

Planning Board Minutes June 13, 2016

A meeting of the Planning Board, Town of Yorktown, was held on June 13, 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 Savoca
John Kincart
Anthony Tripodi

Also present were: John Tegeder, Director of Planning; Robyn Steinberg, Town Planner; Tom D'Agostino, Assistant Planner; Michael Quinn, Town Engineer; Anna Georgiou, Planning Board Counsel; Bruce Barber, Town Environmental Consultant; and Councilman Gregory Bernard, Town Board Liaison.

Courtesy of the Floor:

Sharon Kamhi, the developer of the Brookside Village subdivision, was present. Tegeder presented to the Board a rotated positioning of the proposed home on Lot 4. Tegeder stated the subdivision was approved using clustering therefore the Board at the time had varied the setbacks. The Board agreed the change worked better on the lot. Tegeder will write a memo to the Building Inspector.

Announcements: Fon thanked D'Agostino for his one year of service. Fon stated he attended the WMPF Awards Dinner and Parks received an award for our two renovated parks.

Correspondence: The Board reviewed the correspondence.

Minutes:

Upon a motion by Savoca, seconded by Kincart, and with all those present voting aye, the Board approved the May 23, 2016 minutes by the Chair's corrected copy.

REGULAR SESSION

Hilltop Associates

SBL: 37.06-1-25

Request for a First 90-day Time Extension

Location: 450 Hilltop Road

Contact: Albert A. Capellini, Esq.

Description: A 3 lot subdivision approved by Planning Board Resolution #08-02 on January 14, 2008.

Al Capellini, project Attorney, was present. Capellini stated this application has been reapproved several times. The applicant is now in a position to replace the project engineer and move forward. The approval was for preliminary approval of a subdivision. There will still be a final approval required. If the Board recalls, the DEP stated the applicant could only have two building lots. The applicant is now trying to obtain easements to connect to the sewer and therefore be able to go back to the DEP and get approval for the three lots.

Upon a motion by Savoca, seconded by Kincart, and with all those present voting aye, the Board approved a First 90 Day Time Extension for the Hilltop Associates Subdivision.

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322 Kear, LLC (Marathon Development Group) – *Withdrawn by Applicant*

SBL: 37.18-2-51

Decision Statement

Location: 322 Kear Street

Contact: Site Design Consultants

Description: Proposed approximately 13,000 square foot, three-story commercial and residential building with associated parking.

Ianuzzi Re-Subdivision

SBL: 47.15-1-14, 15, 16

Decision Statement

Location: 1189 Baptist Church Road

Contact: Site Design Consultants

Description: Proposed to re-subdivide the existing 3 lots into 4 lots under the Town's Flexibility Standards.

Al Capellini, project attorney, and Joseph Riina, project engineer, were present. Capellini stated he has reviewed the draft resolution and has one comment about submission of the tree permit application and showing of the trees to be removed prior to signature of the plat. Since this is informational for the Board's record, Capellini requested this be put prior to the building permit instead. The applicant would like to file the plat and then work with a surveyor to show the trees. Fon asked if Capellini saw the Town Engineer's memo. Riina stated that he did review the Town Engineer's memo. The memo includes some items he must reply to and some comments he feels do not apply. Quinn stated that Barber stated he did have comments regarding the Stormwater Pollution Prevention Plan (SWPPP) that he wasn't able to put into a memo yet. Quinn would have liked to agree on the approach for the SWPPP before an approval. Savoca asked where Capellini thought the SWPPP submission would fall within the resolution. Capellini stated a revised SWPPP would be submitted prior to signature of the plat. Tegeder stated the Tree Permit should also be prior to signature on the plat. The request was for the general location, size, and species of trees to be removed be shown on the plan. Survey accurate locating and tagging of the trees is not necessary. Capellini stated that if a survey was not required, the applicant had no objection to submitting this prior to signature of the plat. The Board added compliance with Quinn's memo as a condition of the approval.

