

## Planning Board Minutes February 11, 2015

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A meeting of the Planning Board, Town of Yorktown, was held on February 11, 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  
Darlene Rivera  
John Kincart

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

**Correspondence:** A memo from the Planning Department regarding water testing at the Guiding Eyes for the Blind. The Board agreed to discuss this in the work session. A mention was made of the letter received from Greg Kravtsov regarding patent issues with Costco. Mr. Kravtsov had written similar letters during the EIS process and these were addressed in the FEIS and the SEQR record is now closed for this application. The Board determined there was no need for a response at this time.

**Upon motion by Richard Fon, seconded by John Savoca, with a recusal by Darlene Rivera, and all others voting aye, the Board approved the minutes of December 22, 2014.**

### REGULAR SESSION

#### **DeCicco's Marketplace**

**SBL: 16.08-1-21**

#### **Request Special Permit for Outdoor Service**

*Location:* 3651 Lee Road

*Contact:* James Capriotti

*Description:* Proposed outdoor recycling vending machines to be enclosed with small addition at front southeast corner of the building.

James Capriotti, addressed the board, as Mr. DeCicco could not be present. He had no objections to the draft special permit resolution.

Upon motion by Darlene Rivera, seconded by John Kincart, and with all those present voting aye, the Board approved the Special Permit for Outdoor Service for the DeCicco's Marketplace.

#### **Gione Minor Subdivision**

**SBL: 27.15-2-1**

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

*Location:* 21 Loder Road

*Contact:* Al Capellini

*Description:* A 2 lot subdivision approved by Planning Board Res#12-11 on 08/13/2012.

Richard Fon recused himself from the discussion indicating that he works with someone related to the applicant.

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Al Capellini stated that a 90 day extension was being requested as they finally were approved by the bank and filed all of the easements, however they missed getting the plat signed by the expiration date of the approval which was the end of January.

**Upon motion by John Kincart, seconded by John Savoca, and with all those present voting aye, the Board Approved the 90 day time extension for the Gione Subdivision.**

### **Fieldstone Manor Major Subdivision**

**SBL: 15.11-1-17**

#### **Request for Reapproval**

*Location:* Strawberry Road

*Contact:* Site Design Consultants

*Description:* A 21-lot cluster subdivision granted preliminary major subdivision approval by Planning Board Res #14-02 on 02/10/2014.

Joe Riina of Site Design Consultant addressed the board and indicated that the application is in front of the Health Department. They are requesting a 90 day extension.

**Upon motion from Darlene Rivera, seconded by John Savoca, with John Kincart abstaining and all others present voting aye, a reapproval of the Preliminary Plat for the Fieldstone Manor Major Subdivision was granted by the Board.**

### **BJ's Wholesale Club/Urstadt Biddle**

**SBL: 36.06-2-76**

#### **Public Informational Meeting**

*Location:* 3315 & 3333 Crompond Road

*Contact:* Zarin & Steinmetz

*Description:* Proposed gasoline filling station and a 3,000 sf new building pad.

David Steinmetz, attorney for the applicant, addressed the board and indicated that the essence of the initial application was a request for a zoning map change to accommodate a gas station on the property. This rezone was adopted by the Town Board in December, therefore the portion of Lot 76 around the proposed gas station is in the C3 zoning district. The site plan review that is now before the Board is for the gas station and a new pad on the western side of property, where the old septic system was located. The pad can accommodate a 3,000 sf structure with a drive-through for a bank or food establishment. At the ABACA meeting last night, they raised concerns regarding traffic circulation and queuing. Steinmetz stated the project engineer, John Meyer Consulting, is currently considering modifications for the drive-through in response to the comments. Steinmetz stated a negative declaration was obtained from Town Board during their review. A visual simulation video was prepared for site plan application. Steinmetz stated that a petition in favor of this plan has been signed by 1,000 residents.

#### Ann Kutter, 3302 Old Crompond Road

As a private citizen, Ann commended Urstadt & Biddle for their responsiveness to concerns of the nearby neighbors. Ann stated that she is in favor of the gas station proposal. Ann suggested

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that the following issues should be addressed by U&B: Trash – Flyers and other paper waste blows across 202 from the BJ's shopping center; Sidewalks – Are constructed of pressed brick, they are difficult for walking and pushing wagons, the brick has heaved; Snow storage – Is there a new proposed location for snow storage, snow is usually piled at the site of the proposed gas station; Intersection – Southbound out of Stony Street – traffic if often back-up at bank at busy times of day. Drivers cut through Chase parking lot in effort to by-pass the traffic. There are traffic concerns on neighboring Stony Street. Ann is requesting three lanes to accommodate right, straight and left turn; Old Crompond Road – There is no stop sign for traffic coming in from 202 to T intersection; Handicapped Parking – Availability should be addressed in BJ's lot.

