

Planning Board Minutes October 16, 2017

A meeting of the Planning Board, Town of Yorktown, was held on October 16, 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
William LaScala
Anthony Tripodi

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

Courtesy of the Floor: Fon announced that the next televised meeting will be on November 20, 2017.

Correspondence: The Board reviewed the correspondence.

Meeting Minutes: Upon a motion by Tripodi, seconded by Kincart, and with all those present voting aye, the September 25, 2017 Meeting Minutes were approved with changes noted on the Chair's copy.

REGULAR SESSION

Hearthstone Minor Subdivision – Public Hearing postponed by Applicant

SBL: 17.18-1-8

Public 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.

This item was not heard.

Orchard View Realty Subdivision

SBL: 36.06-2-78

Second 90-Day Time Extension

Location: 2425 Sherry Drive

Contact: Zappico, LLC

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

No one was present representing the applicant. Fon stated the applicant is still working with the NYC DEP. The Board had no issues with the time extension.

Upon a motion by Tripodi, seconded by Savoca, with Kincart abstaining, and all other members voting aye, the Board approved a 2nd 90 day time extension for the Orchard View Realty Subdivision.

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Mongero Properties, LLC

SBL: 37.14-1-44

Second 1-Year Time Extension

Location: Saw Mill River Road

Contact: Albert A. Capellini, Esq.

Description: Request for a second 1-year Time Extension for 3,848 sf bank on 2.2 acres in the C-1 zone approved by Resolution #09-28 on November 9, 2009.

Al Capellini, project attorney, was present. Capellini stated the applicant still does not have a bank tenant. Capellini explained the property owner may need to consider a different type of end user and may need to come back for an amended site plan. The Board had no issues with extending the approval.

Upon a motion by Kincart, seconded by LaScala, and with all those present voting aye, the Board approved a 2nd one-year time extension for the Mongero Properties, LLC site plan.

Autoparts International

SBL: 36.06-2-76

Reapproval Special Use Permit

Location: 3333 Crompond Road

Contact: Urstadt Biddle Properties, Inc.

Description: Request for reapproval of a Special Use Permit for warehousing in the C-1 zone granted by Resolution #12-16 on October 15, 2012.

Andy Albrecht from Urstadt Biddle was present. Albrecht submitted the signed applicant and fee for the requested reapproval. Albrecht stated that the Autoparts center has been operating since it was approved. There have been no issues with traffic or the site. Tegeder stated that the use is working out well.

Upon a motion by LaScala, seconded by Tripodi, and with all those present voting aye, the Board reapproved the Special Use Permit for Autoparts Internationalsl.

Unicorn Contracting

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

Public Hearing

Location: 355 Kear Street

Contact: Ciarcia Engineering, P.C.

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

Savoca recused himself from this item.

Present were: Al Capellini, project attorney; Dan Ciarcia, project engineer; Phil Greal, project traffic engineer; Earl Goven, project landscape architect; and Paul Gallero, the applicant. Capellini described the location of the proposed development on the corner of Route 118 and Underhill Avenue. There is also a small amount of frontage on Kear Street.

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Ciarcia presented the following: Existing on the subject properties presently are the Coldwell Banker building, the hair salon, the Grace Building, and Murphy's Restaurant. The properties have frontage on Underhill Avenue, Route 118, and Kear Street. There was a building proposed on the lot on the corner of Kear Street, however this is no longer proposed. Only a sidewalk that was requested by the Board will be constructed on this lot. The barn in the rear of the Grace building and Murphy's Restaurant will be demolished. Lot coverage for the existing site is just under 10%. The proposed lot coverage will be 16.2%. There are no wetlands located on the properties. The proposed building will be connected to public water and sewer. There have been several changes to the plan since the Board's Informational Hearing. Again, the bank building was removed from the corner parcel on Kear Street. A sidewalk is proposed down this parcel that borders the Murphy's existing driveway. The proposed building configuration was changed to accommodate a fire truck movement all the way around the building. A new hydrant is now shown on the north side of the new building as requested by the Fire Bureau. Once the lot line around the Grace building is moved and the remaining two parcels are consolidated, the front yard had to be determined for the site. After a meeting with the Building Inspector, two of the lot lines were moved so that the new configuration did not create any nonconforming lots. The only variance request that remains is for the existing hair salon, which is on the property line. This condition was created as a result of a NYS DOT taking when Route 118 was widened. There is pavement in the Route 118 right-of-way in the front and rear of the Coldwell Banker building. The new parking configuration will remove this pavement. NYS recognizes this project as a redevelopment, but NYC DEP does not completely agree, therefore the existing impervious will not be treated as redevelopment. There is a net increase in impervious with the new building. There is an erosion control plan and three separate stormwater management systems. The goal of the proposed stormwater management was to maintain the historical flow patterns of the three watersheds on the site.

