

## **Planning Board Minutes February 22, 2016**

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A meeting of the Planning Board, Town of Yorktown, was held on February 22, 2016, at the Yorktown Community & Cultural Center, 1974 Commerce Street, Yorktown Heights, NY 10598. The Chair, Richard Fon, opened the meeting at 7:05 pm with the following members present:

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, Town Building Inspector, and Councilman Gregory Bernard, Town Board Liaison.

Fon noted that tomorrow night the Town Board will hear a presentation from the Chamber of Commerce regarding an idea to make Commerce Street a one-way street from the Triangle intersection to the Yorktown Firehouse.

### **Minutes:**

**Upon a motion by John Kincart, seconded by John Savoca, and with all those present voting aye, the Board approved the February 8, 2016 minutes per the chair's corrected copy.**

### **SPECIAL SESSION**

**Upon a motion by John Kincart, seconded by John Savoca, and with all those present voting aye, the Board voted to open a Special Session.**

#### **Arrowhead Subdivision**

**SBL: 48.13-1-6**

#### **Request 1st 90-day Time Extension**

Location: 809 Underhill Avenue

Contact: Al Capellini, Esq.

Description: An approved 5-lot subdivision requesting their first 90-day time extension which expired on February 2nd, 2016.

Al Capellini, project attorney, was present. Capellini stated the Town Assessor had an issue with the lot numbering on the Phase II plat to be filed and the applicant had to go back to the surveyor. The revisions were just approved by the creditor. The creditor should sign this by the end of the week and then the applicant can file the plat. The last reapproval has expired, therefore the applicant is requesting a 90 day time extension to be able to file the plat.

**Upon a motion by John Savoca, and seconded by John Kincart, and with all those present voting aye, the Board approved a 1st 90 Day Time Extension for the Arrowhead Subdivision.**

**Upon a motion by John Kincart, and seconded by John Savoca, and with all those present voting aye, the Board voted to close the Special Session.**

### **WORK SESSION**

#### **Crompond Terraces**

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

#### **Discussion Site Plan**

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Location: 3258 Old Crompond Road

Contact: Ciarcia Engineers

Description: Proposed mixed use development on 23.61 acres in the R-3 and C-2R zones.

Dan Ciarcia, project engineer from Ciarcia Engineers; Ann Cutignola from Tim Miller Associates; Ann Kutter from Red Tape Rescuers; and Phil Greal, from Maser Consulting; were present. Kutter stated the Town Board adopted a Negative Declaration and approved the rezoning on December 22, 2015. The Board then approved a local law adopting the change to the zoning map on January 18, 2016. The rezoning is effective as of January 27, 2016. Kutter stated an application has not yet been submitted to the Planning Board. The applicant would like to discuss a few changes to the plan with the Board. Kutter explained these changes. The C type units were moved to the outside of the horseshoe road to take advantage of the view of the pond. The B units were moved to the inside of the horseshoe road. The B units are only one story. The applicant wants to provide a driveway/parking area under the C buildings, which will increase the amount of parking available to those units by approximately three times the amount of parking that could otherwise be provided in front of the units. There was half of an A building removed to allow for the driveway to leave the C units on the north side. The connection to Crompond Crossing is shown. Kutter pointed out the rest of the amenities shown on the layout plan. This included the recreation buildings, pool, tennis or pickle ball courts, walking trails, etc. including a walking trail possibly to the state property. The zoning allows for the building height to be a maximum of 40 feet. The three-story proposed building would be 37 feet tall. The large plan Kutter presented showed 122 units. The plan in the Planning Board's books shows 121 units. Both are a significant increase from the 80 units originally proposed in front of the Town Board. All units are proposed to be condo ownership. Kutter handed out building renderings and floor plans for each type of building. Kincart asked how the void created by the driveway under the C units would look and if the proposal was to create a backyard for these units which would necessitate another retaining wall behind the units. Ciarcia stated the details needed to be worked out. The driveway under may or may not work. Kincart stated he did not prefer the three-story units on the west side of the site. Kutter stated all the properties that were rezoned are included in the site plan. The 80 unit plan was proposed to the Town Board, however the resolution allows a density of 6 units per acre and includes a provision that the Planning Board may adjust the maximum use intensity upon finding that there are no significant adverse environmental impacts associated with the increase. Fon requested profiles and more details to be able to consider the proposed project. The three-story units will have elevators. Ciarcia stated the recreational use will have to be discussed. The building will be a maximum of 12,000 SF in size and the Town Board reserved final approval of the recreation components. The Board agreed the pedestrian paths should be included. A computer model of the proposed plan would be very useful. The design of the driveway under the C units is important. Kutter stated the applicant has thought of decking the void so residents can walk from the front to the back of the homes. Tegeder suggested a cross-section would be helpful to show the Board how the unit will work with the grades.

