

Planning Board Minutes February 23, 2015

A meeting of the Planning Board, Town of Yorktown, was held on February 23, 2015, at the Yorktown Community & Cultural Center, 1974 Commerce Street, Room 104, Yorktown Heights, NY 10598. The Chair, Richard Fon, opened the meeting at 7:15 pm with the following members present:

John Savoca
John Kincart
John Flynn

Also present were: John Tegeder, Director of Planning; Robyn Steinberg, Planner; and Anna Georgiou, attorney to the Planning Board.

The Board decided to hold the February 11, 2015 minutes until the next meeting.

SPECIAL SESSION

Upon motion by Kincart, seconded by Savoca, with all those present voting aye, the Board voted to open the Special Session.

Guiding Eyes for the Blind

SBL: 27.13-3-17

Decision Water Testing

Location: Granite Spring Road

Description: Evaluation of required water testing performed by the Guiding Eyes as a condition of the amended site plan approval Resolution #03-18 dated August 11, 2003.

At the February 11, 2015 meeting, the Board received correspondence from the Planning Department and Town Environmental Consultant regarding the water testing that was required by the amended site plan resolution in 2003. Cornerstone Associates reviewed the test results from the past 10 years and recommended no further testing be performed.

Upon motion by Savoca, seconded by Kincart, and with all those present voting aye, the Board approved the resolution accepting the water testing as complete.

IBM Helipad

SBL: 69.16-1-1

Decision Renewal Special Use Permit

Location: 1101 Kitchawan Road

Contact: Nicolette Visalli

Description: Helipstop located on grounds facing Route 134.

Nicolette Visalli was present for IBM. At the February 11, 2015 meeting the Board reviewed the application for renewal of the Special Permit for a Helistop granted in 2012. Steinberg added the requirement for annual reporting of flight activity to be submitted to the Planning Department to the resolution.

Upon motion by Kincart, seconded by Savoca, and with all those present voting aye, the Board approved the renewal of the IBM Heliport Special Use Permit for a period of 5 years.

Planning Board Minutes February 23, 2015

Upon motion by Savoca, seconded by Kincart, with all those present voting aye, the Board voted to close the Special Session.

WORK SESSION

BJ's/Urstadt Biddle

SBL: 36.06-2-76

Discussion Amended Site Plan

Location: 3315 Crompond Road

Contact: Zarin & Steinmetz

Description: Proposed site plan for the construction of a BJ's Wholesale Club gasoline filling station and a 3,000 sf restaurant.

Rob Aiello from John Meyer Consulting was present for the applicant. Before the Public Informational Hearing at the February 11, 2015 meeting, the applicant had been to ABACA and they were concerned with the appearance of the gas station canopy and the drive-thru queueing distance for the new pad. As shown the queue would conflict with the entrance to this side of the parking lot and most likely, the Dunkin Donuts morning drive-thru queue. About a foot in height has been added to the top of the gas station canopy. The Board agreed the canopy looked better. Aiello presented three alternative layouts of the western side of the site to address the drive-thru issues raised by ABACA. The Board discussed the stacking of cars at both the new pad and the existing Dunkin Donuts drive-thru. The Board was concerned with the conflict of people parking their cars with patrons using both drive-thrus. With existing conservation spaces the entire site is just at the 4/1000 sf parking requirement. The Board preferred Alternative #3 because it removed the conflict of pedestrian and drive-thru traffic in front of the new building. The new restaurant pad was reduced to 2,500 sf with the front entrance facing Route 202. Fon asked about the trash enclosures on site and if there is enough room for the new building. Aiello stated the enclosure located to the south of the Dunkin Donuts building, was built as part of the amended site plan for the self-storage use and it would serve the new building and the middle building. Fon requested the size of the dumpsters be large enough. Aiello stated he would confirm the sizing and/or add another small enclosure adjacent to the new building if necessary. Fon mentioned the stop sign at the entrance to the complex. Steinberg stated that the stop sign at this location added last year is a problem because traffic at certain times of the day is backing up onto Route 202. Aiello agreed to remove the sign now. Flynn questioned if the immediate right turn for all drive-thru traffic would be difficult. Aiello said he could make the curb softer and they would install specific signage directing drive-thru traffic on the site. The Board questioned how pedestrians on the sidewalk along Route 202 would enter the site and get to the new pad and if crosswalks could be added in the parking lot. Aiello stated this would depend on the actual tenant of the building and where the exact entrance is located. He will locate some sort of pedestrian connectivity in this area. Fon asked the Board if they had any comments on the gas station side. The Board discussed the gas station layout during the rezoning process and did not have any additional comments.