### Babette Ballinger – 2203 Parker Lane

Parking at the BJ's parking shopping center is congested. Large shopping carts and children in carts and strollers create hazardous conditions. Parking should be designed to better accommodate shopping carts, as the existing lot arrangement is dangerous. She also felt that snow removal is poor in the BJ's lot.

Fon suggested including a discussion of these concerns into the next work session on Feb 23, 2015. Steinmetz replied to the above stated concerns. He indicated that this applicant has no control over traffic issues across the street. He will address the stated traffic issues for turns into BJ's shopping center. He also replied that BJ's/Urstadt & Biddle can't be held responsible for property maintenance issue across street. Fon agreed that these concerns should be addressed with property owners across the street. Ann Kutter came back up to address timing of traffic light that impacts traffic flow on both sides. Fon indicated that traffic controls across street should be addressed with DOT and with those involved in other projects. The Board agreed to conduct future discussions of these issues at the February 23, 2015, Work Session.

Upon motion by Richard Fon, seconded by John Kincart, with all those present voting aye, the Board voted to close the Public Informational Hearing.

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

### WORK SESSION

#### **IBM Helipad**

**SBL: 69.16-1-1**

#### **Request for Renewal of Special Permit for a Helistop**

*Location:* 1101 Kitchawan Road

*Contact:* Bob DeAngelis

*Description:* Helistop located on the grounds facing Route 134. Approval branded for 2 years by Planning Board Res#12-14 on 09/10/2012.

Bob DeAngelis from IBM provided Board with an update on all activities at the helistop over the past 2 years as part of the application for permit renewal. DeAngelis noted that the original permit was approved for 18 flights per year. He stated that during the past 2 years, there were only 5 flights – 2 with passengers and the others for training purposes. DeAngelis indicated that the helistop is located in front of visitor parking lot in a grassy area that can hold additional

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weight due to underground support structure. Flynn inquired about lighting system for the helistop. DeAngelis reported that the current lighting system has LED lights that can be triggered by pilot, so that they are turned on only when needed. DeAngelis questioned if the permit could be for a longer period of time. Fon agreed that time limits for permit approval should be extended. Georgiou informed the Board that there is no time limit in the zoning code associated with extending this permit. The Board members then requested a yearly report of the number of flights. IBM's report is to be presented during the month of Feb each year. Rich indicated that the Board is considering a 5 year renewal, with an annual report on number of flights to be provided as stated above. Fon stated that a decision on the permit renewal will be made by Board at next meeting.

### **Crompond Terraces**

**SBL: 26.18-1-16**

#### **Town Board Referral**

*Location:* 3258 Old Crompond Road

*Contact:* Ciarcia Engineering, P.C.

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

Dan Ciarcia, project engineer, Ann Cutignola of Tim Miller Associates, and Phil Grealy of Maser Consulting were present. Ciarcia mentioned that the Town Board had opened public hearing on this re-zoning request. Ciarcia stated the Town Board requested the applicant include parcels of land in their proposal, for which his client does not have ownership and/or a contract. Ciarcia noted that the original request was for a C-2 zone. They are now considering C-2R – hamlet area. Ciarcia noted that the new proposal included additional R-3 parcels to be continuous with Crompond Crossing. Flynn asked about approval of a sewer district and that the proposed development would be contingent on approval of the sewer district extension by the county. Ciarcia stated this was correct.

Ciarcia reviewed an earlier proposal that shoed the proposed development only on the properties under Mandalay's control. Ciarcia mentioned an issue with coordination of the development of this property with property across street. Nazzaro Realty purchased the property where a Stop & Shop was once proposed as well as the property where a CVS is currently being proposed. The applicant is trying to show how their proposed development will coordinate with development planned for these properties. The 2010 Comprehensive Plan called for the development of the Crompond Hamlet. A concept plan drawn by the Planning Department was shown.

The Town Board was recently provided with a proposed scope for an expanded EAF to evaluate the impacts of the proposed Crompond Crossing development. The term commercial was meant to mean any non-residential development. Ciarcia mentioned including a study of the current demand for one bedroom and studio apartments and the town engineer had requested a study of the Hunterbrook Pump Station to determine if the pump was adequate or if it would need to be upgraded as a result of the development.

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Savoca questioned Ciarcia regarding fill depth to 17 inches maximum. Fill is indicated to be limited to 17 inches due to excessive cost. Ciarcia replied that the amount of fill may be increased depending on grades. Attempts to balance the site as best as possible will be made.

