

## **Planning Board Minutes May 4, 2015**

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A meeting of the Planning Board, Town of Yorktown, was held on May 4, 2015, at the Yorktown Town Hall Board Room, 363 Underhill Avenue, Yorktown Heights, NY 10598. The Chair, Richard Fon, opened the meeting at 7:00 pm with the following members present:

John Flynn  
John Savoca  
John Kincart

Also present were: John Tegeder, Director of Planning, and Robyn Steinberg, Planner, Anna Georgiou, Counsel.

**Correspondence:** Richard Fon began the meeting with a brief mention of a letter of resolution that was received by the Planning Board. However, no discussion of letter ensued.

**Minutes:** A review of the minutes of April 20, 2015 was placed on hold, as there was not a quorum of members present.

Upon motion by John Flynn, seconded by John Savoca, with all those present voting aye, the Board opened the Regular Session.

### **REGULAR SESSION**

#### **Arrowhead Subdivision**

**SBL: 48.13-1-6**

#### **Request 2nd 90 Day Time Extension**

*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 Resolution 07-23 dated October 15, 2007.

Chris O'Keefe indicated that it is taking longer to deal with the legal aspects of filing for the plot, therefore, a second 90 day extension is needed. John Tegeder indicated that there are no new issues with the request. There have been no changes since the last meeting with O'Keefe. Tegeder informed the Board that road easements have to be finalized with O'Keefe's engineer. O'Keefe stated that the conservation easement is on the map and the recreation parcel has been divided up. However, the engineering issues are still open. Fon said that these issues have to be ironed out before 90 day expires.

**Upon a motion by John Flynn, seconded by John Savoca, with all those present voting aye, the Board approved a 2<sup>nd</sup> 90 Day Time Extension for the Arrowhead Subdivision.**

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### **BJ's Wholesale Club/Urstadt Biddle Yorktown, LLC.**

**SBL: 36.06-2-76**

#### **Decision Statement**

*Location:* 3333 Crompond Road

*Contact:* Zarin & Steinmetz

*Description:* Proposed BJs Wholesale Club gasoline filling station and 2,500 sf new building pad.

Rob Aiello, project engineer from JMC, and Jody Cross of Zarin & Steinmetz were present. Fon updated Aiello, who was not present at the April 20, 2015 work session, on the Board's questions regarding the filtering system for the proposed gas station. Aiello reported that he had submitted a letter to the Board on May 1, 2015 regarding the filtering system. The letter stated the applicant is currently working with DEP and proposing a sand filtration system to treat runoff from gas station. Aiello informed the Board that a trench drain is being proposed to isolate areas from the rest of the system, in the event of a spill. The sand filter system conforms to the standards set in the DEC Stormwater Management Design Manual, as an approved treatment method for a potential "hotspot." Aiello noted that canopy drains will be piped elsewhere, as they carry clean water. Aiello further noted that as a back-up to the sand filtration, a hydrodynamic structure will be in place to provide additional treatment for runoff. In this structure, hydrocarbons become attached to sediment particles. Removing particles will remove hydrocarbons. Aiello added that JGD Consulting has provided a plan for an Ultratec Filter Sock with a different type of media, "Sorb 44," that is designed to capture hydrocarbons. This filter sock would be an additional level of filtration to the sand and hydrodynamic structure systems.

Fon brought up the discussion that took place during the last work session, regarding the differences between the filtration for this site and the Costco filtration systems. Jellyfish filters are being used as additional pre-treatment, due to drainage on the Costco site. Costco has a perimeter sand filter which is different than at the BJ's site, which has the trench drain system.

Aiello reported that JGD Design Consultants has considered a variety of parameters such as spills, sunlight damage, etc., to determine when the filters need to be replaced. Fon questioned Aiello on what would happen if there was a spill. Aiello explained that filters would have to be inspected and replaced if necessary. Flynn questioned Aiello about lifespan of the filters. Aiello suggested the filter be inspected on a yearly basis. Kincart suggested that annual inspections of the filters be a requirement.