Fon asked the Board about discussing traffic with all three applicants in the Crompond area at the same time. All three projects are on tonight's agenda and should be coordinated. Phil Greal, traffic consultant representing Crompond Crossing, recommended changing to a split phased intersection. Aiello stated BJ's is changing their exiting driveway traffic to a left, a left & thru, and a right turn lane. There needs to then be these lanes on the other side of the intersection on

Planning Board Minutes February 23, 2015

Stony Street. Tegeder requested all three engineers work together to produce one drawing of the intersection that all three projects and the Planning Board can use.

Steinmetz asked the Planning Board about scheduling the Public Hearing for the site plan. The Board set the Public Hearing for the first April meeting. The applicant can work on the circulation for the new pad in the work sessions in between now and then. Georgiou asked if the restaurant was included in the SEQR review of the Town Board. Steinmetz and Aiello confirmed that it was included in the EAF and review by the Town Board.

VS Construction Corp. ZBA #5/15

SBL: 6.18-1-13

Zoning Board of Appeals Referral

Location: 3771 Curry Street

Contact: VS Construction Corp.

Description: Request to construct a single family home on a lot with a total area of 18,040 sf where 20,000 sf are required and a variance for a side yard setback along Route 6 of 26.1 ft where 40 ft is required.

Dan Ciarcia, project engineer, was present. The subject lot is the lot where the pump station was finally located for the Yorktown Farms subdivision. In the original Gay Ridge subdivision, this lot was a little over 20,000 sf, however the state has since took right-of-way for Route 6 that reduced the lot's size. Variances are necessary for the lot area, the side setback, and the house is located in the front yard. Ciarcia thought the lot was never built on because there were probably perc testing issues and a septic system couldn't be located. Tegeder reminded the Board that the screening around the pump station has not been installed. Also there should be screening all along Route 6. Tegeder was concerned that the first floor is a full story above the average grade leaving about 8 foot of foundation wall showing. Kincart suggested putting the garage on the other side of the house if possible so the garage is lower and on the Route 6 side. Though you end up with all driveway in the front yard, perhaps maximize the back yard instead. Tegeder also suggested building a split level house instead of a raised ranch so you wouldn't have to walk up a full flight of stairs to get in the front door. Tegeder asked if Ciarcia can connect the roof runoff to the drain on Route 6. Ciarcia stated he would have to get approval from the state to connect. Georgiou asked if any of the suggested changes, modify the variances required. Ciarcia stated the variances would not be different because the house would remain in the same distance from the property line even with the suggested modifications. The Board agreed with the variances and requested the zoning Board condition the approval on the Planning Board reviewing and being satisfied with the revised plans.

Crompond Terraces

SBL: 26.18-1-11, 12, 14, 15, 16

Discussion Request for Rezone

Location: Old Crompond Road

Contact: Ciarcia Engineering

Description: Applicant is requesting a change in zone from R1-20 to R-3 and C-2 for construction of 80 residential units and 44,000 sf of office and retail space on 20.10 acres.

Planning Board Minutes February 23, 2015

Dan Ciarcia, project engineer, Phil Grealy of Maser Consulting, project traffic engineer, and Ann Cutignola, of Tim Miller Associates, were present. The Board discussed the draft memo for the project written by the Planning Department. Cutignola asked what the implications of a Planned Design District would be on the applicant and the process. Tegeder stated that the PDD needs to be discussed because it's in the Comprehensive Plan, although he thought that the proposed plan could achieve a similar development as a PDD would if the rezone approval includes conditions about how the properties are developed. Cutignola was concerned that the memo did not explicitly support the rezoning. The Board felt that they did support the zoning, but were concerned with the impacts of the specific proposed development at this site and the memo does reflect both of those points.

Tegeder asked that the survey info for Old Crompond Road be shared with the other applicants in this area. Grealy showed plans he was working on for sidewalk connections from Costco, down the hill to the DOT improvements and also down Old Crompond Road, to Crompond Crossing and then the Chase Bank. The colors represent phases of each property contributing. This type of plan will be the next step in the review.

