

## Planning Board Minutes August 10, 2015

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A meeting of the Planning Board, Town of Yorktown, was held on August 10, 2015, at the Yorktown Town Hall, 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

Also present were: John Tegeder, Director of Planning; Robyn Steinberg, Planner; Tom D'Agostino, Assistant Planner, and Anna Georgiou, Attorney to the Planning Board.

**Courtesy of the Floor** – No one came forward.

**Correspondence** – Fon noted that there was no correspondence to review at this time.

### **Meeting Minutes**

June 22, 2015 - quorum not available

July 13, 2015 – holding minutes to review at next meeting

### **BJ's Wholesale Club, Inc.**

**SBL: 36.06-2-75**

#### **Decision Statement**

*Location:* 3315 Crompond Road

*Contact:* Dale Christiansen

*Description:* Renewal of a Special Use Permit for outdoor display of plants and general merchandise.

Monica Hanlon with BJ's Wholesale was present. Fon made reference to discussion at last meeting. Noted that outdoor Shed issues had already been reviewed. The Board had no additional comments regarding the special permit.

**Upon a motion by John Flynn, seconded by John Savoca, with all those present voting aye, the Board approved renewal of the Special Use Permit for Outdoor Services for a period of five years.**

### **Village Traditions**

**SBL: 15.16-1-32**

#### **Request for 2nd One-Year Time Extension**

*Location:* 1821 East Main Street

*Contact:* Albert Capellini

*Description:* Site Plan approved by Resolution #10-12 on July 12, 2010.

Al Capellini, project attorney, was present. Fon noted that there had been two issues at the last meeting. The first issue was whether a bond was still in place for unfinished improvements. Tegeder noted that bond is still in existence and is renewable. The second issue was if the applicant's NYSDOT permit was still in effect. Tegeder stated that there should be no issue with

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the NYSDOT permit. The site plan approval is still in effect and if the applicant needs a permit to complete the work, he will have to obtain one. Presently the site has two curb cuts and the approved plan requires they be consolidated into one.

**Upon a motion by John Savoca, seconded by John Flynn, with all those present voting aye, the Board approved a 2<sup>nd</sup> One-Year Time Extension for the Village Traditions Site Plan.**

### **Arrowhead Subdivision**

**SBL: 48.13-1-6**

#### **Request for Reapproval**

*Location:* Underhill Avenue

*Contact:* Albert Capellini

*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.

Al Capellini, project attorney, was present. Capellini stated the project has been before the Board for an extended period. There is a foreclosure with the property. Re-approval is needed in order to proceed. Sale of first lot has been pending for some time. Sale would allow owner to file the plat.

Tegeder stated the Planning Department had not received a letter from applicant's engineer regarding any changes in the environmental conditions of the site. Property owner Chris O'Keefe submitted the engineer's letter to the Board.

**Upon a motion by John Flynn, seconded by John Savoca, with all those present voting aye, the Board reapproved the Phase II subdivision plat.**

### **Kitchawan Fire & Rescue Station**

**SBL: 70.05-1-13**

#### **Request for 1st One-Year Time Extension**

*Location:* Kitchawan Road

*Contact:* Albert Capellini

*Description:* An approved site plan for the 3,100 SF Kitchawan Fire Rescue Station by Resolution #11-22 on September 12, 2011.

Al Capellini, project attorney, was present. Capellini stated the Fire District was trying to cut down on the cost of the building. A garage bay may be eliminated. The Fire District has put out a request for proposals to replace the original architect. Tegeder stated the Planning Department had no issues with the requested time extension.

**Upon a motion by John Flynn, seconded by John Savoca, with all those present voting aye, the Board approved a 1<sup>st</sup> One-Year Time Extension for the Kitchawan Fire & Rescue Station site plan.**

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### **Fieldstone Manor**

**SBL: 15.11-1-17**

#### **Request for 1st 90 Day Time Extension**

*Location:* Lexington Avenue

*Contact:* Albert Capellini

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

Al Capellini, project attorney, was present. Capellini stated the applicant is working with the NYSDEC and also working with a surveyor on the easements.

**Upon a motion by John Savoca, seconded by John Flynn, with all those present voting aye, the Board approved a 1<sup>st</sup> 90 Day Time Extension for the Fieldstone Manor Subdivision.**

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

**SBL: 36.05-1-18**

#### **Public Hearing**

*Location:* 3655 Crompond Road

*Contact:* MAP Architecture

*Description:* Proposed site plan & special permit for a Canine Kindergarten dog daycare and 24-hour veterinary clinic.

