

Planning Board Minutes November 20, 2017

A meeting of the Planning Board, Town of Yorktown, was held on November 20, 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
Robert Garrigan, alternate

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

Correspondence: The Board received no correspondence.

Meeting Minutes: Upon a motion by LaScala, seconded by Savoca, and with all those present voting aye, the November 6, 2017 Meeting Minutes were approved with changes noted on the Chair's copy.

Upon a motion by Kincart, seconded by Tripodi, and with all those present voting aye, the Board opened the regular session of the meeting.

REGULAR SESSION

Hilltop Associates

SBL: 37.06-1-25

Reapproval Subdivision

Location: Hilltop Road

Contact: Albert A. Capellini, Esq.

Description: A three lot subdivision approved by Planning Board Resolution 08-02 on January 14, 2008.

Joseph Riina, project engineer, and the property owner, Michael Blank, were present. Riina stated the applicant is still working to obtain a sewer connection for the subdivision.

Upon a motion by Kincart, seconded by LaScala, and with all those present voting aye, the Board reapproved the preliminary subdivision layout for the Hilltop Associates subdivision.

Colangelo Subdivision

SBL: 35.16-1-4

Adjourned 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.

Upon a motion by LaScala, seconded by Savoca, the Board opened the adjourned Public Hearing.

Joseph Riina, project engineer, Bruce Donahue, project environmental consultant, and property owner, John Colangelo, were present. Fon stated the hearing had been adjourned from the last regular meeting

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because there was an issue with the notices. Riina summarized the site and subdivision application again for the benefit of the public. Bruce Donahue reviewed the environmental aspects of the subdivision. Donahue stated that the applicant does want to offer a trail from Jacob Road down to the Hunterbrook, but only if it can be accepted as all or part of the required recreation for the subdivision. Donahue stated the applicant would also like to allow the public to walk through the agricultural lands on the larger 47 acre parcel.

Fon asked Donahue to review the tree removal currently occurring on the property. Donahue stated that the Applicant has a permit to remove these trees because they are mostly sweet birch trees suffering from sweet birch canker. The Town's tree committee agreed with this removal. Donahue stated that this tree removal was not to further the subject application, but to reduce the spread of sweet birch canker.

Riina stated that the trail access will be removed from the current application and may be a future part of the plan once the applicant receives an agricultural district approval from the county. Riina also stated that the applicant has an application in front of the County Board of Legislatures to expand the sewer district.

John Flynn, Woods Brooke Lane

Flynn ask to confirm that the trail is removed for preliminary subdivision approval. Flynn hopes the Board will accept the trail as part of the recreation requirement or that the trail will come into play if the applicant goes forward with the agricultural part of the project because the trail is a valuable connection to the Hunterbrook.

Tegeder stated that the recreation fee is part of the law, which requires active recreation. Passive recreation does not satisfy this required. Conservation Easements, donation of land for trails, or passive recreation all have not been accepted in lieu of fees. Riina stated the Recreation Board has stated they would rather have the fee in lieu of the land.

Donahue walked the property with Walt Daniels and came up with a proposed trail route. This located route is not shown on any plans as of yet, since the applicant does not intend to build it now. Tegeder stated that the trail development can be split into two separate parts; the preservation of the trail route and the actual construction of the trail. The Board may want to save the possibility of the trail connection without requiring it to be built now. Tegeder stated that this trail connection is important to the trailway master plan. Riina stated that the property owner does not wish to do either at this point. The current request is for preliminary approval. The applicant's position on the trail could change before the final approval is requested.

Jay Kopstein, 2239 Van Cortlandt Circle

Kopstein asked how the private road will be maintained. Kopstein does not want the town to have to come in to fix it and take it over in the future. Riina stated that there will be a recorded maintenance agreement and this notice will be written into the deeds for each property. The entirety of the road is located on the 47 acre lot. Kopstein asked who will administer the agreement if the owner of the 47 acre lot isn't around. Riina stated that maintenance will always be required for successive owners of the 47 acre parcel.

Tripodi asked if there was any future subdivision of the 47 acre parcel contemplated. Riina stated there is no intention to further subdivide the property and that the lot count was set in the Town Board's flexibility approval.

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

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The applicant will come back to the work session on December 4th to discuss the proposed resolution for preliminary subdivision approval.

Envirogreen Associates

SBL: 15.16-1-30 & 31

Public Hearing

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.

Upon a motion by Kincart, seconded by Savoca, and with all those present voting aye, the Board opened the Public Hearing.