Grealy addressed the submitted traffic impact study for the development: The study used existing conditions, new traffic counts, historical traffic data from studies on nearby developments, as well as NYS data from the DOT. The study included three signalized intersections: Route 118 at Allen Avenue and Kear Street, Route 118 at Underhill Avenue, Underhill Avenue and Commerce Street, as well as the site accesses. The site access on Underhill Avenue closest to the Route 118 intersection is proposed to be eliminated. The site will have an access further down Underhill Avenue and access to Kear Street. The traffic study included reoccupancy of vacant spaces and proposed developments in town. These were all included in the no-build conditions. In terms of the impact on each intersection, a capacity analysis was performed for each of the intersections. Signal timing modifications were noted for each of the intersections. In addition roadway modifications are also recommended such as improved signage, painting cross walks, removal of vegetation, and modifications to the radius of the turn on the Murphy's side of Kear Street. Peak conditions may cause queueing on Underhill Avenue from the Route 118 intersection past the first site access, however there is another access to the site further down the hill.

Fon asked Grealy to discuss the pedestrian flow in and around the property. Grealy pointed out the sidewalk from the Yorktown Green Shopping Center. He recommends a striped crosswalk from here to the Murphy's driveway where a new sidewalk is proposed. This would connect to the interior sidewalks proposed through the site and connecting to Underhill Avenue.

Goven described the proposed landscape plan for the site: Streetscape improvements are proposed along Underhill Avenue including new sidewalks and a new bus stop enclosure. Trees are proposed in the parking areas. Site sections between Route 118 and the site parking were presented. Site lighting will be historic style fixtures. These fixtures will probably use LED lights with a softer light color (not too blue).

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Susan Siegel, 419 Granite Springs Road

Siegel comments: When this project was first discussed, it was presented as mixed retail and office. Is this still the case or is it all office? Capellini stated the first floor is still proposed as retail.

Ed Ciffone, 2635 Dunning Drive

Ciffone comments: The property includes several sites. Once they are taken over, what will the uses be of the remaining buildings? On Kear Street, you cannot make a right turn on red at this signal. This should be changed. Also, if you turn right out of Murphy's, there are cars parked on both sides of the street so you will have to drive over the double yellow line to get down the road. The access on Underhill Avenue is close to the traffic light that gets backed up. Is the property on sewer or septic? With all these changes, are we getting more taxes or less taxes? Are they using the new 485b, are they applying for a PILOT, etc.? Will the taxes to the town increase or decrease?

Kincart stated the properties are connected to the sewer on Underhill Avenue.

Dan Strauss, 3176 Woodfield Court

Strauss asked for clarification on the proposed driveway locations on Underhill Avenue. Ciarcia pointed out the proposed curb cuts on the site plan.

Ciarcia stated that patrons will now have the option of exiting from the existing buildings onto Kear Street during peak hours, since the new development will connect the parking lots.

Tony Grasso, Chamber of Commerce

Grasso stated that the new development will aid the town in the long run with employment, taxes received, and general improvement of the entire pieces of property.

Tegeder stated the applicant has been continually submitting documents and the Board and staff need time to review them. This includes the site plans and the stormwater plan needs to be developed further.