CVS Pharmacy Crompond Road

SBL: 26.18-1-25

Discussion Site Plan

Location: 3320 Crompond Road

Contact: T.M. Crowley & Associates

Description: Proposed construction of a 12,900 sf (with 1,661 sf mezzanine) CVS/pharmacy with drive-thru and a standalone 2,500 sf retail building with a drive-thru. Associated parking, landscaping and utilities are also proposed.

Al Capellini, project attorney, Paul Vitaliano of VHB, project engineer, Andrea Cornell of VHB, project traffic engineer, Doug Grunert of BKA Architects (architect for the CVS building), and Darren Buiso of SRF Architects (architect for the proposed bank) were present. Vitaliano addressed the Board about the project since seeing the Planning Department and the Board in August 2014. The main issue that delayed the project since last year is that the site is in the flood plain. At the moment the proposal does not meet the town's standards, however the applicant is undertaking their own flood study and believes the recent work by the DOT as well as the construction of the Chase Bank and Crompond Crossing will confirm that the site is not in the flood zone. There is a small wetland located on site that is about 590 sf. It was most likely created by the berm and then water pooled behind the berm. This depression is proposed to be filled. Vitaliano described the layout of the site driveways and sidewalks. The Planning Board was concerned with truck access to the site back in August. Trucks will now be able to leave out the rear access to Old Crompond Road instead of having to back into the front parking area and out the Route 202 egress. The applicant met preliminarily with the DOT and they requested a deceleration lane on Route 202 into the site. The DOT would like it to be much longer than can be provided, so the proposal is showing the most length possible. This has not been submitted back to the DOT yet. Vitaliano stated an extensive drainage design report was submitted for review by the Town. Another issue that came up and needs to be figured out is that there was no formal abandonment of the former Old Crompond Road right-of-way that went across the site. Water lines are still shown in this right-of-way.

Planning Board Minutes February 23, 2015

Vitaliano stated that tonight he talked to previous applicants about the Stony Street intersection. The current proposal does not propose exactly what was discussed by Phil Greal, however this can be further discussed. Andrea Cornell discussed the submitted traffic study. Traffic counts were taken by VHB in September 2014. The traffic study was based on a design year of 2016, a 2% per year background growth rate, as well as including all the other proposed developments. PM peak 136 new trips by CVS and bank, Saturday peak 121 new trips generated. Fon again suggested a meeting in the Planning Department with the traffic engineers for all three Crompond area projects to discuss the intersections.

Kincart questioned the distance from right turn out of the site onto Route 202 to intersection. Cornell estimated the distance was about 500 feet. Vitaliano stated that he had worked within the boundaries of the property given. The same property owner does own the adjacent 12 acre parcel, however because of the hill, he was not sure the curb cut could be moved any further to the east. Kincart was concerned about someone exiting CVS from this exit and trying to get across 3 lanes of traffic to turn into the BJ's/Staples entrance. Kincart agreed moving the entrance further up the hill would complicate the deceleration lane. Tegeder asked if the DOT talked about the adjacent property or not. In the past, the DOT was not inclined to give any additional access point on 202. Tegeder was also concerned about the connection from the CVS site to the 12 acre parcel as shown on the plan. If this is the only access to that parcel, a truck would not be able to make the turning radius of the immediate right as shown. Vitaliano agreed to speak with the property owner about the adjacent property.

Flynn asked if there was enough space for extra lanes on Old Crompond or Stony Street beyond what is shown on this plan. Vitaliano stated the site is very tight and there would be very limited additional right-of-way from the site. On the Stony Street side, an extra lane is being provided with a widening strip of 5 feet. Flynn asked if all the development on Old Crompond Road would require an additional traffic signal at Old Crompond Road. Cornell stated that her study included all the development currently proposed and the secondary intersection still did not warrant a signal. The Board questioned where snow could be stored on the site. Vitaliano agreed that because the site is so tight there is limited storage space. You would most likely lose end parking spaces, however the CVS would remove snow from the site if needed and they could ask the adjacent same owner for snow storage space.

Ann Kutter asked about how Sherry Brook was buried under the property and if this has been looked into. Vitaliano stated the brook is still under the property. It will be protected, and will remain. There is a swale next to the culvert that does currently pond. The soil does not drain very well. The culvert is intact. Tegeder asked if the applicant would maintain the piping and culvert. Vitaliano stated that there was no easement found over the structures so this will have to be discussed. Flynn asked if there was any possibility of "sunshining" Sherry Brook. Vitaliano stated that this was not a possibility. The DOT's project closed the small piece that was daylighted and this is a big factor in the flood study. Kutter asked if there is enough of a sight line from the Old Crompond for cars coming down the hill to see the trucks exiting the site. Cornell stated that this was not studied, but would be checked.

