

Planning Board Minutes August 14, 2017

A meeting of the Planning Board, Town of Yorktown, was held on August 14, 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 Greg Bernard, Town Board Liaison.

Correspondence: The Board reviewed the correspondence.

Meeting Minutes: Upon a motion by LaScala, seconded by Kincart, and with all those present voting aye, the July 10, 2017 Meeting Minutes were approved.

REGULAR SESSION

Hilltop Associates

SBL: 37.06-1-25

Second 90-day Time Extension

Location: Hilltop Road

Contact: Albert A. Capellini, Esq.

Description: Proposed 3 lot subdivision on 13.088 acres in the R1-40 zone granted preliminary subdivision approval by Resolution #08-02 on January 14, 2008.

Project attorney, Al Capellini was present. Capellini reviewed the history of the subdivision and how the DEP approved only two lots with septic systems. The applicant was therefore pursuing a sewer line extension instead, however he was not able to obtain a private easement from neighboring property owners. The applicant is now working on extending the public sewer up Hilltop Road.

Upon a motion by Kincart, seconded by Tripodi, and with all those present voting aye, the Board granted a 2nd 90 Day Time Extension for the Hilltop Associates Subdivision.

Dubovsky Site Plan

SBL: 59.14-1-18

First 1-year Time Extension

Location: 702 Saw Mill River Road

Contact: Albert A. Capellini, Esq.

Description: Approved site plan to construct a 3,900 SF building with commercial space on the first floor and two apartments above and a 2,040 SF garage in the rear of the property approved by Resolution #13-21 on September 9, 2013.

Project attorney, Al Capellini, was present. Capellini stated that the applicant has received approval for the septic system however the location is different than the plan approved by the Board. The applicant will be discussing the revised plan with the Board in the work session.

Planning Board Minutes August 14, 2017

Upon a motion by LaScala, seconded by Tripodi, and with all those present voting aye, the Board granted a 1st One Year Time Extension for the Dubovsky site Plan.

Village Traditions

SBL: 15.16-1-32

First 1-year Time Extension

Location: 1821 East Main Street

Contact: Tim Mallon

Description: Approved site plan to replace the existing barn with a 3,000 SF building approved by Resolution #10-12 on July 12, 2010.

The applicant could not be present however the Board had no issues.

Upon a motion by Kincart, seconded by LaScala, and with all those present voting aye, the Board granted a 1st One Year Time Extension for the Village Traditions Site Plan.

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

WORK SESSION

Courtesy of the floor:

John Schroeder representing the Yorktown Land Trust, the Yorktown Trails Committee, and the Open Space Committee. Schroeder handed out copies of The Hunterbrook Linear Park Plan from 1992 and the Yorktown Walk Book. Schroeder stated the reason he would like to reacquaint the Board with these documents is because many new members are on the Board. Recently a development application could have yielded a trail connection however this proposal was turned down by the Recreation Commission. This connection to the Hunterbrook on its west bank is in the plan. The Colangelo property is on this side of the brook and is adjacent to the existing linear park. At the time the plan was introduced it was whole heartedly endorsed by all the Boards. Schroeder is not sure what might ultimately happen with the Colangelo property as there are no approvals yet, but he has been in contact with them and wanted to make the Board aware of this opportunity.

Dan Ciarcia, representing Unicorn Contracting, wanted to update the Board. The Board received the traffic report in electronic form. Ciarcia can provide additional hard copies if needed. The applicant would like to continue with this project and be prepared for the September meeting.

Dan Strauss was curious why The Weyant is on the agenda again. Thought there was a public hearing in front of the Town Board on this application. Tegeder stated that the applicant and the Town Board wants the application to be reviewed by the Planning Board. Strauss stated he thinks the project and procedure is wrong. The applicant shouldn't continue to pursue the project without a public hearing at the Town Board.

Capellini summarized the Town Board referral process and that the Planning Board is a recommending Board.

