

Planning Board Minutes September 21, 2015

A meeting of the Planning Board, Town of Yorktown, was held on September 21, 2015, at the Yorktown Town Hall Board Room, 363 Underhill Avenue, Yorktown Heights, NY 10598. The Vice Chair, Richard Fon, opened the meeting at 7:00 pm with the following members present:

John Savoca

John Kincart

Also present were: John Tegeder, Director of Planning; Tom D'Agostino, Assistant Planner; Anna Georgiou, Planning Board Counsel; and Lisa Hochman, Special Counsel to the Planning Board for the Costco application.

No open correspondence to review.

Minutes:

Upon motion by John Kincart, seconded by John Savoca, and with all those present voting aye, the Board approved the July 13, 2015 minutes, with changes as shown on the chair's copy.

REGULAR SESSION

Envirogreen Associates

SBL: 15.16-1-30&31

Site Plan - Public Informational Hearing

Location: 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 a new 10,000 to 12,000 sf retail center with associated parking and through road connecting to adjoining properties.

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

Al Capellini, project attorney, Joseph Riina, project engineer, and Rich Cipriani, the property owner, were present. Capellini stated Envirogreen owns a 7 acres across from St. Mary's Episcopal Church in Mohegan Lake. The former Dana Cole project, that was never built, is in a delapidated state. The applicant is proposing two new one story bldgs. The properties are zoned C-2 and C-3 in the front and residential in the rear. The application is for site plan approval.

Riina gave an overview of the site plan, which includes the former Dana Cole site. The existing buildings on site were described to public. Riina noted that the project requires a NYSDEC wetland permit. The retention pond was built for the applicant's last site plan approval. Now that the applicant is combining his parcel with the former Dana Cole site, some of the curb cuts will be eliminated. 141 parking spaces are required and 143 parking spaces will be provided. A "through road" connection was master-planned when neighboring properties were constructed. Plans are to complete the connections to the adjacent properties. Connections will provide relief at exit points. Sidewalk connections will also be continued to accommodate pedestrians.

Planning Board Minutes September 21, 2015

The applicant is proposing wetland mitigation to offset filling of wetlands. The wetland mitigation plan, which includes the creation of additional wetlands, was prepared by Tim Miller Associates. As it's not a one-to-one mitigation, other areas will have to provide mitigation in the form of storm water treatment. As the property exists, storm water is now untreated.

Fon clarified curb-cut issues and asked about the easements. No resolution of easement issues has yet been obtained. Storm water regulations have changed since the property was last developed.

Capellini explained how the town had purchased the Ardizzone property, behind the Winery, to serve as a wetland bank for development on Route 6. When the properties were developed, the developers would contribute to reimburse the Town for their purchase.

Mark Saidel, representing the adjacent Tri-Vee Property

Saidel questioned Board's position with respect to Tri-Vee access point. Original application for property had called for a connection, with shared use of parking lots. Saidel questioned what permission is needed from Board to connect. Siedel explained that in 1991 – the original Site Plan approval – included provisions for connections on north, east and west of Tri-Vee property. Connections were supposed to be from parking lots, not a roadway. His client is concerned about traffic flow from Lakeland Street. His client has 9,000 SF building that includes a dance school. Additional vehicles from Lakeland Street will present a serious safety concern. A roadway was not considered in 1991.

The Board agreed that this is a legitimate concern, however, they do not know the answer to the easement issues yet.

Tim Mallon –property owner of the adjacent Village Traditions property

Mallon explained his concern with the planned connection to his parking lot. When the Dana Cole Hair Salon was supposed to be built next door he agreed to a connection for just that development, not the entire Envirogreen property as well. Mallon also mentioned that Capellini was also the attorney who represented him for his development, so Mallon believes there is a conflict of interest regarding his representation for this project. Mallon expressed concern about the traffic that will be generated from the additional development. Tegeder agreed that Mallon had agreed to connection of the Dana Cole site plan.

Fon explained that this is informational only. The Planning Board has not made any decisions yet.

Jeannette McGrath – Goldblatt & Associates

Inquired about the nature of tenants that would be moving in and what the construction time frame would be. Riina replied that these questions cannot be answered yet.

Cipriani explained that the connections to adjacent properties were to alleviate traffic on Route 6 and not to create an unsafe condition.

Linda Miller asked Riina to point out the wetlands on the plan.

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

Planning Board Minutes September 21, 2015

Hanover Corner Inc.

SBL: 37.18-2-78

Public Informational Hearing

Location: 1803 Commerce Street

Contact: Site Design Consultants

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

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

Al Capellini, project attorney, Joseph Riina, project engineer, and Michael Dubovsky, property owner, were present. Capellini stated the project was located on Underhill Avenue in the C-2R zone, which is a commercial and residential mixed use zone. Dubovsky has already revitalized the building. The proposal is to provide a new two-way access to Underhill Ave and provide more parking. The garage will remain. Riina stated the property is 1/3 of an acre and made up of two tax lots. Riina described the property boundaries, entrances to site, as well as neighboring properties. The property lacks parking and safe entrance and egress to site. The property will require stormwater approval from NYCDEP.

