

Planning Board Meeting Minutes November 10, 2014

A meeting of the Planning Board, Town of Yorktown, was held on November 10, 2014, at the Yorktown Town Hall Board Room, 363 Underhill Avenue, Yorktown Heights, NY 10598. The Chairman, Rich Fon, opened the meeting at 7:35 P.M., with the following members present:

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

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

Correspondence: The Board received a memo regarding the pool at 482 Underhill Avenue from Mr. Nowak.

Liaison Report: No reports

Courtesy of the Floor: No one came forward

Upon a motion by Darlene Rivera, seconded by John Kincart, and with all those present voting aye, the Board approved the minutes of October 20, 2014 including edits as shown on the chair's copy.

REGULAR SESSION

RCB Development

SBL: 36.5-2-60

Request for Reapproval

Location: 3655 Old Crompond Road

Contact: Ralph G. Mastromonaco, PE, PC

Description: Approved 2-lot minor subdivision in a R1-20 zone.

Came back to the Planning Board for reapproval as time has run out. Board agreed to the one year time extension but it now raises the question as to a subdivision being done before the plat is approved.

John T. would like to have a discussion regarding this.

Ralph G. Mastromonaco, the project engineer, was present. He explained that the applicant had been working on the improvements in lieu of posting a bond and was now ready to file the plat, however required an extension of the subdivision approval.

Upon motion by Darlene Rivera, seconded by John Kincart, and with all those present voting aye, the Board adopted a resolution for the RCB Development Subdivision granting two 90 day time extensions, a reapproval, two 90 day time extensions, and another reapproval.

Fieldstone Manor

SBL: 15.11-1-17

Request 2nd 90 Day Time Extension

Location: Strawberry Road

Contact: Al Capellini

Description: A 21-lot cluster subdivision on 22.94 acres in the R1-20 zone that received Preliminary Subdivision Approval by Res 14-02 on February 10, 2014.

Requesting 2nd 90 day approval.

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Al Capellini, project attorney, was present. Capellini explained that this subdivision received preliminary subdivision approval in February and the applicant is working with the Department of Health and requires a 2nd 90 day time extension.

Upon motion by Darlene Rivera, seconded by Ann Kutter, and with all those present voting aye, except Kincart who abstained, the Board approved a 2nd 90 day approval for Fieldstone Manor.

Kiederer

SBL: 27.14-2-4

Request FSWPPP & Tree Removal Permits

Location: 362 Granite Springs Road

Contact: Ciarcia Engineering

Description: A 2 lot subdivision approved by Planning Board Res #05-21 dated 09/12/05.

Dan Ciarcia, project engineer, was present. The 2005 subdivision resolution included a condition that the applicant obtain an excavation permit. The Planning Board is the approval authority for this permit now known as a Stormwater Pollution Prevention Plan Permit. A tree removal permit is now also required for this development. Kutter asked if there was a tree mitigation plan for the trees to be removed. Dan advised that two of the lots will have most of the trees removed to accommodate the houses and septic systems. Even though the sewer line is in Granite Springs Road, the applicant cannot connect to it because of the Hallocks Mill Sewer Moratorium. The Board advised that the applicant must comply with the tree ordinance and submit a tree mitigation plan. It was recommended that Ciarcia meet with staff first to discuss mitigation and return to the Board for approval approval of the permit. The Town Engineer drafted the SWPPP permit therefore there is assumed to be no reason not to issue that permit. Ciarcia asked if a separate tree permit could be approved at a later date. The Board decided to take no action until the applicant meets further with staff.

Lake Osceola Square

SBL: 6.17-1-43

Discussion Site Plan

Location: 393 East Main Street

Contact: Site Design Consultants

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

Upon motion by John Kincart, seconded by Darlene Rivera, and with all those present voting aye, the Board approved to move to a Public Hearing.