Resident, and neighbor to The Weyant proposal, Ken McGevna asked what the protocol is for a site visit of the Board. An email was sent out Sunday night announcing an early Monday morning site visit. McGevna requested any materials that resulted from this site visit. Blanchard stated that anything said at the site visit comes back here to this meeting. The notice of the site visit is a courtesy. Typical notice is 72

Planning Board Minutes August 14, 2017

hours. Blanchard stated he had reviewed the chronology of what happened and there were no fatal errors in the process.

Jay Kopstein stated that being a fatal error is one thing and being a transparent process is another thing. Fon stated the site visit moved a couple of times throughout the weekend and he is sorry for the confusion. Neighbor John McDonald stated he was at the site visit, but doesn't understand the process either. Councilman Bernard stated the Planning Board will review the details of the plan and make it the best plan it can be. The Town Board is the approval authority and will make a decision on the rezoning and the site plan.

Orchard View Realty Subdivision

SBL: 36.06-2-78

Discussion Major Subdivision

Location: 2425 Sherry Drive

Contact: Zappico, LLC

Description: Proposed 9 lot subdivision on 9.2438 acres in the R1-20 zone granted preliminary subdivision approval by Resolution #17-01 on January 9, 2017.

Brian and Jim Zappi were present. Jim Zappi stated the applicant received preliminary subdivision approval with some conditions. We have addressed those conditions and are back for final approval. The Conservation Easement will be entire existing easement and the proposed additional property. The split rail fence delineating this area may be straightened. Tegeder requested the notes clarify both roles, that of the Town and that of the homeowner's association, should be clear. Brian Zappi stated there will be a gravel access to the detention basin but he will not show it on the plans. Zappi stated that the Town Engineer, Michael Quinn, was fine with this. Tegeder stated the gravel access should be shown on the plan. The Board agreed, but wants a note that it will be located to the satisfaction of the Planning Board. Tegeder stated Lot 1 should be revised to eliminate the long strip down to Sherry Drive. This should be part of the right-of-way lot. This was not done. Jim Zappi argued the resolution stated the opposite and Tegeder could not request to change it, however Kincart read the condition of the resolution and it does require the revision. Jim Zappi stated he would make the revision. Brian Zappi continued stating Note 18 states the proposed decks are raised. Easement documents will be sent to the Town Attorney before the next meeting. In response to the Town Engineer's memo, Brian Zappi stated that he did investigate the drainage on Pine Grove Court. Two pipes are proposed to be replaced. Fees will be paid prior to the next meeting. Brian Zappi stated he has been working with the NYC DEP on the construction schedule. Quinn will receive a copy to review. Board or Legislatures approval for the sewer district extension was obtained. Brian Zappi stated the Health Department has reviewed the plans and their comments have been addressed. An item by item response to Quinn's memo will be submitted. In addition, the application for final approval will be submitted. Tegeder stated the plat should show relinquishment of the temporary easement from the existing cul-de-sac at the end of Sherry Drive. Blanchard will help write the appropriate note for the plat. Blanchard will also call Mr. Raniolo, attorney for an adjacent lot, to ask him what he needs at the closing for that property.

Community Housing Innovations – *Withdrawn by Applicant*

SBL: 16.08-1-34

Discussion Site Plan

Location: 670 East Main Street

Contact: Badey and Watson Surveying and Engineering, P.C.

Description: Proposed demolition of the existing single-family house and garage to construct a 4 unit townhouse development on 0.52 acres in the R-3 zone.

Planning Board Minutes August 14, 2017

JCPC Holdings, LLC

SBL: 48.07-2-2

Discussion Site Plan

Location: 1540 Front Street

Contact: Mr. John Cerbone

Description: Proposed floorplans and impacts on the proposed Wetland mitigation and delineation.

