

Planning Board Minutes November 7, 2016

A meeting of the Planning Board, Town of Yorktown, was held on November 7, 2016, at the Yorktown Community & Cultural Center, 1974 Commerce Street, Yorktown Heights, NY 10598. The Chair, Richard Fon, opened the meeting at 7:00 pm with the following members present:

John Flynn
John Savoca
John Kincart
Anthony Tripodi
William Lascala, Alternate

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: The Board reviewed the correspondence.

Minutes:

Upon a motion by Tripodi, seconded by Savoca, and all those present voting in favor, the August 8, 2016 minutes were approved per the chair's corrected copy.

WORK SESSION

Hearthstone Minor Subdivision

SBL: 17.18-1-8

Discussion Subdivision

Location: 3138 Hearthstone Street

Contact: John Annicelli, Esq.

Description: Proposed 2-lot subdivision on 1 acre in the R1-20 zone.

John Annicelli, project attorney; and the applicant George Vignogna, were present. Annicelli told the Board there is a 20 foot easement that runs through the front lots to the subject property. There is a water line on Homestead. There is a sewer line already on Homestead Street and homeowner laterals extend partway up the paper road. The applicant proposes a single sewer line to a manhole on the property, then 4 inch lines to the two new proposed homes. Annicelli did not discuss whether the extension line would be public or private. The other two homes on the paper road are already tied into the sewer. The Board is concerned with creating new lots on an unimproved road. Georgiou stated the documents submitted do not indicate the location or width of the 20 foot easement. Annicelli stated the easement is prescriptive. Savoca suggested creating the 20 foot easement over the common driveway the properties are all using. Annicelli said the applicant could do this. The Board would agree with an improved road and a maintenance agreement. Tegeder suggested to prepare for additional connections to utilities from the other lots that could be subdivided. The subdivision will require variances for not having road frontage on an improved town road. The applicant will work on these details and return to the Board.

Pied Piper Preschool Addition

SBL: 37.14-2-8

Discussion Amended Site Plan

Location: 2090 Crompond Road

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Contact: Site Design Consultants

Description: Proposed approximately 13,000 square foot addition to the existing 3,618 square foot preschool on 0.68 acres in the R1-10 zone.

Joseph Riina, project engineer, and the applicant, Kathy Dineen, were present. Riina stated the last time this applicant was before the Board it was preliminarily as a referral. It was determined the Board would have site plan approval authority. The Zoning Board is adjourned until the site plan review is complete. Dineen stated the agreement with the church is for all 66 parking spaces on the church lot. Adding students shouldn't change the parking. Vehicles enter on the outsides of the site and exit between the school and church with right turns only. 24 students come by school bus. Kincart suggested the church entrance be shown on the plan. The Board would like to make a site visit. Narrative of use, number of employees, number of students, etc. should be provided by the applicant. The applicant stated the existing building is 3,618.5 square feet, the proposed total building size is 17,640 square feet; and therefore the proposed addition is over 14,000 square feet. The zoning table on the plan should include all the square footages. Drop-off is between 6:45 am – 9 am. Dismissal is all afternoon. The school closes at 6 pm. The Board wants to see a neighborhood view of street to see how the proposed building will fit into neighborhood. The Board stated the increase in students would be adding more traffic to the line up to Baldwin Road. The applicant should perform a traffic analysis looking at traffic in both directions at peak hours. Tegeder suggested the applicant use the counts from the Triangle intersection and Baldwin Road that Costco already counted. The Board scheduled a Public Informational Hearing for the December 5th meeting provided the applicant resubmits revised plans.

Town Board Referral – Mohegan Auto & Tire Center, Inc.

SBL: 15.12-2-8

Discussion Zone Change

Location: 1530 East Main Street

Contact: Site Design Consultants

Description: Requesting a zone change from R1-20 to Transitional Zone to accommodate the existing auto service and gas station and proposed used car sales.

Joseph Riina, project engineer, and the property owner were present. The Town Board adjourned the public hearing last Tuesday to allow more time. Tegeder summarized the Board's site visit. The proposed welcome to Shrub Oak sign seems disconnected from the site. The proposed canopy will not have any signage. There are additional signage banners on the rear of the building now. A 6 ft tall wrought-iron fence with shrubs in between every 12 feet is proposed along Route 6. The Town Board wants whatever shrubs that are used to be the same height as the fence. The used car sales is not currently permitted on the site. Currently one lot is in the transitional zone. The applicant requests both properties be in the transitional zone. Flynn stated that approving this non-conforming use in a transitional zone goes against the planning sense of eliminating non-conforming uses over time. Kincart thought it is unlikely the gas station lot would ever revert to a residential property. The property owner stated the gas and auto service both close at 8 pm.

Barber stated there is a NYSDEC Class I wetland mapped on the site. It may not be considered a DEC wetland. It would however be a town wetland. The site has one discharge for the stormwater and this would be a good area for mitigation. Barber recommended the Town ensure all spills are closed and get the spill closure numbers. The property owner stated that he stayed out of the swale when removing vegetation. Tegeder stated that what is missing is the natural vegetation that is on Route 6 in Shrub Oak.