Ciarcia mentioned that with a hamlet style development with additional sidewalks to accommodate walking and biking paths will be made. Their plan will have to ensure that there is adequate right-of-way to accommodate the sidewalks and bike paths. Updated traffic counts have been conducted and Grealy reported that the traffic volumes at the Taconic northbound off-ramp have decreased as commuters bound for further west like Cortlandt are staying on the Taconic and using the Bear Mountain Parkway exit. It was stated that there has been a 32% reduction in volume at ramp with newly constructed lane/merge onto 202 at this exit. Improvements will be made along Old Crompond Road will be completed. The intent is to provide for walking between stores in hamlet area. CVS plans call for work along Old Crompond Road. Other properties along 202 will be contributing to traffic regardless of rezoning. Ciarcia felt that each parcel being developed should contribute to improvements.

Ciarcia stated that there should be one SEQRA process associated with re-zoning and another SEQRA process to address site plan approval. He stated that two different processes are required as his client doesn't have control of, or a contractual arrangement with, all the properties involved in rezoning. Pursuant to the Comprehensive Plan, the town is in a position to look at rezoning, which is a Town Board approval while the site plan would be a Planning Board approval.

Fon questioned traffic concerns expressed over development of all the surrounding parcels along 202. Grealy replied that they are attempting to achieve balance between residential and commercial to control traffic flow through the area. Ciarcia stated that a review is segmented when you review little projects as having no impacts, but together they do result in an impact. Here the applicant is helping the town take into account the whole picture for the rezoning application, however the review for each site plan should occur with the Planning Board. Flynn questioned traffic count estimates and how they took into account currently unoccupied parcels. Grealy replied that the background growth rate usually accommodates these properties coming back online. In addition, if any of the vacant properties became a more intense use, the Board would probably be reviewing amended site plans for those properties. Traffic generation will be considered for all development along the corridor.

Tegeder asked if there is anything else that the Board thinks is missing or needs to be addressed in the draft scope. Kincart brought up additional controls for traffic bottleneck around Chase intersection. Ciarcia replied that additional right-of-way may have to be obtained from the CVS application to address this. Tegeder asked about light industrial zoning that had been previously included in older town master plans. Kincart stated this project would add more diversity to the housing stock. He didn't think that light industrial needs to be included. Tegeder commented that the downsides of light industrial should be spelled out to further support current plans for mixed residential and commercial zoning.

Flynn questioned Ciarcia about pedestrian walkways. Fon requested that plan show pedestrian circulation and recommendations for future developed parcels from Taconic Parkway down to BJ's shopping center. Grealy and Cutignola agreed a right-of-way breakdown can be provided.

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Ciarcia indicated that a preliminary grading plan will be provided. Flynn asked about shuttle service between big box stores and the other retail/restaurant establishments. Grealy suggested a shuttle service could supplement Bee Line service or that in the future the Bee Line may be altered to go down Old Crompond. Ciarcia added that the Parks & Recreation Commission would like to see an indoor recreation facility on the site.

The Board wanted to know if they should consider the Crompond Crossing or other existing property owners who may not have thought the zoning on the parcels under discussion was going to change after they purchased. The Board agreed to suggest the Town Board take this into account. Fon also stated he couldn't yet visualize the level of disturbance on property. Fon asked that a memo be drafted that lists all the concerns brought up at this meeting for the Board's review.

### **Stony Street Subdivision**

**SBL: 16.17-2-77**

#### **Pre-Preliminary Application**

*Location:* Stony Street

*Contact:* Ciarcia Engineering, P.C.

*Description:* Proposed 13-Lot subdivision on 8.07 acres in the R-1-20 zone.

Dan Ciarcia, project engineer, and Valentino Grishaj, were present. Ciarcia indicated that Highland Park provided a Shelley Street right of way, Sunny Court provided another right-of-way, and High Point Drive is yet another right-of-way to the subject property. Scofield Road is an unimproved right-of-way. Kincart discussed grade changes and the location of the former home on the property. It was noted that the property site is out of DEP line. Savoca questioned the right-of-way issues. Ciarcia replied that connecting the two existing subdivisions does not create a cut through as you would not be able to get out to Stony Street through the property. Flynn expressed concern regarding the steep grades of the property. Ciarcia stated the roads will conform to town road.

Tegeder expressed concern with the steep grades at Lots 7 & 8. He stated that the backs of proposed homes will be looming over Stony Street and this will not be aesthetically pleasing to passers-by on Stony Street. Tegeder requested that this aesthetic impact be mitigated/modified in the proposed plans. Ciarcia replied that the higher grade properties will be set-up for walk-out basements and that the aesthetics presented by the back of the homes would be addressed.

Tegeder mentioned that Scofield Street may be incorporated into bike trail system from the sewer lines down to the Taconic trail system. Ciarcia stated that Scofield Road has been eroded due to water run-off from High Point Drive. Ciarcia reported that the total parcel size is 8.07 acres. Kincart questioned the existing infrastructure to accommodate run-off from the property onto Stony Street. Ciarcia stated runoff reduction would be proposed as part of the stormwater plan.

