

Planning Board Meeting Minutes December 8, 2014

A meeting of the Planning Board, Town of Yorktown, was held on December 8, 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
Darlene Rivera
John Kincart

Also present were: John Tegeder, Director of Planning; Robyn Steinberg, Planner; Anna Georgiou, attorney to the Planning Board, Lisa Hochman, attorney to the Planning Board for Costco, and Bruce Barber of Cornerstone Associates, the Town's Wetland Inspector.

Discussion:

Correspondence:

Liaison Reports: No reports.

Courtesy of the Floor: John Tegeder addressed the Board regarding a building permit application for a proposed deck expansion at 204 Sandpiper Court. The Planning Board had no planning objections to the issuance of the permit noting the setbacks for the deck be limited to 14'-6" at the new rear yard and 6'-8" at the new side yard. Tegeder will write a response to the Building Department.

Upon a motion by John Kincart seconded by Rich Fon and with all those present voting aye, the Board approved the minutes of November 24, 2014.

REGULAR SESSION

Creative Living Development aka Navajo Fields

SBL: 6.14-1-2

Request One-Year Time Extension

Location: Navajo Road

Contact: Al Capellini

Description: Proposed air-supported dome over the existing southern field and associated improvements including an access road and wetland mitigation plan.

Al Capellini stated that this property is also in front of the NYSDEC in regards to the wetland and is perceived as a difficult application, therefore there has not been any real movement. It was noted however, that the Building Inspector was there last month.

Upon motion by John Flynn, seconded by John Savoca, and with all those present voting aye, the Board approved the One-Year Extension for Creative Living Development a/k/a Navajo Fields.

Hilltop Associates

SBL: 37.6-1-25

Request for Reapproval

Location: Hilltop Road

Contact: Al Capellini

Description: A 3 lot subdivision approved by Planning Board Resolution 08-02 on January 14, 2008.

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Al Capellini noted that this was a request for a reapproval. Jack Goldstein, project engineer, was present and advised that he had a letter for the record stating there is no changes to the application. The Applicant simply needs more time. Kincart suggest the resolution be clarified to state that two out of the three lots are building lots (since in fact there are three total lots) in the subdivision.

Upon motion by John Kincart, seconded by Darlene Rivera, and with all those present voting aye, the Board approved the One-Year Extension for Hilltop Associates.

Costco Wholesale

SBL: 26.18-1-19

Discussion Draft Findings Statement

Town Board Referral Gasoline Filling Station Special Permit

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.

Fon stated that the public has been involved with the process and all the comments have been address by the Applicant. After the FEIS was accepted more comments were received by the Board and these have also been addressed by the Applicant.

Bruce Barber, the Town's Wetland Consultant, addressed the Board regarding the natural resourse elements of the project. Barber stated that notably there were comments received from the NYC DEP and the Watershed Inspector General (WIG) that had the following issues:

- Soils on the site were found to infiltrate in a rapid manner, which means the runoff may travel through the soil too quickly and therefore may not be filtered properly.
- New NRCC rainfall data that may be adopted was not used in the analysis.

Barber stated the Applicant has addressed these comments by including the following additional measures to the stormwater plan:

- Added Jellyfish Filter Units to remove pollutants before runoff enters the infiltration system.
- Added a 28,000 sf storage vault adjacent to the detention pond.
- Used the proposed NRCC rainfall data.

The Board can require onsite testing to monitor the ground water. It was noted that Wetland B, closest to the parkway showed no evidence of being conected to Wetland A.

Flynn referred to the comments from the WIG asking that the Board hold off with the findings at this time. It was noted that the Board has not received a letter stating the WIG was satisfied with the Applicant's responses to their concerns. Attorney for the Applicant, Michael Bogen, confirmed that the Applicant did meet with representatives of NYC DEP and WIG to review their comments. He felt the comments were sent asking the Board to hold off only because the

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agencies were worried the Board would make a decision immediately after the 10 day period. Flynn again stated that the Board should have a letter from the WIG indicating it was okay to proceed.

