

Planning Board Meeting Minutes – March 25, 2024

A meeting of the Town of Yorktown Planning Board was held on Monday, March 25, 2024, at 7:00 p.m. in the Town Hall Boardroom.

Chairman Rich Fon called the meeting to order at 7:00 p.m. with the following Board members present:

Aaron Bock
Rob Garrigan
Bill Lascala
Bob Phelan
Bob Waterhouse, Alternate

Also present were:

John Tegeder, Director of Planning
Robyn Steinberg, Town Planner
Ian Richey, Assistant Planner
Nancy Calicchia, Secretary
David Chen, Esq.
Councilman Sergio Esposito, Town Board Liaison
Councilman Patrick Murphy, Town Board Liaison

Correspondence

Chairman Fon noted correspondence received from resident Susan Siegel with respect to Underhill Farm.

John Tegeder informed the Board that the meeting packet contained the latest Toll Brothers project submission for the Board to review and provide comments, if any, pursuant to the Planning Board’s memo for the Town Board. Mr. Bock asked about the timing for their response. Mr. Tegeder responded that the application will return to the Planning Board for the next meeting, and soon thereafter it will return to the Town Board. Mr. Bock stated that he would like some clarification on the split zone versus the rezone with respect to the earlier approved project and what is now proposed.

Motion to Approve Meeting Minutes of March 11, 2024

Upon a motion by Bill Lascala, and seconded by Rob Garrigan, and with all those present voting “aye”, the Board approved the meeting minutes of March 11, 2024.

Motion to open Regular Session

Upon a motion by Chairman Fon, and with all those present voting “aye”, the Board opened the Regular Session.

REGULAR SESSION

Village Traditions

Discussion: Request for Reapproval
Location: 15.16-1-32; 1821 East Main Street
Contact: William Bottiglieri
Description: Approved site plan by Resolutions #18-05 dated May 21, 2018 and #21-08 dated May 10, 2021.
Comments:

William Bottiglieri and Randy Castaldo, were present. Mr. Bottiglieri stated that they are the new property owners and are requesting a reapproval of the approved site plan. Chairman Fon asked if anything has changed. Mr. Tegeder stated that since the request is for a reapproval, he recommended taking a look at the SEQRA record to ensure that there are no differences from what was reviewed at the time of approval but noted that this could be done at the next reapproval. Mr. Bottiglieri responded that they are not planning on building for at least a year and had no issues. Chairman Fon advised the applicant to reach out to the Planning Department with any questions. The Board had no issues with the reapproval.

Upon a motion by Bill Lascala, and seconded by Rob Garrigan, and with all those present voting “aye”, the Board approved the request for reapproval for the Village Traditions site plan.

Grishaj Major Subdivision

Discussion: Public Hearing
Location: 16.17-2-77; 3319 Stony Street
Contact: Site Design Consultants
Description: Proposed to subdivide an 8.07-acre parcel in the R1-20 zone into 10 single-family residential lots and 1 conservation lot by extending High Point Drive and connecting to South Shelley Street.

Comments:

Upon a motion by Aaron Bock, and seconded by Rob Garrigan, and with all those present voting “aye”, the Board opened the Public Hearing. Joseph Riina, P.E. of Site Design Consultants; and Steve Marino, Wetlands Scientist of Tim Miller Associates were present. Mr. Riina stated that the property is an 8-acre parcel that fronts mainly on Stony Street and is zoned R1-20. In addition to the frontage on Stony Street, there are other town right-of-ways which end in the property or against the property. To the south is Shelley Drive, to the west is High Point Drive, and along the northern edge of the property runs Scofield Road (which is not a 50-ft right-of-way) and abutting Scofield is Sunny Court. The site was formerly improved with a residence and barn that has now been demolished. There is a local wetland on the property which they are affecting but is proposed to be mitigated. The proposal is to create 10 single-family lots. The entry point onto the project will be the extension of High Point Drive and Shelley Street. There will be two access points to the project and will terminate in the cul-de-sac at the east side of the property near Stony Street. The wetland area in the northwest corner of the property is proposed to remain on a separate parcel as a conservation parcel as shown on the plan. The project will be served by public sewer and water. They are proposing to extend the water from both Shelley Street and High Point Drive out to Stony Street eliminating two existing dead-ends and creating a loop system. They have designed to mitigate stormwater increases up to the 100-year storm. The main roadway drainage will be carried to two infiltrator systems located in the northeast corner of the property by Stony Street; each property is proposed to have a combination of a rain garden and infiltrator system for the individual run-off from each home and driveways. The right-of-way at Scofield has become an eroded channel; water from the area concentrates there and has eroded the channel along the whole edge of the property. They discussed this with the Town Engineer and are proposing to do some stabilization and install some stone checkdams to slow the water down before it gets to Stony Street. Mr. Phelan asked who owned Scofield Road and if the improvement for the road needed permission from the property owner or the Board. Mr. Riina responded that he thought it was town owned but noted that it is not part of this property. Mr. Riina added that in lieu of providing on-site recreation, the applicant is proposing to make a payment to the recreation fund if the Board agrees.

Mr. Marino stated that the wetlands on the property are predominantly on the western side mostly in the northwest corner. There is a little over 3-acres of wetlands on the 8-acre site. It is proposed to fill about 11,000SF of the wetland in order to access the road from High Point to the proposed cul-de-sac; a 2 to 1 mitigation ratio (about 22,000SF) is proposed. The remainder of the wetland on site will remain within the 2.4 acre conservation parcel as shown on the plans. The wetland on site was created from drainage flow from the south from Shelley Street where the existing residences are. With the development of the lots in that neighborhood and installation of sewers and stormdrains on the southern property line that wetland has begun to dry out and has marginalized the functionality of the wetland they are proposing to impact. They have submitted reports during the project review process. Barton & Loguidice (B&L), the town's outside environmental consultant, also reviewed their recent submission and submitted a report. They have identified over 500 trees on the property; a number of those trees are invasives and non-native species. They are proposing to remove 253 trees from their last count; 222 protected trees will remain on site. The plan was revised to preserve some of the larger trees. 57 new trees are proposed to be planted as part of their landscape and mitigation plan. Based on calculations from B&L and the Tree Commission they are proposing to pay between \$27,000 and \$29,000 to the Tree Bank fund for mitigation. Mr. Tegeder asked about the function of the existing wetlands. Mr. Marino explained that the existing wetlands are not much different than the existing woodlands except that they are a bit wetter as there is sheetflow coming from the south across the site that creates wetter surface soil conditions in that part of the property. There is enough of a difference in vegetation and soil type that identified it as a wetland and was flagged a few years back; B&L confirmed this during their site walk. Mr. Tegeder asked if they were planning on any mitigation practices in the wetland area. Mr. Marino responded that there is an invasive species management plan. In addition to the plantings and creation of a new wetland there will also be the removal of invasive species as part of the overall proposal. Mr. Tegeder asked if they are proposing to plant anything in the removed area. Mr. Marino responded that the number

of invasive trees in the existing wetlands area is relatively low. Black locusts is generally what they have most on this site and this typically doesn't grow in wetlands; the black locusts are outside the wetland. The honeysuckle, shrubs, barberry and phragmites will be cleared out; there is no plan for replanting in the wetland as the density of non-native species in the wetlands is relatively low. Mr. Tegeder thought that this could be an area for mitigation for the wetland and also tree removal. Mr. Garrigan asked about the existing watercourse on the perimeter of the property. Mr. Marino responded that it was a drainage channel that was created by stormflow over the years that is connected to the two catch basins on High Point. Mr. Marino added that the site water will flow to the stormwater management system.