### **Triglia & Rezi Subdivision**

**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 dwelling.

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Al Capellini, project attorney; Peter Gregory, project engineer from Kean Copplemen Gregory Engineers, PC; and property owner, Rocco Triglia, were present. Fon read an email received from the Water Superintendent, David Rambo, dated February 22, 2016 and an email from D'Agostino, which summarized the site visit the Board made with staff and homeowners on February 6, 2016. Fon asked the applicant why the water line was installed without approval. Triglia stated he did install a water line that is not connected to the house and stated he did have a permit. Tegeder requested from Rambo why the water line was not to code. Councilman Bernard stated that a water meter pit is needed at the street before the line is connected. Kincart stated this discussion is indicative of a water main needing to be installed down the street to avoid the spaghetti lines. Kincart asked at what point the Board can give the applicant direction. Capellini asked for a public hearing. Fon stated there are too many questions on the project to having a public hearing. Fon summarized the process that has transpired thus far beginning with the applicant have a meeting with Tegeder about a subdivision, then obtaining a building permit for one house, and now requesting a subdivision. Tegeder stated that if a road is not built, the applicant must obtain another variance from the Zoning Board. Tegeder stressed the impacts of both lots must be considered in order not to segment the review of the environmental impacts of the development. The larger question is regarding the town improved road. If the road is not improved, variances will be needed for every future lot in this neighborhood, which undermines the planning for this area. Triglia stated the water lines for both lots are proposed to come from the water main in Christine Road. The laterals will come across the rear yards so this doesn't affect Baker. Triglia stated his engineer has responded to all the town's requests and comments. Kincart stated the issue is that Triglia is requesting the creation of one more lot on a substandard road. There are sewer lines located in both Christine and Baker. Gregory stated the existing subdivision in the rear on Turus can access the sewer and water mains by using the Priest Lane right-of-way. Kincart asked for a letter from the highway superintendent on what he will require. Kincart asked if the Zoning Board had referred the variance on the first lot. The Planning Board did comment on that variance however the question was only on one lot not two. Kincart and Fon agreed that they would not be in favor of recommending approval of another variance for the second lot. Capellini asked the Board to confirm that the applicant is being asked to improve the road to town standards or if the standards can be varied to keep with the rural nature of the neighborhood. Varying from town standards would be a decision of the Highway Superintendent. Fon suggested a district be made of the neighborhood to pay for the roadway improvements. This way the entire neighborhood would contribute to the cost. Savoca stated the applicant either does not get a second lot or shows the town road for the required frontage. Triglia stated he has been in front of the Board for 7 months and his engineer has been working on the plan and someone should have stated the town road was required from the beginning. The applicant must examine whether he will propose a road built to town standards for the frontage of the second lot or he can choose to make an alternate proposal. Kincart stated the Town Board can direct the Town Highway Superintendent to plow the road right now in its current condition, but that will not happen. Triglia can propose an improvement that is less than town standards and if the Planning Board thinks the proposal is reasonable, it can be sent to the Highway Superintendent and Town Board to determine if they will accept the maintenance of the road in that condition.

### **Orchard View Realty Subdivision**

**SBL: 36.06-2-78**

#### **Discussion Subdivision**

Location: 2425 Sherry Drive

Contact: Zappico Construction, LLC

Description: Proposal is to subdivide a 9.2438 acres parcel in a R1-20 zone into 9 lots.

