

Planning Board Minutes April 11, 2016

A meeting of the Planning Board, Town of Yorktown, was held on April 11, 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
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.

Correspondence: Fon stated there were some hand drawn materials submitted. Tegeder stated that the applicant had planned to come courtesy of the floor, but decided not to.

Minutes:

Upon a motion by Flynn, seconded by Rivera, and voted in favor by Fon, Flynn, and Rivera, the Board approved the March 28, 2016 minutes by the Chair's corrected copy.

REGULAR SESSION

Arrowhead Subdivision

SBL: 48.13-1-6

Decision Statement

Location: 809 Underhill Avenue

Contact: Albert A. Capellini, Esq.

Description: Proposed site plan for Lot 6.2 of the 5-lot subdivision.

Chris O'Keefe, the applicant, was present. O'Keefe thanked the Planning Board for the long process. Last week the Town Board accepted both the 10 acre and 5 acre parcels at the top of the hill as parkland. While we were finishing the plat with staff, we were also reviewing Lot 6.2 with the Planning Board. There were several revisions the Board requested. The Board then had to wait to approve the site plan until the plat was filed. Tegeder stated that the Board is approving the May 22, 2015 plan. Any changes to this plan, will bring this lot back to the Planning Board.

Upon a motion by Rivera, seconded by Flynn, and with all those present voting in favor, the Board approved the site plan for Lot 6.2 of the Arrowhead Subdivision.

Faith Bible Church

SBL: 15.16-2-50, 53, 54 & 15.16-2-9, 10

Request for Second 1-year Time Extension

Location: 3500 Mohegan Avenue

Contact: Albert A Capellini, Esq.

Description: Approved site plan of an 8,000 sf, two-story church and parking granted by Resolution 14-08 dated May 5, 2014.

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Al Capellini, project attorney, was present. Capellini stated that the plans have been signed however a building permit still has not been issued. The applicant is working on the construction plans and therefore the applicant is requesting an extension.

Upon a motion by Rivera, seconded by Flynn, and with Fon, Flynn, and Rivera voting in favor, the Board approved a 2nd One-Year Time Extension for the Faith Bible Church.

PEG Realty Corporation

SBL: 16.08-1-2

Decision Statement

Location: 3699 Hill Boulevard

Contact: Signs Ink

Description: Proposed Master Sign Plan.

Steve Chester of Signs Ink was present. Chester stated the applicant had been to the ABACA and made their requested changes. The Board reviewed the three memos received from the ABACA.

Upon a motion by Kincart, seconded by Rivera, and with all those present voting in favor, the Board approved a Master Sign Plan for the shopping center located at 3699 Hill Boulevard.

Trailside Café

SBL: 37.18-2-79

Special Permit – Outdoor Seating

Location: 1807 Commerce Street

Contact: SI Design

Description: Request for a special permit to accommodate outdoor seating for 29 patrons.

Justin Fagan, café owner, was present. A memo from the Building Inspector was reviewed. Kincart stated that the plan should note that the front sidewalk seating was approved by the Town Board and not the Planning Board. The Board added a condition to the special permit resolution requiring the note regarding the sidewalk seating indicating the Town Board approved this seating area and including the resolution number and date that approval occurred. Fagan stated that the Town Attorney is working on the lease for the sidewalk seating. Fon stated that the Board must decide whether the additional patio will have an effect on the required parking. Fagan stated that the building does not have any parking. The patrons come mostly from the bike path. Rivera stated that the seating was already used last year, prior to obtaining a permit and there were no issues reported.

Upon a motion by Rivera, seconded by Kincart, and with all those present voting in favor, the Board approved a special permit for outdoor seating on the rear patio at the Trailside Café.

JCPC Holdings, LLC

SBL: 48.07-2-2

Public Hearing

Location: 1550 Front Street

Contact: Ciarcia Engineers

Description: Applicant proposes to construct a 5,000 sf building for an engine building shop and off-site wetland mitigation on Town owned property.