Joseph Riina, project engineer; Steve Marino, environmental consultant; Gene Vetrano, project architect; and the property owner, Rick Cipriani, were present. Riina described the existing site which was approved and built more than 20 years ago. There are two existing access points to the property from Route 6. During the review process, the property owner acquired an adjacent parcel that had a three-story building on it and two additional access points to Route 6. Cipriani would like to expand his development and add two new one-story commercial buildings; 6,000 square feet and 10,000 square feet. The four existing site accesses from Route 6 will be removed and two new driveways are proposed. The buildings are proposed adjacent to the sidewalk. A front yard variance will be required to slide these buildings forward. The parking areas behind the buildings are proposed to connect to the adjacent parcels. Patrons would then be able to utilize the traffic light at Lakeland Street, especially for left turning movements. The design of the plazas and streetscape in front of the proposed buildings will be further discussed with the Planning Department. The project intrudes on a state wetland. Runoff from the site will end up in the rear parking area so underground stormwater structures will be used.

Marino described existing NYS DEC wetlands on the site. The applicant met with the NYS DEC early on in the process to show them the site plan and a conceptual wetland mitigation plan. The DEC was not comfortable with the level of impact to the wetlands that was shown on the plan. The proposed western building is now smaller and completely out of the wetland. 0.288 acres of wetland are still proposed to be filled for the parking lot connections to the adjacent parcels. Wetland mitigation will be proposed on the rear portion of the newly acquired parcel.

Gene Vetrano, with Sal Mancini Architects, showed concept drawings of the buildings. The 6,000 square foot building shows 3 stores and 1 second-story apartment. Mechanicals can be hidden on the back of the 2nd story roof. The 10,000 square foot building is a similar design, but has a much longer roof. Gables and dormers were added to both buildings to break up the roofs. Depending on the tenants, the sides of the buildings may have additional windows.

Tegeder asked if Riina analyzed the predominant setbacks of the streetscape because if all the buildings are in a common line closer to the street than the required setback, the Board can approve the building location without a Zoning Board variance. Riina will check the setbacks of the adjacent buildings.

Paul Jeffries, 1743 Clover Road

The intrusion into the wetlands is not a little issue. Jeffries stated he is not opposed to progress and building, but he needs time to consider the proposal. The issue is about what we are going to make our

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community look like. Huge buildings in my backyard and our neighborhood's backyard is not desirable. Traffic up and down Clover Road will be an impact. A lot of effort was put into the Comprehensive Plan and this should be valued.

Dan Strauss, 3176 Woodfield Court

Strauss asked the distance from the curb to the building. Why are they moving the sidewalk? Riina stated the distance is 22 feet from the curb to the building.

Andrea Jeffries, 1743 Clover Road

Jeffries displayed an aerial photo of the property and stated that she was not sure how many people received the notice because it affects a larger area than just the adjacent lots. Jeffries asked what assurance there would be that the entire parcel won't be clear cut. Jeffries stated that there is too much development everywhere. The drainage on Clover Road already has problems. There is a storm drain only on one side of the street and there is already flooding on Lakeland Street and at the end of Clover Road. Jeffries asked why we need this building.

Property owner, Rick Cipriani, stated he had no problem not developing the rear of the property at all and will put a restriction on the property if the town requires it. The rear of the property will remain as it is.

Tony Grasso, representing the Yorktown Chamber of Commerce

Grasso stated the property is zoned C-3 so the public should be involved and ask questions, however the property owner has a right to develop his property. If the property owner wishes to donate the rear of the property to the town they can. If the development meets the town standards, there is no reason to not allow it. Commercial development is what keeps taxes down.

Wilson asked Riina if the applicant has been back to the Army Corps of Engineers since 2016. Riina stated that no they have not. Marino stated once the new plan is accepted by the NYS DEC, the applicant will go back to the Army Corp to amend that permit. Marino stated he can put the site plan on the aerial photo so you can see where the development will be.

Tegeder stated a through road is not proposed. The connections were conceived to connect the adjacent parking lots for easier access across the parcels and for safety. Kincart asked Tegeder if the proposal is in compliance with the comprehensive plan. Tegeder stated that yes, even though the comprehensive plan has a goal to protect wetlands, and even though wetlands are being filled, this plan and proposed mitigation will protect the wetlands. Fon added the applicant will also treat runoff from Route 6 that is not currently being treated.

Upon a motion by Tripodi, seconded by Savoca, and with all those present voting aye, the Board closed the public hearing but left a written comment period for two weeks.