Tegeder stated the site signage should be included in the Master Sign Plan for the shopping center that will be discussed later tonight.

**Upon a motion by John Flynn, seconded by John Kincart, with all those present voting aye, the Board approved the resolution for the Staples site plan approval.**

**Upon a motion by John Flynn, seconded by John Kincart, and with all those present voting aye, the Board voted to close the Regular Session.**

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**Upon a motion by John Flynn, seconded by John Kincart, with all those present voting aye, the Board voted to go into Executive Session to discuss pending litigation with the Town Attorney.**

### **EXECUTIVE SESSION**

**Upon a motion by John Flynn, seconded by Richard Fon, the Board voted to close the Executive Session and open the Work Session.**

### **WORK SESSION**

#### **Staples Plaza**

**SBL: 36.06-2-76**

#### **Discussion Master Sign Plan**

*Location:* 3333 Crompond Road

*Contact:* Norman DeChiara Architects

*Description:* Discussion of proposed master sign plan for shopping center.

Paul Tepfer, project architect, was present and first referenced the ABACA memo that was received. Tepfer stated the applications for additional variances still had to be submitted. Tepfer informed the Board that in an April 17, 2015 report, ABACA requested variance applications for sign requirements, on a building-by-building basis.

Tegeder stated that Planning Department is requesting that Tepfer remove Building #4 from the Master Sign Plan, as there is no tenant yet, it is not known what a future tenant will require. However, Tegeder added that some sign requirements, (such as sign square footage), be stipulated in the plan that would have to be met by any future tenant. A new tenant would have to go before Board and ABACA should they need variance.

It was noted that Building #1 received a variance to allow for a total of 1,500 sq. ft., where the allowable square footage under Code was 868 sq.ft. Fon asked the Board about guidelines for signs. Tegeder replied that there are no guidelines and referenced Pelham's Master Sign Plan. Tegeder suggested that even though BJ's is on a separate lot, the plan should be considered as a whole for the Master Sign Plan.

Fon added that Bldg. 4 requirements should be included in the plan to avoid several future applications before ZBA, PB, and ABACA for a new tenant. He concurred that the Board address the entire site for the Master Sign Plan. Fon requested that Tepfer provide a detailed plan containing all sign designs and that they wait for the BJ's plan to come in so that the entire site can be considered at once. Steinberg stated details for the allowed signage are provided in the narrative that Tepfer provided to the Board.

Aiello indicated the tenant for Bldg. #2, the Urgent Care, is coming in and will need a sign. He is concerned that they are coming in July and the master Sign Plan might not be approved before they

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want to open. Georgiou commented that temporary signage for the new tenant is not precluded. Tegeder noted that 158.5 sq.ft. is the maximum allowable square footage for signs, which includes the existing Window-rama and Subway Signs. Proposed signs for tenant would exceed this maximum allowable square footage. It was suggested that a temporary banner or a sign facing Route 202 be installed in the interim period.

### **Taconic Vet Clinic & Canine Kindergarten**

**SBL: 36.5-1-18**

#### **Discussion Site Plan**

*Location:* 3655 Crompond Road

*Contact:* Michael Piccirillo

*Description:* Proposed Canine Kindergarten dog daycare and 24 hour veterinary clinic.

Michael Piccirillo, project architect, and Elissa Cohen, owner of the Canine Kindergarten were present. Piccirillo informed the Board that he had a meeting with town staff and made suggested changes to the plan. The parking lot design was changed, as was the location of the dumpster. Piccirillo is concerned about access to dumpster from hauling contractor. He noted that the building's loading area was relocated. The location of the fences was moved to front of retaining wall and will follow the paved section. Screening around dumpster enclosure was added and to property line and fence line. Piccirillo added that he spoke with the residential homeowners behind the property regarding the proposed site plan. Two of the three property owners were interviewed. Neither had an issue with proposal.

