

## Planning Board Minutes February 8, 2016

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A meeting of the Planning Board, Town of Yorktown, was held on February 8, 2016, at the Yorktown Town Hall Board Room, 363 Underhill Avenue, Yorktown Heights, NY 10598. The Chair, Rich 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 Bruce Barber, Town Environmental Consultant.

### **Courtesy of the Floor:**

Architect Dave Tetro spoke to the Board about outdoor seating at Little Sorrento in the Parkside Corners shopping center. The proposal is to remove one of the planter areas and replace it with seven tables. There would be a brick wall or brick wall with railing along the curb. The planter is part of the general shopping center. Tetro wanted to show the Board the plan and see if they had any comments before making a formal special permit application. No canopy or cover is proposed over the seating area. The Board liked the idea and had no issues with the proposal.

### **Liaison Reports:**

Fon attended last week's Recreation Commission meeting. The Commission would like to work with the Board on the projects including recreation. The Commission has a clear vision and list of things they would like to accomplish. Fon will try to attend their meetings and a member of the Commission will try to come to the Planning Board meetings when needed.

### **Site Visit to Triglia- Rezi Subdivision**

The Board conducted a site visit at the Triglia subdivision on Saturday, February 6<sup>th</sup> with staff and area residents. Fon thanked all that attended the weekend meeting, especially the town staff: John Tegeder, Director of Planning; Tom D'Agostino, Assistant Planner; John Winter, Building Inspector; Bruce Barber, Wetlands Consultant; Greg Bernard, the Town Board Liaison; Dave Paganelli, Highway Superintendent, Dave Rambo, Water Superintendent; and the Board members.

### **Minutes:**

**Upon a motion by Rivera, seconded by Kincart, and voted in favor by Kincart, Rivera, and Fon, the Board approved the December 21, 2015 minutes.**

**Upon a motion by Kincart, seconded by Rivera, and voted in favor by Kincart, Rivera, Savoca, and Flynn, the Board approved the January 11, 2016 minutes with corrections as noted on the chair's copy.**

**Upon a motion by Flynn, seconded by Kincart, and voted in favor by Flynn, Kincart, Savoca, and Fon, the Board approved the January 25, 2016 minutes.**

### **REGULAR SESSION**

**Staples Plaza – Master Sign Plan**

**SBL: 36.06-2-76**

**Decision Statement**

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Location: 3333 Crompond Street  
Contact: Norman DiChiara Architects  
Description: A proposed Master Sign Plan for the Plaza.

Paul Tepfer, project architect, was present. Tepfer noted the last revision date of the plan is January 28, 2016.

**Upon a motion by Savoca, seconded by Rivera, and with all those present voting aye, the Board declared Lead Agency.**

**Upon a motion by Kincart, seconded by Savoca, and with all those present voting aye, the Board adopted a Negative Declaration.**

**Upon a motion by Rivera, seconded by Kincart, and with all those present voting aye, the Board approved the Master Sign Plan for the Staples Plaza Shopping Center.**

**Upon a motion by Kincart, seconded by Savoca, and with all those present voting aye, the Board approved the Urgent Care logo as an exception to the approved Master Sign Plan.**

### **Marathon Development Group**

**SBL: 37.18-2-51**

#### **Adjourned Public Hearing**

Location: 322 Kear Street  
Contact: Site Design Consultants

Description: A proposed three story commercial/residential building with associated parking and walks.

Joseph Riina, project engineer from Site Design Consultants, Ed Vogel, project architect from Warshauer, Mellusi, Warshauer, and property owner, Mark Beida, were present. Riina stated since the meeting when the Public Hearing was opened, a letter was submitted from his office addressing the Planning Department's letter dated January 12, 2016. In addition a letter was submitted by project counsel, Al Capellini, dated February 3, 2016, which addresses comments made at the Public Hearing. Riina reviewed his letter. The first comment addresses the proposed loading zones on the site. There is one located where the fire lane is and one located near the trash enclosure. Flynn stated the plans last revised on January 26, 2016 show loading zones, but no doorway into building at the same location. Riina stated that to accommodate the loading space adjacent to the trash enclosure, the columns were relocated at the rear of the building to allow a space where a door and access way could be added to the rear of the building. The door is not currently shown. The applicant wanted to wait until they knew the tenant to use the space. Vogel stated we will provide provisions for a door in the future depending on who the tenant is and their loading needs. Flynn suggested the door be required because tenants may change, but the need for rear access should be provided for. Vogel and Riina responded that the doorway will be shown. Comment 2a addressed the intent to reduce parking. Several comments are made supporting the proposed parking plan and how the 2.2 parking space requirement does not fit and is a little onerous. The parking requirement appears to have no regard for the number of bedrooms per apartment, which are limited to two in the C-2R zone. This requirement is also in conflict with a number of other zoning districts within the town and is an unfair burden on a property consisting of entirely smaller units. This point is reiterated in Mr. Capellini's letter. The applicant provided data on five similar properties that it operates where no other site provides more than 1.5 spaces per unit, with some having a few as 0.74 spaces per apartment. The parking study at Underhill Apartments indicates that a more realistic parking factor is 1.5 parking spaces per unit and supports the parking count for

