

Planning Board Minutes June 12, 2017

A meeting of the Planning Board, Town of Yorktown, was held on June 12, 2017, at the Yorktown Town Hall Board Room, 363 Underhill Avenue, Yorktown Heights, NY 10598. The Chair, Richard Fon, opened the meeting at 7:00 pm with the following members present:

John Savoca
John Kincart
Anthony Tripodi
William LaScala
Robert Garrigan, alternate

Also present were: John Tegeder, Director of Planning; Robyn Steinberg, Town Planner; Tom D'Agostino, Assistant Planner; Mark Blanchard, Planning Board Counsel; and Michael McDermott, Town Attorney.

Courtesy of the floor:

Kathleen Dineen stated that there are parents present that would like to speak courtesy of the floor. Brian Duschenchuk, who is a town resident and teacher for Tarrytown schools, spoke on behalf of the group of parents. Duschenchuk stated that when he was looking for a preschool for his children he asked other teachers and overwhelming was told that the Pied Piper was the school to go. Duschenchuk asked the Board why they didn't want to support the school, especially over an application down the street, because it will cause traffic. Duschenchuk stated his son does have OT and PT issues and the Pied Piper wants to offer these services. The school has been in the town for 38 years. My son and other students have state approved services and they have to travel 45-50 minutes to get these services when they could be offered right here in Yorktown. The school also offers other activities after school for the children. Duschenchuk asked how 40 condos down the street could not be a problem, yet this expansion for added services is a problem. The parents would appreciate the Board take a close look at this application.

Tony Grasso, representing the Chamber of Commerce

Grasso stated that he has known the applicant for many years. They do provide a service to the community. Each application is a separate issue and needs to be reviewed on its own merits. We need apartments as well as the school. The school provides a good service and the Chamber backs their application.

Dan Strauss, 3176 Woodfield Court

Strauss stated he thinks the Pied Piper is tied in with education. They are looking for a variance. I am personally sick and tired of applicants coming in for rezoning. The Weyant is invading a neighborhood. The apartment complex application came in after the school. From what I understand, the Town Board gave unanimous approval and they said this Board gave unanimous approval as well. Fon stated the Board gave a positive recommendation to the Town Board for The Weyant application, however the Planning Board is not the approving Board. Strauss reiterated that at the Town Board it was said that the Town Board and Planning Board gave unanimous approval for The Weyant. The Pied Piper application has merit. The Weyant has no merit.

Councilman Tom Diana, 3396 Stony Street

Diana stated he applauds Koffler for his vision for the Loyola facility. This application is a great repurpose of this facility. My neighbors question the extra traffic on Stony Street and I hope that through a public private partnership a new traffic light would be installed at East Main Street. The other issue is the helistop. People don't want it. I don't want it. I live about 1/2 a mile from the site. Diana questioned how many flights there would be, at what times of day, and the real need. Emergency services do not need a

Planning Board Minutes June 12, 2017

helistop. The STAT flight for our area comes out of Hackensack, New Jersey or Ulster County. It is faster to stabilize a patient and get them in an ambulance to the hospital, then to prepare them for a helicopter flight. We also have two airports within a reasonable distance from Yorktown. I have spent some time in helicopters with the police department. I know how they take off and land. I applaud the Board's work with the project, but it should move forward without the helistop. Other than that, the residents of Judy, Amelia, Winding Court, and Stony Street believe it is a wonderful project and should move forward.

Councilman Greg Bernard

Bernard offered clarity on the RPG Properties and The Weyant projects. RPG was a rezoning. The Planning Board has site plan approval. Regarding the Weyant, there have been no approvals by any board. The Town Board asked them to go forward with their proposal. This Board agreed with the application and wanted to review the details. The Public Hearing is scheduled for Sept 19th with the Town Board. Mr. Strauss and anyone else can come to that hearing and voice their opinion.

Fon reiterated to the public that the appropriate time to speak on an application is at the public hearing for each application in front of the approving Board. The Board listened to the comments made tonight however the comments are not on the record of the projects discussed.

Correspondence: No correspondence was received.

Meeting Minutes: Upon a motion by LaScala, seconded by Kincart, and with all those present voting aye, the May 22, 2017 Meeting Minutes were approved with the corrections noted.

