

Planning Board Minutes August 8, 2016

A meeting of the Planning Board, Town of Yorktown, was held on August 8, 2016, at the Yorktown Town Hall Board Room, 363 Underhill Avenue, Yorktown Heights, NY 10598. The Vice Chairman, John Flynn, opened the meeting at 7:02 pm with the following members present:

John Kincart
Anthony Tripodi
Bill LaScala, Alternate

Also present were: John Tegeder, Director of Planning; Robyn Steinberg, Town Planner; Tom D'Agostino, Assistant Planner; Daniel Pozin, Planning Board Counsel; and Councilman Gregory Bernard, Town Board Liaison.

Correspondence: The Board reviewed correspondence.

Minutes:

Upon a motion by Tripodi, seconded by Kincart, and with all those present voting aye, the Board approved the July 11, 2016 minutes by the Vice Chairman's corrected copy.

REGULAR SESSION

Kitchawan Fire & Rescue Station

SBL: 70.05-1-13

2nd One-Year Time Extension

Location: Kitchawan Road

Contact: Albert A. Capellini, Esq.

Description: An approved 3,100 square foot Kitchawan Fire Rescue Station with two apparatus bays, day room, storage and wash room facilities.

Al Capellini, project attorney, was present. Requesting a 2nd One-Year Time Extension. Capellini explained the building will be constructed, however it will be smaller than originally proposed.

Upon a motion by Kincart, seconded by LaScala, and with all those present voting aye, the Board approved a 2nd One-Year Time Extension for the Kitchawan Fire & Rescue Station.

Hilltop Associates

SBL: 37.06-1-25

2nd 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. The applicant is still transitioning between the original project engineer and the new one. He is also currently seeking an easement from an adjoining property owner to connect to the sewer.

Planning Board Minutes August 8, 2016

Upon a motion by Tripodi, seconded by Kincart, and with all those present voting aye, the Board approved a 2nd 90 Day Time Extension for the Hilltop Associates Preliminary Subdivision Plat.

Faith Bible Church

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

Wetland Permit for Demolition Only

Location: 3448 Sagamore Avenue

Contact: Albert A. Capellini, Esq.

Description: Approved Special Use Permit, Site/Parking Plan, Stormwater Pollution Prevention Plan Permit, Wetland Permit, and Tree Removal Permit for an 8,000 sf, two-story church and parking granted by Resolution #14-08 dated May 5, 2014.

Al Capellini, project attorney, was present. Capellini stated that encompassed within the approval was demolition of buildings. One structure has become dangerous and the applicant would like to remove it before the building permit is issued. Tegeder reminded the Board that they already decided demolition of this building was okay. The full permit has already been approved for all the work. This permit is just for the description of this work since the overall permit is not in place yet.

Upon a motion by Tripodi, seconded by Kincart, and with all those present voting aye, the Board approved a Wetland Permit for Demolition Only for the Faith Bible Church.

Chase (JPMorgan) Bank

SBL: 37.14-2-66

Decision Statement

Location: 1975 Commerce Street

Contact: Gibbons, P.C.

Description: Proposed 4,632 sf bank with one drive-thru lane and one bypass lane, with parking and related site improvements.

Jennifer Porter, project attorney, was present. Porter stated that the applicant reviewed the draft resolution and had no comments. The entire project team is present should the Board have any questions. Flynn asked about Bruce Barber's memo. Tegeder stated there is a condition in the resolution that this memo be complied with to the satisfaction of the Environmental Consultant and ultimately the Planning Board. Tripodi asked if the property has been transferred yet. Porter stated that the sale is contingent on the approval of the site plan.

Upon a motion by Kincart, seconded by Tripodi, and with all those present voting aye, the Board declared Lead Agency.

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

Upon a motion by Kincart, seconded by Tripodi, and with all those present voting aye, the Board approved the Site Plan and Stormwater Pollution Prevention Permit for JPMorgan Chase, N.A.

