

Planning Board Minutes October 5, 2015

A meeting of the Planning Board, Town of Yorktown, was held on October 5, 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 Flynn
John Savoca
Darlene Rivera
John Kincart

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

Correspondence: ABACA memo on Taconic Vet.

Minutes:

Upon motion by Flynn, seconded by Savoca, and with all those present voting aye, except Rivera and Kincart who abstained, the Board approved the August 10, 2015 minutes with changes as shown on the chair's copy.

Upon motion by Rivera, seconded by Kincart, and with all those present voting aye, the Board approved the August 24, 2015 minutes with changes as shown on the chair's copy.

Upon motion by Rivera, seconded by Savoca, and with all those present voting aye, the Board approved the September 3, 2015 minutes with changes as shown on the chair's copy.

REGULAR SESSION

Hilltop Associates

SBL: 37.06-1-25

2nd 90-day Time Extension

Location: 450 Hilltop Road

Contact: Al Capellini

Description: Applicant is seeking a second 90-day time extension for a 3 lot subdivision approved by Planning Board Resolution 08-02 on January 14, 2008.

Al Capellini, project attorney, was present. The applicant currently is working on obtaining easements to possibly bring sewer to the project. This extension is for preliminary approval. The applicant may come back requesting more lots with sewer. Tegeder stated that the preliminary approval set the lot count, therefore the extension can go ahead, but the applicant would have to come back to the Planning Board for three or more lots. The third lot can be connected to the sewer without amending the current approval because the NYCDEP was the entity that did not approve that lot.

Upon motion by Kincart, seconded by Rivera, and with all those present voting aye, the Board approved a 2nd 90 Day Time Extension for the Hilltop Associates Preliminary Subdivision Plat.

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Dubovsky, Michael

SBL: 59.14-1-18

Second 1-year Time Extension

Location: 702 Saw Mill River Road

Contact: Al Capellini

Description: Applicant is seeking a second 1-year time extension for an application to construct a main building with 2 commercial spaces below with 2 residential apartments above. A secondary garage/barn structure in the rear of the property.

Al Capellini, project attorney, was present. Capellini stated this is a site in the Country Commercial zone. The applicant feels the review by the Westchester County Board of Health is almost complete. Michael Dubovsky stated he has been working with the Board of Health for the last 2 years.

Ed Ciffone asked if the residential component was going to be affordable housing. Capellini stated the project will not be marketed as affordable housing.

Upon motion by Rivera, seconded by Savoca, and with all those present voting aye, the Board approved a 2nd One-Year Time Extension for the Dubovsky Site Plan.

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

WORK SESSION

Fon stated that at the Informational Hearing for the Envirogreen Site Plan Application that was held last month, questions were raised by an adjoining property owner concerning a potential conflict of interest arising from legal representation of both parties by the same attorney. In consideration of the broader issue presented, the Planning Board would like counsel to review the issue generally and if a potential conflict of interest of this nature arises, what affect does this have on a Planning Board's review process for an application or applications and what is the appropriate role of a Planning Board, if any, to address the potential conflict of interest. The Board agreed to have Georgiou look into this matter.

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 sf and 6,000 sf buildings with associated parking and connections to adjoining properties.

Joseph Riina, project engineer, Al Capellini, project attorney, and Mitch Cipriani, representing the applicant, were present. Riina presented a drawing showing the buildings closer to the street as requested by the Board. The applicant does not prefer this option. The impacts are not less as a result of this plan. Flynn asked what the disadvantages of the alternate plan were. Riina stated it is more conducive to retail uses for the parking to be in the front. This plan still maintains agreement to take Mallon front parking to exit through the site. Both plans go from four current curb cuts down to two curb cuts.