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The board asked the property owner his vision for the car sales. He stated he can use the second lot to either fill with cars to fix or fill with cars to be sold without stickers, flags, etc. All sales are advertised online. Tegeder recommended screening the cars from both Route 6 and Main Street. There will be no signage or color banding on the proposed canopy. Georgiou suggested the Board look at the gas station special permit section as a guide for their recommendations to the Town Board. The Town Board Public Hearing resumes on November 15th. The Planning Department will draft a memo with the Boards comments which were:

- No signage on the vehicles. Indicate number of cars.
- Bring the welcome to Shrub Oak sign closer to the entrance of the site and add station identity.
- No autobody repairs.
- Canopy should not have signs or colors.
- Two signs instead of three. Sign okay facing Route 6.
- Solid screening up to 6 ft high on Route 6 side.
- Landscaping towards residences.

Town Board Referral - George Pavan

SBL: 37.19-2-22, 23, 24

Discussion Wetland Permit Application

Location: 1875 Brookdale Street

Contact: Site Design Consultants

Description: Proposed single-family residence on 0.96 acres in the R1-10 zone.

Joseph Riina, project engineer, and Al Capellini, project attorney, were present. The Town Highway Superintendent, Dave Paganelli, was also present. Capellini stated the application is for a wetlands permit on three tax lots. One residence is proposed. The wetlands have been delineated and a wetland mitigation area is proposed. Capellini, stated the Highway Superintendent is concerned about the drainage on Brookdale Street that has caused icing issues. Paganelli stated the swale needs to be shaped up and whether a culvert needs to go under the driveway needs to be determined. Riina stated that the homes to the rear all have drains towards this property. There is a swale proposed that will go to a level spreader that will diffuse out into the wetlands.

Barber stated that the proposed mitigation is planting of trees and shrubs; a mix of 145 are proposed. This will cost approximately \$125,000 to install, plus bonding, and maintenance. Barber has another idea. The infiltrators are not necessary. The mitigation is not mitigating the function of the buffer and will be difficult to maintain. An alternative plan could be to improve the swale (channel stabilizing structure) to a deep sump. This would reduce phosphorus and sediment into Junior Lake. The highway department would have to maintain the deep sump in the future.

The Board had no objection to the house and will yield to the Highway Superintendent regarding drainage and road icing issues. The applicant will be back in front of the Town Board on November 15th. A memo will be sent by the Planning Department.

Lowe's Home Center

SBL: 26.18-1-17, 18, 19, and 26.18-1-1 & 28

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Discussion Site Plan and Subdivision

Location: 3200 Old Crompond Road

Contact: Provident Design Engineering

Description: Proposed Lowe's with two restaurant buildings and a bank building on the former approved Costco Wholesale Club site.

Tom Holmes and Nick Panayotou from Provident Design Engineering; Al Capellini project attorney; Phil Grealy, Maser Consulting; Bob Rosenberg from Breslin Realty; and Beth Evans from Evans Associates were present. Holmes stated that since the last meeting the applicant submitted a subdivision application, proposed subdivision plan, and responded to the Conservation Board.

Lighting and pedestrian connectivity were main issues brought up at the last meeting. Lighting was concerning the out parcels and the ATM lighting. The lighting plan was not revised. Instead notes were added to the plan which state that when tenants are known, the applicant will come back with more details. The same will be true for the architecture. The applicant will return to ABACA when tenants are known. Phil Grealy spoke regarding identifying crosswalks between the out parcels and parking areas, including the bank. He recommended the applicant use epoxy or thermoplastic to indicate crosswalks so they are more visible and durable. Tegeder asked if the shared parking area is delineated anywhere. The applicant stated the envisioned shared parking area was not delineated. Tegeder requested it be indicated on the plan.

Holmes addressed the proposed tree mitigation. Based on a meeting with staff, the thoughts for off-site mitigation were to find an area within Sylvan Glen that has been over-browsed, deer fence it in, and allow it to reforest. In addition, replanting street trees along Underhill Avenue could be included. Beth Evan stated from preliminary review, a maximum of 22 trees along Underhill Avenue could be planted. In Sylvan Glen, some invasive species removal could be proposed and then an exclusion fence installed to allow the area to naturally regenerate. There would be a proposal and final approval by the Planning Board. Planning will set a schedule and meet with the applicant at Sylvan Glen.

Panayotou reviewed the status of the stormwater and testing. In July, his engineering firm tested on their own and the testing was positive. He made certain assumptions as a result of that testing and put the infiltration area where shown. Unfortunately, when the testing was performed and witnessed by the NYC DEP and the town, the test area had hard pan too close to the surface. Additional testing is now proposed further to the south.

The proposed subdivision would divide the buildings into separate lots and leave the wetland and stormwater also as a separate lot. The Board was concerned with the applicant selling any of the lots separately from the rest. The Board indicated it is undesired that the lots be split, in particular the lot with the stormwater infrastructure. Rosenberg stated the property owner is requesting the subdivision because sometimes potential tenants prefer to own their own property and he does not want to be precluded from marketing the site to these types of tenants that may be beneficial to have in Yorktown. Fon stated that the Board preferred sale of the separate lots be restricted. Counsel will review and determine the method to restrict such sales. Fon stated that if the applicant did want to pursue a tenant that preferred to purchase their property, the applicant could come back to the Board then.

Barber stated that because of the subdivision, the construction sequencing should include all the infrastructure in the beginning. Steinberg requested the applicant submit a subdivision plan that includes

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metes and bounds. At the last meeting, the Board scheduled a Public Hearing for the amended site plan and subdivision applications for the November 21st meeting. Fon asked the applicant if they were ready to move ahead with the hearing. The applicant indicated that they were ready to have the public hearing.

Upon a motion by Tripodi, seconded by Savoca, and with all those present voting aye, the Board voted to close the meeting at 9:30 pm.