

Planning Board Minutes August 11, 2014

A meeting of the planning Board, Town of Yorktown, was held on August 11, 2014, at the Yorktown Town Hall, 363 Underhill Ave., Yorktown Heights, NY 10598. The Vice Chair, John Flynn, opened the meeting at 7:30 P.M., with the following members present:

John Savoca
John Kincart
Darlene Rivera
Ann Kutter, alternate

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.

Correspondence: NYCDEP Yorktown Auto Body and NYC DEP regarding the Stahmer Subdivision on Jermone Road.

Liaison Reports: There were no reports.

Courtesy of the Floor: No one came forward

Minutes: Approval of the June 23, 2014 and July 14, 2014 minutes were held over until the next meeting because the Board did not have a quorum to approve them.

REGULAR SESSION

Dubovsky, Michael

Request One-Year Extension

SBL: 59.14-1-18

Location: 702 Saw Mill River Road

Contact: Al Capellini

Description: An approved site plan for a commercial & residential building and barn by Res #13-21 on 09/09/13.

Al Capellini, project attorney, was present. Capellini advised the Board that the application was now in front of the Board of Health and required a One-Year Time Extension.

Upon a motion by Kincart, seconded by Savoca, and with all those present voting aye, the Board granted a one-year time extension for the Dubovsky Site Plan.

Kitchawan Fire & Rescue Station

Request for Reapproval

SBL: 70.5-1-13

Location: Kitchawan Road

Contact: Al Capellini

Description: An approved site plan for the 3,100 SF Kitchawan Fire Rescue Station by Res #11-22 on 09/12/11.

Al Capellini, project attorney, was present. Capellini explained the firehouse was trying to reduce the price of the project since a bond was recently voted down. Steinberg stated the fee for reapproval was submitted today, August 11, 2014.

Upon a motion by Kincart, seconded by Rivera, and with all those present voting aye, the Board reapproved the site plan for the Kitchawan Fire Rescue Station.

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Sierra Bella Subdivision

Request for Reapproval

SBL: 47.5-1-13

Location: 1860 Hunterbrook Rd.

Contact: Al Capellini

Description: A 2 lot subdivision approved by Res #09-24 on 09/14/09

Al Capellini, project attorney, was present. Capellini stated the last item the applicant was to complete was submitting bonds to the Town. There was an issue with the bonding company because they did not want to issue two separate erosion control bonds. A new bond for \$17,500.00 was submitted and delivered to the Engineering Dept. today. The applicant is requesting a reapproval because the current approval expires in a week. The proposed Resolution would expire in February 2015.

Upon a motion by Rivera, seconded by Savoca, and with all those present voting aye, the Board reapproved the Sierra Bella Subdivision.

Hilltop Associates

Request 1st & 2nd 90 Day Time Ext

SBL: 37.6-1-25

Location: Hilltop Road

Contact: Al Capellini

Description: A 3 lot subdivision approved by Res #08-02 on 01/14/08

Al Capellini, project attorney, was present. Capellini stated the applicant was requesting both the 1st and 2nd 90 day time extensions. The 1st 90 day time extension was requested in April 2014, however, for some reason was never acted on by the Board. In September the applicant plans to be submitting a revised plat for 2 lot subdivision.

Upon a motion by Kincart, seconded by Riveria, and with all those present voting aye, the Board approved two 90 Day Time Extensions for the Hilltop Associates Subdivision.

Kiederer

Request for Reapproval

SBL: 27.14-2-4

Location: Granite Springs Road

Contact: Ciarcia Engineering, P.C.

Description: A 2 lot subdivision approved by Res #05-21 on 09/12/05

Dan Ciarcia, project engineer was present. Ciarcia stated the Board of Health was ready to sign the plat, however the current approval expired last week therefore the applicant is requesting a reapproval.

Upon a motion by Kutter, seconded by Kincart, and with all those present voting aye, the Board reapproved the Kiederer subdivision.

Murphy's Restaurant

Renewal Outdoor Seating Special Permit

SBL: 37.18-2-85

Location: 355 Kerr Street

Contact: Erin Murphy

Description: Request to renew outdoor seating special permit for a 5 year period.