Fon questioned Tegeder about his concerns regarding the plan. Tegeder indicated that the applicant had addressed his loading concerns. Piccirillo stated there would not be tractor-trailers unloading on the site. Tegeder then inquired about the remaining landscaped area. He also requested that there be provisions for access to rear of building for a fire truck. Piccirillo is proposing decorative rocks be used as landscaping directly in front of the front building entrance, as live plants would most likely die due to the animals.

Georgiou inquired about the applicant's meeting with the Building Inspector, John Winter, and the proposed use of the building. Steinberg stated that Winter said the proposed operations are permitted under the Building Code. Piccirillo then asked the Board about Special Use Permit for outdoor use component. Fon recommended that a time frame for a review be included in the Special Permit. Tegeder suggested that they have a Landscape Plan that would be set for a given period, such as 3 years, with the Special Permit review should be set to the same year. Piccirillo was uncertain if all details on Landscape Plan could be provided.

The Board discussed the location and placement of plowed snow. The Board scheduled a Public Informational Hearing for the June 8<sup>th</sup> meeting. Piccirillo asked for a memo to be issued by the Board.

### **Blumberg Subdivision**

**SBL: 47.15-1-21**

#### **ZBA Referral #55/14**

*Location:* 1305-1307 Baptist Church Road

*Contact:* Kellard Engineering

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*Description:* Proposed two lot subdivision to result in the main house on a 32.4 acre parcel and the second house and farm on a 11.2 acre parcel.

Al Capellini, project attorney, represented the applicant. Capellini presented a site plan indicating the variances being requested. Capellini noted that a farm use has different standards set in the code. The property is in the R1-160 zone. The property owner wants to separate the residential home from the portion of the property intended for farm use. The farm will continue to be used to raise Alpacas.

Capellini stated that nothing new was proposed to be constructed on the site. Capellini added that the farming activities will be limited to the one property only. There will be no farming on the estate property. Georgiou inquired about the farm buildings indicated on the plan. Capellini replied that all structures are existing and several have been there for many years.

The Planning Department will issue a memo to the Zoning Board that there are no objections to the variances requested.

### **Chestnut Petroleum Distributors**

**SBL: 37.14-2-51**

#### **Town Board Referral**

*Location:* 2035 Saw Mill River Road

*Contact:* Jillian Martin, Construction Manager

*Description:* Application to amend special use permit to include new freestanding illuminated sign.

Jillian Martin represented the applicant. A different contractor had done work to replace the sign cabinet. The sign is still internally lit, as approved by ABACA in the past, but is now LED.

Fon asked Martin about other signs on the property, as there had been complaints from another nearby gas station owner about Mobil's signage. Martin replied that there are other permits that are being in the process of being closed out. An electrical permit is in the process of being closed out for the dispensers.

Fon suggested that the Board take a look at the property to make sure that everything is legal. Kincart suggested that they should solicit the Building Department to review site. Susan Siegel approached the Board and noted that there was a letter from ABACA, dated April 29, 2015, regarding the site. Members of the Board indicated that they received the memo tonight.

Tegeder stated that if the sign face was being altered on an existing sign then there are no issues as had been the concern of the other gas station owner. The Board had no issue with the permit application as long as there are no violations on the site.

### **Faith Bible Church**

**SBL: 15.16-2-9, 10, 50, 53, 54**

#### **Discussion Landscaping Plan**

*Location:* 3500 Mohegan Avenue

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*Contact:* Site Design Consultants

*Description:* Approved Special Use Permit, Site/Parking Plan, Stormwater Pollution Prevention Plan Permit, Wetland Permit. Discussion of revised Landscaping Plan pursuant to the approving resolution.

Al Capellini, project attorney, and Joseph Riina, project engineer, represented the applicant. Riina stated he was unable to reach the original landscape architect for the project and was therefore proposing a supplemental landscape plan, which detailed the screening and density of plantings.