REGULAR SESSION

Orchard View Realty Subdivision

SBL: 36.06-2-78

First 90-day Time Extension

Location: 2425 Sherry Drive

Contact: Zappico, LLC.

Description: A 9-lot subdivision that received Preliminary Approval by Resolution #17-01.

No representative of the applicant was present. Tegeder stated the applicant is working with the NYCDEP and that the Planning Department has no issues with the Board extending the approval.

Upon a motion by Kincart, seconded by Savoca, and with all those present voting in favor, the Board approved a First 90 Day Time Extension for the Orchard View Realty Subdivision.

Lowe's Master Sign Plan

SBL: 26.18-1-17, 18, 19, 26.19-1-1, and a portion of 26.18-1-28

Decision Statement

Location: 3200 Crompond Road

Contact: Provident Design Engineering

Description: Proposed signage for the Lowe's Home Center Shopping Center.

Fon requested this item be heard in the work session for further discussion before a decision is made. Capellini stated the applicant agreed.

Hearthstone Minor Subdivision

Planning Board Minutes June 12, 2017

SBL: 17.18-1-8

Public Informational Hearing

Location: 3138 Hearthstone Street

Contact: John Annicelli, Esq.

Description: Proposed to subdivide a one acre parcel into two building lots both to be serviced by public water and sewer lines.

John Annicelli was present. Annicelli stated the application is on an existing one acre lot to be divided into two lots approximately a half acre each. Both lots will be serviced by public water and sewer. The entrance and egress to the lots will be by a private driveway that is approximately 300 – 400 feet long. Fon asked if there are any variances or special approvals needed for the application. Annicelli stated that a variance for no road frontage will be needed. Fon asked if any other homes are serviced by the driveway. Annicelli stated that 2 other homes are accessed off the common drive. Fon asked if either of these lots will connect to the sewer. Annicelli stated one of the owners said yes and one of the owners has said no. Tegeder wanted to clarify that the sewer is connected to a public sewer, but the line will be a private line. Annicelli stated that the maintenance of the line will be by the proposed project's two new homeowners. Annicelli said the county sewer line is DEF. Tegeder stated the DEF responded that they have no comment on this application.

Kincart wanted to clarify that the one acre lot does have frontage on an unimproved road, Hearthstone Street, but the homes will not be accessed from this road.

Fon asked what improvements will be made to the common driveway. Annicelli stated the driveway would be widened to a consistent 20 feet the entire length and paved. Fon opened the hearing to the public

Mark MacDonald, 336 Homestead Road

MacDonald stated that he lives on the corner of Homestead Road and the common driveway. MacDonald stated that he understood that the easement on his property was for utilities. He thought this lot had alternate access. MacDonald was concerned about additional traffic.

Tracey Rupp, 3132 & 3154 Gomer Street

Rupp stated both of her rear lots border the subject property. The zoning allows only for one home. Rupp opposed the project. Rupp stated that if this project is approved, the other two lots will want to be split as well. The driveway access won't support the traffic or emergency vehicles.

Annicelli stated that the access does not go beyond the subject lot. No additional lots beyond the subject lot can use the driveway as access.

Grace Siciliano – 3090 Gomer Street

Siciliano stated that at the last meeting on this project, the Board discussed the water, sewer lines, and utilities. Siciliano would like to see an actual survey of where these lots are in relation to Homestead. Siciliano remembers the original cow path that winds back to the cottages in the rear [to the north]. Then there's a second road near the big forested area of 23 acres. Kincart showed Siciliano an aerial map and pointed out that the second road is the driveway the applicant is proposing to widen and pave. Siciliano asked why the applicant would not improve and use the paper road for access. Kincart stated that this road is not an improved road. Siciliano stated improving the driveway further creates a mess of hodgepodge roads. There is a gas line on Homestead. Siciliano asked if the water line is on Homestead as well. Fon stated that yes the water line is in Homestead Street. The sewer line, however, has already been brought up the easement by a previous subdivision. Siciliano asked if there will be digging on Homestead to connect to these lines. Fon stated yes. Siciliano stated she is concerned about the trees that will be cut down and

Planning Board Minutes June 12, 2017

asked how many trees will be cut down. Annicelli stated he did not know yet, but that there will be a tree survey to mark all the trees.