Doug Grunert described the modifications to the proposed CVS building that were made in response to the Planning Board's comments last year. The materials were made closer to a standard brick color and additional cornices were added to make the building have a more human scale.

Planning Board Minutes February 23, 2015

The northwest corner of the building mirrors the cut corner of the front door to present and better face to the rear. There is no basement. Georgiou asked how the building would be redesigned if the flood zone does not change. Vitaliano stated that the building must then be raised 2 feet and this will affect the grades in the parking lot. To change the flood line, the applicant needs to present to the building inspector a study that would prove to him that the FEMA line is wrong.

Darren Buiso presented the proposed bank elevations. The property owner is negotiating with several people at the moment so there is still no tenant for this building. The Board questioned if the design of the building would change once a tenant was known. Buiso stated that the property owner is representing to the potential banks these elevations as the building that would be built. Buiso expected that accent colors may then change depending on the specific bank tenant. The building is one-story, 3,472 sf, 27 ft 6 in at the highest parapet and, 17 ft 10 in at the lower parapet. Tegeder how the mechanical units would be screened since the roof of the building would be easily seen when driving down the hill on Route 202. Buiso stated that he did not want them to be visible and would screen the units behind the parapets.

The Board scheduled a Public Informational Meeting for this project at the April meeting.

Lake Osceola Square

SBL: 6.17-1-43, 45, 46

Discussion Site Plan

Location: 393 East Main Street

Contact: Site Design Consultants

Description: Proposed multi-use building on 2.95 acres in the Country Commercial zone.

Al Capellini, project attorney, Joe Riina, project engineer, George Roberta, property owner, Michael Piccirillo, project architect were present. Also present were Todd Orłowski from the Parks and Recreation Department and Diana Quast from the Recreation Commission. Roberta stated that the building was designed to have the beach, but since the Town does not want to take over the beach he must rethink the tenants he should have in the building. Roberta explained that if he could use the first floor for a restaurant, he would like to raise the roof of the first floor, eliminate the offices, and then have narrow two story apartments above. Roberta is considering requesting a variance to allow 16 apartments where 8 are allowed by the town code. The units would probably have two bedrooms. The restaurant would take most of the first floor with anything left over as only a small retail. There maybe only one pass-thru instead of the two that were proposed. The smaller building will remain a small snack bar. The board noted that the two buildings will be less integrated. Tegeder asked what activities will happen at the beach. Roberta stated the beach would be used for the view only. Tegeder questioned the importance Roberta placed on not have beach traffic, which would only be for 2-3 months of the year and how this would have supported the 8,000 sf retail that was originally proposed. Roberta thought the beach would be 5-6 months. Roberta stated he was not looking to attract people to the water's edge, just the patio/deck and the paths for the views. Tegeder stated that the Town's plans recommend creating walking paths around Lake Osceola where possible and not obtaining at least a walking easement for the public on the paths would be a great loss.

Planning Board Minutes February 23, 2015

Flynn, stated that if he was operating the MKMG property, he would question why the Board required a kayak launch and dedicated public parking spaces on that site and then not require any public access to the lake on this site. Kincart stated that the plan does include creating the paths that the public is allowed to use. Georgiou questioned if the Board was talking about two different things; active and passive recreation. Tegeder stated yes, that active recreation and a beach was not being discussed; passive recreation on the beach was the discussion. Quast stated the Recreation Commission only reviewed the project with respect to a beach. She invited Roberta to come to the next Recreation Commission meeting to talk to the commission about the possibilities of passive recreation. She thought the rest of the commission would be interested in this discussion. The conditions and terms would have to be ironed out. Roberta stated he does not have issue with a walking easement as long as people aren't loitering and interfering with the restaurant use. Kincart asked Roberta about the proposed apartments. Roberta stated he envisioned narrow apartments of about 12-13 feet wide with 2 bedrooms and 1.5 baths. Kincart requested the applicant submit plans showing the 8 and then 16 apartments. The Board needs to determine if they agree with doubling the number of apartments and if they would support a variance. Kincart also suggested that maybe the building ends up shrinking a bit since the restaurant would not need 8,000 sf.

Upon motion by Savoca, seconded by Flynn, and with all those present voting aye, the Board voted to close the meeting at 10:45 pm.