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this project. Even with the 1.5 spaces per unit at the Underhill Apartments, at least 1/3 of all parking was empty at 10 pm each night. Underhill Apartments has up to four bedroom apartments. It should also be noted that there was never more than one car parked overnight on Kear Street during the study. The applicant is not requesting a reduction on the commercial parking requirement, but just the combined requirement of commercial and residential due to the non-coincidental peaks in parking that would occur at this kind of mixed-use development. At night when the businesses are closed, the apartments would have the benefit of 2.33 parking spaces per unit. The site is near public transportation, which further provides support for the need for fewer cars. There is no data suggesting we would expect illegal off-site parking on private property or non-designated parking areas. 2b) The project as proposed meets the bulk standard requirements for the zone except for the need for a front yard variance which is the result of an evolving process with the Planning Board and the desire to achieve a continuous driveway through the site. As stated in 2a, it is the Applicant's intention that adequate parking is being provided for the project. The Plan also provides a significant amount of green space through landscaping and the provision of gathering area and plazas containing picnic tables and benches to create a good balance between the building and parking areas, and open space to make the project a more visually appealing, pedestrian friendly, and integrated part of the streetscape. The site will also contain a bicycle rack. The applicant has also suggested land-banking at least two parking spaces to provide more green space. Comment 2c) was the provision of adequate fire access for the tenants. Riina stated adequate fire exits for residential tenants have been provided. The second and third floor residential floors are served by two egress stairs at either end of a common corridor. The egress stairs exit directly to the exterior of the building at grade. Finally comment 2d) addressed the Westchester County Housing Program's requirement to market the site outside of Yorktown. In accordance with the Westchester Housing Program, the affordable units are required to be marketed in accordance with an affirmative fair housing marketing plan which requires advertising in Westchester and several surrounding counties. This, by the way, is also a requirement in the Town of Yorktown Affordable housing statute because it refers to the County's statute.

Flynn asked Georgiou if this applicant could be asked to install a sign at the Yorktown Glass building where four parking spaces were supposed to be for the public to use on weekends to access the trailway. Because there is no sign indicating these spaces can be used on the weekend, no one ever uses the spaces. This may alleviate some people parking on Kear Street. Georgiou suggested the Board look at the various provisions of the zoning code that deal with the parking requirements and how those requirements are waived and see if that is a possibility under those provisions. Riina mentioned one provision in the code that allows for a reduction of parking by 25% on commercial site plans. This project may not qualify as a commercial site plan because it has a residential and non-residential component. There are other provisions under that section of the zoning code, including one that deals with joint use, that also gives the Board discretion. So these sections should be looked at to see how those requirements are met and how the Board exercises the discretion it has. Flynn stated his comment about the sign was as a result of a letter the Board received from Grace Siciliano that stated the parking next to the highway garage is not a viable public parking for this building because it is always full due to usage by bike path patrons.

Fon asked about Capellini's letter which states people park on Kear Street and take the bus. There is no prohibition on this. Tegeder confirmed that there was not.

### Bob Giordano, 1795 Hunterbrook Road

Giordano spoke representing the Yorktown Small Business Association (YSBA). There has been an issue of parking in this area for two years and the YSBA has addressed this to the Town Board. In June