Kincart clarified that the proposed lots will conform in size to the half acre zone. The property still needs a variance for road frontage.

Siciliano asked if the road to the homes would be a private road or town road and if there will be a maintenance agreement required. Tegeder stated that maintenance will be required by the Board's resolution. There would be a private agreement between the homeowners to maintain the road. The applicant has not offered to improve it to town standards so the road will not be a town road. Siciliano stated an agreement should be in place so one homeowner can't back out of maintaining the road. Siciliano asked if there will be a turnaround for emergency vehicles and proper signage so that emergency services can find the homes. This should be required. Siciliano stated that on 05/22/17 a memo from the Town Engineer was mentioned and asked if this will be discussed tonight. Tegeder stated the applicant must respond to the memo, but these items will not be addressed tonight. Siciliano requested a copy of the memo.

Upon a motion by Kincart, seconded by Savoca, and with all those present voting in favor, the Board closed the Public Informational Hearing.

Unicorn Contracting

SBL: 37.18-2-73, 74, 85, 86

Public Informational Hearing

Location: 355 Kear Street

Contact: Ciarcia Engineering, P.C.

Description: Proposed demolition of the existing restaurant and barn for the construction of a three story, 40,000 sf building with a mix of retail and office uses and a new 2,925 sf bank building. All other existing buildings are proposed to remain.

Savoca recused himself from this item.

Upon a motion by Tripodi, seconded by Kincart, and with all those voting in favor, the Board opened the Public Informational Hearing.

Dan Ciarcia, project engineer, and Paul Guillaro, the applicant, were present. The subject site is surrounding by Route 118, Kear Street, and Underhill Avenue. To the South is the Kear Street office building. Properties that are part of this application include the Grace Building, the Coldwell Banker and Salon, Murphy's Restaurant, and a vacant property. All of the properties are zoned C-2R. These properties are a critical gateway to the Yorktown Heights hamlet. The application preserves the Coldwell Banker, Salon, and the Grace Building. The new construction is the proposed 42,000 square foot building where the Murphy's Restaurant is. Another 3,000 square foot building is proposed on the vacant corner property. The Planning Department was insistent on connecting the pedestrian network through the property, which the applicant has now shown. Ciarcia pointed out the sidewalks throughout the development.

The Board circulated for Lead Agency and the only correspondence came from the NYC DEP. The focal point of the project is the large new building. Ciarcia showed an elevation of the proposed 3 story building.

Fon opened the meeting for public comments.

Planning Board Minutes June 12, 2017

Mara Ziedens – 408 Hallocks Mill Road

Ziedens stated she has been living in Yorktown over 40 years. Many restaurants have tried this location. The new building is nice, however I do not like the retail. There is a hodge-podge of empty retail around the town. Ziedens would prefer to see all offices. I think the corner property should be left alone with no development. Ziedens did not object to removing the restaurant. Traffic needs to be addressed. No one development ever seems to have an impact on traffic. How will the retail stores be seen? A potential bank on the corner is a disaster. The corner should be left green with the trees.

Tony Grasso, Chamber of Commerce

It seems that length of residency sometimes means something and sometimes it doesn't. The history of Yorktown Heights goes back before I moved here. Joe Roma tried to donate his property to the state to improve the area. They didn't want it so he developed his building. Every Planning Board since the late 50s/early 60s has always said that the hamlets should be a walking community with housing around it. The empty stores aren't the fault of the town. Residents don't always shop locally. Also, some stores are poorly managed. This project would be a great improvement over what exists. We should look at it, see how we can improve it, and move forward. The Chamber is in favor of this type of development in town.

Upon a motion by Tripodi, seconded by Kincart, and with all those present voting in favor, the Board closed the Public Informational Hearing.

Upon a motion by Tripodi, seconded by Kincart, and with all those present voting aye, the Board voted to move into the work session portion of the meeting.

WORK SESSION

Lowe's Master Sign Plan

SBL: 26.18-1-17, 18, 19, 26.19-1-1, and a portion of 26.18-1-28

Decision Statement

Location: 3200 Crompond Road

Contact: Provident Design Engineering

Description: Proposed signage for the Lowe's Home Center Shopping Center.

Present were: Al Capellini, project attorney; Tom Holmes, from Provident Design Engineering; Kevin Bulger; the Lowe's architect from Perry M. Petrillo Architects; and Robert Rosenberg, from Breslin Realty representing the property owner.