DEP representative, Mary Gallaso, referred to the meeting that was held on November 13th but has not seen any of the information submitted by the Applicant since that date.

Tegeder stated the changes are enhancements to the design and that the design parameters remain the same. Original design in the FEIS was enhanced to provide even more treatment.

Bogen confirmed the Applicant's FEIS stormwater pollution prevention plan did meet the standards of the regulations.

The Board asked Hochman if changes to the environmental components of the plan require reopening public comment. Hochman stated that a supplemental environmental impact statement is only required when new adverse impacts that have not previously been studied are found. Since this is not the case, a supplemental is not necessary. Bogen stated that changes to the mitigation are not changes to the proposed action.

Tegeder addressed the Board regarding several comments received from Maris Associates regarding the traffic impacts. He stated that in his opinion the applicant's letter dated November 17, 2014 addressed all the comments.

Fon stated the Board is not ready to comment on the draft finding statement they received from staff tonight. The Board decided to hold a Special Meeting on Monday, December 15th at 7:00 pm in the Town Hall Board Room. This will allow the Board time to read through the latest draft. The Board suggested the Applicant contact the WIG for a response before that meeting.

Patrick Francois, a representative for the Conservation Board, stated a memo from the Board should be forthcoming.

Al Capellini stated the Applicant agree to allow the Board additional review time to accommodate the special meeting.

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

WORK SESSION

DeCicco's Marketplace

SBL: 16.8-1-21

Request for Special Use Permit

Location: 3651 Lee Boulevard

Contact: DeCicco Family Markets

Description: Proposed new outdoor service area for patron recycling machines.

The Applicant asked for approval to put three recycling return machines in front of the store in a covered area. Steinberg stated that this requires a special use permit for outdoor service. This permit should be separate from the store's other special use permit for outdoor service that the

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Board approved for the outdoor sale of seasonal items. The current application proposes a permanent addition requiring a building permit and therefore should run with the land. The Board requested that a requirement be added to the draft of a resolution regarding not storing the full bags of recyclables outside the store and keeping the area clean. A Resolution will be prepared for the next regular meeting in January.

Envirogreen Associates

SBL: 15.16-1-30

Pre-Preliminary Application

Location: 1851, 1867, 1875 East Main Street, Mohegan Lake

Contact: Site Design Consultants

Description: Proposed redevelopment of a portion of the referenced property by removing one of the existing buildings and parking area, and constructing a new 10,000-12,000 sf retail center with associated parking and proposed through road connecting to the adjoining property to the west.

Al Capellini, project attorney, Joe Riina, project engineer, and Rick Cipriani, project developer and property owner were present. The site is what was approved as the Mohegan Garden Center site plan. Currently it is the building where Dunkin Donuts and the grey house are located in Mohegan Lake. To the east is the Dana Cole Salon application and the Malan building on the corner. It was noted that this is 7 acres of land and a good portion is town and NYS DEC wetland. Cipriani is proposing to remove the grey house and construct approximately 10,000-12,000 sf building (or buildings). The parking meets code. The proposal will require filling in some of the wetlands. Tegeder would like to see a formal application for the Board to review before the wetlands are verified or the Applicant meets with the NYSDEC. Cipriani stated that there was not a lot of space on the site for mitigation. Capellini mentioned how when the Town purchased the Ardizone property he thought development along Route 6 could occur if the developers gave a contribution to go towards the total cost of purchasing the parcel. He will look into this further. Cipriani also mentioned that he owns other property in Yorktown that could be used for building wetlands. The Applicant will prepare the formal application and EAF.

Crompond Terraces

SBL: 26.18-1-16

Town Board Referral

Location: 3258 Old Crompond Road

Contact: Ciarcia Engineering

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 on 20.10 acres.