Sonia Idelsohn from MAP Architecture was present. Idelsohn stated the building was proposed to be remodeled to accommodate two new tenants; the Vet hospital and Canine Kindergarten. The footprint of the building is staying the same. The play area for the dogs will be fenced in. 12-foot gates are provided at the Fire Inspector. The dumpster enclosure was modified in response to comments. A revised landscape plan was reviewed by ABACA. Neighboring property owners have been contact and have no issues.

Savoca asked Idelsohn to review the drop-off plans for the dogs. Idelsohn stated there are 37 spaces total in lot, which accommodates both the hospital and kindergarten. It is not expected that parking will be full at any given point in time. It won't be possible to drive around bldg. for drop-off procedures.

Tegeder stated he was glad to see the larger gates for fire service, as well as for service of the building. Also in the event of severe snow, having the gates would allow for easier removal of snow.

Fon asked Idelsohn about the sewer and gas connections. Idelsohn thought the connections had been made, but did not know for sure. Tegeder stated the connections will need to be inspected. The propane tanks were temporary and should be removed now that the gas is connected.

Fon opened the hearing to the public.

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### John Keck – 2455 Hunterbrook Road

Keck thought the area is becoming “Central Avenue North” and that nothing is being done about the traffic.

Fon stated the building is existing and has been used before. Idelsohn stated the proposed operations should not have a big impact on traffic.

### Jerry Wojcik – 2495 Hunterbrook Road, resident for 20 years

Wojcik was concerned about noise disturbance for residents along Old Crompond Road.

Fon stated the Board shared his concern about the noise generated by the use. The Board had made site visits to the Canine Kindergarten’s other location to observe the conditions and were surprised that there was little noise. Idelsohn added that a fence and plantings were proposed along Old Crompond Road to lesson any noise that was generated.

Savoca asked Idelsohn to elaborate on the hours of operation. Idelsohn stated the vet hospital is a 24-hour facility. The Canine Kindergarten will be a seven-day operation however, reception of dogs will only be during normal business hours. Savoca asked if there will be overnight care of dogs at the daycare. Tegeder recollected that there may overnight stays. Georgiou requested clarification of the operation not being a kennel.

Tegeder stated the Board does not have a final landscape plan. All the plantings will be done at once. ABACA is still working with Mike Piccirillo on the landscape plan.

**Upon a motion by John Flynn, seconded by John Savoca, with all those present voting aye, the Board closed the Public Hearing and left the written comment period open for a period of 10 days.**

### **Bonsignore**

**SBL: 36.05-2-57**

#### **Public Informational Hearing**

Location: 2483 Hunterbrook Road

Contact: Site Design Consultants

Description: Proposed subdivision of a 3.422 acre lot with an existing 2-story dwelling into 3-lots with 2 1/2 story dwellings.

**Upon a motion by John Flynn, seconded by John Savoca, with all those present voting aye, the Board opened the Public Informational Hearing.**

Al Capellini, project attorney, and Joseph Riina, project engineer, were present. Capellini stated the frontage for the property is on Hunterbrook and Old Crompond Road. The frontage is not contiguous. There is an existing home that is not part of the subdivision in between on Old Crompond. Capellini stated the lots conform to the R1-20 zone.

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Riina described the subdivision layout and boundaries for public. Riina pointed out how the property goes around Wojcik's property on Old Crompond Road. The proposal is for a 3 lot subdivision with a new driveway on Old Crompond Road and one on Hunterbrook Road. Riina noted the wetland on the property and the 100 foot setback. Some of the wetland buffer area will be disturbed for construction of a driveway for the first lot. Town sewer & water will be provided. The existing home on the site will need a variance, as the setback for this home does not meet current code.

### Jean Lesser – 2474 Hunterbook Road

Lesser stated she lives across the street from the property on Hunterbrook. Lesser asked what is the minimum lot size to construct a home.

Riina stated the minimum requirement is 20,000 SF per lot, which is just under half an acre. The proposed lots meet this requirement.

Lesser wanted to know more about the proposal for the wetlands.

Riina stated there was no proposal to build in the wetland. The plan proposes to disturb 8,400 SF of the wetland buffer to construct the driveway for Lot 2.

### John Keck – 2455 Hunterbrook Road

Keck stated that he had been required to obtain a permit to build near the wetland. He also mentioned that he was required to put down a deposit, which hasn't been returned.

Capellini pointed out that Keck's house is located within the wetland buffer.