Patty Cerbone, the property owner, was present. The height of the building is 24 feet 3 inches to the ridge, 18 feet to the eave. The Board had no concerns with the building plans. The Planning Department will send a memo that the Board has no issue with the height of the building.

Lowe's Home Center

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

Discussion Approved Site Plan

Location: 3200 Crompond Road

Contact: Provident Design Engineering

Description: Proposed revisions to the site plan approved by Resolution #16-22 on December 19, 2016.

Nick Panayotou and Tom Holmes from Provident Design Engineering; Kevin Bulger, from Petrillo Architects, the architect for the Lowe's building, Bob Rosenberg from Breslin Realty; and Al Capellini, project attorney were present. Panayotou stated the NYC DEP stated to him that they will work with the applicant and the Town to get a demolition permit, for above the foundation, prior to their approval of the Stormwater Pollution Prevention Plan permit. Panayotou reviewed the minor changes to the plans since the Board's approval in December and stated he thinks the applicant is in the last round of comments with the NYS DOT.

Panayotou explained that bids came in high for the project therefore the client requested he look into reducing costs that would not affect the approval. As a result, several retaining walls were moved and shortened where possible, around the site. Fencing had been proposed around the entire detention basin. Instead the plan now shows a fence surrounding the rear of the site. This fence similarly keeps the public away from the basin, but is much shorter in length and therefore saves money.

Kevin Bulger stated that Lowe's is actively working on the building construction plans. When doing this they discovered the fence surrounding the garden center was shown on the inside of the pilasters thereby reducing the square footage of this area. Moving the fence to the outside edge adds 11 inches around the garden center. This does not change the operation or size of any of the shelves or displays in the garden center.

The approving resolution requested a bicycle rack be located on the site. Panayotou stated the rack is shown on the far east side of the building because Lowe's did not want it to conflict with any of their outdoor displays. Tegeder suggested moving the bike rack to a landscaped island in the parking lot and then move the landscaping to where the bike rack is shown now. Garrigan suggested moving the rack into the parking lot would also make it closer to the out parcels. Panayotou stated they will move the bike rack into the landscaped island as suggested and if additional bike racks are needed on the out parcels, this can be discussed when there are tenants for those parcels.

Planning Board Minutes August 14, 2017

Panayotou stated the purpose of the jellyfish filters on the site was to provide additional treatment for the runoff because the soil testing showed had shown that infiltration was too fast. The NYC DEP stated to him that since all the stormwater was moved to areas where soils have not been shown to infiltrate as fast, they will not require the jellyfish. Panayotou stated the SWPPP is before the NYC DEP and the Watershed Inspector General (WIG). Vortechics are still included in the plan and there will still be a bioretention basin along Old Crompond. The bioretention area is currently being tweaked with the NYC DEP.

Panayotou stated an issue has come up with the NYS DOT along Route 202 from Strang Boulevard to the Taconic State Parkway on ramp. The approved section required a 5 foot shoulder, 5 foot snow shelf, and 5 foot sidewalk. This 15 foot section would require removal of the existing trees and embankment along this section. In addition, the slope of the newly regraded embankment required by DOT would have the applicant grading back all the way to the parking lot on the Mercy College site leaving no buffer. The applicant would like to request the Board allow this approximately 200 foot section be reduced to avoid these impacts. The proposed section would have a 3 foot shoulder, 5 foot sidewalk, and no snow shelf. Fon suggested not eliminating the snow shelf entirely because it does help with snow removal. Fon suggested reducing the sidewalk to 4 feet only in this section, leaving a 1 foot grass strip along the road. Panayotou agreed that he would consider this and come back to the next meeting with another revision of the section. With either configuration, reducing the section would allow the applicant to leave the existing embankment and trees. The Board questioned who would be responsible for mowing the grass strip and removing snow from this sidewalk. This maintenance would have to be discussed however, the Planning Board agreed with reducing the section so the existing trees and embankment could remain.