Chairman Fon asked the public if there were any comments. Public comments as follows:

1. Robert Buchanan, 3318 South Shelley Street – Mr. Buchanan noted that he submitted an email with photos and a video to the Board from his property overlooking what appears to be lot 7,8 and 9 that shows water flowing down and collecting in large pools at the bottom of the slope when there are significant rainfalls. He is not sure if the waterflow has been addressed in any of the studies. He noticed that the initial plan was done in November but may have been updated. The land is soggy in the spring. Almost two thirds of the trees will be removed which will be a significant change for the neighbors surrounding this property that will now be replaced with a lot of noise and activity. They will no longer have their view of the trees and he also feels that it will affect the wildlife. He is concerned about the traffic with the extension of Shelley Street onto High Point. He knows there was discussion with the Fire Department about the length of the extension and noted that Audra Court is longer than the High Point extension and doesn't have fire access and questioned why they need one off Shelley Street.
2. Joe Castelli, 1306 Lydia Court – Mr. Castelli stated that he is adjacent to the proposed property on the northwest corner. He agrees with his neighbor's comments with respect to what they see in terms of water and run-off especially in the spring. His property is slightly higher than the proposed project. When the weather is wet, he gets weeping in his garage from the ground. He is concerned about the water as the proposed project slopes down lower than his property. Will the water back up to his property and make his minor water problems worse? He is concerned about the amount of trees affected. He is also concerned about the traffic flow and feels that anyone entering or leaving the property will most likely use Judy Road to Shelly Street. He questioned some items on the EAF and asked about the Lead Agency status.

Chairman Fon stated that the Planning Board is the Lead Agency. He informed the applicant that the Town hired an outside environmental consultant to review the project and is why the project has not been before the Board in quite a while. He stated that the meeting this evening is a public hearing in order to hear public comments. Once the hearing is closed, the Board will start working with the applicant during their work sessions.

Mr. Castelli asked if the town verifies the developer's environmental assessment. Chairman Fon again stated that the Town hired an outside environmental consultant to review the plans. Mr. Castelli stated that it was mentioned that there was a house and barn on the property and questioned if there was any concern with respect to the soil. Mr. Tegeder stated that there was a house and barn on the property and it was a farm many years ago. The trees have matured over several decades. Mr. Castelli stated that he understands development and this project is creating a nice, secluded out of the way neighborhood but in doing so he feels that they are disturbing at least two existing neighborhoods and the layout will now be changed.

3. Annmarie Mcallister, 1355 High Point Drive – Ms. Mcallister is the original home owner (24 years) located at the end of High Point Drive that abutts this property. She noted that she has had her fair share of water issues as well and installed french drains around her property. Her home is lower than Shelly Street and she always has water flowing from the neighborhood above them. All of the water that comes onto her property will then drain onto this property. She noted that when she bought her home, that land was wet and feels its not much different. She asked if High Point Drive was to be widened. Mr. Tegeder responded that the cul-de-sac will be removed and it will become a straight road. Ms. Mccallister asked what would happen with their front property. Mr. Tegeder stated that it would become their lawn.
4. Tim Sullivan, 1313 Lydia Court – Mr. Sullivan stated that he objects to the road design for this project specifically the egress proposed to tap off at Shelley Street. He feels it creates a through street on a dead-end road which also intersects the cul-de-sac at Lydia Court. He is concerned about the traffic and their quality of life. They were told that the second egress was required for safety concerns but noted that there is a development, Audra Court, with just as many houses. The requirements have changed since then, if the second egress is needed, he respectfully requests that the subdivision be re-designed so that the second egress comes off of Stoney Street or Sunny Ridge so as not to impact their neighborhood.