Fon reference a Conservation Board memo that did not raise an objection to the driveway in the buffer. Riina stated mitigation would be proposed for the disturbance

### Jerry Wojcik – 2495 Hunterbrook Road

Wojcik identified himself as the owner of property, around which, the applicant's project would be built. Wojcik stated he thought this project was originally denied due to the proximity to the wetlands. Wojcik told the Board that the wetland flows directly into the Hunterbrook, and ultimately leads to the reservoir. Wojcik was concerned about adding another driveway along Old Crompond Road due to the heavy traffic. In addition, he noted the terrain is very rocky and may not permit leveling for new homes. Wojcik stated that this project would be a total devastation of the entire area. There are many houses for sale in the area already. Additional homes are not needed.

Flynn asked Riina to explain how the wetland can be protected in the future if a new owner seeks to make changes that would impact the buffer. Riina state a deed restriction could be placed on the property or a barrier could be constructed to mark the wetland boundaries and prevent future construction by future owners.

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### Helena Rodriguez – 2464 Hunterbrook Road

Rodriguez stated that since the homes were built on Jordan Road homes several years ago, she receives more runoff on her property. She is concerned that the new driveway on this site will bring even more water to her property. Rodriguez stated that existing drainage pipes in the area, were built in the 1950's and probably no longer function well.

Fon stated the drainage issues would be brought to the Highway Department's attention. Riina stated storm water runoff must be attenuated.

Flynn asked Riina to describe the vegetative swale, driveways pitched to swale, stormwater will be attenuated so that runoff to Hunterbrook will not be increased. Riina offered that further improvements could be made to increase attenuation to more than what is required.

### Susan Caras – 2455 Hunterbrook Road

Caras expressed concern for preservation of the wetland and the desire to keep natural characteristics. She wants to keep the quality of life. She works to preserve the 40+ trees around her property. Her home was built in 1859 as a school.

Flynn asked that Riina show the existing adjoining homes on the plan.

**Upon a motion by John Savoca, seconded by John Flynn, with all those present voting aye, the Board closed the Public Informational Hearing.**

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

## WORK SESSION

### **Brookside Village**

**SBL: 37.11-1-20 & 21**

### **Discussion Approved Subdivision**

*Location:* Landmark Court

*Contact:* Sharon Kamhi

*Description:* The applicant desires to eliminate a required snow storage area on the cul-de-sac of Landmark Court.

Sharon Kamhi was present. Kamhi stated Brookside Village was an eight lot subdivision developed by her father. Two of the homes were built. Since the sewer moratorium was lifted, she obtained sewer connection permits for Lots 2, 4 and 5. Kamhi is here tonight to request the Planning Board remove the required snow storage area shown on the improved plan. Currently the road is private, but eventually it will be offered to the Town as a Town Road.

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The Board had received a memo from the Highway Superintendent, Dave Paganelli. Paganelli reviewed the plan and determined the snow storage area is no longer needed. The Board determined, based on the Paganelli's recommendation, they would remove the requirement.

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

**Upon a motion by John Savoca, seconded by John Flynn, with all those present voting aye, the Board adopted a resolution eliminating the requirement for a snow storage area as shown on the approved plan.**

**Upon a motion by John Savoca, seconded by John Flynn, with all those present voting aye, the Board closed the Special Session.**

### **North Westchester Restorative Care**

**SBL: 15.15-1-23**

#### **Town Board Referral**

*Location:* 3550 Lexington Avenue

*Contact:* David A. Barbuti R.A.

*Description:* Request to amend existing special use permit pursuant to Section 300-42 of the Town Code.

Dave Barbuti, project architect, was present. Barbuti stated the applicant is in process of obtaining a new survey. The storage containers and dumpsters have been reconfigured. The applicant is looking into dumpster containers with lids to address neighbors concerns with crows in the back yard. A stormwater management plan has been submitted, but Barbuti has not yet met with the Town Engineer. All dead trees will be removed/replaced as noted. Tegeder stated all concerns have been addressed. Steinberg stated an as-built survey should be required to be submitted once construction is complete. A memo will be sent to the Town Board indicating the Planning Board has no objection to the application.

### **Costco Wholesale**

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

#### **Discussion Site Plan**

*Location:* 3200 Crompond Road

*Contact:* TRC Engineers

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

Planning Board Special Counsel Lisa Hochman representing the Planning Board for this application. Al Capellini, project attorney, Michael Bogin, project special SEQR counsel, Nick Panayotou and Tom Holmes from TRC Engineers, Alan Pilch from Evans Associates, and Phil Grealy from Maser Consulting were present.

