

Planning Board Minutes April 25, 2016

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

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

Minutes:

There was not a quorum of the Board to review and approve the last meeting's minutes therefore the April 11, 2016 minutes were held over to the next meeting.

WORK SESSION

PEG Realty Corporation

SBL: 16.08-1-2

Discussion Approved Site Plan

Location: 3699 Hill Boulevard

Contact: Architectural Visions, PLLC

Description: Proposed 2-Lot subdivision and 11,600 SF one-story commercial building.

Martin Stejskal from Architectural Visions was present. Stejskal stated that the property owner is concerned about getting large tractor-trailers around the building. The curb will be relocated as shown on the plan and the catch basin shown will be changed to a flat top basin. Flynn asked if there was any open space required on the site. Tegeder stated there is no open space required on a commercial site plan. The Planning Board agreed the requested change is minor. The Planning Department will write a memo accepting the change.

Little Sorrento's

SBL: 36.05-1-15

Discussion Outdoor Seating

Location: 3565 Crompond Road

Contact: Gina DiPaterio

Description: Proposed 20 seat patio measuring approximately 300 square feet.

Paul and Gina DiPaterio, the applicants, and Mark Saidel, the property owner, were present. The applicant is removing an existing planted area and making it into an outdoor seating area. Twenty seats are proposed. The brick wall surrounding the patio will be fixed and a fence added on top. Flynn asked if there is an impact on the parking. Tegeder stated that typically people move outside to sit and therefore the inside seating is not filled, so the outdoor seating does not usually add a significant parking demand. Tegeder stated the Planning Department will write a memo on the site parking and draft a resolution for the next meeting. Flynn suggested the length of the special permit be for a longer time period initially than the Board usually approves. Typically the Board approves a special permit initially for just one year, then it is renewed at three to five year periods, with a five year maximum allowed. Tegeder stated that this gives the Board the opportunity to reevaluate the special permit in case there are any issues. DiPaterio stated the hours of the outdoor seating would be the same as the restaurant. The restaurant closes at 10:00 pm.

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Chase (JPMorgan) Bank

SBL: 37.14-2-66

Discussion Traffic Study

Location: 1975 Commerce Street

Contact: Gibbons, P.C.

Description: Proposed demolition of existing restaurant and construction of an approximately 4,320 sf bank with one drive-thru lane and one bypass lane, with on site parking and related site improvements.

Jennifer Porter, project attorney; Matthew DeWitt, project engineer; Marc Petrero, traffic consultant; and Chris Cesca, VP and Sr. Market Director of Real Estate for Chase. Petrero summarized the traffic study that he had presented at the Public Hearing. The study found the weekday peak hour was between 5:00 – 6:00 pm and the weekend peak hour was 12:15 – 1:15 pm. Fon asked why Petrero thought that traffic volumes were decreasing. Petrero stated that the decrease is across the county and not necessarily focused in Yorktown or this particular area. Tegeder asked Petrero how his analysis handled the existing banks that will be vacated. Petrero stated he had started to look at other uses for the building for example, if the bank in front of CVS was changed to a Dunkin Donuts, however that would become a separate study for that new use. Instead the study does not take credit for closing the other two banks. The existing traffic counts at both bank locations were left in the study. The No Build condition includes a reoccupied restaurant using ITE (Institute of Transportation Engineers) recommended counts for that use, which is more intense than the current restaurant. Tegeder asked what the difference would be if counts for the existing restaurant were used. Petrero stated the existing restaurant on Saturday Peak generated 19 exiting, 26 entering and in the PM Peak Hour generated were 12 exiting, 15 entering. Tegeder asked if the report incorporated Costco's data for the Triangle intersection and number of thru trips in the peak hours. Petrero stated that he did not use Costco's full intersection data. The report only includes Costco's generated volumes. Projected volumes were created by looking at the existing banks and which direction customers exited from those sites. Tegeder asked Petrero to confirm that there was no change in the level of service (LOS) at both intersections near the site and asked if there was any slippage in delay. Petrero stated that both intersections remain at LOS C. The Weekday PM Peak had a 0.01 second increase at the Triangle intersection while the delay at the Veterans Road intersection remained the same. During the Saturday peak hour again there was a 0.01 second increase, while the delay at the Veterans Road intersection remained the same. Flynn asked how pedestrians and truck traffic were estimated in the report Petrero stated a computer program analyzes pedestrian and truck traffic based on percentages. Fon asked if Quinn was able to review the report. Quinn stated that his major concern was with left turns exiting the bank. Quinn recommended the applicant perform a gap analysis to determine the ability for cars to make left turn maneuvers from the proposed site exits. The exit only egress is very close to the traffic light and left turns may be impossible because cars will be stacked from intersection. Savoca stated he can't believe the peak traffic counts in the report. Commerce Street is bumper to bumper grid-lock on Saturdays, especially during soccer season. Sometimes traffic even blocks vehicles from Veterans Road from moving. Petrero stated that a lot of the people that would be frequenting the bank are already on the road, or could easily get around town making right turns if they were not able to make a left turn. Quinn stated that a LOS C is not ideal and the fraction of a second change is still a C, but may not be okay. Quinn requested the applicant further explain the use of a 1% increase in traffic was used in the report. Petrero stated his firm is using the 1% increase in traffic analyses across the county to be conservative since the NYS DOT reported traffic volumes decreasing. Quinn suggested the applicant perform additional traffic counts at times the Planning Board has mentioned as a concerned. In addition, the gap analysis may provide the Board more information regarding left turns out of the site. Flynn asked if the bank received truck deliveries. Cesca stated deliveries were by armoured car.