Fon noted that requirement for parking is 13 spaces and site will be providing 15 spaces.

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

Motion to open – JS, seconded by JK to open Public Informational Hearing, all in favor.

Marathon Development Group

SBL: 37.18-2-51

Public Informational Hearing

Location: 322 Kear Street

Contact: Site Design Consultants

Description: A three story commercial/residential building with associated parking and walks. The building has a footprint area of 5,000 square feet.

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

Al Capellini, project attorney, Joseph Riina, project engineer, were present. Capellini described property and history of site. The site is just under ½ acre in the C-2R zone, which is a mixed commercial and residential zone. The applicant, who also owns the Underhill Apartments, proposes commercial on the first floor with apartments on the second and third floors. Total building square footage is approximately 9,000 SF with 12 units of residential and 3,000 SF of commercial on ground floor.

Riina described neighboring properties to public. Majority of site is vacant and open. Riina described the proposed site plan. The applicant is requesting the required parking be reduced 25% by the

Planning Board Minutes September 21, 2015

Planning Board. Alternatives to plan including reduction of building size and re-arrangement of parking were discussed with Board and Building Department.

Ed Ciffone – United Taxpayers of Yorktown

Ciffone referenced other affordable housing units in Town and noted that additional affordable housing units are not necessary.

Tony Grasso

Grasso noted that all three proposals will produce retail sales tax, which helps the community.

Grasso addressed prior reference to Underhill Apartments and noted that the 50-year contract to provide for affordable housing ran out. He expressed the need to develop the area as the center of town that it had been 55 years ago.

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

Ianuzzi, Stephen & Betty

SBL: 47.15-1-15&16

Public Informational Hearing

Location: 1189 Baptist Church Road

Contact: Site Design Consultants

Description: The property owner is proposing to re-subdivide the existing 3 lots into 4 lots under the Town's Flexibility Standards.

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

Al Capellini, project attorney, Joseph Riina, project engineer, and Stephen Ianuzzi, the property owner were present. Capellini stated the application is for a four lot subdivision, where there currently exists three lots and through the use of the Town's Flexibility Standards, the applicant hopes to preserve the natural state of the site.

Riina described the features of the site including existing structures, access points to public. Main access to site is off of Baptist Church Road through an irrevocable easement over the Croton Aqueduct. Riina presented the conventional subdivision layout where the R1-160 zoning requirements can be met. However, this plan requires frontage on a town road so a cul-de-sac to town standards would be constructed and the existing home would have to be removed. The applicant is instead requesting the Flexibility Standards be used to preserve the existing structures on site. Under the Flexibility Standards the Ianuzzi residence could remain. All lots will meet minimum area for R-160 zone. Existing driveways will remain. Lot 4 will be the new lot extending out an existing driveway for access. Riina provided details on the gravel driveway and accommodations for fire access. The project will require approval from Westchester County Health Dept. for septic system.

Ed Ciffone – Inquired about tax changes to address changes for property. Fon offered that taxes are likely to go up.

Planning Board Minutes September 21, 2015

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

WORK SESSION

Taconic Veterinary Clinic and Canine Kindergarten

SBL: 36.5-1-18

Discussion Site Plan

Location: 3655 Crompond Road

Contact: MAP Architecture

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

Michael Piccirillo was present. Final drawings have been submitted for approval. The drawing addressed most of comments, but not all. The number of parking spaces has to be maintained, as the client needs that amount of spaces. More foliage in front of buildings has been provided in planters. ABACA requested a two-foot planting strip, but this can't be accommodated. The proposal for a fence instead of the two foot strip was agreed to and added to plan. Changes to plantings requested by ABACA have been complied with. The Planning Board was okay with changes to the plan.

Ryder Subdivision

SBL: 48.06-1-12

Discussion Subdivision

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 was present. Ciarcia described changes to the plan as a result of meeting with the Health Department. The driveway has been modified per the Board's request and a retaining wall was added to allow for a side driveway pad. Driveway grades work and the septic areas were identified. These changes were made to keep the driveway out of the buffer. Kincart asked about Health Dept requirements to clear septic areas. Fon noted that a waiver could be obtained. Kincart added that it would be better to leave the trees on the site. The Board scheduled this application for a Public Informational Hearing at the October meeting.

Costco Wholesale

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

Discussion Site Plan

Location: 3200 Crompond Road

Contact: TRC Engineers, Inc.

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

Planning Board Special Counsel Lisa Hochman representing the Planning Board for this application.

Planning Board Minutes September 21, 2015

Costco representatives had reviewed correspondence from various agencies including a memo from the Planning Board dated 9/11/2015, a memo from the ABACA dated 9/4/2014, a memo from the Conservation Board dated 9/15/2015, a memo from the Tree Commission dated 6/30/2015, and a letter from the NYCDEP dated 9/1/2015.

Fon noted that the Town Board amended the Lighting Ordinance in the Town Code to include the ability for the approval authority to modify the lighting standards.

Tegeder noted that Planning Department has begun to work on the draft resolution. Lisa Hochman noted that Board has 62 days from the Public Meeting to make a determination on the site plan.

