

## Planning Board Minutes January 25, 2016

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A meeting of the Planning Board, Town of Yorktown, was held on January 25, 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

Also present were: John Tegeder, Director of Planning; Robyn Steinberg, Town Planner; Tom D'Agostino, Assistant Planner; Anna Georgiou, Planning Board Counsel; John Winter, the Building Inspector, and Bruce Barber, the Town's Environmental Consultant.

### **Correspondence:**

The Planning Board agreed to revise the meeting schedule for September and November to avoid conflicts with election activity in the Town Board Room. The Planning Department will re-notice the schedule in the Yorktown News.

### **Minutes:**

Board members submitted their comments on the December 21, 2015 minutes, however there was not a quorum to take a vote.

## **WORK SESSION**

### **Staples Plaza**

**SBL: 36.06-2-76**

#### **Discussion Master Sign Plan**

Location: 3333 Crompond Road

Contact: Norman DiChiara Architects

Description: Discussion of the revised master sign plan for the shopping center.

Paul Tepfer, project architect from Norman DiChiara Architects, was present. The Board discussed the increase in the sign field area for the proposed Urgent Care sign. The proposed sign exceeds the original length and width the Planning Board had originally reviewed. The Board decided to leave the original sign field and make an exception for the 5 ft x 5 ft bandaid logo. The applicant should revise the Master Sign Plan to reflect the proposed Urgent Care sign in the original sign field.

### **Marathon Development Group**

**SBL: 37.18-2-51**

#### **Discussion Site Plan**

Location: 322 Kear Sreet

Contact: Al Capellini, Esq.

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

Al Capellini, project attorney, Joseph Riina, project engineer from Site Design Consultants, Ed Vogel and Vincent Mellusi, project architects from Warschauer Mellusi Warschauer Architects, and the applicant Mark Beida, were present. Capellini stated the applicant would like to go to the Zoning Board of Appeals to request the variance for a 5 foot front yard setback where 15 feet is required by the zone. The building was moved forward in order to have the driveway circle the site, which the

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Board felt made the site work better. At the last meeting, the Board had discussed a potential loading issue with loading occurring in the street. Vogel stated the loading areas are on the side of the building in the fire zone and adjacent to the trash enclosure. In addition, a loading space was added to the rear of the building. Capellini stated that restriping Kear Street to accommodate the on-street parking could also be done. The Board was in favor of a positive recommendation to the Zoning Board.

### **Triglia & Rezi**

**SBL: 16.17-1-51**

#### **Discussion Subdivision**

Location: 1415 Christine Road

Contact: Al Capellini, Esq.

Description: Proposed to subdivide 1.145 acre parcel to create one (1) new additional lot to construct a single family dwellings.

Al Capellini, project attorney, Peter Gregory, project engineer from Keane Coppelman Gregory Engineers, and property owner Rocco Triglia, were present. A stormwater pollution prevention plan was submitted. A 5 foot road widening strip was added to the front of the property. A proposed drainage system is shown on the plan, which connects to an existing catch basin that runs toward Town owned property further north on Christine. Savoca asked about the neighbors complaints of runoff. Gregory stated that the topography does not direct runoff in this direction. Fon asked who plowed the road this weekend. Triglia stated he was at the property today and Baker was plowed to the end, but he did not know who had plowed it. Tegeder presented the Board with a plat for the property off Turus from 1947 and stated that this property is in common ownership. The owner has already applied for a building permit for one house and could possibly get 4-5 more homes. The Board should look at the paper roadway network planned on the plat and whether it should remain all in private ownership or if the roadway network should be built as planned.

Barber had two questions about the proposed stormwater management. The proposed basins are shallow yet are directly behind the homes, which may infringe on the enjoyment of the backyards by the homeowners. Gregory stated that he didn't push the basins back further because he wanted to preserve the wooded area in the rear of the lots. Tegeder stated that he recommends the basins move back at least enough space for an adequate back yard. Barber also stated that the applicant is proposing to connect to the existing catch basin with 8 inch pipes. When on a town road, the minimum required would be a 15 inch drainage pipe.

Fon stated that the Board should meet in the field with the applicant, staff, and the Highway Superintendent, the Water Superintendent, and invite the residents to discuss and decide how to proceed with the roads. Staff will schedule a meeting on a Saturday and notify the applicant. February 6<sup>th</sup> at 10 am is the tentative meeting.

Tegeder requested Gregory expand the map to show the other adjacent properties. Also, the widening strip may not have to be the full 5 feet on the applicant's side of the road depending on where the centerline is located.

### **JCPC Holdings, LLC**

**SBL: 48.07-2-2**

#### **Discussion Site Plan**

Location: Front Street

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Contact: Ciarcia Engineering

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

Dan Ciarcia, project engineer, and the applicants, John and Patty Cerbone, were present. The pipe in question at the last meeting was found to be blocked with rocks and electrical plastic. The applicant does not know where the pipe goes beyond this point without digging. The line was probably severed when the industrial subdivision on Front Street was completed. Kincart asked Barber about the off-site wetland mitigation. Barber stated that the wetland boundary shown was confirmed to be correct. In accordance with the Town Wetland Ordinance, the applicant should try to work on avoidance prior to proposing to fill the wetland. Barber and Steve Marino, the applicant's environmental consultant, have discussed off-site mitigation. The area near the UPS parcel that was discussed at the last meeting is located at the bottom of an 86 acre watershed that includes the project site. However, creating mitigation there may be more of a project for East of Hudson than the applicant because review and approval would take much more time than this Board's review process. A NYSDEC approval could take a few years. Barber suggested another location for off-site mitigation at an area behind Town Hall might be another option. Wetland mitigation should be designed to perform the same function as the wetland being filled. There may be an area behind Town Hall that could provide simple storage like the project site. Flynn asked the applicant about not needing all the proposed parking shown. Cerbone stated that he did not need the spaces however they were proposed to have breathing room on the site. Fon asked Barber the quality of the existing wetland. Barber stated it's only function may be storing ground water that impounds on the site. There is no habitat or recreational value. Tegeder suggested compacting the proposed development closer to Front Street instead of locating the basin in between the parking and the street. Ciarcia stated that the basin is positioned to treat the onsite runoff. Ciarcia stated that the UPS site would do more for water quality. The site behind Town Hall would provide more square footage. Fon suggested the applicant could post a bond instead of waiting for the off-site mitigation approval to be complete. Tegeder asked what the balance of cut & fill on the site is and suggested moving the basin to the point of the property and put the driveway further to the south. The Board stated they are in favor of off-site mitigation. The Board scheduled a Public Informational Hearing for the February 8<sup>th</sup> meeting.