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Quinn asked if the applicant had tried to develop a plan that would avoid the ATM lighting spilling over the property line. If the ATM is to remain as proposed, screening could be added to prevent the lighting from spilling over the property line. DeWitt stated the state requires 5 foot candles for 5 foot radius from the ATM and 2 foot candles for a 50 foot radius. Flynn stated the impact is to a brick wall and that the Wells-Fargo bank up the road has the same condition. The Board agreed the ATM lighting was not a concern. The applicant will shield the lighting on this side of the building.

Quinn stated he and Barber have some technical questions regarding the stormwater plan and see opportunities for green infrastructure to be incorporated on the site. They would like to meet to resolve this questions before submitting a memo to the Board.

Porter stated the applicant would address the comments from this Board, ABACA, and the Town Engineer and will plan to make a revised submission for May 23rd work session.

JCPC Holdings, LLC

SBL: 48.07-2-2

Discussion Site Plan

Location: 1560 Front Street

Contact: Ciarcia Engineering, P.C.

Description: Proposed 5,000 sf building for an engine building shop.

Al Capellini, attorney, and John and Patty Cerbone, property owners, were present. Capellini stated he was present to represent Dan Ciarcia, the project engineer, who could not attend the meeting. Fon stated the Board has been waiting for more details for the proposed site plan and off-site wetland mitigation. Tegeder stated he thought the Board had agreed in concept to the mitigation, but a more detailed plan is required. The Board is also waiting for a landscape plan, a lighting plan, and a stormwater plan. Barber reviewed the three off-site wetland mitigation options that he had outlined at the public hearing. Tegeder stated that in his opinion, the applicant should complete the forebay and the wetland grading and plantings as their mitigation at this time and not set money aside for a future project that may or may not happen. Barber was concerned the mitigation was still a concept plan and that the applicant's consultant, Steve Marino, should ensure the proposed mitigation will fit into a larger plan later. East of Hudson and several other Front Street properties may want to contribute to this mitigation area. Councilman Bernard questioned why the Board was still discussing the mitigation after several meetings on the topic. Tegeder stated the Board still needs a plan that is ready for construction, which means a plan including the proposed grading, planting specifications, etc. and this has not been submitted. Quinn agreed that the applicant has submitted a conceptual plan, but no details. Quinn referenced the Planning Department's memo listing the items that are required and that he would prefer to have these items submitted before a resolution is considered by the Board; then the decision is not conditioned upon the completion of plans that may potentially change the approval. Capellini questioned why the resolution could not be subject to the acceptance of a mitigation plan. Tegeder stated the mitigation plan is only one of the items that still must be submitted. Barber stated the critical path will be with the NYCDEP. There has been some testing, but no stormwater plan submitted. The Town and NYCDEP must issue stormwater permits.