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2014, YSBA made a presentation was made to the Town Board. I think we have a problem that is bigger than Kear Street and not necessarily this applicant's problem. We are all for new development and new business in town that brings new feet on the ground, but if they can't park, they are not going to go to the businesses. This area has JJ Scoop house, Trailside Café, 3D MiniMe, Hanover Electric, and Wishes. Giordano urged the Board to talk to the area businesses before making any decisions about reducing parking. Time limited street parking might help with this issue, however talk of meters with the Town Board never got too far because meters mean enforcement. It shouldn't be too big of an enforcement issue for a shop owner to call and report a car has been parking on the street all day. The town owes it to the store owners. To address Flynn's comments regarding the spaces at Yorktown Glass. There are six parking spaces located at the Yorktown Glass. Giordano personally has cleaned these spaces and shrubs because although the town has an easement, it was not clear who was supposed to maintain that. These six spaces are now being used on the weekends. The lot next to the highway garage is not being used anymore by highway. There is still use by Yorktown Autobody. There is still too many people trying to park in this lot, even double parked. Asked the town to put up signs limiting parking all day. This lot should not be for private businesses and their employees. Yorktown Autobody has 27 employees and does not have that many parking spaces on their site. Signs on Kear Street and elsewhere could greatly help the businesses in the area. The highway superintendent was going to move the guard rail at the highway garage parking area to gain a few more spaces. So far he has replaced signs and painted lines to delineate the spaces. Fon asked Giordano what he was working on with the Highway Superintendent. Giordano stated that there was a problem on Front Street with employee parking on the street. The Highway Superintendent replaced faded and missing signs that stated parking was limited to two hours. He also striped the on-street parking to delineate the spaces and fit more cars.

Riina stated that the commuter parking lot spaces at town hall are also available on weekends.

### Patrick Francois, 1632 Central Street

Francois frequently drops his wife off at her office located at 345 Kear Street. When cars are parked on both sides of Kear Street there is only enough room for one-way traffic through. Leaving at night, cars go very fast coming off 118 and there is limited sight distance in that direction trying to leave the businesses on Kear Street.

### Ed Ciffone, 2635 Dunning Drive, President of the United Tax Payers of Yorktown

The 36 inch door in the rear of the building is too small. There is a fire escape on both sides of the building. This should still be checked with the Fire Inspector. There is too much on the site. The site is only 0.41 acres. Kear Street is too narrow with parking on the street. You have to go over the yellow line to get through. People can go on the bus and park there all day because there is no signage. As a member of the public and tax activist, Ciffone read how the county and Yorktown are working behind the scenes. Westchester County Board of Legislators purchased the property on Kear Street for the developer for \$1.2M. An additional \$1.87M makes \$2.8M total from tax payers. This leaves \$900k to the developer. The politicians are working behind the scenes. Ciffone would love to see affordable housing available for everybody, but the article says tenants have to meet the requirements. Community Housing Board member, Ken Belfer, is quoted in the article stating that affordable housing is needed for singles, seniors, and young families in the area. But you have to meet the requirements. Back to the building. The building must be safe. A fire truck has to be able to get into the site and around the building.

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Fon addressed some of Ciffone's comments. The Building Inspector and his staff have reviewed the plan. The 36 inch door is handicap accessible. They have looked at the fire access. All this will be verified by the Building Inspector. The article being read is about the politics. This is not the Board's concern. Kincart clarified that the fire escapes are interior stairs used for egress as well as for fire exits. Ciffone I would say no to this project for all the reasons mentioned. Ciffone questioned how the applicant is using spaces at town hall for their parking. No, Kincart clarified that the applicant said the parking is available, not that they are using it for their parking requirement. Employees for the commercial space also have to be taken into account. Flynn suggested looking at the parking differently. The expectation in higher density areas is that you will have to walk to uses. Ciffone asked about handicap spaces. There are two parking spaces shown on the plan. Ciffone concluded that this project will cost tax money.

### Dr. Ash Khorram & Lucy Khorram, own 334 Kear Street

Purchased about 10 years ago and put a lot of money into the property. This area already has a parking problem. Our patients park in front on the street. We feel this project will be a destruction to our business and the other businesses on the street. The building is too big for the property. Several patients have already had their cars hit when parking on the street. The cars and trucks associated with this project will increase the problems on the street. There is parking on the site that the staff uses because it is one way. At any given time there are 12 people in the office; possibly 12-15 cars in the parking lot. Fon asked if the double yellow line was shifted to allow more space for the travel lane next to the parked cars. Dr. Khorram stated the road is still narrow.

Riina stated there is a lot of parking in downtown parking, the problem is that none of it is connected or shared. The Yorktown Green Shopping Center and Brookside Plaza are never full. It is a complex problem. There is a lot of parking, that is not being utilized properly. For this project, we are making the case that the parking proposed is more appropriate than the 2.2 spaces the code requires. Compared to other residential zones in the town, the requirement is onerous. Whether this site is developed or not, there will be parking on the street and this project is not counting on street parking.

Flynn asked if pedestrian access can be connected to the north. The site plan ignores the property to the north. Then people could, park near the old Food Emporium and make several stops without having to drive on Kear Street. Riina stated pedestrian access could easily be made to the adjacent site.