### **Envirogreen Associates**

**SBL: 15.16-1-30 & 31**

#### **Discussion Site Plan**

Location: 1833, 1851, 1867, 1875 East Main Street

Contact: Site Design Consultants

Description: A redevelopment project proposing two new retail buildings of 10,000 and 6,000 sf with associated parking.

Al Capellini, project attorney, and Joseph Riina, project engineer, were present. Riina presented the revised site plan. The proposed buildings are aligned with pedestrian crossings between them. The loading zones behind the two buildings were narrowed and provide one-way traffic in the easterly direction only. Site entrances from Route 6 previously proposed on the far east and far west of the site have been removed. The cross-section for the streetscape was modified to be similar to what was required in front of the Lake Mohegan Motors site; a 2 foot grass strip, a 6 foot sidewalk (5 foot was required at Mohegan Motors), and a 4 foot grass/tree/landscape area. Riina stated that if the Board is comfortable with the plan, the applicant would like to go to the NYSDEC and see what their comments will be on the plan. Capellini stated the applicant would also like to approach the Town Board with a

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formal discussion of off-site mitigation and the Ardizzone property. Barber stated that the site is a NYSDEC Type II wetland which means there needs to be a public need for the applicant to fill a wetland. Tegeder requested the applicant revise the Full EAF to match the revised plan and then the Planning Department will make the referral out to all interested and involved agencies.

### **Bonsignore-Ryder**

**SBL: 36.05-2-57**

#### **Discussoion Subdivision**

Location: 2483 Hunterbrook Road

Contact: Site Design Consultants

Description: Subdivide existing 3.422 acre lot with an existing 2-story dwelling into 3-lots.

Al Capellini, project attorney, Joseph Riina, project engineer, and the applicant, Brian Bonsignore, were present. The NYCDEP determined the features on the site do not qualify as a watercourse, therefore the applicant modified the plan as Barber had suggested and moved the proposed home down the hill into the wetland buffer. If the Board likes this plan the applicant will work on the wetland mitigation plan. Kincart brought up the two driveways at the corner and questioned if the lot within the subdivision have a turnaround and not exit at the corner. The retaining wall behind Lot 1 is 4 feet tall. Another tier could be added to limit the extent of the grading. The Public Hearing on this project was adjourned at the Board's November 9<sup>th</sup> meeting. The Board decided to continue this Hearing at the February 8<sup>th</sup> meeting.

### **Local Law Draft – Section 300**

#### **Town Board Referral**

Description: The Local Law for the addition of a new subsection 6 under 300-21(C)(13)(A). This is on pages 46 and 47 of Section 300 of the Town Code.

Tegeder stated the proposed code addition is as a result of a company being interested in reusing the old Verizon building on Route 202 to assemble theater lighting and related products. The manufacturing of the parts would be done at the company's location in Peekskill. The assembly would be done on this site. The Board suggested three text edits to the proposed language; (1) change the first word from "The" to "A", (2) change the word "automaton" to "automated", and (3) add commas after the phrases "as well as" and "mechanical parts". Flynn questioned if the town is okay with this operation in a C-4 zone, why does the proposed code limit the use to an existing building, which seems very specific. Town Building Inspector, John Winter, stated he wanted to avoid expanding the manufacturing zone into the C zones. By allowing this use only in an existing building it would prohibit the construction of new manufacturing buildings. The use could be a special permit, but then would the generic special permit section be followed or would a new special permit section for this use be created. The required parking will remain 4 spaces/1,000 SF, following the C-4 zone. The Board recommended looking into making a special permit for this type of use in the future.

### **Proposed Sign at Canine Kindergarten**

Steinberg presented to the Board the proposed sign for the Taconic Vet/Canine Kindergarten site. The Board did not object to the sign location however, the light pole must be replaced therefore either the sign or the light pole will have to be moved. In addition, the sign does not have to be made taller to

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avoid blocking site distance at the site exit because the sign is located a significant distance from the road. Planning will send a memo to the Building Inspector.

### **Joint Town Board, Planning Board, Recreation Commission meeting**

Councilman Greg Bernard stated the Town Board would like to have a joint meeting with the Planning Board and Recreation Commission so ensure that all three boards are working towards a common goal in regards to new recreation facilities in Town. The Catucci project is an example, where we might want to fix or improve existing properties, instead of building a new one. It might make more sense for the applicant to build the pickle ball courts at Holland Sporting Club, for example, instead. The possible dates for the joint meeting are February 24<sup>th</sup>, March 2<sup>nd</sup>, March 3<sup>rd</sup>, or March 9<sup>th</sup>. Tegeder will send an email to the Planning Board asking which of these dates is best.

**Upon a motion by Kincart, seconded by Flynn, and with all those present voting aye, the Board voted to close the meeting at 9:15 pm.**