Ann Kutter, representative for the applicant, and Dan Ciarcia, project engineer, were present. Kutter stated that the plan now consists of a total of 80 units as opposed to the 96 units initially presented. There are three different types of units; A are the higher end units with two units per building; B are also two units per building, but all on one story; and C include 4 units per building where two are on the first floor and two are on the second floor. The units would use geothermal energy. The developer has looked into possibly relocating significant trees that are located in areas that need to be disturbed. Ciarcia stated the Town Board requested they evaluate a rezone to R-3 residential, which is not a senior restricted zone. The Board asked the Applicant to include parcels in their analysis of which they do not have ownership. The zoning should run from

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Costco to Crompond Crossing without skipping over any parcels. Tegeder, Barber, and Steinberg will put together some points to be addressed regarding the application for the January meeting so the Board can respond to the Town Board's referral. In the meantime it is scheduled for Town Board public hearing on January 9, 2015.

PEG Realty Corporation

SBL: 16.8-1-2

Discussion Approved Site Plan

Location: 3699 Hill Boulevard

Contact: Architectural Visions, PLLC

Description: Approved 2-Lot subdivision and site plan for a 11,600 SF one-story commercial building.

Joel Greenberg was the representative for PEG Realty Corp. It was stated that the section designated for an entrance by the bowling alley, was given incorrect grades by the surveyor. They had to drop the grades between parking lots to go from 5% to 7 ½%. All handicap is 2%. Drainage remains the same. John T. thinks that it is workable as they got it down from 10% to 7 1/2%. The Board did not have a problem with the change.

There were questions raised regarding the performance bond. Mr. Mancini obtained a bank check for the bond, however the Town Board did not accept the money because they did not believe the Town should require bond money be posted for private improvements. The Planning Board disagreed because the private improvements affect the health, safety, and welfare of the public. Tegeder stated that performance bonds required in the town code. This bond was for the stormwater system and parking lot. The Board requested a memo be sent to the Town Board regarding the Bond. It was suggested that a joint meeting be scheduled to discuss the issue if necessary.

Lake Osceola Square

SBL: 6.17-1-43, 45, 46

Discussion Site Plan

Location: 393 East Main Street

Contact: Site Design Consultants

Description: Requested site plan approval for construction of a three story 27,000 total square foot building including parking, landscaping, as well as connection to the Peekskill Sewer District and town water service. The beach is proposed to be open for public access.

Al Capellini, project attorney, Joe Riina, project engineer, Frank Giuliano, project landscape architect, Steve Marino, project wetlands scientist, and Phil Grealy, project traffic engineer were present. As a result of meeting with staff, there were changes made to site plan. The stairs at the front west corner of the site were removed and the entrance for pedestrians was relocated to the center of the frontage where the entrance could be at grade. Now pedestrians could walk from this entrance straight towards the building. Giuliano explained the landscaping along the frontage was reworked because the proposed trees along the frontage were at very different elevations on the western and eastern sides. Trees will remain to the west and then after the pedestrian entrance, shrubs and other plantings will be planted on the slope from the sidewalk to the parking lot. This will make the interior of the site attractive. Screening trees were added to the west side

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of the property with 12' to 14' pines near this property line. This will screen the side of the building from being too harsh a view from across the lake. Marino indicated that Lake Osceola is a Class B water body and since the Applicant was not proposing any activities along the shoreline, a permit would not be required from the NYS DEC. The Applicant did meet with Brian Gray, the Town's Parks & Recreation Superintendent. The Applicant stated Gray was not interested in running another beach. The Planning Board decided to send a memo to the Town Board and Recreation Commission to discuss the advantages of the Town maintaining the beach. The Board will reconvene the adjourned Public Hearing on this project at their January 12, 2015 meeting.

Upon motion by John Savoca, seconded by John Flynn, and with those present voting aye, the Board voted to close the meeting at 10:55 pm.