Councilman Bernard stated the Town should not be looking to an applicant to design a wetland mitigation plan for a larger area. The Board members agreed with option 1, which is completing the wetland mitigation now, but needs the actual mitigation plan, not a concept plan. It was clarified that the Board is not asking the applicant to design a master plan.

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Cerbone asked what a four-season maintenance plan is. Steinberg stated the four-season maintenance plan is a table on the landscape plan that indicates what site maintenance is to be performed in each of the four seasons of the year. Nancy in our office can give provide an example.

The applicant will meet with staff and try to complete the remaining items to be submitted (as documented) before the next meeting.

Marathon Development Group – 322 Kear Street

SBL: 37.18-2-51

Discussion Site Plan

Location: 322 Kear Street

Contact: Site Design Consultants

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

Al Capellini, project attorney, Joseph Riina, project engineer, Ed Vogel, project architect, and the applicant, Mark Beida, were present. Capellini stated that at the last Zoning Board of Appeals (ZBA) meeting held on March 24th the ZBA, before voting on the application for a front yard setback variance, wanted Georgiou (as counsel for the ZBA) to prepare a resolution. The ZBA did take a poll at their March 24th meeting, and all four members present stated they would vote in favor of the requested variance and requested that counsel prepare a resolution to that effect for consideration at the April 28th ZBA meeting. Riina reviewed the Planning Department's memo and stated the applicant is very close to being ready to submit all the items listed. The stormwater plan is almost complete. The testing is complete. Riina stated that he can't make an application to the NYCDEP until a SEQR determination is made by the Planning Board. The only item that will not be complete is the landscape plan, which is still a concept plan. The applicant is waiting for the photometric lighting plan to be sent back by the vendor.

Flynn asked about the Planning Department's comment regarding the architectural drawings. Tegeder stated the comment simply requests the applicant resubmit a complete revised set of drawings since only one of the three pages was revised and submitted separately.

D'Agostino asked about the suggestion to move the double-yellow line on Kear Street. The applicant agreed to do this work. The Planning Department will contact the Highway Superintendent.

Beida asked if the Planning Board can make the SEQR determination before the resolution is approved. Tegeder stated yes, provided all the necessary information has been received.

Triglia & Rezi

SBL: 16.17-1-51

Discussion Subdivision

Location: 1415 Christine Road

Contact: Albert A. Capellini, Esq.

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

Al Capellini, project attorney, Peter Gregory, project engineer, and Rocco Triglia, the applicant, were present. Gregory stated that the width of the road on Baker Street is limited due to the utility poles and existing trees. Savoca stated he thought the Board agreed that improving Christine is not preferred. There is no land for additional houses to be built on Christine. Baker Street just had trees that needed to be

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removed. Flynn agreed that improving Christine does not improve the transportation grid for the area. No one is debating about the improvement of the catch basin on the corner. Gregory asked about the size of the pipe at this location. The pipe is 12 inches now. Barber stated the Town Code requires 15 inch pipe. The Town would improve the pipe in the Town right-of-way. Fon stated it makes more sense to pave Baker to serve the two new homes. There would not be much grading needed at all. Gregory stated the restriction is the utility poles offset too much into the right-of-way. The road could be cross-pitched to direct drainage to the new structures. Flynn stated that even if no further homes were built in the area, an improved road on Baker would serve more existing homes and be useful for snow removal. Savoca asked about the neighbor's water line down Baker Street with meter pit at the corner. Tegeder stated the Board needs to discuss the width and length of the road. Barber stated that stormwater also needs to be included in an easement so any new lines stay within the easement. Tegeder stated his opinion and recommendation to the Board is minimum of 18 feet wide road be required in order for the town to take over and maintain it. The Board is authorized to vary from the town standard, but he thought a 12 foot road was a significant request. The Board wants the road paved for 200 feet; to the corner of Turus Lane. Fon stated that recently he heard there was an ambulance that tried to go on Turus and could not reach the house. The person had to be carried to the ambulance.

Capellini stated, "There have been three 280-a variances granted by the Zoning Board of Appeals in this neighborhood in the last 5 years for no frontage on a town road. There were no objections from town agencies each time. The determination has already been made that these roads are adequate for health, safety, and welfare." Fon stated this Board is in agreement that improvements need to be made. Triglia stated he is not pleased with the 200 feet of road proposed by the Board. Triglia felt 80 linear feet of road should be required, which he believes is the Town Code requirement for the one lot.