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Erin Murphy, contact for Murphy's, was present. Murphy requested the Board approve renewal of their Outdoor Seating Special Permit in order to continue using the outdoor patio. Outdoor seating for 48 patrons. The requested renewal is for a 5 year period.

Upon motion by Kincart, seconded by Savoca, and with all those present voting aye, the Board approved the renewal of a Special Use Permit for outdoor seating for 48 for a period of 5 years to end August 19, 2019.

Empire Hunan

Public Hearing

SBL: 37.14-2-66

Public Hearing

Location: 1975 Commerce Street

Contact: Michael Piccirillo Architecture

Description: It is proposed to divide existing restaurant into a restaurant with two retail stores.

Upon a motion by Kincart, seconded by Savoca, and with all those present voting aye, the Board opened the public hearing.

Michael Piccirillo, project architect was present. Piccirillo stated the Zoning Board has approved variances required to cut up the restaurant into the restaurant and 2 retail stores. The retail stores would have entrances on Commerce Street. The Planning Board requested required notices of the hearing from the applicant. Piccirillo stated he did not have the proof of notice and requested a motion to adjourn for him to get the notices from his office.

Upon a motion by Kincart, seconded by Savoca, and with all those present voting aye, the Board adjourned the Public Hearing pending the return of Michael Piccirillo.

Teatown Auxiliary Parking Lot

Public Hearing

SBL: 69.14-1-8.1

Location: 1595 Spring Valley Rd

Contact: Insite Engineering Surveying, and Landscape Architecture

Description: It is proposed to construct a gravel auxiliary parking lot, to be utilized seasonally, for Teatown Lake Reservation.

Karen Wagner Planning Board attorney recused herself from this item.

John Watson, project engineer was present. The purposed parking lot is across the street from the existing Teatown parking lot. It will be a 46 space gravel parking lot for seasonal use. There will not be a building on the lot. The parking lot is pervious and therefore does not require Storm Water treatment however a full Stormwater Pollution Prevention Plan has been prepared. The Board received a memo from the Building Inspector. He has no objection to the proposal, but mentioned handicap parking. Watson stated it is intended for overflow not for handicap parking. A memo from the Conservation Board stated they are satisfied with the project. Dave Paganelli/Highway Department has requested proper signage for crosswalks be included.

Dr. Charles Silberstein of 1709 Spring Valley Road objects to the parking lot saying there is zero parking on the street. If there is, police are quick to come and have them move. He suggests that around the corner on Blinn Street would be more efficient and more effective. He believes that it will be environmentally hazardous to the community. John Watson assured that the pond at the proposed

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parking lot is going to stay and will be cleaned and there will be signage in front of the pond. A total of 6 trees are being taken down to accommodate the parking lot.

Jim Benson of 1605 Spring Valley Road. As proposed, Teatown has worked with them to create a berm to redirect run off away from their property. A chain is put across the parking lot when not in use and Evergreens have been added. Believes this will help with congestion and will be beneficial.

Upon a motion by Kutter, seconded by Kincart, and with all those present voting aye, the Board closed the public hearing, leaving written comment open for 10-days.

Grotto Holding

Public Hearing

SBL: 36.5-1-18

Location: 3655 Crompond Road

Contact: David A. Barbuti, P.C.

Description: It is proposed to convert an existing automobile dealership into retail sales and storage on the first floor and a plumbing contractor's office on the second floor.

David Barbuti, project architect, was present. Barbuti stated the applicant is purposing to reuse the old Salerno Dodge building. The ground floor would be for retail and 2nd floor for a plumbing office. Changes need to be made to the stairs to bring them up to code. The Board received memos from the Building Inspector and Fire Inspector stating no objections.

Upon a motion by Savoca, seconded by Rivera, and with all those present voting aye, the Board closed the public hearing, leaving written comment open for 10-days.