Capellini noted that the Applicant is in process of obtaining NYSDEC approval for the stormwater mitigation and mitigation for the buffer, which will involve phragmites removal. Riina informed the Board that the NYSDEC responded with comments that they did not prefer the proposed mitigation plan which involves herbicide application to remove the invasive species. There has been a low success rate with that approach to eliminating invasive species. Riina explained that the NYSDEC suggested an alternative of planting shade trees along the lake to shade out the phragmites in addition to mechanical removal. The plan will call for planting of Red Maples and mechanical cutting of phragmites in the interim, until the maples take over and adequate shade is produced to limit growth of the phragmites. Riina noted that all maples will be 2 ½ to 3 foot trees when planted. Capellini added that if the Board was okay with the change, the applicant will take the plan back to the NYSDEC.

Flynn indicated that he liked the plan. Fon asked about overhead utility lines on this side of the road. Riina replied that there were none. The Planning Board will issue a memo accepting the supplemental landscape plan.

### **Envirogreen Associates**

**SBL: 15.16-1-30 &31**

#### **Discussion Site Plan**

*Location:* 1833, 1851, 1867, 1875 East Main Street

*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 new 10,000 and 6,000 sf retail buildings with associated parking and through driveway connecting to adjoining properties.

Al Capellini, project attorney, and Joseph Riina, project engineer, represented the Applicant. Riina informed the Board that, since the last time the Applicant appeared before the Board, the owner, Mr. Cipriani, purchased the Dana Cole property adjacent to the site. Therefore the original plan has been amended to include an additional smaller building and the driveway in the rear now connects to the adjacent sites. Riina noted that the rear portion of the new parcel is dedicated to mitigation and that the new structures will have a footprint of 16,000 SF. Two existing buildings will be taken down; the florist and the old apartment house. Riina added that the parking complies with the Town Code. Riina mentioned that there is an issue with the Mallon property and access to it in the front. Steinberg mentioned that there was bond money still being held for the Mallon site. The Board agreed that access to the front of the Mallon site didn't work as the Board had approved it. Riina agreed to think about a better way to access the Mallon site and connect the parking to this site. Riina said that they are not ready to go before the NYSDEC. He wants the Planning Board to be happy with the plan before they go to the NYSDEC. Tegeger inquired about wetland encroachment issues for the site.

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Riina stated the wetland boundaries have not been confirmed by the Town. Kincart expressed that he was previously very concerned about the wetland encroachment on the site, but was more comfortable with the plan with the Dana Cole parcel included. Fon asked about additional improvements to and drainage into the pond, as well as treatment of stormwater by other properties around pond. The “No Net Loss” of wetlands, as it relates to the development was discussed by the Board. Capellini mentioned that there is 11 acres of condemned wetlands behind the winery that could be preserved by the Town years ago as a means to accommodate sensible growth of commercial development in the Lake Mohegan hamlet. The Town would be reimbursed for the purchase of this property known as the Ardizone Property by having property owners wanting to develop in the hamlet pay into a “bank.” Fon suggested that converting some of the existing backyard properties into wetland could achieve the “No Net Loss” without using the Ardizone wetlands bank. Flynn inquired about proper time for the Planning Board to visit the site. Riina said that Board can visit at any time.

### **Bonsignore**

**SBL: 36.05-2-57**

#### **Discussion Subdivision**

*Location:* 2483 Hunterbrook Road

*Contact:* Site Design Consultants

*Description:* Subdivide existing 3.422 acre lot with an existing 2-story dwelling into 3-lots.

Al Capellini, project attorney, and Joseph Riina, project engineer, represented the Applicant. Andrew Ryder, one of the owners of property was also present.

The Board reviewed plans for subdivided parcels and discussed existing and proposed property lines. Riina stated the two new building lots will be created on the site, to make a total of three building lots. Lot 1 is 24,000 (+) SF. Fon asked about buffer for Lot 1. Tegeder noted that the driveway is in the wetland buffer. Fon asked about moving the driveway out of the buffer. Riina replied that the grading of property prohibits alternative for the driveway. Fon suggested creating a central driveway to access all three parcels, depending on the cooperation of the neighboring owner. Fon also suggested that different options be explored to remove the driveway from buffer. Capellini stated that the constraints presented by the site require the driveway to be located in the wetland buffer, as its necessary to access the property. Riina agreed that mitigation would be considered for any work in the buffer.

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