Al Capellini project attorney gave a brief description of the project. It building is proposed to be three stories with 27,000 total square feet. The first floor will be used for commercial use, the second floor will be used as office space, and the third floor will have 8 residential apartments. Jefferson Valley is in the processes of being revitalized starting with the new MKMG building on Hill Boulevard. There has been two Public Hearings done with full presentations for the Public Informational Hearing here with the Planning Board and a public hearing in front of the ZBA for several variances that were required. The Zoning Board granted three variances; 1) To allow a free standing sign where none is allowed in the Country Commercial zone; 2) To allow the length of the building to be greater than 100 linear feet; and 3) To allow parking 10 feet from the front yard setback where 30 feet is required. These variances were obtained because the building is set back from the road to take advantage of the lake views. Also the building is articulated, but is technically 208 linear feet long. Joe Riina, project engineer, stated that the

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front of the site is lower than the road. There are two wetland areas on the site. One small wetland on the west side of the site that was apparently only created because there is a impervious surface under the grass that did not allow drainage so water pooled in this location. The other wetland area is mostly off-site on the east of the property. Both 100 ft buffers are shown on the plan. Access will be at the existing location on the site. There are two parking areas. Parking on east side of the site (near the snack bar building) will be used for access to the beach. Had a meeting with the Fire Inspector and they were satisfied with the access to the building. There will be a lot of pedestrian activity with walks all around the building. The rear of the building will have an elevated deck and a low patio area. The building will be elevated on piles approximately 3 feet. There is currently no storm water management on site. The applicant is proposing a full stormwater pollution prevention plan. There will also be a maintenance plan in place for the drainage channel that runs through the site to be maintained. In past large storm events, a lot of trash was in the channel and blocked it. The applicant will also construct a pipe bypass system so large storm event will have another access to the lake. In addition, the proposed building is elevated approximately 3 feet above the flood plain so it does not impact flood waters coming up from the lake. In the event of a flood, breakaway panels under the elevated deck would allow water to flow underneath the building.

After meeting with the Planning Board on the site visit, a wider pedestrian access on the east side of the main driveway is now proposed to create a straight access to the beach. This would eliminate a few parking spaces, however there are more spaces provided than required by code. There will be a 7 ft wide stone chip trail along the lake and around the proposed pocket wetlands.

Riina stated he met with Dave Paganelli, the Highway Superintendent, and John Tegeder regarding the removal of the shrub vegetation and 2 trees at the bottom of Wood Street. The closest sewer line is located in Hill Boulevard. The route to that line is still being investigated. If a line cannot be placed behind the homes on East Main Street, the connection will have to be made going up East Main Street. In this case the applicant would rather put the line under the sidewalk and replace the sidewalk so the construction will not disturb traffic. Surrounding properties expressed interest in tying into the sewer system. The project will have town water with 2 service connections; one for a fire hydrant and one for service to the building.

Riina stated that a traffic study was completed by the applicant's consultant, Maser Consulting. This study concluded that all the major intersections will experience no significant change in the level of service as a result of the project. One recommendation made that might help the area was added stripping at Hill Boulevard. Double yellow lines need to be reestablished. A speed warning sign is being considered to slow traffic. The posted speed limit is 30 mph, however the average speed on the road is closer to 40 mph.

Susan Siegel of 419 Granite Springs Road asked if the applicant heard from the Town Board or Recreation Commission regarding the beach and does this matter in terms of approval in regard to the easement. Al Capellini said that if the town does not accept it (the beach) it will remain as part of the project and remain a private beach.

The question arose regarding the sewer and where it will run. Susan Siegel asked if the sewer goes under the sidewalk in front of the homes, can the property owners still connect. Capellini stated that yes the homes still could connect; it just would not be as easy as in the rear of the homes where the plumbing connections are already located. A pump house will be located off the corner of the proposed building.

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Michael Piccirillo, project architect, stated the pitch of the roof had been lowered approximately 3 feet in response to the Planning Board's comment that the building seemed too massive. Georgiou asked what the breakaway panels under the elevated building would look like. Piccirillo stated that they would only be a maximum of 3 feet high and would set back a little under the building so you would not see them.

