the intersection. Fon asked if the Wood Street intersection was accurately shown on the plan. Tegeder and Grealy agreed it was not. The aerial photo depicted the current condition. Tegeder asked if Grealy would look into and recommend improvements at Wood Street. Grealy stated yes. Flynn asked if a safety island would be recommended for intersections like this. Grealy stated the island would be rather small and therefore would become a snow plowing problem. Grealy suggested a thermoplastic or epoxy striping that would last longer. Fon asked the speed limit on Wood Street. Grealy stated it is 30 mph, however vehicles are traveling down hill and are usually going faster. Fon asked how Grealy would reconfigure the intersection. Grealy stated it was a difficult intersection. Riina explained that there was no room in the right of way. Grealy stated there is a lot of commuter traffic on the roadway with not too much pedestrian activity. If there were more pedestrians, he would have different recommendations. Fon suggested the project would change the character of the neighborhood and bring more pedestrians, therefore the Board should work on the pedestrian connections. Flynn asked if a rumble strip could be added to the Wood Street island. Grealy stated a rumble strip could be added by the Highway Department. Kutter asked what was left remaining in regards to the wetlands. Riina stated just the surveyor picking up the flags. There are no DEC wetlands on the site. Tegeder asked Riina to explain the stormwater basin. It seems large and how are you going to treat it aesthetically? Also, the basin separates the building from the lake. Riina explained the basin was actually a pocket wetland which will have some deep pools, and will be landscaped with wetland plants, and will have trees around it. It will be a feature of the site, not just a detention pond. Tegeder asked if stormwater treatment could be accomplished under the parking lot. Riina stated underground treatment cannot achieve the water quality treatment. Riina explained the project's proposed green practices which included collecting water in rain barrels for irrigation, using stormwater planters and small bioretention areas in landscaped islands. Because of the high ground water, infiltration will not work. The stormwater practices must be shallow or incorporate the ground water. Fon asked if the applicant could incorporate a bridge over the treatment practice. Tegeder agreed that a connection across the basin to the water would be beneficial so one didn't have to walk all the way around to get back to the building. Tegeder asked the square footage of the building. Riina stated each floor was about 8,000 SF and there are 3 floors. Fon stated more specific information

on the landscaping beyond the list of plants that will be planted would be required. Tegeder asked where the mechanical equipment for the building would be located. Piccirillo stated he was working to put them within the structure itself and not on the roof. The applicant would be submitting to the ABACA for their first meeting in August. Kutter asked if there would be a freestanding sign. Riina stated the sign was shown on the plan and the applicant already received a variance from the ZBA to allow a freestanding sign. Tegeder asked if the proposal was to remove all the trees along the roadway and replace them. Riina said he would ask the project Landscape Architect. Tegeder stated the trees must work like street trees with the sidewalk. Susan asked if use of the lake and beach was discussed. Steinberg stated a referral was made to the Recreation Commission, however they do not have another meeting until September so the Board has not received a response yet. Tegeder asked if the beach would be maintained as a beach. Riina stated yes. Fon suggested the Board make a site visit. Capellini asked if the Board would schedule a Public Hearing for their August meeting. Since the Recreation Commission meeting is on Sept 4th the Board scheduled the Public Hearing for the September 8th meeting. The Board scheduled a site visit for September 6th. Flynn recommended the applicant create detailed planting plans for submission to the ABACA.

Hudson Valley Islamic Community Center

SBL: 15.11-1-17.1

Discussion Lighting Plan

Location: 3680 Lexington Avenue

Contact: Site Design Consultants

Description: Amended site plan approved by Res #10-09 dated 05/10/10.

Joe Riina of Site Design Consultants, project engineer, Al Capellini, project attorney, and Sami Jamal of the Hudson Valley Islamic Center, were present. Capellini stated that at the last meeting the Board wanted to go view the lights on a Friday night. Tegeder viewed the site and felt the plan was an accurate reflection of the current condition and if the lights were lower, it would be better. There is no light spillage onto Strawberry Road. In addition, the fixtures can only be seen directly for a brief time on Lexington Avenue traveling north. Jamal stated the lights are only used one day a week, mostly in the summer. Fon stated that as long as the light was shielded at the lower level with some evergreens added, he had no problem with the lights. The stonewall could also be maintained better. Jamal stated that about 10 days ago a landscaper cleaned up the wall and fixed some stones. The applicant can add evergreens near the wall. Tegeder requested the exact species and numbers of evergreens should be shown on the site plan. Riina asked if the applicant needed a variance then to maintain the existing 25 foot light posts. Tegeder stated the Zoning Board does not have authority over the Lighting Ordinance. The Town needs to add language into the lighting ordinance for appeals. Riina asked if the hours of operation of the lights would be limited. The Planning Board determined 11 pm would be the limit. Tegeder asked if the people playing soccer were already on the site for other activities and there is no league play. Jamal confirmed there is no league play on the field. The Board asked the applicant to show additional landscaping on the plans and resubmit to the Board.

Empire Hunan

SBL: 37.14-2-66

Discussion Site Plan

Location: 1975 Commerce Street

Contact: Michael Piccirillo Architecture

Description: Proposed to divide existing restaurant into a restaurant with two retail stores.