In responding to the comments made, Capellini stated that the applicant is not asking the town for anything except the zoning board variance for the existing salon building. The property owner should avail himself of any and all tax incentives he can receive for the development. In his opinion, the tax assessment should be greater on the new building than on what is existing on the site now.

In response to Ciffone's questions, Grealy stated the driveway to the east of the Grace building will be enhanced and can be used to access the entire site. The no right on red at the Route 118 and Kear Street intersection was a DOT decision made because of pedestrian movements and the travel speeds on Route 118, so this cannot be changed. Restriping is proposed along Kear Street that should address the issue of adequate travel lanes.

Ed Ciffone

Ciffone comments: The NYS DOT may or may not change the signal timing recommended. On Underhill Avenue, how many cars are in the queue? This property is in the Hallocks Mill Sewer district so do they have sewers already and can connect? What are the uses going to be in the existing buildings? Are they changing?

Capellini requested the hearing be closed.

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Dan Strauss

Strauss comments: Who owns which buildings and what will be happening to them? Capellini stated that the Coldwell Banker and the salon will be owned by the applicant and will remain the same uses. Is the corner parcel on Kear Street part of this application?

Capellini stated that nothing is proposed on the corner parcel on Kear Street except for the sidewalk.

Ciarca stated there are 4 tax lots involved in the application. Unicorn Contracting will own the Coldwell Banker, the hair salon, the Murphy's site, and part of the Grace Building lot. An affiliate of Murphy's will remain the owner of the corner lot on Kear Street and the Grace family will continue to own their site and building.

Upon a motion by LaScala, seconded by Kincart, and with all those present voting aye, the Board closed the Public Hearing and left a written comment period open for 10 days.

Colangelo Subdivision

SBL: 35.16-1-4

Public Hearing

Location: 1805 Jacob Road

Contact: Site Design Consultants

Description: Proposed to subdivide the subject property into 5-lots utilizing the "Flexibility" provision in the Town Code. The remainder of the 47 acre parcel is to provide for a single-family residence, open space and lands to be used for agricultural use.

Present were: Al Capellini, project attorney; Joseph Riina, project engineer; Bruce Donahue, project landscape architect and wetland specialist; and the property owner Ms. Constanta. Capellini stated the property is located on Jacob road near the Town of Cortlandt border. The Town Board authorized the Planning Board to use the flexibility standards section of the Town Code in developing this subdivision. The proposed road will be a private road. The subdivision will be served by public water and sewer. The Town Board approved the sewer petition to extend the sewer district. That application was sent to the Westchester County Board of Legislators and is working through that process.

Riina presented the proposed subdivision plan: Riina showed the existing conditions map. The site is sectioned off by stone walls and an old farm road. Riina showed the subdivision proposed on the northern portion of the site. Five homes are proposed on the east side of a private road. The remainder of the property and a sixth home will be on a 47 acre parcel. This parcel surrounds all of the other parcels. On the east side of the site, there is a 15 foot strip that is for a walking trail that would connect to the Hunterbrook trailway. The overall project will disturb approximately 5 acres of property. The sixth parcel shows a dotted outline of a possible future barn building, but nothing is currently proposed aside from the main house shown. A low pressure sewer system is proposed to connect the homes to a sewer line in Catherine Street, approximately 500 feet away to the north. Public water will be brought into the site and terminate at a hydrant at the end of the cul-de-sac. The west side of the proposed private road will have a vegetative swale. Flow will then be piped to a stormwater infiltration system that will also receive some of the driveways and roof runoff from some of the homes. Raingardens are proposed in the front of several homes to catch any runoff that cannot be directed into the main system.