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

WORK SESSION

Courtesy of the Floor:

Dan Strauss asked the Board why the Kear Street development got approved with a building 12 feet from the sidewalk. I think it is illegal. The Zoning Board referenced the setback of the tire store when discussing

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the application. Why did this Board allow this building to go through? Fon stated the majority of the Board approved the project and requested Strauss relook at the project once it is completely done.

Jay Kopstein stated the Board accepted the traffic study and bought all the claims of the applicant. Fon requested Kopstein look at the project when it is done. Kopstein stated he thought the traffic study was flawed. The Board should insist upon a traffic consultant to be hired by the town and paid for by the developer not just accept a developer's study. Tegeder stated that the Board does have the ability to have the applicant pay for an independent traffic study should they choose to.

Unicorn Contracting

SBL: 37.18-2-85

Discussion Subdivision Application

Location: 355 Kear Street, 360 & 366 Underhill Avenue

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 application.

Present were Dan Ciarcia, project engineer; Allen Rothman, representing Unicorn Contracting; and Patrick Murphy, owner of the Murphy's parcel. The Board has a hearing on the subdivision application for this project scheduled for the December 4th meeting. Al Capellini is working on the easements between the properties. Ciarcia described the new streetscape along Underhill Avenue. The additional parking spaces available at the Brookside building will continue. The applicant requested the Board make a decision on the plan at the December 4th or 18th meeting. Ciarcia stated that a Lighting plan was emailed to ABACA today.

2040 Greenwood Street

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.

Joseph Riina, project engineer; Rick Cipriani, property owner; and Steve Marino, environmental consultant; were present. Riina stated the proposed plan was revised to address the Board's comments. The handicap spaces will be asphalt. The rest of the parking area will be gravel. Parking lines are shown to illustrate the number of spaces the parking area can accommodate, however the gravel cannot be striped. The Board requested the applicant submit an aerial photo showing the surrounding area and a narrative describing the intended use of the site. The Board scheduled a Public Informational Hearing for the January 8, 2018 meeting.

Sandvoss Subdivision

SBL: 59.07-1-7

Discussion Subdivision

Location: 1005 Hanover Street

Contact: Site Design Consultants

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

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Joseph Riina, project engineer, and Steve Marino, environmental consultant, were present. Fon asked Riina to review the SEQRA for the application. Riina evaluated the project's impacts against the plan that was presented as part of the original hearing. Riina concluded that the proposed plan was substantially the same. Two changes were made as a result of the NYC DEP review and the impacts of those changes are positive. One, when working with the DEP, the proposed roadway was moved out of the wetland. Two, from a stormwater perspective, the plan goes in a different direction with a combination of rain gardens and pocket wetlands which are more green practices. These areas were situated so that they are capturing and treating as much of the stormwater as possible. In Riina's opinion, the proposed plan is better than the previous plan. An updated EAF was submitted. The environmental conditions on the ground are the same. Tegeder stated the Public Hearing was closed in 2009. Wilson will review the revised EAF. Wilson stated the Board is not required to hold another hearing however it would not be detrimental to do so. The Board decided to schedule a Public Hearing for the January 8th meeting.

Gallinelli Subdivision

SBL: 27.13-1-49

Discussion Subdivision

Location: 2777 Quinlan Street

Contact: Site Design Consultants

Description: Proposed two lot subdivision on 1.47 acres in the R1-20 Zone. Each house to be serviced by town water and sewer.

Joseph Riina, project engineer, was present. Riina stated that the property owner does not want a shared driveway. Both driveways are now proposed to the north side of the lots. The owner is okay with extending the sewer line up Quinlan Street, as the Board had requested, but wants to still investigate connecting through the rear of the property to the sewer line in Ogden Drive. Kincart asked where the neighboring lot connected to the sewer because that house is connected to the rear. Riina stated he needed to look further into the adjacent lot. Fon asked how many properties would benefit from extending the sewer line up Quinlan. Riina stated at least five properties could benefit from an extension. Tegeder would like to revisit the shared driveway even if it is just shared in the right of way and immediately splits off. Tegeder would rather see one wider curb cut for both driveways. Riina stated the county online map shows all of the town parkland is wetland, which would put a wetland buffer on the subject parcel. He will investigate this issue as well. The Board scheduled a Public Informational Hearing for the January 8th meeting.

Upon a motion by Kincart, seconded by Savoca, and with all those present voting aye, the Board voted to close the meeting at 9:30 pm.