Fon this will be on the Zoning Board's agenda the last Thursday of this month. The Planning Dept will help the Board review the parking reduction and recirculate the memo that reviewed this part of the code.

### Gregory Bernard, Town Councilman

Bernard stated the town's affordable housing ordinance does not mirror the County's. On the parking issue, the Town Board did look into expanding the highway garage lot, but the site is in a Designated Main Street and would require a lot of environmental considerations to increase the pavement. Bernard has also met with Giordano. The Town is not going to put up two hour parking signs if we're not going to enforce it. The six parking spaces at Yorktown Glass are not going to alleviate the parking problem. You can't have no parking on Kear Street because the existing businesses use it. Another thing might be to not have UPS routes use Kear Street for their trucks or tractor trailers. Contacting the Highway Superintendent and meeting on site is not going to accomplish anything. Parking in the downtown is a bigger problem.

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The applicant can come back to the next work session to further address the comments.

**Upon a motion by Kincart, seconded by Rivera, and with all those present voting aye, the Board closed the Public Hearing and left the written comment period open for 30 days.**

### **Bonsignore-Ryder**

**SBL: 36.05-2-57**

#### **Adjourned Public Hearing**

Location: 2483 Hunterbrook Road

Contact: Site Design Consultants

Description: A proposed subdivision to subdivide an existing 3.422 acre lot with an existing 2-story dwelling into 3-lots.

Joseph Riina, project engineer, and property owners Brian Bonsignore and Andy Ryder were present. At the last work session, we presented you a revised plan based on the recommendations of the Town's Environmental Consultant, Bruce Barber. Moving the home on Lot 2 down the hill (to the south) reduced the amount of disturbance. Retaining walls were used to terrace around the house and significantly reduce the amount of disturbance. The house is now partially within the 100 ft wetland buffer. Working on a full mitigation plan for the disturbance in the wetland buffer. Riina stated that it was brought up at the last meeting regarding the existing driveway on Lot 1 exiting at the corner. There is an existing parking area on this lot facing Hunterbrook so cars do not readily go out at the corner, but Mr. Bonsignore does not want to remove this option. Kincart asked for it to be made more attractive for people to turn around and not exit at the corner. Bonsignore said he could make the area larger so it is easier to turn around. The plan will be revised to show an additional tiered wall on Lot 3 to reduce the disturbance behind this lot by 8-10 feet.

Fon asked if there was anyone from the public that wished to speak. Georgiou asked to confirm the additional changes to be made to the plan. Riina stated that the only change is the additional retaining wall on Lot 3 to reduce the disturbance and as a condition of approval a mitigation plan will be required for the disturbance. Riina requested to be on the Board's agenda for a resolution at the March 14<sup>th</sup> public meeting if possible because a resolution is needed to continue the permitting process with the Health Department. The applicant will revise the mitigation plan for the next work session and visit the Conservation Board between now and the March 14<sup>th</sup> meeting.

**Upon a motion by Savoca, seconded by Kincart, and with all those present voting aye, the Board closed the Public Hearing left the public written comment period for 14 days.**

### **JCPC Holdings, LLC**

**SBL: 48.07-2-2**

#### **Public Informational Hearing**

Location: Front Street

Contact: Ciarcia Engineering

Description: Applicant proposes to construct a 5,000 sf building for an engine building shop.

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Dan Ciarcia, project engineer, and the applicants, John and Patty Cerbone, were present. Ciarcia stated he is presenting the plan shown to the Board last. This lot did have a lot line reapportionment between the site and the Crown Delta site. The property is nine tenths of an acre in the I-2 zone, and was part of the Yorktown Heights Industrial Park subdivision on Front Street. When the industrial park was created, the purpose was to bring manufacturing to this part of Yorktown. The proposed use of the building is the building and rebuilding of race cars. There are two employees and they service approximately 26 cars per year. The proposed building is a 50 x 100 pre-engineered building with three garage doors on one side. There are 7 parking spots shown as paved parking and 6 additional parking spaces shown using permeable pavers; spill over parking. This property includes a previously flagged wet area. The discussion that we have had with this Board and the Conservation Board has been about the function of this wetland. What has been concluded is that this area was created by an impoundment when Front Street was built and trapped water on this lower side. A pipe was installed near the proposed driveway. The pipe has been severed, which seems to be by NYSEG. It looks like the pipe was to drain the runoff from the site. To treat the impervious surfaces the project will create, a stormwater system is proposed. In addition, capture of the runoff coming off the hill above the site. Based upon the feedback received, Ciarcia presented a revised plan moving the stormwater practice to the corner of the property and the driveway was shortened. This reduced the size of the spill over parking area. The function of the disturbed wetland versus other things that can be done to improve the situation in the watershed should be considered. The watershed is 90 acres and ends at a pipe adjacent to the UPS property and then leads into the State regulated wetlands along the railway. Currently there are no stormwater practices to treat this watershed. At the moment, at the end of the pipe is a lot of sediment and no stormwater practices to treat this area. Ciarcia does not recommend creating a wetland at this location the wetland would be inundated with sediment after large storms. The greater benefit could be to create a forebay at the end of the pipe to allow sediment to settle, and then the forebay could periodically be cleaned out by the town before that sediment migrates into the wetlands. Overall, this project is consistent with the intent of the industrial zone. The applicant is the end user. The business is currently located in City Island. The applicant would like to relocate their business to Yorktown where they live.