Special Permit for Outdoor Sales & Storage

Capellini stated that the Board is reviewing the Master Sign Plan and the Outdoor Sales Permit and that Lowe's has an issue with the length of the outdoor sales permit. The outdoor sales is intrinsic to the business and would like the Board to consider a 5 year permit period. Fon asked the applicant to point out the outdoor sales and storage areas. Holmes stated that there is a combination of sales areas and storage. There is a sales area along the front sidewalk. This includes seasonal items like grills, mowers, etc. Sheds, trailers, and mulch would be seasonal on the side of the parking lot. Then there is temporary sales and storage of landscaping items shown within parking spaces. Finally, storage in the rear of the building and fenced in and only for employees to access. Kincart asked how the items in the parking lot will affect the parking. The items will occupy the parking area for one month or so when in season. Kincart stated he

Planning Board Minutes June 12, 2017

thought the items on the sidewalk are different from the items in the parking spaces. What if the parking spaces are needed? LaScala stated that if there is enough parking, it shouldn't be an issue whether the parking is used or not. Tegeder stated the site plan was approved with this parking included. There is shared parking for the restaurants. Tegeder has not analyzed the parking without these spaces. Savoca asked about precedent of permit length. Tegeder stated that the Board usually goes from an initial 2 years to 5 year renewals. The Board asked if they could separate the permit; allow the permanent sidewalk, shed/trailer area, and rear storage for 5 years, but have the temporary sales in the parking lot for just 2 years. Capellini stated yes the applicant would go with the 2 years, but Rosenberg will have to confirm with Lowe's. Tegeder stated renewal is a request by letter and a work session meeting. The number of years can be increased in the future. This permit will be decided upon at the next meeting.

Master Sign Plan

Holmes showed the location of the pylon sign on the site plan. The sign is outside the water easement and outside the NYSDOT permanent easement. The sign is 5 ft inside the permanent easement, which is further inside the property line. Todd Evans from CREATE Architecture showed the site sections for the pylon sign. The applicant leveled the area around the sign for maintenance reasons. There is 200 feet of sight distance to the right and left of the sign. The sign will therefore not affect site distance. Fon noted that the intersection is signalized so sight distance is not usually a consideration, but good to have.

Tegeder read the memo from the building department. The Lowes signage is compliant with town code. The directory sign must have all letters no larger than 6 inches and can be no more than 35 square feet in the C-3 zone. The pad building signage calculations are taken using different sides of each building. The memo stated a condition of the master sign plan approval should be to take the directory signs off the freestanding sign and approve the master sign plan without the pad buildings. Once more detail is known, the applicant can amend the master sign plan to include the pad buildings and if a directory sign is wanted, the Board can address it at that time.

Upon a motion by Kincart, seconded by Savoca, and with all those present voting in favor, the Board opened a special session.

Fon stated the applicant supplied the additional details that the Board requested for the pylon sign. Capellini requested the Board also approve the outdoor sales and storage permit tonight. Rosenberg will check with Lowe's after.

Upon a motion by LaScala, seconded by Kincart, and with all those present voting in favor, the Board approved the Master Sign Plan as noted that the approval is for the Lowe's signs only and a freestanding sign for Lowe's only.

Upon a motion by Tripodi, seconded by Savoca, and with all those present voting in favor, the Board approved temporary and permanent outdoor sales and storage; the temporary sales for 2 years and the permanent sales for 5 years.

Upon a motion by Savoca, seconded by Kincart, AIF, and with all those present voting in favor, the Board closed the special session.

Capellini thanked the Board and staff for moving to review and approve these items for Lowe's so quickly.

Planning Board Minutes June 12, 2017

Bridle Ridge – 3148 Stoneleigh Court

SBL: 17.18-3-14

Discussion Building Addition

Location: 3148 Stoneleigh Court

Contact: MAP Architecture

Description: Proposed deck addition to the subject building.

Piccirillo represented the homeowner requesting approval for addition of a deck. Savoca asked the setbacks to the property line. There is 18 feet to the rear and 10 feet to the side. The 10 feet is to the edge of the steps, not the deck itself. Tegeder stated there is open space behind this home. The Board agreed they had no issue with the deck replacement and expansion.