Fieldstone Manor

SBL: 15.11-1-17

Public Hearing

Planning Board Minutes August 8, 2016

Location: 3680 Lexington Avenue

Contact: Site Design Consultants

Description: A 21-lot cluster subdivision on 22.94 acres in the R1-20 zone that received Preliminary Subdivision Approval by Res #14-02 on February 10, 2014.

Al Capellini, project attorney, and Joseph Riina, project engineer from Site Design Consultants, were present. Capellini described the location of the project and the proposed development. The mansion will be preserved and used for 7 rental units. Between the Preliminary and Final subdivision review, the manor house, historic tower, private roads, and Conservation Easement area were all combined into one lot. The preliminary plan did have approval from the Westchester County Board of Health. The final will have to go back to them with just the mentioned lot change. The applicant has obtained NYS DEC approval. Flynn asked Capellini to explain the recreation needs of the project. Capellini stated that the original school had two softball or baseball fields in the location where three tennis courts, a basketball court, and a parking area are shown on the plan. Flynn asked about the community pool. Capellini stated that the pool will be for the renters in the manor house to use. Tripodi asked what the manor house will be used for. Capellini stated the manor house will be used for a 7 rental units. They are market rate, however the applicant does have to contribute to affordable housing in the town and 2 of these units may be used for that purpose.

Riina more fully described the proposed development. Recreation land and an 80 foot right-of-way are shown to be deeded to the town. Proposed are fourteen single-family individual lots serviced by a private roadway system. The main manor house building will be divided up into the 7 rental apartments. There are two garage buildings shown that may or may not be built for the apartments. The stormwater management plan was approved by the previous Town Engineer. A few lots within the 100 foot wetland buffer required wetland mitigation. Stone piers with wood fencing in between will demarcate the buffer and conservation easement. Stone walls and street trees will border the main private road. The Preliminary approval had the manor house, tower, private roads, and conservation easement on separate parcels. In the final subdivision, all of these items will be on the same lot as the manor house. LaScala asked Riina how large the homes will be. Riina stated they would be approximately 2,000-3,000 square feet. Tripodi asked why the parcels were consolidated for the final approval. Capellini stated that the common ownership makes the property owner of the manor house responsible for all of the pieces. In addition, each of the other lots will have a responsibility to pay into maintaining these features. Flynn asked if maintenance of the tower becomes too expensive, if the homeowners have the right to take it down. Capellini stated there is a positive statement in the Declaration stating that the tower cannot be removed. Flynn asked if there would be recourse for owners to come back to the Planning Board. Capellini stated that the resolution states the Planning Board must approve of any changes to the tower and the Declaration cannot be changed without the Board's approval.

No one from the public came forward.

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

Tegeder requested the Board add a Resolved sentence regarding the subdivision being subject to Chapter 102 Affordable Housing.

Planning Board Minutes August 8, 2016

Upon a motion by LaScala, seconded by Tripodi, Kincart abstained, and with all those present voting in favor, the Board approved a Subdivision, Stormwater Pollution Prevention Plan Permit, Wetland Permit, and Tree Permit for Fieldstone Manor.

Spark Steakhouse

SBL: 26.18-1-7.29

Discussion – Amended Site Plan and Outdoor Seating Special Use Permit

Location: 3360 Old Crompond Road

Contact: MAP Architecture

Description: Proposed outdoor dining area to accommodate 40 seats in an approximately 600 square foot area and an approximately 270 square foot addition to the building.

Michael Piccirillo, project architect, was present. Piccirillo stated there is an existing one-story restaurant located in front of the Crompond Crossing development. The applicant is proposing a steakhouse for 200 people; 160 inside and 40 seasonal seats on the outside deck. The applicant is also proposing to enclose a 270 square foot area for freezers and storage. This necessitated the shifting of the loading area and trash enclosure. There are 44 parking spaces shown on the restaurant parcel and another 39 parking spaces are available through a shared parking agreement with the Best Plumbing parcel. Piccirillo stated the applicant received ABACA approval. There will be no live music, only background music. The restaurant's hours of operation will not go beyond 11 pm on most nights. Cars will be valet parked 7 days a week. There is a valet office provided inside the building.