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Holmes stated that the applicant met with ABACA and the two major issues discussed were lighting and landscaping. The ABACA commented that the 25 ft light poles would be beneficial because there would be fewer poles, however they preferred 16 ft fixtures along the entranceway. In regards to the landscape plan, the ABACA wanted to the soften appearance of the entranceway from the proposed sidewalk and guiderail. Their suggestion was to move the sidewalk to the secondary entrance. Then the sidewalk would lead directly to the store and removing the sidewalk from the site entrance would allow more room for landscaping.

Pedestrian access from Old Crompond Road was also considered. Sidewalk now runs through the center of the site right to the main entrance and is very flat compared to the original sidewalk proposed down the main access drive. The secondary entrance was modified to direct incoming traffic and exiting traffic away from the parking aisle leading to the front entrance of the store. The center island was widened to 16 ft and supplemented with landscaping.

Landscaping along the Taconic State Parkway was discussed. The applicant will be meeting again with the NYSDOT regarding the Landscape Plan. The applicant will maintain the landscaping. Appropriate permits will be obtained so the applicant has the right to maintain this landscaping in the NYSDOT right-of-way.

Alan Pilch from Evans Associates presented the revisions to the landscape plan which included:

- Creating a deciduous street-scape;
- Shade trees being used to enhance appearance along Old Crompond Road;
- Perennial beds along main entrance and more shade trees along pedestrian access-way to main entrance;
- Sizes of Evergreens increased from 10 ft. to 12 ft.;
- Plantings along faces of retaining walls to soften appearance from street.

Fon asked ABACA member Dave McConnell, who was present if he thought their concerns were addressed. McConnell stated he was pleased with the items Pilch highlighted and that the ABACA would review the plans in detail at their next meeting. The timber guiderail will soften the appearance of the entrance drive.

Flynn noted that the pedestrian experience has definitely will be improved.

Tegeder asked about the height of the retaining wall near Old Crompond Road. Holmes stated the wall would vary from 7 to 10 ft. at the start near Route 202 and increases to 19 to 20 ft. in the interior of the site. Tegeder asked about plantings to soften the retaining wall height. Tegeder suggested something be planted other than grass that the Town would have to mow since the corner is in the town road right-of-way.

Ann Kutter, neighbor, inquired about trees being planted in front of retaining wall. Holmes explained that there will be three layers of trees blocking view of the retaining wall. Kutter suggested wildflowers be planted in right-of-way. Kutter commented that she liked the new pedestrian access at the secondary entrance. Kutter asked if the sidewalk had to cross the entrance/exit ramp. Grealy stated that this method of pedestrian crossing is the standard practice.



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Lighting height was again addressed. Holmes stated 50% more lights would be needed at the 16 ft. height. Tegeder reminded the Board that the 25 ft. height is what the applicant proposed, however the Board can determine the best height whether it's anywhere from 16 ft to 25 ft. A height of 22 ft may be best. It has to be discussed. Tegeder asked about the grade differential between Rt. 202 and rest of lot. Tegeder requested additional screening of the objectionable view of lights from Crompond Road, driving up hill from BJ's. Another option would be to lower the lights along the street frontage, in addition to along the entranceway. Holmes stated the lights along Crompond Road will have residential back-shields. Going to 16 ft. lights might require more lights, but could be looked at. Holmes agreed that they would consider lower lights along the frontage.

The applicant met with Mike Sassi, of the NYSDOT, regarding the Bike/Pedestrian Circulation Plan. The applicant suggested wider sidewalk using snow shelf. Sassi was not receptive to the idea of reducing the snow shelf. NYSDOT feels that bike riders would still ride in the street despite having a bike path and a 6 ft. paved shoulder is sufficient for bike travel. Grealy commented specifically about bikes traversing under the Taconic and if the snow shelf could be a pervious material, then bikes can be accommodated. Tom stated that DOT would rather have impervious material under the bridge, as grass would not grow anyway. Tegeder stated that providing a means to traverse the Taconic would comply with the Town & County's Bike/Ped plans.

Holmes addressed the request for an electric car charging station in the parking lot. Costco has tried charging stations at other sites. The stations were not used and have been removed.

Holmes addressed the request for removal of invasive species along the Taconic right-of-way. Bogin stated this seemed too much of a stretch unless it could be demonstrated that invasives would prevent landscape plan plantings to grow. Tegeder suggested investigation be done to determine what could possibly be done to remove invasive.

Holmes addressed the historic value of the old farm house and stated it was too deteriorated to have any value.