Upon a motion by Kincart, seconded by Savoca, and with all those present voting aye, the Board 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 pursuant to SEQR.

Upon a motion by Savoca, seconded by Kincart, and with all those present voting aye, the Board approved the Iannuzzi Subdivision and Tree Permit.

Taconic Vet Clinic & Canine Kindergarten

SBL: 36.05-1-18

Decision Statement

Location: 3655 Crompond Road

Contact: MAP Architecture

Description: Proposed new amended resolution to the approved as-built changed to the approved site plan.

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Michael Piccirillo, project architect, was present. Piccirillo reviewed the changes to the site plan. Quinn did have an inspector check the site and it looked like some of the work was still in progress. The Board reviewed Quinn's memo to the Building Inspector.

Upon a motion by Kincart, seconded by Savoca, and with all those present voting aye, the Board approved the minor amendments to the Taconic Veterinary Clinic and Canine Kindergarten site plan approval.

Spark Steakhouse

SBL: 26.18-1-7.29

Public Informational Hearing

Location: 3360 Old Crompond Road (Crompond Crossing)

Contact: MAP Architecture

Description: Proposed, amended site plan for a request for a special permit to allow 274 square foot addition, outdoor dining for 40 seats.

Michael Piccirillo, project architect, was present. Piccirillo stated that the applicant is requesting amendments to the site plan and granting of a special permit for the outdoor seating. The trash enclosure will be enclosed as part of the restaurant for storage. The loading area will be redesignated and the trash enclosure will be relocated to where it was shown on the approved site plan. As part of the amendment, the Board will have to amend the parking requirement as a result of the addition. Kincart asked how many parking spaces would be required for the small addition. Piccirillo stated that it was no more than 2-3 spaces.

Savoca asked Piccirillo to give an overview of the entire application. Piccirillo stated the existing building was built for a restaurant without a tenant. The trash enclosure that was already built with walls, will be covered and added as an addition to the building. The outdoor dining area was already built as part of the original construction. Quinn stated he still has one concern with catch basin #6. The developer called him today and wants to know what to do about it. Quinn stated he needs the developer's engineer to analyze the changes to the stormwater plan and propose a modification. Piccirillo stated that since the catch basin was built incorrectly, it is not catching any runoff. Quinn stated he is still waiting on a sketch to review.

Savoca asked how many seats are inside and outside the restaurant. Piccirillo stated he did not know. Steinberg stated there are 40 seats outside. Piccirillo stated he thought the restaurant was built to seat 150. Tegeder stated a parking analysis should be shown on the plan.

The Board asked if there would be any changes proposed for signage and lighting. Piccirillo stated that he was not aware of any changes to the exterior lighting. Any proposed signage will be submitted later. The existing building has never been occupied.

Renee Falk – 3308 Old Crompond

Falk stated she was concerned with outdoor seating in terms of noise and lighting. Georgiou stated the applicant is before the Board for a special permit for the outdoor seating and there are standards in the code about hours of operation, etc. The Board advised Falk to watch for the notice of public hearing.

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

Brophy, Stephen

SBL: 35.08-1-17

Public Informational Hearing

Location: 3787 Crompond Road

Contact: Site Design Consultants

Description: Proposed to convert existing building into a restaurant with a patio for outdoor seating and required parking.