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Tegeder stated the access to the adjacent parking lots should not be called a through road. We are connecting the parking lots, not creating a pass through. Stop signs could be added on the rear driveway. Tegeder stated this is in the Sustainable Development Study area so the Town has been hiring a traffic consultant to review the traffic generation. Tegeder suggested the new buildings could be moved around. The connection through the lot could be more circuitous. The furthest west curb cut should be discussed. The existing curb cut could be closed and an access created further to the east, in line with the proposed parking aisle.

Capellini stated the parking lot connections could be blocked until easements are established between the parcels. Tegeder stated CVS and the Sacarny/DeVito site have parking lot connections, but not necessarily shared parking or easements in place. Georgiou stated she is researching the issue and will report back to the Board. The Comprehensive Plan supports parking lot connections.

Riina stated the property owner is trying to keep one building up while the other is constructed so that the tenants can move to the new building. Then the second building can be constructed.

Savoca stated that all discussion seems to circle back to the traffic flow and if parking lot connections are necessary. He would like to hear back from Georgiou before continuing the site layout discussion. Fon stated that in the meantime the applicant can work with the Planning Department on the layout.

Hanover Corner Inc.

SBL: 37.18-2-78

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 Michael Dubovsky, property owner, were present. The Board reviewed the memo from the Building Inspector. The two spaces, including the handicapped space, need to be moved inside the front yard setback. Riina stated the applicant would like to move forward to the Public Hearing. Fon asked Tegeder if there are any outstanding items. The sidewalk was discussed. Dubovsky asked if a crosswalk to the other side of the street could be used instead of constructing the sidewalk. Fon suggested clearing the rock and grading around the corner and install the sidewalk in the future. The Applicant should meet with the Planning Department, the Highway Superintendent, and the Public Safety Officer, Larry Eidelman, about the crosswalk on Underhill Avenue. Tegeder asked about the turning radii and trucks emptying the dumpster. Show the intended movement of a garbage truck. Tegeder asked about the retaining wall. Riina stated the rock would be chipped, but he would look into how the wall was going to be constructed on the Fertucci Site Plan. The Applicant will come back to the October 19th meeting to go over these items. The Board will look to schedule a Public Hearing on the November 9th meeting.

Ianuzzi, Stephen & Betty

SBL: 47.15-1-15 & 16

Discussion Subdivision

Location: 1189 Baptist Church Road

Contact: Site Design Consultants

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

Al Capellini, project attorney, and Joseph Riina, project engineer, were present. Capellini stated the applicant needs to go to the Town Board to request flexibility standards be authorized for this subdivision. The Board reviewed the memo from the Fire Inspector. Tegeder requested ledge rock be shown on the plan to see if it may effect the layout of the residences. The Applicant will make the request for flexibility to the Town Board.

Marathon Development Group

SBL: 37.18-2-51

Discussion Site Plan

Location: 322 Kear Street

Contact: Site Design Consultants

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

Al Capellini, project attorney, Joseph Riina, project engineer, and Mark Beida, project applicant, were present. Riina presented the revised plan. The building was shortened almost 7 feet in length. The plan shows 27 parking spaces. Instead of a 25% reduction, Capellini asked if the Planning Board could determine the parking as not defined in the Town Code. Riina stated that the multi-family zones require 1.5 spaces for unit, yet in the C-2R zone, 2.2 spaces are required for each unit. Georgiou read from Section §300-182 Off-Street Parking and the Board discussed the parking requirements. Riina presented an alternate plan showing on-street parking. Ten head on spaces public parking spaces can be provided as shown on this plan. The Board discussed this alternative. The parking would be convenient for the first floor commercial use, however creating a situation where cars are backing up onto Kear Street may not be desirable.

Beida stated that no more than 50% of the apartments will be two bedroom. The rest will be one bedroom. The Board discussed the height of the building compared to the surrounding buildings. The applicant will look at moving the building closer to the street and possibly connecting to the dentist's property.

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 with 2 1/2 story dwellings.