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Donahue presented the wetland mitigation plans: Donahue explained that the original proposed private road was completely outside the wetland buffer however several large trees would have had to be removed in order to construct the road. By moving the proposed road slightly, these trees could be saved and that is why there is a small disturbance shown inside the wetland buffer. These trees will be protected during construction. Invasive species will be removed. A native seed mix will be used to outcompete the invasives. The rain gardens are for stormwater, but will be planted appropriately when site plans are proposed for each site. Only native material will be used and a greater variety of plant material is proposed so the rain gardens become an aesthetic feature of the property as well. A proposed planting plan for the infiltration basin was also included in the submission. Donahue stated that this subdivision is an initial phase of development for this property. The intent in a second phase is for the largest lot to be used for agricultural activities supported by a maintenance barn and a farm stand along Jacob Road. The owner isn't sure what specific agricultural activity will occur here. The existing farm road extends to the southern end of the property. A forest management plan and agricultural activity plan will be created for the property with the NYS DEC.

Riina stated that a stormwater pollution prevention plan was submitted to the Town Engineer. A memo was received. Quinn requested that individual site plan approval be required for each lot prior to the building permit. This project will go to the NYC DEP for approval and their review may include changes to the plan. There was an issue with the public notices that were sent by the applicant therefore the Hearing must be kept open until the next meeting.

John Schroeder, Yorktown Land Trust and the Yorktown Trails Committee

Shroeder stated he was pleased and encouraged that there is a trail proposed from Jacob Road to the Hunterbrook. The trail would connect to an existing trail owned by the Westchester Land Trust called the Hunterbrook Preserve. The full trail system is called the Jeremiah Dineen Linear Trailway, after a former Planning Board Chairman. This plan offers the access from the west side of the Hunterbrook. This connection will have to be well thought out because the south side of the site is very steep.

Riina stated that the only place the trail is in a fixed location is in the northern section where it is shown within a 15 foot strip. The rest of the trail's exact location would have to be discussed. Riina stated the applicant would be looking to keep the trail to the east side of the property.

Walt Daniels, Yorktown Advisory Committee on Openspace and the NYNJ Trail Conference

Daniels stated that he had not walked the site yet. There should be a Conservation Easement over the trailway.

Susan Siegel, 419 Granite Springs Road

Siegel comments: Are the rain gardens part of the stormwater plan? What are the provisions for their long term maintenance since they will be under private ownership? How can the Board deal with the development of the larger parcel in the future? Siegel supports the trailway connection.

Brian Mahoney, representing to properties on Southgate Drive, Town of Cortlandt

Mahoney's comments: The main concern is the runoff from the development of Lot 6. Are there permits for the work currently going on the site? Sundays have been loud lately with chainsaws and removal of trees. There has been heavy equipment on the weekends. Mahoney asked the Board to look carefully at the Jacob Road and Catherine Street intersection. Making a left turn from Jacob to Catherine is a blind turn. You can't see people coming the other way. This intersection should be looked at and maybe a four-way stop added. Mahoney asked the Board to consider that Walter Panas High School is on the road and there

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are a lot of student drivers that use this intersection. Mahoney was not sure the purpose of the barn on Lot 6. Will this development connect to a right-of-way between Nathalie and Southgate in Cortlandt? The farm stand will result in parking and traffic issues.

Ed Ciffone, 2635 Dunning Drive

Ciffone comments: The swale along the private road, where does it go once it fills up? Does it flow into the Hunterbrook? Are there homes to the south that would get flooded?

Fon stated that the stormwater plans are designed and reviewed by licensed professionals and there are more regulations now than there were decades ago. There should be no additional flow from the property.

Upon a motion by LaScala, seconded by Tripodi, and with all those present voting aye, the Board adjourned the Public Hearing until the November 20th meeting.

Upon a motion by Kincart, seconded by LaScala, and with all those present voting aye, the Board closed regular session.

WORK SESSION

Sandvoss Subdivision

SBL: 59.07-1-7

Discussion Subdivision

Location: 1005 Hanover Street

Contact: Site Design Consultants

Description: Proposed 3-lot subdivision of approximately 14 acres in the R1-80 zone.

Present were: Al Capellini, project attorney; Joseph Riina, project engineer; Steve Marino, project Wetland Scientist; and former project engineer, Dan Ciarcia.