The Board expressed concern for existence of wetland in currently wet areas of the property. Ciarcia replied that this will be evaluated. Fon requested that Ciarcia provide different plans for the subdivision and to work with the Planning Department to be sensitive to the steep grades and screening of backyard aesthetics.

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### **Colangelo Subdivision**

**SBL: 35.16-1-4**

#### **Pre-Preliminary Application**

*Location:* Jacob Road

*Contact:* Site Design Consultants

*Description:* Proposed 3-Lot large lot cluster subdivision in the R1-160 zone.

Joe Riina of Site Design Consultants was present and informed the Board that this proposal involved the development of 53 acres that are owned by three relatives, for mixed residential and farming use. The intent is to break the property up into 5 acre farming parcels and to raise crops on the parcels. Riina discussed the plan which proposes a private road, off of which houses on septic systems will be constructed, with a small estate-style appearance. The homes will be a little larger than average, with accessory structures for generational housing possibly in the future. The primary owner's residence will be a single family home with a barn. Riina indicated that the property is currently zoned R1-160. Riina stated the applicant is requesting to use the large lot clustering section of the town code in order to develop the property as shown therefore a 6 lot conventional subdivision was also submitted in order to show how many lots could fit on the property under the R1-160 zone. Flynn asked about the dedication of the open space to an HOA – Home Owners Association – not as public open space. Riina showed the Board the boundaries of conservation easement and the agricultural portion of the property. Bruce Barber asked about the grade of the property and how the parcel will be developed as farmland. Riina stated that the Westchester Land Trust has put people in touch with owner about farming the property and that no decisions have been made. Riina stated he is uncertain of connecting to town sewer however the owner does not want to be placed in district. Fon indicated a memo to the Town Board will be sent regarding the proposal.

### **Mohegan Rezone O to C-3**

**SBL: 15.16-1-44 & 31**

#### **Town Board Referral**

*Location:* 1805 & 1833 East Main Street

*Contact:* Town Board

*Description:* The Town Board proposes to rezone the above listed properties from Office to the C-3 zone.

Tegeger stated the Town initiated the rezoning action after the hamburger/ice cream stand/now pizza shop owner requested this rezoning back to a commercial zone. Tegeger indicated that the Town Board believes the current zoning is flawed. There are currently mixed zones along the strip in question. Kincart suggested that the zoning of the parcels be made more uniform along this strip and include the Malon property as well. All board members agreed that C-3 is appropriate for all parcels in this area. The Planning Department will send a response memo to the Town Board.

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### **Prebeck Subdivision**

**SBL: 27.14-1-6 thru 12**

*Location:* Granite Springs Road

*Contact:* Planning Department

*Description:* Request to abandon subdivision approved and partially built.

Tegeder explained this proposal involved undoing a subdivision. The moratorium on additional sewers in the district is restricting development of this subdivision. Prebeck wants their bond money back. Currently, there is no formal process to undo a subdivision. Also, there is issue of open space that is to be dedicated to Town and additional owners of some of the lots within the subdivision.

Counsel, Anna Georgiou, said that she is not prepared to answer these issues now, but can assist the Board going forward. Town law speaks to subdivision abandonment. Steinberg stated the subdivision can't be abandoned completely as one duplex was already built. Kincart suggested a lot-line re-apportionment possibly. Counsel stated that she will research these issues.

### **General Work Session Discussion**

Steinberg mentioned that the Town Supervisor received the Board's memo regarding having a joint meeting on the issue of Performance Bonds. He agreed and asked which agenda the item should be placed on. The Planning Board would like the Town Board to come to a Planning Board Meeting for this discussion.

In the Board correspondence was a discussion of the water testing that had been required as part of the Guiding Eyes for the Blind site plan approval. Steinberg stated the resolution required the GEB to test the water for a period of 5 years. They have submitted test results for almost 10 years and would like to be formally released from this requirement. Barber reviewed the tests and provided a letter to the Board stating the testing found no significant results and therefore recommended no additional testing. Tegeder stated a short resolution would be prepared for the Board's next meeting.

Steinberg stated the Board could not use the board room for the March 9, 2015 meeting due to the special election. She asked if the Board would reschedule the meeting to March 11, 2015 so the meeting could be televised as usual. The Board agreed to reschedule the meeting. Steinberg will confirm the room with the Town Clerk's office.

Fon asked Georgiou about several re-appointments that needed to be made of Board members whose terms have expired. Three of the members' terms have expired. Georgiou stated that the members may continue to serve on the Board unless the Town Board appointed someone else in their place. Hold over status should be determined by the Town Attorney.

**Upon motion by Richard Fon, seconded by John Kincart, and with all those present voting aye, the Board voted to close the meeting at 10:15 pm.**