Tripodi asked about the issue previously discussed regarding Catch Basin #6. Piccirillo stated the original CB #6 was to be in the back of a loading area. It was installed incorrectly approximately 6 inches above grade therefore it did not catch any runoff. The issue will be dealt with by the property owner connecting the basin around the building and it will be an issue at the time of Certificate of Occupancy. Tegeder stated that the latest update is that Deluca's engineer stated CB #5 had enough capacity and CB #6 can be eliminated entirely. Flynn asked if the applicant has addressed all of the building department comments or only those listed in his cover letter. Piccirillo stated that he has addressed all of the Building Inspector's comments.

Tegeder added to the draft resolution that amplified music is prohibited for outdoor dining. Flynn agreed and requested the typical special permit language be added to the resolution.

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

Upon a motion by Kincart, seconded by Tripodi, and with all those present voting in favor, the Board approved an amended site plan adding the provision regarding amplified music and approval of the special permit for outdoor seating for a period of 3 years.

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

WORK SESSION

Brophy, Stephen

SBL: 35.08-1-17

Planning Board Minutes August 8, 2016

Discussion Site Plan

Location: 3787 Crompond Road

Contact: Site Design Consultants

Description: Proposed conversion of existing building into a restaurant with a patio for outdoor seating and associated parking.

Joseph Riina, project engineer from Site Design Consultants, Phil Grealy, traffic consultant, and Stephen Brophy, the applicant, were present. Riina stated a formal survey was completed, a traffic study was performed, and he had submitted a letter addressing all of the comments from the Town Engineer. Simultaneously, the property owner was before the Zoning Board and obtained a Special Use Permit for the storage use on the rear lot. The tax map shows the property as two lots, however the deed describes the property as all one lot. The applicant proposes to convert the front building to a sandwich shop serving mainly breakfast and lunch. The use in the rear of the property is accessed through the same driveway. There will be a few tables inside and some outside on a patio. Eventually the applicant would like to build a smoker behind the building. The patio area is border by raised planters to separate it from the parking. Currently there are two curb cuts on Crompond Road. The eastern curb cut will not be used by patrons; only for deliveries. There will be an underground 1,000 gallon propane tank for the restaurant and smoker. Riina stated the dumpster is accessible for a truck to empty it. Tripodi clarified that Crompond Road is only 2 lanes at this point.

Grealy stated counts were taken in the morning, mid-day, and in the afternoon. The morning and mid-day is the busiest. Traffic can be from 1,700-2,000 vehicles per hour in evening rush hour when the shop is not proposed to be open. There are some gaps in the traffic stream. There is good site distance at this location. Grealy expects 20-25 trips to be generated for this use. Morning most traffic would probably be right in and right out only due to the traffic flow. The signals that are on the rest of the road do provide the gaps. Tegeder asked if the gaps from the east and west coincide ever. Yes, Grealy stated he looked at gaps in both directions and the ability to make left turns.

Riina stated there is no new impervious surface proposed on the site. The building is proposed to be connected to the sewer. The board discussed the existed lighting on the site which was for the used car lot. Riina stated he would investigate changing the lighting in front of property. Flynn noted that breakfast begins at 5-5:30 am and that would be in the dark.

Riina requested the Board schedule a Public Hearing. The applicant will come back to the work session in the beginning of September to discuss the lighting.

Orchard View Realty Subdivision

SBL: 36.06-2-78

Discussion Subdivision

Location: 2425 Sherry Drive

Contact: Zappico, LLC.

Description: Proposed 9-lot subdivision on a 9.2438 acre parcel in a R1-20 zone.