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Brian and Brandon Zappi of ZappiCo Real Estate Development were present. Kincart stated the proposed detention facility is a concern because the town has never taken over a private infiltration system under a town road. The failure of such a system could potentially harm surrounding homes as well. The Board requested the applicant investigate putting the drainage into one of the existing basins or create a new one. The configuration of the road should also be reviewed so the Board can review and decide on the best layout. Brandon Zappi stated continuing Sherry Drive causes a lot more wetland disturbance. Other alternatives were looked at and can be submitted to the Board. Brian Zappi did not think the bottom of the cul-de-sac could drain to the existing basin on the site. Tegeder suggested the road be shortened, then the lots at the end could have common driveways instead. The Board may recommend variances instead of the full required frontage. This may bring the cul-de-sac high enough to drain into the existing basin. Brian Zappi stated the continued road would also require a bridge which includes a lot more maintenance. The Board decided to make site walks separately. Steinberg will coordinate the members meeting with Zappi. Tegeder stated that if the existing 12-foot wide driveway is made into a town road, the right-of-way does not have to be built all the way to the east. Kincart questioned what the down side of the extra 50 foot right-of-way would be. Tegeder stated the maintenance of an unimproved road would be the town's responsibility. A better access to the basin for maintenance would be beneficial. Councilman Bernard suggested the new infiltration technology may also be better than an open basin. Fon agreed the Board would look at everything proposed. Tegeder asked about the movement of the flood line away from the proposed residences. Brian Zappi stated the original flood line he showed was not the FEMA line, but the Westchester County flood line. The FEMA line is shown now. John Winter would like to have a FEMA flood map amendment if the line is incorrect. The Board scheduled a Public Informational Meeting for the March 14<sup>th</sup> meeting.

### **Bonsignore Subdivision**

**SBL: 36.05-2-57**

#### **Discussion 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.

Joseph Riina, project engineer from Site Design Consultants; Al Capellini project attorney; Bruce Donahue and the applicants Brian Bonsignore, were present. Donahue prepared the revised mitigation plan and presented it to the Conservation Board last week. The main intent of the mitigation plan is the removal of invasive species. The method to be used is to cut the stems and swab them with Rodeo, the water version of RoundUp by a certified applicator, after all plants to be removed are identified by Donahue. Donahue can then come back to the site to inspect that all plants to be removed have been. The most effective time to do the removal is in the Fall. If the removal is first done in the Spring, then it can be done again in the Fall. If the removal does not happen until the Fall, then it can be done again the next Fall. This will be done for two full growing seasons. The site is currently tree covered. The clearing will leave tall trees with no transition area to the yard. The intent of the proposed planting is to provide the transition to the woodland edge and give this type of growth a head start. Donahue stated the Conservation Board had commented on the proposed plants being too small. The use of small plants is intentional. The plants are supplied by a company that grows plants to live in wetland conditions. The smaller the plant, the quicker it will adapt to its new conditions. Tegeder stated he spoke to Bruce Barber, the Town's environmental consultant, today. Barber looked at the plan briefly and thought it was along the lines he had previously discussed with Donahue. Barber will submit a

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memo reviewing the plan. The Zoning Board's meeting on the variance needed for the existing home is this Thursday. The Planning Department will prepare a draft resolution for the March 14<sup>th</sup> meeting.