Joseph Riina, project engineer, and the applicant, Stephen Brophy, were present. Riina stated that Mr. Brophy is proposing to convert an existing used car sales building on Route 202 into a sandwich shop. Brophy will be leasing the site from the property owner. The property owner owns two parcels at this location. The subject site is the lot fronting on Route 202. The existing building is a one-story, 750 square feet, and has a flat roof. Currently the site has parking for vehicles being sold. The rear property has an existing residence and an exterior storage yard for a landscaping business. As proposed, the footprint of the building will not change. There will be some renovation of the interior and façade. There will be counter service and some seating on the inside. A brick patio area is proposed to accommodate outdoor seating. The site plan shows 20 parking spaces where 17 are required based on the floor plan and outdoor seating. The main exit and entrance to the site would be the existing western curb cut. Raised planters are proposed between the parking and patio area. In the future, the applicant is proposing to have an outdoor smoker to be able to cook BBQ type foods. The proposed site plan decreases the amount of impervious surface on the site. The building will be connected to the sewer line in Route 202. The existing water service will continue to be utilized. A propane tank will be underground with filling caps protected by bollards. The second exit is not intended to be used by the restaurant patrons. It is up for discussion whether this curb cut will be left open for access to the rear property or the applicant is not averse to blocking this curb cut with planters.

Fon requested Riina address the rear property, where the property owner has a special permit application later on the agenda. Riina stated a new survey of the property is being prepared and a traffic consultant has been hired to assess the traffic generation.

Savoca asked about the ratio of seating inside to outside. Brophy stated there will be about 15 seats inside and 35 seats outside. The sandwich would be a takeout business. There will be no wait service. The seating is only for those that would like to use it after they receive their food.

Upon a motion by Savoca, seconded by Kincart, the Board closed the Public Informational Hearing.

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

WORK SESSION

Kia Dealership

SBL: 35.08-1-21

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Discussion Special Use Permit

Location: 3805 Crompond Road

Contact: Michael Norton, Esq.

Description: Operation of a new car dealership on accordance with Section 300-71.

Michael Norton, project attorney, and the property owner, Drew Piccone of Crompond Realty, LLC, were present. Norton explained Mr. Piccone would like to reuse the existing site and convert it to a Kia Dealership. The applicant is not proposing to change the building, but will be working with the Kia architects to propose upgrades. Norton stated the Lighting Plan has not been completed yet, but will be provided when the applicant is on the Board's agenda again. Fon asked how the proposed site plan compared to the old site plan. Norton stated that the site plan was unchanged, however there is the remains of a demolished auto body building in the southeast corner of the site. The remains will be completely removed and this area will be used for parking. Norton stated the Town Code requires ten parking spaces for patrons and these are located in front of the building. The site will likely park approximately 80-90 sale cars. Georgiou referenced Town Code Section §300-71, which lists additional standards for the special permit including the maximum building coverage of 20%. Norton stated the building coverage on the site is proposed to be 12.7%. Norton stated the next submission will include additional details. Fon requested the Planning Department inspect the existing site. Fon pointed out landscaping shown on the approved plan from 1989. Aisle with car storage. Ingress and egress on Route 202. Fon asked about the ownership of Garden Lane. Tegeder stated that the portion of Garden Lane adjacent to the site is privately owned to the centerline, by this property owner and the diner property. The rest of Garden Lane is a Town road. The Town will only accept the road if it is brought up to town standard. Tegeder stated the lighting plan is of course required. The site has old security type lighting that does not comply with the Lighting Ordinance. Norton stated Ed Gemmola will be working on the plans and may do the lighting plan as well. Fon requested the applicant submit a summary of changes to the site from the 1989 approved site plan. Georgiou requested the applicant review Town Code Section §300-71, and indicate how the plan complies with each requirement. Norton stated there would be no parking of any vehicles on the north side of Route 202. Savoca asked about access to Garden Lane. Norton, stated only showing existing curb cuts. The Town Code states access should not be on a residential street and he was not sure if Garden Lane was considered a residential street. Fon asked if the applicant would be interested in improving Garden Lane with the new owner of the diner and turning the road over to the town. Norton stated the applicant will discuss improvement of Garden Lane. Tegeder stated that the Sustainable Development Study completed for this area recommends access management therefore the two curb cuts and the use of Garden Lane should be discussed. Norton asked for a meeting with Tegeder this week.