Brian and Brenden Zappi were present. Brian Zappi reviewed the proposed development and the alternative continuing Sherry Drive at the request of the Board. Since the last meeting, soil testing was completed. The stormwater plan was revised to show practices on some of the lots. This reduced the size of the infiltrators under the cul-de-sac. The Conservation Board had comments regarding swales.

Planning Board Minutes August 8, 2016

There will be a few more trees cut down on one of the lots. Runoff travels behind the homes, to a level spreader, and overflow is piped to the existing drainage system in adjacent cul-de-sac. The stormwater plan is currently being reviewed by the NYCDEP. A request is in front of the Board of Legislatures to be added to the Peekskill sewer district. Zappi stated he reached out to the Town Engineer about any additional comments, but did not hear back yet. Tegeder asked if there was still infrastructure in the road. Brian Zappi stated that a Homeowners Association would be formed for maintenance of these structures and the road would remain a private road. Tegeder asked if the size of the cul-de-sac could be reduced. Brian Zappi suggested a planted circle in the center which would also reduce the impervious area, but not change the frontage for each lot. Tegeder stated that as long as the island was designed to accommodate emergency vehicles and fire trucks, it could be an option. Flynn asked about the memo from the Building Inspector regarding the flood zone. Brian Zappi stated the flood zone shown on the plan now is survey located. Tegeder suggested still completing a HEC RAS model to remove the existing house from the flood zone. Brian Zappi stated he was still looking for someone to do that work. Flynn asked why a right-of-way to the adjacent property was shown. Brian Zappi stated the right-of-way was left for access should development occur on the adjacent property and the roads be dedicated to the town in the future. Brian Zappi stated he was proposing to remove the existing cul-de-sac on Sherry Drive. Kincart stated it might be better to leave the existing cul-de-sac so public vehicles could turn around before entering the subdivision. Tegeder asked what the feeling was regarding moving the cul-de-sac further south. Brian Zappi stated he had shortened the road about 50 feet, but it did not change the amount of impervious surface because the driveways were all elongated. Kincart and Tegeder suggested the 60 ft frontage can be varied. The Board should decide if the basin stays with the one lot or give the existing home a smaller lot and let the HOA take care of the larger lot and basin.

Brian Zappi requested a Public Hearing be scheduled and a Negative Declaration be adopted. Tegeder said the Board typically does not close the SEQR record until a decision statement. The Board scheduled a Public Hearing for the Sept 26th meeting.

Triglia & Rezi Subdivision

SBL: 16.17-1-51

Discussion Subdivision

Location: 1415 Christine Road

Contact: Keane Coppelman Gregory Engineers, P.C.

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

Al Capellini, project attorney, and Peter Gregory, project engineer, were present. Capellini stated the developer has agreed to put in a 200 foot long road that is 18 feet wide. The applicant does have a variance for one home without frontage. Gregory explained that he met with the Town Engineer. He was first looking for if the applicant had the right to develop a road in the paper streets. He then spoke with the Highway Superintendent and they requested the 200 feet of road. The road would be cross pitched to a swale on the lower (east) side. A curb only on the west side. Installing a new catch basin and connecting the drainage to it. The current gravel traveled way is about 12-14 feet wide at different points. The road was widened towards the west to be in line with the edge of pavement currently existing. The road could not be widened to the east because the utility poles follow in line with those already on Baker Street.

Planning Board Minutes August 8, 2016

Gregory stated the applicant has met with water department. The development will not be bringing in water mains to Turus Lane. Service connections will be shown on the plan. Sewer and water are on Christine, but there is only sewer on Baker Street. Tegeder confirmed that the applicant will try to locate all the water lines currently in the paper road.

Tegeder stated the small basin shown on Lot 1 has been removed. Gregory stated that since the last meeting with the Town Engineer, the applicant removed the small basin on this lot. This was not originally shown on the approved building plan for the lot.