### James Morgan, 1613 Summit Street

Morgan stated he met with Ciarcia after receiving the notice in the mail and had most of his questions were answered. Morgan lives on Summit Street behind the property. When Crown Delta expanded, he came to the meeting and requested trees be added on the hill as a buffer. The trees Crown Delta planted were along the rear of his property. The main concern is the view during winter months.

### Pat Francois, 1632 Central Street

Francois stated he is located within the larger drainage area described by Ciarcia. A lot of water flows to the UPS site. The Conservation Board made a site visit this past weekend. The debris that flows out of the pipe and onto the banks of the stream area needs to be removed and cleaned up. The entire drainage of Front Street needs to be looked into. The sidewalk was covered with ice on Saturday. This problem needs to be redesigned, not just fixed piece meal. Perhaps all the businesses should make a concerted effort to fix the drainage issue.

Flynn had comments on the Short EAF item 9 needs to be filled in. Flynn asked if this project could have solar energy benefits. On item 13, the function of the wetland has been in question, but there is a wetland. Item 17b is checked yes, but the description is not filled in. Please revise the form. Ciarcia stated that the form was completed using the new EAF map query system that populates the EAF form using NYSDEC standards.

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John Cerbone stated he is looking into solar and the cost benefits of it. Solar will probably be used, but not immediately because of the cost. Flynn stated there is a NYS agency that may help. Cerbone stated he has looked into the state agency and was not able to receive any funding, however he will still be looking into solar. Also have been working on possible wind energy.

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

**Upon a motion by Flynn, seconded by Rivera, and with all those present voting aye, the Board closed the regular session.**

### WORK SESSION

#### **Orchard View Realty Subdivision**

**SBL: 36.06-2-78**

#### **Discussion Subdivision**

Location: Sherry Drive

Contact: Hudson Engineering and Consulting P.C.

Description: Proposal to subdivide a 9.2438 acre parcel in a R1-20 zone into 9 lots.

Jim Zappi, Brian Zappi, and Brandon Zappi from ZappiCo Real Estate Development were present. Jim Zappi stated he had acquired the property and built one house that is currently on septic. This would be abandoned when the subdivision is built. The subdivision would be served by town sewer (all gravity, no pump station) and town water from Pine Grove Court. The water main will be connected to the one in Sherry Drive; eliminating two dead ends. Natural gas will also be brought to the site. Paul Jaehnig flagged the wetlands shown on the plans. Barber stated that he verified the wetlands as a part of the building permit application for the existing home. All proposed homes will be out of the wetlands. The only disturbance in the buffer is the road that was already graded. The limit of disturbance is proposed to be the buffer line. Barber stated the applicant will need to meet with NYCDEP to find out if the stream will be as a designated watercourse. In that case, no impervious surface can be within 75 feet of the watercourse. Flynn asked Barber to explain the existing detention basin. Barber stated the regional basin was installed to accommodate stormwater from built subdivisions; Park Lane and some of the other subdivisions. It was not clear the ownership and maintenance of basin. Barber stated he thought drainage from a future subdivision of the DaRonco property might also have been included in the sizing of the basin. The applicant is proposing an infiltration system under the cul-de-sac to treat the impervious area created by the subdivision. This system would then be within the right-of-way under a town road. The maintenance of the system will have to be discussed. The Building Inspector's memo noted the FEMA Flood Boundary shown on the plan going through the corner of the proposed home on Lot 7. Barber felt the line was probably not accurate and should be studied. Georgiou asked who owns the Conservation Easement shown over the basin. The ownership of the entire parcel is currently one entity. The new home is being rented until the subdivision is complete.

**Upon a motion by Kincart, seconded by Savoca, and with all those present voting aye, the Board closed the meeting at 9:10 pm.**