42 points have been brought out by the Planning Department to address. Tegeder stated it is important to include all requirements or conditions in the resolution. Costco will respond to all points before next meeting.

The following items were discussed:

- Parking Dimensions – Table of Land Use & Zoning – Lists parking space details
- Landscaping for Screening – Growth rate for species discussed – Costco’s plans described heights at initial planting and about 7 years out for medium growth rate plants, (1 to 2 feet per year).
- Lighting – Spillage onto 202, may require shielding - Tegeder suggested that western corner at Old Crompond Road needs to be looked at for lighting and landscaping. Tegeder questioned the visibility of light source as you drive up the road (eastbound). A Sight line should be produced that goes through the landscaping, even at initial planting height.
- The Board discussed maneuvering in fueling station area.
- ABACA – Memo reviewed indicating that they are okay with 16 foot poles around perimeter and entrance-way and 25 foot everywhere else. Costco and ABACA are in agreement.
- ABACA wants to see detail on timber guardrails in lieu of metal guardrail.
- Building elevations – ABACA concerned with signing on west side. ABACA will be discussing at tomorrow night’s meeting.
- Conservation Board Memo – Supports ABACA comments. Technology comments – EIS referenced – skylights and other techniques being used. Tree wells in parking lot – ABACA asked that it be enlarged to allow for survival of trees. Costco feels that tree wells are adequate. Noted that larger wells will interfere with parking stall size. Tegeder requested clarification on this. Vernal pool – more of the natural area will be preserved. Reduction in building size doesn’t meet client’s intent – buffer being provided.
- TCAC Memo – Suggested some things that conflict with other agencies. Costco will address all comments.
- TCAC – June 30th Letter – Stream Gauge – Costco site is less than 1% of total Hunterbrook Draining Basin. Peak volume is being reduced. Costco expressed that there is no rational nexus to request.

Planning Board Minutes September 21, 2015

- NYCDEP – Costco will address concerns. Topsoil will be at 6 inch depth. Mat will break down and will not entangle amphibians and reptiles.

Fon suggested a meeting with Costco and the Planning Department. The next Planning Board meeting is on October 19th. 62 days will expire around November 3rd. Panayotou, project engineer, stated that memo to Board will be prepared by next week.

The Board continued their discussion of the site plan:

- Bike path concern of Flynn was addressed. Panayotou explained that Costco had offered to take the 6 foot wide snow shelf would be paved instead of grass and made it a combined pedestrian bike path. The NYSDOT was not pleased with this change. Tegeder asked for NYSDOT response and sketch that had been provided. Tegeder wants communication from NYSDOT for the Board's record.
- The possibility of the home on the landscaping lot being historic was discussed. The Board stated the home was altered too much and that no further investigation was needed.
- NYCDEP – Costco wants to be sure that the plan is agreed upon before they go back to NYCDEP. Tegeder expressed concern that NYCDEP will respond with additional changes. He suggested that Costco submit application to NYCDEP.
- NYSDOT – Costco is in process of responding to their comments. One comment involved re-aligning the intersection with Mohansic Avenue. Panayotou said that it does not affect the site plan. Tegeder requested that NYSDOT's requested changes be included in the plan before Board.
- Watershed Inspector General was very involved in project and is okay with current proposal.
- Green Technology – Tegeder requested that all the green features be detailed to include in the resolution.
- Sewer Approval – Request for information was submitted. Costco provided items noted to Sharon. Approval is going to Westchester County Department of Environmental Facilities (WCDEF) process. The WCDEF has not signed off yet. Hochman requested that details be laid out of what has to be done to obtain the WCDEF approval.

A meeting with John Tegeder was set for Tuesday, Sept. 29th at 1pm.

Stone Gate/Bridle Ridge

Building Department Referral

Contact: Planning Department

Description: Review of the rear yard setback requirement in developments that were approved using the flexibility standards.

Tegeder described the Stonegate Town Houses to Board. The Cluster & Flexibility standards were applied for the approval. At that time the Planning Board modified the side yard setbacks from 10 feet to 0 feet for the main buildings. The Building Department has received an application to build a deck. Decks are now considered accessory structures which are required to comply with the side yard requirement for accessory structures, which is still 10 feet. He is therefore asking the Board if

Planning Board Minutes September 21, 2015

accessory structures should also be varied from the 10 feet or not. Bridle Ridge involves a shed in one of the side yards. Tegeder asked how the Board wanted to handle each development.

Kincart suggested that a four foot set-back should be permitted for the deck. However, for the shed, modifications should not be permitted without review. Sheds should be reviewed individually for a cluster subdivision because the homes are closer together.

Spirelli Electric

SBL: 16.01-1-44

Discussion Approved Site Plan

Location: 990 East Main Street

Contact: Planning Department

Description: Modification to approved site plan.

Tegeder explained the field changes that were made on the site by the applicant. The Board needs the applicant to appear before them and explain the changes to determine whether the plan should be amended.

Upon a motion by John Savoca, seconded by John Kincart, and with all those present voting aye, the Board voted to close the meeting at 9:41 pm.