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Dan Ciarcia, project engineer, and property owners, John and Patty Cerbone, were present. Ciarcia stated the proposed site plan is for an approximately one-acre vacant site on Front Street. The proposed building will be home to JCM Racing Team and engine building shop. The first action with the Planning Board was to obtain the Board's blessing on a lot line change with the adjacent Crown Delta property. The original lot line had the existing 8 parking spaces for the Crown Delta site on the subject property. That line has been moved. There is a wet area on the front of the site that was created as a result of the construction of Front Street. Currently water flows across the sidewalk and street during rain events. There used to be drainage that drained this area, but upon inspection it was observed that this pipe is broken. The proposed building is 5,000 square feet and parking on an asphalt surface. The additional parking along front street is shown as pavers, but will probably be constructed of grasscrete so that it will look green most of the time. This area is for cars being delivered on trucks and will not be used often. Otherwise there is a limited number of employees so the site will be a low traffic generator.

The applicant is proposing to fill the wet area, which is defined by the Town of Yorktown wetlands ordinance as a wetland. Therefore, in order to comply with the Town's "no net loss" policy for wetlands, the applicant is proposing off-site wetland mitigation. There is approximately 88 acres in the watershed that drains, not to this site, but to Town owned property on the south side of Front Street, adjacent to the UPS site. There is a large pipe that outlets here and the area has been significantly impacted by the high volume of flows that discharge here. There is a lot of erosion and sediment deposited in this area. The proposal is to construct a forebay at the pipe outlet to intercept this high volume of flow. Then an approximately 12,000 square foot area would be excavated, graded, and seeded to create a new wetland area. This would provide treatment for the flow from this watershed before it enters the wetlands.

Flynn asked if the applicant is proposing to go in the direction of the proposed plan or to wait for the East of Hudson (EOH) to finalize their plans for this area. Ciarcia stated that because of the uncertainty in the timing of an EOH project, the applicant prefers to do the work first as oppose to bonding or entering into a long-term agreement for future improvements. The applicant would be mitigating this in the short term. A lot of the site would be prepped and the applicant would create a means to enter the site and maintain the forebay. In addition, with the seed mix bring used, a lot of the shrubs that will grow could be transplanted by EOH in the future. The scope of the future project is unknown. Flynn stated that in the meantime, if the applicant does no mitigation at present, there were be contamination to the wetlands from the site.

Flynn asked about the residential uses adjacent to the applicant's property. Ciarcia stated that there is a large vertical transition from the residential properties to the proposed building. There are trees located in the rear of the property, but the applicant has no objection to adding some pine trees to the rear of the property. Fon asked how tall the building will be. Cerbone stated the building would be 18 feet tall. Kincart asked about the topography of the site. Ciarcia stated the building will be well below the grade of the residences. Ciarcia also stated the grade differential also will aid in any noise, although the use will not generate noise.

Flynn asked the Town's Environmental Consultant, Bruce Barber, to speak about the wetlands and stormwater on the site. Barber stated the NYCDEP has witnessed soil testing on the site. Based upon a conversation Barber had this afternoon with Mary Golasso from the NYCDEP, with some adjustments, the stormwater management would be feasible on this site. There are some elevated ground water conditions however with the pervious pavers, the opportunity for a sand filter, and some other elements

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the site will work. The Board will want to see the concept and details of the stormwater pollution prevention plan, but the concept is headed in the right direction. In terms of the off-site mitigation, there are the three options the Board is considering regarding the mitigation. The proposed wetland mitigation plan complies with both in terms of wetland function and with the “no net loss” of wetlands policy of the current wetlands ordinance. The second option includes the East of Hudson Corporation that is planning a larger regional project on the mitigation site that would include the reduction of Phosphorus, but also additional pollutants that are coming onto the site as well. The EOH has hired an engineer and put this project on its first year of its next 5-year plan, however that process will take time to design, be approved by the NYSDEC, funded, and construction. Since the EOH will hopefully be completing the larger project in the future, should the Board require the forebay and put a monetary amount aside and wait for EOH. Or the third option, should the applicant not complete any mitigation and put a monetary amount aside and wait for EOH. The Board may want to also consider an option 1a, which would also be that the applicant not complete any mitigation, but then prior to a certificate of occupancy being issued, if the EOH project is still far off, the applicant can construct the mitigation as outlined in option 1 and move on. Steve Marino also sent in a letter the Board asked for indicating that filling the wetlands on site is not jurisdictional to the Army Corps of Engineers, which Barber was in agreement with. The applicant has submitted an amended EAF that indicates that there will be some off-site mitigation. The Board may want to request more information for the off-site work with respect to different types of potential impacts to the site. In addition, a separate sediment and erosion control plan will be needed for the off-site work.