LaScala asked about the 12 inch pipe to the catch basin. Gregory stated this is the size of the pipe leaving the catch basin. Bernard also noted that the Highway Superintendent said he would modify the pipe if needed because that part is in the town road.

Kincart stated he would rather have easements between the two lots than having an opened swale along the front of the properties. Tegeder suggested a swale to divert the runoff coming from the east around the property. Gregory said he would look into this.

Tegeder stated that in his talks with the Highway Superintendent, he has stated that 18 feet is an adequate roadway width. The Board scheduled a Public Hearing for the Sept 26th meeting.

Crompond Springs fka Crompond Terraces

SBL: 26.18-1-9, 10, 11, 12, 13, 14, 15, 16

Discussion Site Plan

Location: 3258 Old Crompond Road

Contact: Ciarcia Engineering

Description: Proposed multi-family residential development of 110 units on 15.9 acres in an R-3 Zone and 6.7 acres of commercial area in a C-2R Zone.

Dan Ciarcia, project engineer, Roy Baiata, the developer, and Ann Kutter were present. Flynn asked if the developer would run the sewer line if the Costco development does not extend it. Ciarcia stated that the developer would. Ciarcia stated the changes made to the plan since the Board saw it last. One road was removed over the knoll. The commercial development is the same. The residential units have been moved around. C3 units (6 units) are now in pairs with common drives to parking areas under the buildings. There is approximately 32,000 square feet of retail, 45,000 square feet of office shown. Baiata stated the center commercial building could be a hotel.

Tegeder stated that last time the applicant was in front of the Board, more details were requested to evaluate the three-story buildings on the hill. Tegeder stated the A and C units need to look more like the B unit architecturally. The A unit is 2,400 square feet with a double garage. Baiata stated both the residential and commercial are proposed to be condominiums.

Kutter stated the applicant is looking to get positive feedback on the layout to bring back to the investors. Flynn stated he still had the same concerns about the development being laid out like it was on flat land, which this site is not. Ciarcia stated he would choose a pair of C3 units to model and show typical grading. Tegeder stated the Board needed cross sections and then a rendering of the viewshed from Route 202. The Board needs to understand how the series of retaining walls will look. Baiata stated he located the tall buildings on the hill in order for them to see over the shorter building to the proposed pond.

Planning Board Minutes August 8, 2016

Kutter stated that last time the applicant was in front of the Board the plan showed 122 units in 41 building, which is 7.26 units per acre. The current plan shows 110 units in 35 buildings, which is 6.875 units per acre. The Town Board approval was for 96 units at 6 units per acre with flexibility to the Planning Board for additional units. The recreation component is for a building up to 12,000 square feet. The Town Board reserved approval of this building in the end.

Flynn would like to see a plan that fits the topography of the land. Councilman Bernard stated the applicant needed to find out whether a hotel is an allowed use in the C-2R zone. If not it would need a zone change. Tegeder requested turning radii for maneuvering cars in the underground parking lots.

Village Traditions – *Withdrawn by Applicant*

SBL: 15.16-1-32

Discussion Site Plan

Location: 1821 East Main Street

Contact: Tim Mallon

Description: Proposed amendment to the site plan approved by resolution #10-12, dated July 12, 2010.

Saccente (Alfus Subdivision)

SBL: 26.05-1-38

ZBA Referral

Location: 3197 Rocky Place

Description: This is an application for a variance in an R1-10 Zoning District 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 and to allow a wall & fence in the side & rear yards with a maximum height of 10'9" where the maximum height permitted is 4'5" in the side & 6.5' in the rear, as per 300-13 of the Town Zoning Code.

No one was present. Tegeder stated the applicant was asked to show how the approved drainage system still works. The architect will return to another meeting.

Upon a motion by Kincart, seconded by LaScala, and with all those present voting aye, the Board closed the meeting at 9:45 pm.