Grealy discussed the intersection improvements. Signal timing changes at intersections further from the site were discussed with DOT, however changes would not be made until traffic actually occurs. Grealy stated the focus is on the area immediate to the site. The proposed improvements and timing changes made here will mitigate the traffic impact. The NYSDOT is in favor of a four-leg crossing and requires landing areas and crosswalks on every corner.

The Planning Board set a public hearing for the site plan for a special meeting to be held on Thursday, Sept 3, 2015 in Town Hall.

Landscape Bond Estimate was also requested of Applicant.

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### **Hanover Corner**

**SBL: 37.18-2-77 & 78**

#### **Discussion Site Plan**

Location: 1803 Commerce Street

Contact: Site Design Consultants

Description: The property owner is proposing on-site parking to accommodate the existing two-story building.

Al Capellini, project attorney, Joseph Riina, project engineer, and site owner Michael Dubovsky were present. Capellini requested Public Informational Hearing be scheduled for the application. The Board discussed the proposed site plan. Flynn suggested two parking spaces be left as conservation spaces. He would rather see more landscaping and less asphalt.

In the EAF the applicant stated there would be no excavation. Riina said that this statement was in error as excavation would be required to build the retaining wall.

The sidewalk around the site was discussed. Tegeder wanted the sidewalk to follow the street and eventually connect to the sidewalk around the corner in front of the Courtyard at Underhill. Riina noted the existing trees that prevented the sidewalk from being along the road.

Fon noted that the visual connection between the site and parking across the street doesn't exist now. Fon suggested Town improvement to the area across the street to increase business and make pedestrian access easier. Tegeder stated this is part of a larger plan to redevelop the highway site.

The Board scheduled the Public Informational Hearing for their meeting on September 21, 2015.

### **Marathon Development Group**

**SBL: 37.28-2-51**

#### **Discussion Site Plan**

*Location:* Kear Street

*Contact:* Site Design Consultants

*Description:* Proposed 3-story commercial and residential building with 5,000 sf building footprint and associated parking in the C-2R zone.

Al Capellini, project attorney, Joseph Riina, project engineer, and the applicant Mark Beida were present. The applicant is proposing 3-story building with retail on the first floor and two stories of residential apartments above. According to town code, the site requires 39 parking spaces. The residential units would be 1 and 2 bedroom affordable housing units. Twelve units total; 8 one bedroom and 4 two bedroom. The applicant will be requesting funding from the County.

Flynn asked if outdoor play space was required for multi-family buildings. In the commercial C2-R zone, play- space is not required.

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Georgiou inquired about the building's total square footage. Riina stated the first floor is 3,000 square feet and the second and third floors would be about 5,000 square foot each.

Flynn requested an elevation of the proposed building to compare its height to neighboring buildings. Fon agreed more information is needed. The Board requested the additional information be provided and then possibly a Public Informational Hearing could be scheduled.

### **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 Lot 31 and a portion of Lot 30 by removing one of the existing buildings and parking area, and constructing two new 10,000 s.f. and 6,000 s.f. retail buildings with associated parking and through road connecting to adjoining properties.

Al Capellini, project attorney, Joseph Riina, project engineer, and the property owner Rick Cipriani were present. Riina provided a new plan. Savoca asked about discussions with the neighbors about cross easements. Cipriani stated that there is no easement at the present time.

The old rooming house building with be demolished soon.

Georgiou noted the EAF stated there was an archeologically sensitive area. Riina stated that all of Mohegan Lake is considered in an archeological sensitive area. There is nothing specifically on this site.

Setbacks were discussed. Tegeder stated the front building line along Route 6 in Mohegan is typically less than in other parts of the Town. The Conservation Board memo requested parking be placed to the rear and that buildings be pushed up to front of the site, to help to preserve the wetlands. The Board requested the applicant submit a sketch with the building closer to the road.

The Board scheduled a Public Informational Hearing for the Sept. 21, 2015 meeting.

Tegeder reminded the Board about the Mohegan Streetscape plan. Also, the site is in Sustainable Development plan area therefore a traffic analysis will have to be done.

Neighboring property owner, Tim Mallon was present. He stated that he is not in favor of an easement to his property. Requirements of the site plan may require the new owners to enter into an easement. Tegeder stated an easement was required as part of Mallon's site plan approval, however, the easement was never executed because the adjacent development fell apart. Tegeder explained the cross accesses were planned to alleviate traffic on Route 6.

**Upon a motion by John Flynn, and seconded by John Savoca, with all those present voting aye, the Board closed the meeting at 11:00 pm.**