ZBA Referral #31/16 – Countryside Properties

SBL: 35.08-1-17, 18

Location: 3787 Crompond Road

Contact: Fred Sannacandro

Description: This is an application for a special use permit for an Exterior Storage Yard pursuant to Section 300-44 of the Town of Yorktown Zoning Code. This property is located in a C-4 Zoning District.

The Board reviewed a draft memo prepared by the Planning Department. Access to the equipment storage area must be discussed on the Brophy site plan. The Board was satisfied with the draft memo.

ZBA Referral #33/16 – Saccente

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SBL: 26.05-1-48

Location: 3197 Rocky Place

Contact: Michael Saccente

Description: This is an application for a variance to allow an addition that will have a rear yard setback of 39.2' where 45' are required as stated in the decision of the Zoning Board of appeals on May 24, 2001. This Property is in an R1-10 Zoning District.

The Board reviewed a draft memo prepared by the Planning Department. Tegeder showed the Board the as-built plan. The deck already exists and the applicant's want to enclose it. Neighboring property owners, the Zadrozny's, were present and stated the property owner already put in an in-ground pool and patio on the side of the site. The property has also been filled in the rear of the home to make it higher than the surrounding properties. Tegeder stated he will make a site inspection and modify the draft memo if required. Kincart stated a current survey that shows the existing conditions should be required.

ZBA Referral #37/16 - Pervizi

SBL: 16.11-1-60

Location: 3666 Old Yorktown Road

Contact: Carmella Pervizi

Description: This is an application for variances to allow a farm use on a parcel of land that is less than the required 5 acres. This is also an application to allow a farm stand on this property in a section that is zoned C-2. Farm uses are only permitted in R1 zoning Districts. This parcel has 2.44 acres in an R1-20 zoning district and 2.2 acres in a C-2 zoning District.

Tegeder stated his recommendation is that more information is submitted for the application. The plan should show the farm stand, ingress and egress, and a parking area on the property. The extent of the farming operation should also be shown. Georgiou stated the applicant is requesting a use variance to allow the farm uses on the commercial portion of the property. The Board asked the Planning Department to send a memo to the Zoning Board to keep this item open until the Board receives and can review this additional requested information.

Town Board Referral

Proposed Local Law to amend Chapter 124-2(C) of the Code of the Town of Yorktown changing the insurance requirements for obtaining a Blasting and Explosives permit.

The Board agreed there were no planning issues with the proposed amendment.

Town Board Referral

Proposed Local Law to amend Chapter 201-2 of the Code of the Town of Yorktown entitled "Littering," and to include a new Section 201-10 entitled "Recorded Images Violations."

Tripodi stated the Town Board should be concerned with catching the litterer, not the car owner. The Board agreed there were no planning issues with the proposed amendment.

Town Board Referral

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Proposed Local Law to amend Chapter 300-3(B) of the Code of the Town of Yorktown entitled “Zoning: Definitions, Word Usage,” by amending the definition of “Home Occupation.”

The Board agreed there were no planning issues with the proposed amendment.

Town Board Referral

Proposed Local Law to amend Chapter 300-21 and 300-55 of the Code of the Town of Yorktown regarding the approval of private and parochial schools and helistops.

The Board agreed there were no planning issues with the proposed amendment.

Yorktown Highway Garage

SBL: 37.11-1-52

Discussion Site Plan

Location: Greenwood Street

Description: Proposed new highway garage on the town property adjacent to the Hallocks Mill Sewer Plant.

Town Supervisor, Michael Grace, was present. Tegeder described the Greenwood Street site plan for new town highway garage and parks department facilities. Both the former and current Highway Superintendents, as well as the Parks Department, requested a drive-thru accessibility for the new buildings therefore a ring road is proposed around the site. The current highway garage is 1,600-1,700 square feet. The proposed highway garage is approximately 42,000 square feet and would house all the department’s vehicles inside. Grace stated there are no efficiencies in the highway building or parks processes the way they operate now. The proposed buildings are butler style buildings that can be added on to in the future. The Parks Department currently has approximately 5,000 square feet at Downing Park. Fon stated he thought the proposed highway garage building is small. The Town no longer has to treat the stormwater runoff from the compost area because the compost area was removed. Grace stated that a permit has been obtained to connect to the sewer plant. The purpose of the site plan application is to get approval for the project, which will better position the town to apply for grants to fund the project. Grace stated it is difficult to obtain grants for projects that aren’t shovel ready.