Upon a motion by Tripodi, seconded by Kincart, and with all those present voting in favor, the Board approved the deck addition with the new setbacks as shown on the plan submitted by MAP Architecture.

Pied Piper Preschool Addition

SBL: 37.14-2-8

Discussion Site Plan

Location: 2090 Crompond Road

Contact: Site Design Consultants

Description: Proposed 14,022 square foot addition to the existing 3,618 square foot preschool, for a two-story building with a total square footage of 17,640 square feet, on 0.68 acres in the R1-10 zone.

Present were the applicants: Kathleen Dineen, Maxwell Dineen-Carey, and Molly Dineen-Carey; the project engineer Joseph Riina; and the project architect Michael Piccirillo. Riina stated the Board's last discussion centered on the fire evacuation plan. This plan was presented to the Fire Bureau and they responded well to this plan. Piccirillo stated that he wanted to make sure the Planning Board was comfortable with the building size before addressing the ABACA's comments, which are mostly on the bulk of the building.

Fon stated the Board has been concerned with why the building is required to be the size proposed. Traffic has been a concern, however there has also been concern regarding using both the school and the church properties together. No one from the church was present. Blanchard stated that he has spoken to the church secretary and the reverend. They are concerned about the adequacy of the parking now and therefore concerned about the expansion. There has been an open line of communication with schedules, but they are still concerned about the new parking layout.

Dineen stated she was given a deeded easement with the sale of the property from the church. Blanchard stated it is an enforceable legal document and looks like it was supposed to be recorded in the Westchester County Clerk's Office, but wasn't. Blanchard searched through the land records and could not find the document. Blanchard stated there should have been a survey and Schedule A listing the metes and bounds of the property attached to the easement when filed. Kincart asked for a summary of the document. Blanchard stated the document given access and each owner mutual parking benefits of the other, but lacks detail as to how many parking spaces are shared. Dineen thought the document was filed and will check on this.

Planning Board Minutes June 12, 2017

Kincart stated he is still concerned with the expansion fitting on the site, especially for special events. Dineen stated that schools just can't accommodate special events. Pied Piper has agreements with Friar's and Barbara Diehl now for parking for special events. Androsko stated they will sign an agreement as well, but have been on vacation. Parents know they have to park further and walk for special events.

Dineen stated that she has spoken to the Pastor and church secretary, Christine Fox, at the church and they have never brought these concerns to her directly. Blanchard encouraged Dineen to talk to the church about parking. Fon asked if Androsko is a legal use being a landscaper in a residential zone. Tegeder stated that he is not aware if the property has any Zoning Board approvals for its use.

Tripodi stated his concern about the size of the building and its future use remaining down the road. Dineen stated there were concerns when the building was first constructed. Expansion of the building to the rear only effects the adjacent property owners which are a church and a landscaping business.

LaScala stated that he believed sufficient parking should be provided all on the site without shared parking. Savoca stated that shared parking is used now so the Board can't go back now and state the parking must all be accommodated on the site. Blanchard stated that it is within the Board's discretion to make it a requirement now because they are asking to expand. The agreement is unclear and doesn't demarcate the number of spaces.

Tegeder stated the Planning Board sets the parking requirement based on the information provided by the applicant. Dineen stated 22 parking spaces would be required for employees for expansion. Tegeder stated the plan should show the number of parking spaces on the church site. Dineen stated the Pied Piper provides more parking than any other preschool in town. The Seed only has 7 parking spaces right on Route 202, whereas we have a large driveway and a parking lot. We never fill our parking lot on regular days.

Blanchard stated the easement agreement with the church needs to be amended to be clearer. Savoca stated the easement needs to be filed with the County Clerk if it was not filed and then it should be amended. Maintenance of the parking must be included. Tegeder asked if the church can challenge the original agreement if the building is expanded and agreement not revised. Fon stated that if the church can't be okay with the expansion, then there are problems. There are concerns from the Board and the applicant is looking to know if the Board is okay with going forward with the expansion if the parking is resolved.

Kincart stated he still feels the expansion is too big for the site. Tripodi stated if there is an easement with the church, they can't take it back. Fon, asked the Board if the majority felt the building needs to be scaled down.