Michael Piccirillo, the project architect, was present. Piccirillo stated the project will take 2,000 SF from the existing restaurant at the front of the building and convert it into two retail stores facing Commerce Street. Originally this project came to the Board as a Zoning Board referral and now was seeking site plan approval. Flynn asked what variances were needed. Piccirillo explained that in 1995 a variance was approved that didn't allow any further alteration to the building and therefore the applicant was seeking relief from that condition. The parking variance is being requested as a result of the new uses. The Board had asked for more screening in front of the new sidewalk. The applicant is proposing new shrubs. The Board had asked if the existing ramps could be eliminated or modified. Piccirillo stated the applicant did not have any more resources and did not wish to remove the ramps at this time. The ramp is necessary for the handicap space on that side. There is a stockade fence that is in disrepair in the rear of the site. This will be removed and an existing chainlinked fence with slats that is behind it will remain. There is also an oil vat at the rear of the building that will be screened in with fencing. The extra dumpster will be removed. The existing screened dumpster area will be maintained and will have more pickups. An additional handicapped space was added near the new restaurant entrance. This resulted in the loss of one regular parking spaces, which has now been included in the variance request. Piccirillo stated the applicant must return to the ABACA for a final review. Tegeder asked what was the status of the Zoning Board application. Piccirillo stated he thought the variances would be granted at the next Zoning Board meeting at the end of July. Fon requested landscape details with a maintenance plan to improve the front of the building as it presents itself to the street. The Boad scheduled a Public Hearing for the August 11th meeting.

Yorktown Farms

Withdrawn by Applicant

SBL: 17.6-2-32

Discussion Wetland Permit Lot 15

Location: Gay Ridge Road

Contact: Property Owner

Description: A 22 lot subdivision approved by Res #08-03 dated 02/11/08.

This application was not discussed at the request of the applicant. The Board will wait to see if the applicant revises his proposal.

Yorktown Farms Subdivision

SBL: 17.6-2-32

Discussion Site Plans Lots 16 & 22

Location: Gay Ridge Road

Contact: Ciarcia Engineering

Description: A 22 lot subdivision approved by Res #08-03 dated 02/11/08.

Kutter recused herself from this item. Dan Ciarcia, project engineer was present.

Upon motion by Savoca, seconded by Flynn, and with all those present voting aye, the Board opened a special session.

Both Lots 16 and 22 are very similar to their original approvals in the subdivision. Tegeder asked if there were any tree buffer issues like on the previous lots. Ciarcia stated not that he could recall. These lots were originally the open fields on the site.

Upon motion by Savoca, seconded by Flynn, and with all those present voting aye, the Board approved the site plan for Yorktown Farms Lot 16.

Upon motion by Flynn, seconded by Savoca, and with all those present voting aye, the Board approved the site plan for Yorktown Farms Lot 22.

Upon motion by Savoca, seconded by Flynn, and with all those present voting aye, the Board closed the special session.

Arrowhead Subdivision

SBL: 48.13-1-6

Discussion Subdivision Phase II

Location: Underhill Avenue

Contact: Chris O'Keefe

Description: A 5-lot subdivision considered under flexibility standards on 45 acres in the R1-200 zone, which was approved by Planning Board Res #07-23 dated 10/15/07.

Chris O'Keefe, the property owner and developer, was present. Fon asked why there was a stop work order issued for the site. O'Keefe stated the environmental report was not in compliance. It was resubmitted today. Fon read the Environmental Inspector's memo dated July 14, 2014, which stated O'Keefe took the stop work order and crumpled it in his pocket and then continued working. Wagner asked for a copy of the stop work order. O'Keefe did not have it. O'Keefe stated that he was given the stop work order while directing traffic on Underhill Avenue. The black top was already almost entirely complete. O'Keefe stated the memo was a mischaracterization of his conduct. Fon asked why a stop work order had to be issued at all. O'Keefe stated that when work starts on the site he has two weeks to submit the first environmental report. Tegeder stated that O'Keefe was supposed to notify the Town when work would begin. The purpose of the notice is so the Town can verify that the work is done properly and constructed according to the details shown on the improvement plan. When the Planning Department made a site visit, we observed slight change in the alignment of the road and the drainage was altered a bit in that there were less manholes. We need to know if the work was done correctly and if it still works correctly with the field changes. O'Keefe stated the verifications should not be a problem. Fon stated that if there was a meeting prior to the paving, the Board would have known about any changes. Fon asked what changed and if O'Keefe's design professional approved the changes. O'Keefe stated he didn't know what the changes were. An needs to confirm the plan is according to the specifications. Fon requested O'Keefe and his design professionals meet with the Town professionals to fix these issues.

Tegeder stated the new lot shown at the last meeting, Lot 1, still must be reviewed in regards to the swale and how it effects the proposed house. The layout for the lot now has the swale going directly through the back yard very close to the proposed house. O'Keefe's engineer should look at the lot and determine how to accomplish the drainage a different way because the new homeowner is not going to want the swale through the backyard as shown. O'Keefe stated he did not want to go back through the DEP and DEC approvals for changes. Tegeder suggested a meeting with staff to discuss the next steps. Wagner requested O'Keefe submit a copy of the stop work order for the Board.

Upon motion by Savoca, seconded by Flynn, and with all those present voting aye, the Board voted to close the meeting at 9:30 pm.