Joseph Riina, project engineer, Al Capellini, project attorney, and Andy Ryder and Brian Bonsignore, the applicants, were present. Riina presented an alternative plan with a 12 % driveway on Lot 2. There is a slight decrease in the amount of adjacent grading. The finished floor elevation changes by 1½ feet. Lot 2 has a garage underneath with a 7-foot wall to the back yard. The RCB subdivision adjacent to the site is also shown. Riina stated the catch basin across the street is clogged and needs some maintenance work. The Board reviewed a memo from the Fire Board, which requests a full 28 foot radius to enter Lot 1. The Board scheduled a Public Hearing for the November 9th meeting.

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Costco Wholesale

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

Discussion Site Plan

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.

Planning Board Special Counsel Lisa Hochman representing the Planning Board for this application. Al Capellini, project attorney, Nick Panayotou and Tom Holmes from TRC Engineers, Alan Pilch from Evan's Associates, and Robert Rosenberg from Breslin Realty were present. Panayotou reported on the meeting with staff last week. All recent memos and responses were reviewed. There was discussion of the view east from Route 202. Staff requested one on-site light pole be removed to avoid seeing it from the road below. TRC has sent this to their lighting consultant. If there is a light gap, a lower bollard light could be used in the same location. Staff asked TRC to clarify what the 25% less lighting at night meant. Costco stated 75% of the lights will be turned off. TRC also submitted a review of the NYCDEP memo. In addition landscaping notes were discussed. The 5 year bond will be for 85% survival for all plants, but the Board requested 100% survival for screening plants in perpetuity. This note will be added. A landscape estimate was also submitted. It must be updated to reflect the latest plant modifications. Additional landscape details will be submitted. Panayotou reported the GPS is accurate for tree location within 2.5 meters. A tree removal plan with all site trees will be submitted. The applicant is in front of the NYSDOT for landscaping within the NYSDOT right-of-way. The use & occupancy permit and NYSDOT permit can be a condition of the site plan. TRC submitted a plan of the Mohansic Avenue realignment requested by the NYSDOT. Panayotou stated a letter from Mike Sassi of the NYSDOT is supposed to be on its way to the Town regarding the bike/pedestrian improvements; the Board had requested a combined 10 ft sidewalk and snow shelf under the Taconic State Parkway overpass. The applicant is in the process of completing an analysis of the tree removal and compliance with the Tree ordinance and if mitigation is necessary.

The alternate sewage disposal plan does comply with separation distances from the infiltrators. The applicant will submit a 10 scale plan that will better show the separation distances. Flynn requested the list of green technologies being used on the project. The applicant submitted this as an attachment to a memo dated 9/29/2015 in response to the Conservation Board memo dated 9/3/2015.

Flynn researched and found Costco is #2 of U.S. companies in installing solar panels on their buildings and displays their obtaining LEED certifications in their 2015 Corporate Responsibility Report. New Jersey and Pennsylvania locations were included. Flynn questioned why the Yorktown store would not employ these technologies as well. Panayotou stated he would ask Costco for an answer. Flynn also noted that Costco signed a consent agreement that requires them to install specific refrigeration system in their new stores that doesn't violate the clean air act. Flynn requests the applicant confirm the new store will have the new system. This should be a condition of the resolution.

Capellini stated the Applicant was agreeable to the Planning Board's review extending beyond the 62 days after the close of the Public Hearing. This time period specified for approval of a site plan in New York State Town Law may be extended by mutual consent of the applicant and the Board.

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The Board was given a working resolution document that staff is still working on. It is a work in progress. Hochman requested content comments at this time to make sure no issues fall through the cracks. Staff will continue to work on the resolution and another draft will be ready on October 19th. The Board can submit comments to staff.

Triglia/Rexi Subdivision

Apparently some clearing on the 2nd lot may be taking place. Staff will be going out tomorrow to make a site visit.

Public Comments at Work Sessions

The Board discussed setting a policy for public comment at work sessions.

Upon a motion by Kincart, seconded by Savoca, and with all those present voting aye, the Board voted to close the meeting at 10:00 pm.