There were no other public comments. Chairman Fon stated that the homes in the area were built about 25 years ago and asked Mr. Riina to explain the stormwater regulations that are required today as to what was required back then. Mr. Riina explained that since then the state's stormwater regulations and standards have been revised at least 4 times, each time with new innovation and more practical methods of dealing with stormwater. The rainfall amounts have increased to be more consistent with the amount of rainfall. They are designing to a much higher standard than what was done in the year 2000 or before that. They are still designing up to the 100-year storm, however, the storm has changed; the volume and rate is much greater and this is all factored into their design. Chairman Fon noted that this seems to be the wettest year and asked about the property over the years. Mr. Riina stated that because of erosion and channelization, the water has been picked up and routed around the site; discussion followed with respect to the flow. Chairman Fon noted that some residents were concerned with water on their property and thought that if they now have a point source directing the water it would have a positive impact uphill. Mr. Riina stated that everything is flowing from west to east toward Stoney Street. All the adjoining properties are higher than this site and won't be impacted by run-off from this project. The run-off from those properties will impact this project which they will intercept and deal with on their site and within their stormwater system.

Chairman Fon asked Mr. Tegeder if the plans were routed to the appropriate agencies and Tegeder responded that they were. Chairman Fon stated that it seemed like it was anticipated years ago for this to be built out. Mr. Tegeder responded that this was the case. Mr. Phelan stated that was the case and added that he was on the Planning Board when Sunny Ridge was approved; the intent was to provide access for possible future connections. Mr. Tegeder noted that there is also the issue of the length of the dead-end with respect to the code. Mr. Phelan asked the Board if any decision has been made with respect to the recreational requirement and the applicant's proposal for a donation in lieu of a plan. Chairman Fon stated that no decision has been made as yet.

Upon a motion by Bill Lascala, and seconded by Aaron Bock, and with all those present voting "aye", the Board closed the Public Hearing.

Motion to close Regular Session and Open Work Session

Upon a motion by Bill Lascala and seconded by Rob Garrigan, and with all those present voting "aye", the Board closed the Regular Session and opened the Work Session.

WORK SESSION

TJ Maxx – Yorktown Green Shopping Center

Discussion: Site Plan
Location: 37.18-2-56; 355 Downing Drive
Contact: Mathew Dudley, Harris Beach PLLC
Description: Seeking site plan approval to construct a new loading dock, trash compactor, and trash enclosures in the rear of the existing building.

Comments:

Christopher Feldman, Esq. of Harris Beach PLLC; and Jon Kuybida of Jarmel Kizel Architect and Engineers, Inc. were present. Mr. Feldman stated that they are present this evening on behalf of Oster Properties. The TJ Maxx retail store is proposed to move into a portion of the existing building formerly occupied by Kmart. The applicant is seeking site plan approval to construct a new loading dock, trash compactor and trash enclosure to the rear of the existing building to accommodate TJ Maxx.

Mr. Kuybida stated that the proposal is to beautify the area and convert the single tenant use building to multiple tenants within the facility. As part of the conversion, they are proposing to modernize the front façade of the building to attract new tenants and noted that a few of the tenants have lease obligations. The largest tenant (TJ Maxx) requires a dedicated loading dock, trash compactor and trash area to the rear of the building. There is no increase to the impervious areas. The site will be updated to be ADA compliant with updated sidewalks, parking area and crosswalks. The building access will be modified to have a depressed access way. They will be providing 14 ADA parking spaces and of those spaces 9 will be ADA van accessible. The rear of the building is where most of the activity will occur to support the site and access for truck deliveries. Deliveries will be scheduled off hours so it doesn't interfere with normal traffic circulation. A truck study was performed at the request of TJ Maxx. The existing building is about 90,230SF and they are proposing a 576SF addition to the rear of the building for warehouse use.

Mr. Lascala asked about the square footage for TJ Maxx and future plans for the rest of the building. Mr. Kuybida responded that TJ Maxx would be 25,000SF. In addition to TJ Maxx, the tenants will include Five Below (10,000SF),

Michaels (25,000SF), and another tenant (25,000SF) to be determined. Mr. Tegeder asked about the ADA compliance upgrade, and if the extent of the sidewalk replacement will be from curb to building and across the entire width of the existing building. Mr. Kubyda responded that this was the case. They are proposing to remove the sidewalks in front of the building, slightly regrade and replace with mostly new concrete sidewalks and some brick pavers to match the adjacent building to the left. There will also be a depressed curb area to fit with the existing crosswalks and access way. He added that there are areas to the rear of the building where the existing pavement is deteriorated that will also be replaced.