WORK SESSION

PEG Realty Corporation

Discussion Site Plan

SBL: 16.8-1-2

Location: 3699 Hill Boulevard

Contact: Architectural Visions, PLLC

Description: Request to accept a proposed parking lot grade of maximum 5% slope

Joel Greenberg, project architect, was present. Greenberg stated that since the site plan approval, he had tweaked the plan to reduce the slope in the area of the handicap parking spaces. Because of the existing slope of Hill Boulevard, the applicant is requesting the Board to waive the requirements of a 3% maximum grade for the open parking lot. The Building Dept. has approval the on walkway in front of the stores.

Upon a motion by Savoca, seconded by Kincart, and with all those present voting aye, the Board opened a special session to consider a resolution for PEG Realty.

Upon a motion by Savoca, seconded by Rivera, and with all those present voting aye, the Board approved a resolution to waive the 3% maximum slope within an open parking lot for the PEG Realty Site Plan.

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Fieldhome Expansion

Withdrawn by Applicant

SBL: 35.12-1-3

Discussion Soccer Field Agreement

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.

Crompond Terraces

Town Board Referral

SBL: 26.18-1-11, 26.18-1-12, 26.18-1-14, 26.18-1-15, 26.18-1-16

Location: Old Crompond Road

Contact: Ciarcia Engineering, P.C.

Description: Applicant is requesting a change in zone from R1-20 to C-2 and RSP-1 for construction of 96 residential units and 47,500 sf of office and retail space

Ann Kutter, Planning Board alternate, recused herself from this item.

Dan Ciarcia, project engineer and Roy Biaita, developer were present. Ciarcia stated 5 parcels have been assembled for this rezone application. The Town Board received a letter from Bazzo and one other neighboring parcel who want to be included. Ciarcia stated the Town Board commissioned a study in the 1980's for this BMP Triangle area. Now is a good opportunity to revisit rezoning due to other projects in the area ie. Costco and CVS. Rezone to RS-1 & C-2R. The proposal is for 96 Unites, attached, some multi-story.

Tegeger stated the RSP-1 zone required a certain % of community amenities be included in the plan and asked why the applicant was requesting RSP-1. RSP-2 doesn't require community amenities. Susan Siegel asked how the Planning Board will consider 2 similar but different RSP requests at the same time. The Board stated they would consider each proposal and the area they were to be located. Kincart asked what types of commercial uses are proposed? Biaita stated he was not sure yet. Kincart stated the grades may reduce unit count. Flynn stated he was not so happy about commercial zoning this far up Old Crompond. In response to Siegel, Flynn stated the Planning Board should weigh in on the total acreage of property being zoned RSP. Tegeger stated he was not yet convinced the amount of commercial zoning proposed up Old Crompond Road. Not sure how the commercial area works in this location. There is not a lot of visibility from the main road, Route 202. In addition, the Board must consider that this property was not rezoned commercial or RSP in the Comprehensive Plan. The Planning Department will make a list of issues for the Planning Board to discuss at the next meeting scheduled on September 8, 2014.

Empire Hunan

Public Hearing

SBL: 37.14-2-66

Location: 1975 Commerce Street

Contact: Michael Piccirillo Architecture

Description: It is proposed to divide existing restaurant into a restaurant with two retail stores.

Upon a motion by Savoca, seconded by Rivera, and with all present voting aye, the Board opened a Special Session for Michael Piccirillo/Empire Hunan Public Hearing.

Michael Piccirillo returned and submitted the proof of notices. Flynn requested Piccirillo summarize the variances approved by the Zoning Board of Appeals. Piccirillo stated that on July 24, 2014 the Zoning Board approved the following variances for the property:

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- Required number of parking spaces
- Front yard setback variance
- Allowed to alter building

Piccirillo stated he added landscaping along Commerce Street as requested by the Planning Board. Flynn reviewed the Planning Department's letter to the applicant dated June 5, 2014. Piccirillo stated he had received a memo from the Building Dept. listing two items that are being fixed. He submitted to NYCDEP for a SWPPP approval.

Upon a motion by Savoca, seconded by Rivera, and with all present voting aye, The Board closed the Public Hearing for Empire Hunan.