Max asked if the Board felt the building too big or is it the number of students being requested that is too large. Tripodi stated he felt it was both. Fon stated the Board is in favor of an expansion, but not this size expansion. The issue is parking not traffic generation.

Fon stated he was concerned the neighboring properties are part of the evacuation plans as well. Molly stated that the Board was sending a mixed message in that if the site can't accommodate parking, for example, they should look to neighboring properties. But now because we're relying on neighboring properties, you are saying that brings uncertainty. Tegeder stated that as long as you have recorded easements that procure your rights in the future, the Board has less of a concern.

Planning Board Minutes June 12, 2017

Garrigan stated there still is an issue of mass of the building and asked the other members if it is the height, width, or length of the building that is the issue. LaScala stated the overall mass of the building is too large. Fon stated if the applicant can provide signed easements with the two adjacent properties it changes my mind about the application. Kincart agreed.

Tegeder stated the building's relationship to the site can be tweaked by fine tuning elements of the architecture.

Shrub Oak International School

SBL: 26.05-1-4

Discussion Site Plan and Special Use Permits

Location: 3151 Stony Street

Contact: David Steinmetz, Esq.

Description: Proposed site plan, special use permit for a helistop, and special use permit for a private school, for autistic adolescents through young adults, at the former Phoenix House Academy.

Present were: David Steinmetz and Michael Cunningham, project attorneys from the firm of Zarin & Steinmetz; the applicant, Michael Koffler; and Steve Hyman, project engineer, and Ron Hill, project traffic engineer, from H2M Architects & Engineers. Fon stated that there were comments during courtesy of the floor from Councilman Diana regarding the helistop. Steinmetz stated that he spoke to Councilman Diana in the hallway and he did not know that there would be limitations on the use of the helistop and that there would be no more than 36 non-emergency flights from the helipad per year.

Fon stated the Board received a memo from the Town Engineer, Michael Quinn, this evening. Fon asked the applicant to talk about their contribution to the East Main Street intersection. This project, as well as other proposed projects, will have impacts on this intersection. What should we ask the applicant to contribute? LaScala stated the Board shouldn't ask the applicant to fix an existing problem. There should be a cap on any contribution. Fon stated the Board's responsibility is to look at the percentage impact of this project that needs to be mitigated.

Steinmetz, do not know if there's some agreement with the town regarding access that burdened the Phoenix House. If there is not a valid and recorded easement, the town will get it from this applicant because we are offering a dedication of the road as a town road. In terms of East Main Street, the applicant is willing to contribute funds to be used for a corridor study of East Main Street so the town can figure out how to fix the problems on that road. Steinmetz stated the applicant's study predicts that most of the school traffic will travel south on Stony Street, not north. Hill stated he is concerned about adequacy of right-of-way for handicap ramps if a light is put at East Main Street and Stony Street.

Fon asked the applicant how many employees are there total over all shifts. Koffler stated there will be approximately 580 total employees. Steinmetz asked when the contributed funds would be payable. The Board agreed, most likely prior to the granting of a certificate of occupancy.

Fon asked how the applicant is progressing with stormwater. Hyman stated that a draft Stormwater Pollution Prevention Plan was submitted today. This plan provides for a full town road, even if this is not eventually built.

Planning Board Minutes June 12, 2017

In regards to the Helistop, the Phoenix House will not allow a test helicopter landing. Fon asked what the Board's feeling on the helistop is. Since the special permit is separate, Kincart felt discussion should continue after the site plan resolution. The school came before the park and the park will have its own traffic issues. Kincart is not against the helistop, but feels it needs to be separate and would like the school approval to move forward first. LaScala stated the Board should tell the applicant yes or no now. Savoca stated that if the helipad complies with the town code, with limitations, it should be approved. Tripodi, LaScala, and Savoca do not need more information to go ahead. Fon stated he is uncomfortable with the helipad. Steinmetz stated the hours of operation can be trimmed. The applicant will agree to limited times. Renewal of the helipad is also required. Town staff confirmed there have been no complaints about the IBM helipad. Tripodi asked if the school is open year round. Koffler stated yes. Steinmetz stated the applicant predicts about 3 flights per month maximum. A flight includes about 6 minutes landing and 6 minutes departing, and stated he feels this is a limited intrusion.

The Board requested the project be scheduled for a special session at the next meeting.

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