No one from the public came forward. Tegeder stated that the Board can choose to adjourn or close the public hearing. There are some additional details that need to be submitted, however these can be worked into the resolution.

Upon a motion by Kincart, seconded by Flynn, and with all those present voting in favor, the Board closed the Public Hearing.

Blumberg Subdivision

SBL: 47.15-1-21

Public Informational Hearing

Location: 1305-1307 Baptist Church Road

Contact: Kellard Sessions Consulting, P.C.

Description: Proposed two lot subdivision to result in a 30.852 acre parcel which includes the main residence and a 12.749 acre parcel which includes farm structures and a residence. No new improvements are proposed.

Al Capellini, project attorney, and John Kellard, project engineer, were present. Capellini stated the application is for a 2 lot subdivision where no new development is proposed. Both homes already have driveways. A public hearing was held with the Zoning Board of Appeals for variances that were needed for the existing structures. The variances were granted. Kellard stated the site is 43.6 acres on the south side of Baptist Church Road. The eastern portion of the property includes the main house where Mrs. Blumberg lives. The lot is proposed to be 31 acres and is shown as Lot 2 on the plan. The western portion of the property includes the farm, paddocks, riding ring, and her daughter Leda & Steve’s home. This lot is proposed to be 13 acres and is shown as Lot 1 on the plan. The property is in the R1-160 zone where a farm is a permitted use by Section 300-45 of the town code. The site is within the County Ag District. The district will most likely be reconfigured to only include the farm parcel. The proposed lot line follows the driveway and then goes around the entire paddock area. The main

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house lot has enough area to the east to screen the property from the barns should the lot be sold in the future.

No one from the public came forward. Capellini asked if upon closing the public hearing if the Board would schedule the Public Hearing. The Board agreed and set the Public Hearing for the May 9, 2016 meeting.

Upon a motion by Flynn, seconded by Rivera, and with all those present voting in favor, the Board closed the Public Informational Hearing.

Chase (JPMorgan) Bank

SBL: 37.14-2-66

Public Informational Hearing

Location: 1975 Commerce Street

Contact: Gibbons, P.C.

Description: Proposed 4320 sf bank with one drive-thru lane and one bypass lane, with on site parking and related site improvements.

Jennifer Porter, project attorney, Matthew DeWitt, project engineer, Marc Petrora, traffic consultant, and Michael LeBlanc, project architect, were present. Porter submitted the affidavit of notice for the hearing. DeWitt stated the site is the existing Chinese restaurant located at 1975 Commerce Street. The site is 0.66 acres in the C-2R zone. The proposed project is to demolish the existing building and construct a new 4,529 square foot bank building with associated parking, landscaping, and lighting. The applicant will replace the trash enclosure in the same location as the existing enclosure. The proposed plan complies with all zoning setbacks. The only variance being requested is to vary from the lighting requirement at the lot line due to the ATM required lighting. There is a section in the lighting ordinance that allows this. The proposed plan decreases the impervious area on the site by 3,000 square feet. The applicant received two memos from ABACA dated March 30th and April 6th. The applicant will respond to all of their comments and add more landscaping at the front of the site. The three light poles that will be seen along the frontage will be changed to match the lights in the streetscape. There will be an additional curb cut on the site. The western driveway will be dual in and out. The second driveway will be for exit only; left and right turn lanes. An existing dedicated tree with monument on the site will remain. The wooden railroad tie retaining wall can be replaced and tied into the proposed development. This would have to be coordinated with the neighboring Friendly's since part of the wall is located on their property. DeWitt summarized the stormwater plan for the site. DeWitt showed the Board a rendering of the streetscape and elevations of the building hiding the rooftop mechanical units. The building will be sited approximately 4 feet above the road. Tegeder asked about the retaining wall between the bank and the Friendly's and if it was located on this property. DeWitt stated there is the one wall across the front of the property. About 10 feet of this wall is on the Friendly's property. Then the wall turns and runs along the side lot line, but is entirely on the Friendly's property. The wall is 3 feet away from the property line. The Board reviewed the elevations of the proposed bank.

