

## Planning Board Minutes December 4, 2017

---

A meeting of the Planning Board, Town of Yorktown, was held on December 4, 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.

**Correspondence:** The Board received correspondence associated with agenda items.

Fon thanked Greg Bernard for attending the Planning Board meetings and providing assistance to the Board as the Town Board Liaison.

**Meeting Minutes:** Upon a motion by LaScala, seconded by Savoca, and with all those present voting aye, the November 20, 2017 Meeting Minutes were approved with changes noted on the Chair's copy.

### REGULAR SESSION

#### **Unicorn Contracting Corporation**

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

#### **Public Hearing - Subdivision**

*Location:* 355 Kear Street, 360 Underhill Avenue, 366 Underhill Avenue

*Contact:* Ciarcia Engineering, P.C.

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

Savoca recused himself from this item.

**Upon a motion by Kincart, seconded by Tripodi, and with all those present voting aye, the Board opened the public hearing.**

Dan Ciarcia, project engineer, Paul Guillaro, the applicant, and Patrick Murphy, were present. Ciarcia stated that the Board has held hearings on the site plan application, however through the process the applicant determined lot lines would be relocated and the Board felt there would be a cleaner record if a subdivision map was approved and filed with the County. Ciarcia described the application stating that there are 4 total lots involved in the site plan application. Three of those lots are included in the subdivision; the Coldwell Banker building lot, the Murphy's building lot, and the Grace Building lot. Markatos had done a subdivision to draw a line between the bank and the restaurant buildings to create two lots. The applicant will own the Murphy's lot and the Coldwell banker and salon on one lot and the Grace family will own their reconfigured parcel. There will be further access documents recorded to define the relationships between the parcels.

## Planning Board Minutes December 4, 2017

---

The Board reviewed the draft subdivision and site plan resolutions. The applicant will be in front of the Zoning Board of Appeals at their meeting on December 14<sup>th</sup> for the variance for the existing salon building. The Board discussed what bonds will be required for the subdivision approval.

**Upon a motion by Kincart, seconded by LaScala, and with all those present voting aye, the Board closed the Public Hearing.**

The Board discussed the draft site plan resolution. Tegeder reviewed changes from the Board's previous draft. The applicant will need to site several dumpsters that will take up parking spaces. This only moves the percentage parking reduction from 14 to 15% most likely. The applicant must finalize the lighting fixtures and landscape plan. Submit surveys of existing conditions. Some of the conditions were from the Engineering memo dated December 1<sup>st</sup>. Other items were not addressed in the resolution because they were questions that the Board has handled already. Tegeder, Landscaping maintenance plan for softening the impact of the wall and the landscaping across the parking lot.

### **Stahmer Minor Subdivision**

**SBL: 59.10-1-10, 12 & 16**

#### **Public Hearing - Subdivision**

*Location:* 600 Birdsall Drive

*Contact:* Insite Engineering, P.C.

*Description:* Proposed 3-lot subdivision on 10 acres in the R1-80 zone.

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

Project engineer, Rich Williams, was present. Williams described the location of the subject property. The property consists of three existing tax lots. Three new building lots are proposed; 2.7 acres, 4.3 acres, and 2.7 acres. There were three zoning variances that were granted for a previously proposed 4 lot subdivision. A variance granted for the 4<sup>th</sup> lot is no longer needed. The other three variances are still valid for this proposal. Williams stated that he met with the Town Engineer to address his remaining concerns. Some piping changes were made to Lot 1. Williams is scheduled to walk the collection system in the town right-of-way with the engineering department. Tegeder asked Williams to describe the access point to Jerome Road. Williams stated that Stahmer owns a 50 foot by 100 foot tax lot, which is the access to Jerome Road. The second access is an old right-of-way that Williams thinks is owned by the town. The Board received an email from a neighbor, George Olivier, who thinks he may have control of the access on State Street. The Board agreed to hold the hearing open for written comments.

#### John Shroeder, 501 Jerome Road

Shroeder stated he was happy with the 3 lot subdivision instead of the 4 or 5 lots that were proposed in the past. Shroeder expressed his concern for the configuration of the driveway on Lot 1 which is long and comes very close to his property and home.

**Upon a motion by Kincart, seconded by Savoca, and with all those present voting aye, the Board closed the Public Hearing and left a written comment period open for two weeks.**

# Planning Board Minutes December 4, 2017

---

## Courtesy of the Floor:

John Shroeder advocated for some sort of easement on the Colangelo property to preserve the connection to the Hunterbrook Trailway even if not fully on this property.

Susan Siegel spoke as Chairman of the Yorktown Trailtown Committee. Siegel advocated for the trailways of Yorktown. Siegel stated that in her opinion, the land should be set aside or an opportunity will be missed. Hiking and cycling on the trails should be considered active recreation.

## Village Traditions

### SBL: 15.16-1-32

#### Discussion - Amended Site Plan

*Location:* 1821 East Main Street

*Contact:* Tim Mallon

*Description:* Proposed amendment to approved site plan to remove the existing barn and construct a 3,300 square foot building for commercial on the first floor and an apartment on the second floor.

The property owner, Tim Mallon, was present. Tegeder asked Mallon to meet with the Planning Department staff regarding next steps and set out a path to finish the project.

## Colangelo Subdivision fka Featherbed

### SBL: 35.16-1-4

#### Discussion - Subdivision Resolution

*Location:* 1805 Jacob Road

*Contact:* Albert A. Capellini, Esq.

*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.

Joseph Riina, project engineer; Bruce Donahue, environmental consultant; and John Colangelo, the property owner, were present. Colangelo stated he was concerned he would be required to provide the trailway and have to pay the recreation fees as well. Colangelo explained that he wants to create an "agri-hood." Donahue stated that the applicant's team thought that the mile long trailway would satisfy the recreation requirement. Fon stated that it was more important to the Board to have an easement reserved than to have the trail built out. Kincart asked what happened with the Arrowhead Subdivision. Steinberg stated that the Arrowhead Application donated the top of the mountain that included the white trail, and then an additional 4 acres also on the hill, which was 10% of the 40 acre property, was donated to the Town. Kincart asked if Colangelo would dedicate an easement along the east side of the parcel for the trail. Colangelo stated that he is not sure if he wants the trail behind the homes in the location shown anymore. It might make more sense to have the public walk up the private road and old farm road instead. Tegeder asked if the donated portion would be 5 acres, or 10% of the total property. Riina stated that currently the trail shown did not equal 5 acres, but some land at the southern end of the property could be added to the donation. Tegeder stated the Board needs to integrate the Town Comprehensive Plan and the Hunterbrook Trailway plan to further their request for the trailway as recreation. Riina asked if language in the preliminary resolution can be drafted to deal with this issue between preliminary and final approval. That way the application can go to the NYCDEP, and other outside agencies to be reviewed in the meantime.

## **Planning Board Minutes December 4, 2017**

---

Tegeder stated the Board could refer the application formally to the ACOS for their opinion. The Planning Department will work on a draft the resolution including the recreation options.

**Upon a motion by Kincart, seconded by Savoca, and with all those present voting aye, the Board voted to close the meeting at 8:45 pm.**