Panayotou stated the Health Department has stated to him that because there are multiple buildings on the site, a public sewer and water main must be brought into the property. In addition, the water loop and hydrants must also be public. Fon stated he did not think the town would not be in favor of owning an entire water main loop around the Lowe's building that solely benefits the Lowe's. If this was going to be required by the Health Department, maybe there could be an agreement with the Town that the developer would maintain these lines. Fon suggested installing a water meter pit at the easement on the Lowe's property line so that anything beyond the meter pit is private. Panayotou stated he would look into this suggestion.

Dubovsky Site Plan

SBL: 59.14-1-18

Discussion Approved Site Plan

Location: 702 Saw Mill River Road

Contact: Site Design Consultants

Description: Proposed revisions to the site plan approved by Resolution #13-21 on September 9, 2013.

Al Capellini, project attorney, and Mike Dubovsky, property owner, were present. Capellini stated that the Board of Health approved a different area on the site for the septic than was approved by the Board. The new area required relocating the parking and the proposed garage to the other side of the site. In addition, the proposed garage building is the same height, but now shown as 200 square feet larger on the revised plan. The Board of Health and the NYC DEP both have agreed on this location for the septic. All adjacent wells have been considered. Capellini asked that the Board accept the changes on the record so the applicant can prepare the drawings to be signed by the Chairman. Capellini stated the changes were required by outside approval authorities and these revisions do not change the impact of the proposed

Planning Board Minutes August 14, 2017

project. The main building stayed in the same location. D'Agostino noted the main building is shown a few feet smaller than was approved. Capellini stated that the project engineer may have done this to accommodate the driveway to the revised parking area. The Board had no issues with the changes.

The Weyant

SBL: 37.14-2-32

Town Board Referral

Location: 2040 Crompond Road

Contact: Site Design Consultants

Description: Requested rezone from R1-20 to Transitional Zone to construct two 18 unit apartment buildings on 2.62 acres.

The applicant, John DeVito, and the project attorney, Al Capellini, were present. DeVito stated the applicant is present to review what happened on the site visit and to try to get a consensus on the driveway entrance plan. DeVito showed options A & B. The Board discussed the two options. Fon preferred if the angle at which Hamblyn Street meets Route 202 could be at more of a 90 degree angle. The applicant will revise and return to another work session.

Roberta Front Street

SBL: 48.07-2-11

Town Board Referral

Location: Front Street

Contact: Site Design Consultants

Description: Requested rezone from R1-20 to a Transitional Zone to construct two mixed use buildings consisting of commercial space and residential units on 0.8 acres.

The applicant's representative, Chris Sciara, was present. Fon asked if the issue with the paper road was worked out. Tegeder stated the Town Attorney is working on that issue. Tegeder stated a landscape architect should have input on what can grow in the landscaped strip shown across the rear of the property. The applicant should bring a stormwater plan and the project engineer to explain the impacts it will have on the layout, if there are any. Sciara stated the applicant is looking for a favorable memo from the Planning Board to the Town Board regarding the rezoning application. The Board would like more information on the stormwater from the applicant's engineer, and Tegeder's review prior to sending a response memo to the Town Board.

Jefferson Valley Mall

SBL: 16.12-1-24 and 25

Town Board Referral

Location: Route 6 and Lee Boulevard

Contact: Albert A. Capellini, Esq.

Description: Site Plan Referral request by Applicant.

Present were: Al Capellini, project attorney; Nadia Ostrovsky from Seritage Growth Properties, Raphaele Castelli from HBC Architects, and Dale Koch from Bohler Engineering, representing the Sears parcel; and Ralph Peragine from Provident Design Engineering and Stephen Harris, Vice President of Development both representing the Jefferson Valley Mall. Capellini explained the two applications that are currently in front of the Town Board. The mall is requesting a new entrance off of Route 6 to a new town road, the mall ring road, and the development of an out parcel in a currently underutilized parking lot. New signage and landscaping are also proposed. The second application is by Seritage, which owns the Sears building and parcel. The request is to add another use for a health or fitness center to the CRC zone.