Marc Petrora from John Meyer Consulting addressed the Board regarding the traffic. The traffic study is complete, but has not been submitted yet. Traffic counts were taken at the Route 118/35/202 and Commerce Street intersection, Commerce Street and Veterans Road intersection, and Commerce Street with the existing site driveway. Traffic counts were taken at these intersections between 4:00 – 6:00 pm on Thursday, March 31, 2016 and Saturday from 11:00 – 2:00 pm. The peek on Thursday was

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found to be between 5:00 – 6:00 pm. The Saturday peak was between 12:15 – 1:15 pm. Volumes were incorporated from the proposed Costco development through the studied areas. NYSDOT volumes from 2005 – 2014 for the state roadways were reviewed. Based on the review of that data from those years, there was actually a downward trend of traffic volume on the roadways so in order to provide a conservative analysis, a projected increase in volumes of 1% per year were used. The projected volumes were estimated to a design year of 2023; estimated time of completion plus 5 years. These projections along with the Costco volumes determined the No Build traffic volumes. The existing restaurant volumes were compared to the ITE (Institute of Transportation Engineers) volumes for an active restaurant. These volumes were included in the No Build scenario. Used the ITE volumes for a proposed bank and compared them to existing restaurant. All the studied intersections would operate at Level of Service (LOS) C or under the build conditions. Based on this analysis, the conclusion is that the bank will not create significant impact to the traffic operations in the study area.

Fon noted a memo from the building department regarding the two site driveways. Fon asked if site distance was an issue. Petrero stated that site distance was not studied, but he didn't think it would be too much of an issue on Commerce Street. Steinberg clarified that the Building Inspector was concerned with there being two exits on the site because both curb cuts will have exits in close proximity. The Board discussed the site driveways in relation to the rest of the buildings on the street. Fon requested the applicant stake or mark out the two curb cuts on the site for the Board to make a site visit.

Porter asked about next steps for the project. The project will return to work sessions to work on the details of the site plan.

Flynn asked the architect to discuss the building in relation to the community center. Michael LeBlanc from Core States Group. Brick was used. Chase has several prototypes that use different materials and the brick design was chosen for this site. Tegeder asked for clarification on the site lighting fixtures. DeWitt stated the proposed lights that can be seen from the frontage will match. The other light fixtures located in the rear of the site are proposed to be different, but could also match if that is wanted. Fon read from the ABACA memo regarding site lighting and the streetscape.

Fon asked if work on the retaining wall will harm the tree. DeWitt stated he did not think the tree would be harmed. The tree is 20 feet away from the wall and the work will be out of the drip line.

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

Upon a motion by Rivera, seconded by Kincart, and with all those present voting in favor, the Board closed the Regular Session.

Upon a motion by Flynn, seconded by Kincart, and with all those present voting in favor, the Board voted to enter into an advice of counsel session with the Board's attorney.

Upon a motion by Kincart, seconded by Rivera, and with all those present voting in favor, the Board voted to close the advice of counsel session.

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WORK SESSION

Kelderhouse-Dornoch

SBL: 16.17-1-48.1 & 48.2

Discussion Subdivision

Location: Turus Lane

Contact: Dornoch Development, LLC

Description: Proposal for a combination of 2 lots to form 1 lot for construction of a single family residence.

Bruce Kelderhouse, property owner, was present. Fon stated that staff needs to meet with the Building Inspector to discuss the proposed residence as it relates to the existing subdivision. Kelderhouse stated that the plat exists and he wants to consolidate lots and only build one house instead of two. Kelderhouse is also proposing to give an easement to the town for water coming across the property from Judy. Fon stated that the Board is concerned about the health, safety, and welfare of the residents and future residents in this area. Kelderhouse stated that he only wants to put in one house. He received letters from all of the referring agencies when he obtained the variance from the Zoning Board of Appeals to allow development of a lot with no frontage on a town road. No one had any issues at that time. Fon stated the Board will do another site visit and hopes the applicant can attend.

Triglia-Rezi

SBL: 16.17-1-51

Discussion Subdivision

Location: 1415 Christine Road

Contact: Albert A. Capellini, Esq.

Description: Proposed to subdivide 1.145 acre parcel to create 1 new additional lot to construct a single family dwelling.

Al Capellini, project attorney, Peter Gregory, project engineer, and Rocco Triglia, property owner, were present. Gregory stated that the applicant had the opportunity to discuss with the Town Board the issues surrounding this property. The applicant also met with all the department heads regarding the utility connections. It was discussed to move the stormwater drainage further away from the homes to free up some back yard space. At the Town Board meeting, the applicant offered to improve drainage on both Christine and Baker streets in lieu of paving. The applicant is here tonight to ask if this Board would consider any flexibility in improving the roadways. Triglia stated the drainage was also discussed with the highway department. Three catch basins are proposed. Gregory stated that currently there is a 12-inch pipe that the applicant would be looking to extend.