Upon motion by John Kincart, seconded by John Savoca, and with all those present voting aye, the Board approved to adjourn the Public Hearing.

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

WORK SESSION

Ryder Subdivision

SBL: 48.6-1-12

Pre-Preliminary Discussion

Location: 532 Underhill Avenue

Contact: Ciarcia Engineering

Description: Applicant proposes to subdivide a parcel with an existing residence into 2 building lots.

Dan Ciarcia, project engineer, and Mr. Ryder were present. The Planning Board suggested to move the westerly house more west to move further from the wetland. The Town's Wetland Consultant, Bruce Barber, stated that the wetlands ordinance prohibits discharge of pollutants into the wetlands and that the town has never allowed a septic in a wetland therefore he would like the proposed system moved outside the wetland. The Board suggested the applicant meet with Bruce Barber to develop another alternative plan.

Yorktown Green Shopping Center

SBL: 37.18-2-56 & 57

Discussion Landscaping

Location: Downing Drive

Contact: Darlene Embry

Description: The Board requested the shopping center come discuss the trees once located in front of the stores.

Darlene Embry was present representing the property owner. She stated that she was in front of the Board because the property owner received a letter from the Planning Department regarding the trees. She maintains the landscaping and said that over the years the trees have died and needed to be removed. To put new trees in now would entail digging up the sidewalk to plant them. She thought the other issue was the salt that is being put down in the winter. She suggested an alternative to the trees could be to put in planters that would match the ones going down Commerce Street. Tegeder said that new trees can be planted without disturbing the sidewalk and there are trees that are salt tolerable. Not planting trees would be a site plan violation. The Board suggested Embry talk to a landscaper in regards to different tree options that would be good for a sidewalk installation.

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3525 Crompond Rd, LLC

SBL: 36.5-1-13

Zoning Board of Appeals Referral

Location: 3525 Crompond Road

Contact: Al Capellini

Description: Request for a Special Permit to allow the outdoor storage of vehicles on a portion of the premises.

Al Capellini stated that this would be a special use permit to allow the outdoor storage of vehicles on a portion of the premises. There would be no zoning change. The only thing that would be put down would be gravel. No Item 4 will be used. There would be no landscaping needed. The Board members thought landscaping may be needed along the fence in the rear of the site facing the residential zone. Rivera also thought landscaping could go along the fence in the interior of the site to soften the view from restaurant patrons. The Board decided to make site visits on their own and have the applicant return to the Board's next meeting on November 24, 2014.

3415 Mohegan Avenue

SBL: 15.20-2-16

Town Board Referral

Location: 3415 Mohegan Avenue

Contact: Lester Rosenbaum

Description: Proposed donation of a parcel on Lake Mohegan to the Town of Yorktown

Patrick Francois, member of the Conservation Board, was at the meeting to represent the board and their position that the piece of property should be accepted. The parcel is in between other town owned parcels around Mohegan Lake. The Planning Board had no objection to the town accepting this parcel.

Costco Wholesale

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

Discussion Draft Findings Statement

Location: 3200 Crompond Road

Contact: TRC Engineers

Description: Application to construct a 151,092 sf Costco Wholesale Club store and member only gasoline filling station.

Kutter recused herself from this item. Lisa Hochman, attorney to the Planning Board for Costco, introduced the Draft Finding Statement that was submitted by the applicant revised by staff to incorporate the Planning Board's comments throughout the review of the FEIS. Comments on the FEIS are forthcoming from the NYC DEP. SEQR law states that findings cannot be adopted sooner than 10 days and no longer than 30 days after the FEIS is accepted. Since the Planning Board's next meeting is a few days beyond the 30 day limit, the Board requested the applicant agree to extend the 30 day deadline to return to the next Planning Board meeting scheduled for Monday, November 24, 2014. The Board will continue their review on November 24th, but did not commit to adopting a statement of findings on that date. Flynn entered his comments on the draft findings into the record.

Upon a motion by John Savoca, seconded by John Flynn, and with all those present voting aye, the Board voted to close the meeting at 10:45 pm.