### **Marathon Development Group**

**SBL: 37.18-2-51**

#### **Discussion Site Plan**

Location: 322 Kear Street

Contact: Site Design Consultants

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

Al Capellini, project attorney; Joseph Riina, project engineer from Site Design Consultants; Ed Vogel, project architect from Warshauer Mellusi Warshauer; and the applicant, Mark Beida, were present. Riina stated the applicant is before the Zoning Board on Thursday for the front yard variance. Riina presented the revised plan showing the land banking of one parking space to allow a pedestrian connection to the property to the north. Based on the 12 apartment units requiring 2.2 parking spaces or 26.4 spaces, and the 2,673 SF commercial space requiring 4 spaces/1,000 square feet, or 11 parking spaces, a total of 37 parking spaces are required. The request is to reduce the parking by 25% to 28 parking spaces and 28 are shown on the site plan. Georgiou stated the Board's prior discussion was the source their discretion for reducing the parking. The Board reviewed a memo from staff dated December 21, 2015 that had discussed the parking code. Tegeder stated the most common the Board typically uses is §300-182(H) that allows a 25% reduction in parking on non-residential development. This proposal meets at least 3 of the 5 provisions that need to be met for this section, however Georgiou is less comfortable with this section because the project is a combination of residential and commercial uses. Tegeder stated there is another section of code §300-182(C): Joint Use, which under subsection (2) allows for the elimination of the construction of a portion of the required parking and allows for the joint use of parking spaces by two or more establishments on the same lot provide the Board finds the number of spaces to be provided will substantially meet the intent of the requirements by reason of variation in the probably time of maximum use of each use. Georgiou pointed the Board to subsection (3), which requires appropriate covenants be filed with the County that tie the parking reduction to the joint use. The applicant would have to come back to the Board if the joint use was changed. Tegeder stated the joint uses had commonly only been used for joint commercial uses. The C-2R zone is the first zone that has mixed uses. Kincart stated the code should be revised then to take that into account because it seems to be unclear and only speak to commercial joint uses. Georgiou stated that Section 300-182(C)(2) does not include a provision stating it cannot be applied to a residential zone. Tegeder stated the third method the Board can use to reduce required parking spaces is through the use of conservation spaces, however the plan would need to show all 37 spaces on the site. This site does not have enough area therefore that section would not apply. Georgiou stated that if the Board's discretion is exercised, the resolution will have to clearly state their determination and reasoning for the parking reduction.

Riina stated the rear door was added to the commercial space. Curb to curb, Kear Street is 30 feet wide. The double yellow line is centered on this width. Therefore, the line can be moved over to allow 8 feet for the parking on the north side and still have two decent sized travel lanes. Steinberg suggested adding striping for the parallel parking spaces to define the travel lanes and parking zones. Fon read Flynn's email suggesting the closing of Kear Street to the west of the dentist's office. Kincart stated the customers of Brookside Plaza would not be pleased with this proposal. Traffic would probably use the Brookside Plaza lot to turn around. Tegeder stated there would have to be a way for cars to turn

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around on the road. The main concern on Kear Street is making the street safe. The Board requested the applicant show moving the double yellow line and painting the lines for the parallel parking spaces.

### **Chase Bank - 1975 Commerce**

**SBL: 37.14-2-66**

#### **Discussion Site Plan**

Location: 1975 Commerce Street

Contact: Gibbons, P.C.

Description: Proposed to erect a freestanding +/- 4320 sf bank with one drive-thru lane and one bypass lane, with onsite parking and related site improvements.

Jennifer Porter, project attorney from Gibbons, P.C.; Mike DeWitt, project engineer; Keith Imbruglia, Chase project management consultant; Chris Cesca, vice president and senior market director of real estate for Chase; and Tom Moffatt, vice president and market director of construction for Chase; were present. The proposal is for a new bank building in place of the existing Chinese restaurant building, which would be demolished. The other two Chase properties are leased and will be closed. Tegeder stated the drive-up window is very close to the exit. This leaves little space for those cars to get into the right exit lane or the passby cars to get into the left exit lane. The dedicated tree in the front of the site will be preserved. The proposed building does not require any variances. Kincart requested seeing an area map of all the adjacent driveways on both sides of the street. The Board was concerned about left turns out of the entrance drive. The plan shows a decrease in impervious surface of 3,000 SF. Tegeder stated the project is in a NYCDEP Main Street area. The runoff must still be treated. Councilman Bernard was concerned about the two curb cuts on Commerce Street. A traffic analysis should be added to the EAF. Georgiou asked the applicant to confirm any other approvals needed besides this Board. NYCDEP is listed as the only Involved Agency. The drive-up is an ATM only. There is no teller window, therefore moving the ATM back from the exit should not be an issue. Fon summarized the main issues with the plan: stormwater, traffic, lighting, ABACA, and the streetscape. The applicant will be aiming to submit for the March work session in anticipation of holding a Public Informational Hearing in April.

**Upon a motion by Kincart, seconded by Savoca, and with all those present voting aye, the Board voted to close the meeting at 9:45 pm.**