Front Street Property

SBL: 37.19-1-7

Discussion Site Plan

Location: 251 Underhill Avenue

Description: Proposed mixed use building and parking on existing highway garage.

Town Supervisor, Michael Grace, was present. Tegeder described the site plan to redevelop the current highway garage site. The issues surrounding this site is the existing highway garage and parking next to the bike path that is not attractive. This corner is the beginning of the industrial area, however there is no transition. The proposal is to keep the more commercial uses at the intersection (Hanover Square, the deli building, and Yorktown Autobody) and then transition to industrial. The site plan aims to connect existing town parks with a linear park. Who owns and operates this park will be up for discussion. There is opportunity for public-private partnership. Grace stated that on the one side, the plan draws Town Hall back into the hamlet. Then on the other side is Railroad Park that has been there for many years, but is underutilized. There would be the possibility of connecting the Patriot Garden

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and Skate Park areas to the linear park with a water feature to handle stormwater for the area. Grace stated he would like to design and have an approved site plan to market the proposed building and hold a request for proposals. The plan may also include the Pines Bridge Monument. About 100 parking spaces available to the public are proposed. Fon suggested shifting Underhill Avenue at the intersection with Commerce and Kear Streets to allow for more space in front of the buildings on the west side of the street.

The Board agreed the proposed site plan would be a great asset for the downtown. The Board looks forward to reviewing the plan with the same details required for all site plans including a landscaping plan, a lighting plan, a stormwater plan, and construction details.

Town Board Referral

Description: A local law to repeal Chapter 270 in its entirety of the Code of that Town of Yorktown entitled “Tees,” and replaced with a new Chapter 270 of the Code of the Town of Yorktown entitled “Tree Ordinance.”

Tegeder stated that there were concerns about the requirements of the current tree ordinance, for example, the requirement that a tree survey be conducted for an entire property regardless of the proposal or size of the property. In addition, it is onerous to survey all trees to be removed. Grace stated that tree mitigation shouldn't just be planting a tree, but planting a tree where it is needed. It would be better if applicants were required to, for example, remove invasives and plant street trees in town rights-of-way where this work is needed. The proposed law charges the Tree Conservation Advisory Committee (TCAC) with putting together a plan of where trees are needed. This priority list could then be used by the Boards when considering mitigation.

Tegeder reviewed his initial comments on the draft ordinance:

- §270-1(B) Is this section needed?
- §270-3 The definition of a Street Tree needs to be modified.
- §270-4(A) A 20 foot buffer is from all property lines, even in the front yard. Is it necessary to have a buffer in the front yard.
- §270-4(D) This section is covered in the wetland chapter.
- §270-5(B) Kincart stated this section should use the term “fewer than,” instead of “less than.”
- §270-5(C) What is the intent for exempting Planning Board approvals? If the Planning Board is the approval authority, why wouldn't they approve a tree permit for the trees coming down? In addition, the term “tree plan” is not defined.
- §270-7(C) Should there be a public hearing if town engineer approval.
- §270-7(D) Is a Public Hearing necessary?
- §270-8(C) This section should site the tree bank section.

Grace requested the Planning Board offer broader comments as well including what the Board thinks should be included in the tree ordinance. Fon stated he always thinks in terms of enforcement. There should be a list of allowed street trees included in the ordinance. Fon requested the Planning Department make a list for the Board to review at the next meeting. Include any conflicts with street trees listed in other sections.

Upon a motion by Kincart, seconded by Fon, and with all those present voting aye, the Board closed the meeting at 9:30 pm.