Arrowhead Subdivision

Discussion Revised Private Driveway Easement

SBL: 48.13-1-6

Location: Underhill Avenue

Contact: Chris O'Keefe

Description: A 5-lot subdivision approve by Planning Board Res #07-23 dated 10/15/07

Chris O'Keefe, property owner and Emilio Escaladas, project engineer were present. Tegeder stated he had received Escaladas' letter and he needs to use the word "certify" in the letter. Escaladas stated this was not a problem and he would resubmit the letter. Changes to the approved plan are the following:

- Realignment of Road due to rock
- Changes in drainage – mimic exact as original plan
- Installation of pavement was not witnessed therefore proof of proper installation must be submitted

Upon a motion by Kincart, seconded by Rivera, and with all those present voting aye, the Board approved a resolution to allow the filing of Arrowhead Subdivision Phase II Plat.

Upon a motion by Kincart, seconded by Savoca, and with all those present voting aye, the Board closed the Special Session.

CVS/Pharmacy Crompond Road

Pre-Preliminary Application

SBL: 26.18-1-25

Location: 3320 Crompond Road

Contact: T.M. Crowley & Associates

Description: Proposed construction of a 12,900 SF CVS/Pharmacy with drive-thru and a standalone 2,500 SF retail building with drive-thru.

Ann Kutter, Planning Board alternate, recused herself from this item.

Al Capellini, project attorney, Paul Vitaliano, project engineer, Tracy Roll of T.M. Crowley & Associates, and Doug Grunert, project architect were present. Vitaliano explained the proposed site plan for a 12,900 SF CVS with 1,600 SF mezzanine level. The buildings are facing each other to create a village center style. He didn't connect the sidewalk through parking lot. There is a small pocket wetland less than 1,000 SF. Sherry Brook is piped through the property and they intend to leave it. A dumpster &

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compacto cannot be accommodated in the loading area therefore those will be detached behind the building. There are 74 spaces provided for parking, where 69 spaces are required. The proposed bank may increase by about 1,000SF which would then require all 74 spaces. There is less parking provided than CVS likes but they have approved this proposal. Flynn stated he thought the truck movements for deliveries seem tortured and asked if deliveries be at night. Vitaliano stated deliveries by larger trucks will be twice a week and time can be limited. Smaller box trucks will come at any time but they could drive around building or use the bump out to back up. Vitaliano pointed out that the loading area is shown on the west side of the building however, the loading door is on the Route 202 side of the building. Grunert reviewed the architectural design of the building. The proposal is for the brick building with a single lane drive through. The slopped roof will drain in the rear. The windows could be lower than the CVS prototype to give a more human scale to the building. Gooseneck lighting could be considered to give a more village style look. Flynn was concerned about the side of the building facing Old Crompond Road and the Crompond Crossing development. Grunert agreed to consider softening up the building facing Old Crompond Rd.

Costco Wholesale

Discussion FEIS

SBL: 26.18-1-17, 18, 19 and 26.19-1-1

Location: 3200 Crompond Road

Contact: TRC Engineers

Description: Application to construct a 151,092 SF Costco Wholesale Club retail store and club member available filling station.

Ann Kutter, Planning Board alternate, recused herself from this item.

Flynn introduced the Board's review of the Costco FEIS and asked Capellini if he had any statements from the applicant. Capellini, project attorney, stated the applicant's position is this book, indicating the FEIS. Nick Panayotou and Tom Holmes of TRC Engineers and Bob Rosenberg of Breslin Realty were also present. Rosenberg stated the applicant wished to start demolition and remediation in the Fall and that they are looking for a time frame.

The Board began review of the FEIS. Starting at 10:00 pm, the Board reviewed the Executive Summary through page SP-29 of the Site Plan section.

At the next meeting the Board will determine whether it will be necessary to schedule an additional meeting in order to complete the review of the FEIS.

The next Planning Board meeting is scheduled for September 8, 2014.

Upon a motion by Kincart, seconded by Rivera, and with all those present voting aye, the meeting was adjourned at 11:00 pm.