Riina stated that only one home exists on the site currently. The original owner's home is on a lot where a lot line adjustment was made so that lot could be sold and not included in the subdivision. Riina stated that as a result of the NYC DEP review, the proposed private road was pushed all the way to the north so it crosses a narrower band of the wetland. Marino performed further studies on the site and submitted a report. Capellini stated that the public hearing for the application was closed and that variances were granted for lots without frontage. Capellini stated that in his opinion, this development fits in with the rural setting of the Croton Heights area.

Marino stated there were questions raised at the hearings concerning drainage, wildlife, and habitat. Marino explained that runoff comes from Hilltop Hanover Farm and drains through the deep wetland channel. The eastern flow comes from a pond and the western flow comes from the greenhouse area. Both meet in the wetland on the site. There is also an area on the site with seeps that created a small wetland pocket that also drains to the wetland. Marino also assessed the wildlife habitat on the site. He stated there is the potential for habitat for two snake species and two turtle species, but he did not see any on the site. Marino stated the stream corridor is not part of a NYS DEC wetland.

Riina stated that the application requires a SEQRA determination by the Board in order to move forward with the NYC DEP application. Tegeder recommended the Board review the project and move ahead with the SEQRA and a resolution.

2040 Greenwood Street

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SBL: 37.15-1-38

Discussion Site Plan

Location: 2040 Greenwood Street

Contact: Site Design Consultants

Description: Proposed 1 1/2 story commercial building and associated parking on 5.71 acres in the C-4 and R1-40 zones.

Present were: Al Capellini, project attorney; Joseph Riina, project engineer; Steve Marino, from Tim Miller Associates; and Brian Cipriani, representing the property owner. Riina stated that all of the proposed development is in the C-4 portion of the property. There is town sewer and water on Greenwood Street. The proposed building has an approximately 6,000 square foot footprint. The proposed use would be similar to Hartel's next door. Riina stated the driveway is proposed as asphalt, but the rest of the parking area would be gravel. The majority of the development is in the wetland buffer, but not in the wetland itself at all.

Marino described the existing wetland on the site. The site accepts the trailway runoff and is full of generally scrub shrub and then a new red maple forest. A lot of invasive species and non-native species are present. An old shed was on the property that has fallen down. The 1976 aerial shows the shed and the area around it is cleared. Tegeder thought it might have been a lime kiln plant on the site. Many present had heard that there may have been a radio tower on the property at one time. Marino stated the culverts under Greenwood Street are not in good shape.

Tegeder stated that this property was proposed to be changed to a residential zone in the Comprehensive Plan. The site remained zoned as it was; split C-4/R1-40. The planning question is how to not let the commercial bleed down the street into the residential neighborhood. Tegeder suggested that since the development is all proposed on the one side next to Hartel, perhaps a Conservation Easement should be placed on the rest of the property.

Riina stated the applicant has no objection to providing screening along Greenwood.

Envirogreen Associates

SBL: 15.16-1-30 & 31

Discussion Site Plan

Location: 1833, 1851, 1867, and 1875 East Main Street

Contact: Site Design Consultants

Description: Proposed redevelopment of a portion of the referenced property by removing one of the existing buildings and parking area, and constructing a new 6,000 sf and 10,000 sf retail centers with associated parking.

Present were: Al Capellini, project attorney; Joseph Riina, project engineer; Steve Marino, from Tim Miller Associates; and Brian Cipriani, representing the property owner. Marino stated that the applicant's team met with the NYS DEC and they stated that they were not convinced that the proposed development is minimizing the impacts to the wetland. The proposed option they prefer, does not connect the parking areas and leaves the site separated. The Board agreed that the parking shown in the rear of the old boarding house property is useless.

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Tegeger stated the Board needs something in writing from the NYS DEC. Tegeger recommended the Board approve the plan that is best for the Town and follows the historical planning documents. There is a public benefit to connecting the parking areas. Marino said the Board's preferred plan still minimizes the wetland disturbance so that no off-site wetland mitigation is required. All the mitigation can be done on site.

The Board scheduled a Public Hearing for the November 20th meeting.

Upon a motion by Kincart, seconded by Savoca, and with all those present voting aye, the Board voted to close the meeting at 9:40 pm.