Fon stated that the Board has concerns regarding the Health, Safety, and Welfare of the residents and future residents of the area. Fon asked if the applicant knew who owns the roadways. Triglia stated that the Title Company reported that all adjacent owners own to the centerline of all the surrounding roads. The Board asked if the Title report can be submitted. Capellini asked why the ownership of the roads is of a concern since the applicant has been told that improvement of the road is not desirable. Fon stated that it matters because the Board is not necessarily discussing roads to town standards.

Capellini stated that the project needs to move forward. Fon stated the applicant is adding a new house in an unimproved area where conditions are substandard. Flynn stated the Board should make a site visit to see the conditions of the area in the spring.

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Tegeder stated that at the last meeting this Board requested the applicant show an 80 foot distance of road to town standards and that they would be flexible in considering a lesser standard. That has not been submitted. Gregory stated that he did sketch this, but did not formally submit it.

Fon stated the Board would like to schedule another site visit. The Board requested Triglia submit the Title search and the sketch of a road to town standards. Kincart asked staff to develop a memo to the Town Board regarding the flexibility and if the Town Board will accept the town road with its lesser standards or would it be private. Fon asked what the Water Superintendent's concerns about the site are. Triglia stated that the Water Superintendent has no concerns. Tegeder stated staff will request written comments from both the Water Superintendent and the Highway Superintendent.

The Board set the site visit for Saturday, April 23, 2016. The applicant will submit the proposed road plan for the work session meeting on April 25, 2016.

Ianuzzi Subdivision

SBL: 47.15-1-15 & 16

Discussion Subdivision

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.

Joe Riina, project engineer, and Al Capellini, project attorney, were present. Capellini stated the applicant would like to request a Public Hearing be set for this application. Riina stated that since the last meeting the Town Board granted flexibility, the wetlands were flagged and located by the surveyor, the survey was prepared, and the testing was completed with the Westchester County Health Department. The applicant will address both the NYCDEP and NYSDEC memos. The Board scheduled the Public Hearing for the May 9, 2016 meeting.

Spark Steakhouse

SBL: 26.18-1-7

Discussion Site Plan

Location: 3360 Old Crompond Road (Crompond Crossing)

Contact: MAP Architecture

Description: Applicant is proposing additional outdoor and rooftop seating at an approved restaurant building.

Michael Piccirillo, project architect, was present. Piccirillo stated the existing loading area is actually raised concrete platform and walled off. The restaurant needs this space for storage and coolers and the applicant wants to enclose it. There is also a catch basin within the enclosure. Piccirillo thinks it was to accept the drainage from the loading area only, however because it is raised along with the enclosure little to no flow is entering the basin. The proposal is to work around the catch basin and leave it there. There is a pipe from the parking lot and the roof drains from the building come to the catch basin and then it goes to the south. Would like to move the trash enclosure to the east and have the loading area next to it. The applicants also would like a roof top deck so stairs are needed in the interior and 2nd floor addition. After meeting with staff, a second floor addition will have to be a future development.

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The additional proposed seating would require a parking analysis and the building itself would require another exit from the roof besides the one staircase originally proposed.

Tegeder recalls a discussion of a 2nd floor outside eating area during the Crompond Crossing approval, but it was never approved as part of the approved plans. There is a parking agreement allowing restaurant patrons to park at the Best Plumbing parking area when the store is closed. Tegeder stated a site plan amendment would be required for the new enclosure, a special permit for the outdoor seating on the first floor, and a review of the parking. Piccirillo stated that 2/3 of the roof is a green roof. Deliveries are made when the restaurant is closed so the revised loading area and position of the truck will not affect the parking.

PEG Realty

Tegeder presented the Board with two changes to the approved site plan. The applicant requested to change the street trees from emerald ash to red maple. The Board had no issue. The applicant is also requesting to remove a curb in the southwest corner of the site because trucks will have trouble driving around the building. The Board requested a better sketch on the architect's title block for the record and will review the plan at the next work session.

Upon a motion by Kincart, seconded by Savoca, and with all those present voting aye, the Board closed the meeting at 9:50 pm.