Mr. Tegeder asked if there was a landscape plan. Mr. Kuybida responded that there wasn't a plan at this time. Mr. Garrigan asked if they were contemplating trees or planters for the area. Mr. Tegeder stated that there were trees along the sidewalk in front of the building but were removed due to health issues. He noted that there are trees on the opposite side. He suggested making the 5x5 tree wells longer to give the trees a better chance at survival or possibly installing planters with lower plantings. Mr. Bock noted that the area was designed to look like a streetscape.

Chairman Fon asked how long the building has been vacant and the response was about 3 years. Chairman Fon stated that the proposed use is the same as the existing use and asked about the parking. Mr. Tegeder stated that there is an increase in the parking demand by virtue of the new interior space, however, it is minimal by about one or two spaces. He noted that when this area was built out and approved it was at 5 spaces per 1,000SF of gross area but now the regulation is 4 spaces. The parking should not be an issue but will need to be reviewed.

Mr. Tegeder stated that they will need to look at the landscape plan and parameters of the site with respect to the original approval. He informed the Board that the applicant is currently performing interior demolition and are hoping to start some of the interior fit-up work so this process will be moving in a parallel fashion under a separate building permit. He thinks the Board should issue a memo about the site parameters and that they are fine with this.

Mr. Phelan noted that the elevations show signage to the rear of the building on the Rte 118 side. He thought that if they are introducing rear signage then the aesthetics of the rear building should also be looked at since this signage would encourage people to look at the building. He added that there also seems to be substantial parking to the rear that is rarely used. Discussion followed with respect to the rear parking and truck deliveries.

Mr. Kuybida showed the plans with the proposed addition to the Board. The existing loading area will remain and continue to be used with some renovations; the existing dumpsters on the right side of the building will remain. Wall sconces are proposed on the front of the building. A stucco and stone finish is proposed for the front façade of the building with a series of columns and canopies. The color to be used will be a contrast of a dark and light tan. The building frontage is proposed to have more glass to give it more of a tenant feel. Signage is shown on the frontage of the building but the individual tenants will be responsible for their own signs to ensure it is code compliant. The rear TJ Maxx sign would be nice to have but is not mandatory. The 30FT height of the building will be maintained. Mr. Tegeder asked if they were modifying the existing parapet in terms of height. Mr. Kuybida replied that the existing triangular parapet will be removed and modified. The TJ Maxx portion of the building will be raised higher to anchor the store but will not be higher than what currently exists. Mr. Tegeder asked about the treatment behind the parapet as the roof area could be seen from the Route 118 side. Mr. Kuybida explained that a white roof membrane will be on the back of the parapet wall and added that they were not intending to finish the rear of the building because the elevation was the same and the existing material was well maintained over the years but they can look at this. Mr. Phelan thought that since the front of the building will have more venestration with the design that the rear of the building could use some of the same positive results. If they were to address the rear of the building to hide the roof mechanicals with a parapet wall to act as a screen it would change the character of the building and he would then be more in favor of the rear signage.

Mr. Bock stated that a few years ago they saw a completey different vision for this property and asked if this was off the table and the response was yes. Chairman Fon suggested that the Board perform their own site visits. Fon advised the applicant to work with the Planning Department. Mr. Tegeder informed the applicant that they should review the parking plan as a matter of course. He noted that pursuant to the interior work, they will need to place something on the construction plans that takes the addition out of the picture.

Meeting Closed

Upon a motion by Bill Lascala, and seconded by Aaron Bock, and with all those present voting "aye", the meeting closed at 8:31PM