Fon stated the Board must receive complete drawings with details to review and refer for recommendations from staff. Instead, we are constantly trying to help people along without all the correct information and we are not getting anywhere. The Board requested the applicant show an 18 foot wide road for 200 feet on Baker Street for the Board to evaluate. Gregory stated that any improvements will be on the west side of the street because of the utilities poles. The applicant will contact Quinn regarding the driveway access. Councilman Bernard suggested the applicant also submit a cost estimate.

Hearthstone Minor Subdivision

SBL: 17.18-1-8

Discussion Subdivision

Location: 3138 Hearthstone Street

Contact: 16 Lake Road, Inc.

Description: Proposed 2 lot subdivision on 1.0 acres in the R1-20 Zone.

John Annicelli, project engineer and attorney, and the applicant were present. The subdivision plan is for two new homes on a lot without frontage on a town road. The subject lot is one of several created by a subdivision plat filed in 1939 entitled, "Section No. 1 Cording Heights." This plat intended these lots to have frontage on Hearthstone Road, which was never built. Annicelli stated the two new lots would be accessed through an existing common driveway. The applicant has the right to use the common driveway as shown in the submitted deed. One lot could also be accessed through another common traveled way on the west of the site. Steinberg stated the applicant needs to submit proof of right to access the lot through the second common driveway because the deed submitted only grants access to the southern common driveway. Annicelli stated the second access was shown as an option and is not necessary. Separate sewer and water connections to are proposed. The applicant has obtained a 280-a variance from the Zoning

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Board of Appeals for the existing lot. After meeting with Tegeder, the applicant decided to submit a subdivision application to split the lot before building any homes. The board tentatively scheduled a site visit for May 7th at 10 am.

Spark Steakhouse

SBL: 26.18-1-7

Discussion Site Plan

Location: 3360 Old Crompond Road (Crompond Crossing)

Contact: MAP Architecture

Description: Applicant is proposing additional outdoor and rooftop seating at an approved restaurant building.

Michael Piccirillo, project architect. Piccirillo stated the applicant would like to propose an addition on the east side of the building. The revised plan shows the relocation of the trash enclosure and loading area. The 2nd floor addition will instead be a future project. Only a staircase will be built and capped off. Piccirillo stated that the 2nd floor requires a second means of egress, therefore another stair must be added later in another application. Piccirillo explained how catch basin CB6 was built. Staff had a meeting on site with the property owner. Tegeder stated that the result of the site visit was that the property owner has to have an engineer analyze the original design and the existing conditions to certify that the system can function as intended. Otherwise a solution must be proposed. The Board can move ahead with the review of this site plan pending the outcome of the drainage in the applicant's favor. Planning will send comments to Piccirillo.

Courtesy of Floor – Taconic Vet Hospital

Piccirillo requested to speak to the Board regarding the Taconic Vet Hospital/Canine Kindergarten site plan currently under construction. Several changes were made during construction: 1) The previous owner installed the existing mechanical equipment shown on west side of the building on the ground. The Building Inspector required economizers be added to the units to make them more efficient. This also makes them larger. The existing three units are behind the fence. An additional unit was added at the end of the sidewalk outside the fence. 2) The pad for the freezer on east side of the building needs to be larger to accommodate the medical gas containers. 3) The applicant is requesting the parking islands be reduced in size to accommodate the medical gas delivery trucks. Tegeder stated the truck turning radii should be shown on the plan. The mechanical units are probably not an issue, however the islands are more difficult. Tegeder stated the applicant should obtain a certificate of occupancy and then come back to the Board and request the changes to the parking islands. At that time, staff will review the proposal and bring it to the Board if a site plan amendment is necessary.

Upon a motion by Flynn, seconded by Savoca, and with all those present voting in favor, the Board voted to enter into an advice of counsel session with the Board's attorney.

Upon a motion by Savoca, seconded by Flynn, and with all those present voting in favor, the Board voted to close the advice of counsel session.

Upon a motion by Savoca, seconded by Flynn, and with all those present voting aye, the Board voted to close the meeting at 10:00 pm.