Planning Board Minutes August 14, 2017

The mall proposal includes development of an out parcel with an 8,000 square foot building with a drive-thru. Peragine stated the NYS DOT has given their blessing to a new entrance from Route 6 as shown, pending the appropriate SEQRA review and the Town's approval process. The road would not be upgraded to town standards until a later date, but prior to acceptance by the Town as a town road. The applicant would modify the berm to accommodate the entrance and lower it to give visibility to the new building. The proposal would mirror the landscaping that was added along Route 6 with the previous approval. All new building work is within the already impervious area. Peragine stated there would be a net reduction in impervious area by about ¼ of an acre. Peragine stated he will prepare sections through the berm to show the site lines. There would be cuts of approximately 6-8 feet to the highest part of the berm on this corner. Peragine showed renderings and elevations of the proposed building. Harris explained the proposed signage that the mall would like to add to the master sign plan. The proposed new signage includes: a pylon sign for the mall itself, an entrance sign off the new ramp, and a way-finding sign at the end of the ramp to indicate what is to the right or left. The Town Board thought the pylon sign was too high at 30 feet. Harris stated he was working on reducing the total size of the sign while still maintaining the same font size shown so the sign can be read at the high speeds on Route 6. Tegeuder stated he thought the applicant still must abide by the code requirements for signage even if this is in the CRC zone, which is approved by the Town Board. The Town Code restricts freestanding signs to 16 feet. Harris stated the top of the sign will glow like the façade of the building. The length of the right turn lane is over 400 feet. Traffic would be free flowing into the site. The ring road will have stop signs. Parking in this zone is 4.25 parking spaces per 1,000 square feet, whereas every other zone is only 4 parking spaces per 1,000 square feet. The mall believes they do not need more than 4 parking spaces per 1,000 square feet and is therefore requesting the required parking be reduced in the zone. The Board must comment on the parking and the site plan.

Dale Koch explained the building modifications to the Sears Building. The proposed addition eliminates 17 existing trees. Koch worked with the mall to find locations to plant 17 new trees on the site. The first floor will have a 38,000 square foot proposed 24-hour fitness center and two additional unknown retail tenants. The majority of the 2nd floor will still be Sears and then a potential restaurant tenant is proposed in the tire center area. A new trash enclosure is proposed for the restaurant because it will not have access to the loading dock area. There is no net change in parking, but the parking will be restriped to circulate better and bring the parking spaces up to code. Koch stated there is an overall reduction in the impervious coverage, by a tenth of an acre. Ralph Castelli, explained the new common loading dock area. The restaurant's trash enclosure is a little far away, but there is too many utilities coming into this side of the building to fit it in. Every utility comes in within the landscaped island next to the Sears. The Board asked the applicant to look at moving the trash closer to the building. Koch stated he used the guidance of the mall's master sign plan for the proposed signs. The elevations of the building have been revised in response to the Town Board's comments. The color and materials used are now proposed to match the new façade of the mall. Koch stated that Seritage was also proposing some sort of sign for the 24-hour Fitness (located in the rear of the building) on the top front corner of the building.

The Board must send a memo on the Seritage site plan and on the addition of the fitness center use to the zone. The Board had some concern that the gym use doesn't necessarily bring traffic to the mall or compliment the mall. The Board requested the applicant re-look at restaurant's trash location. The Board agreed with the Town Board that the height of the proposed pylon sign should be carefully reviewed. The Planning Department will draft a memo for the Board to finalize in September prior to the Town Board hearing. The Planning Department will send a separate memo on the proposed reduction in the parking requirement now because that hearing is scheduled earlier.

Planning Board Minutes August 14, 2017

Upon a motion by LaScala, seconded by Tripodi, and with all those present voting aye, the Board voted to close the meeting at 10:05 pm.