

## Planning Board Minutes April 17, 2017

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A meeting of the Planning Board, Town of Yorktown, was held on April 17, 2017, at the Yorktown Community & Cultural Center, 1974 Commerce Street, 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  
Rob 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 correspondence.

### **Minutes:**

**Upon a motion by Kincart, seconded by Savoca, and with all those present voting aye, the Board approved the chair's corrected copy of the March 27, 2017 meeting minutes.**

**Upon a motion by LaScala, seconded by Savoca, and with all those present voting aye, the Board approved the April 3, 2017 meeting minutes.**

### **WORK SESSION**

#### **JCPC Holdings, LLC**

**SBL: 48.07-2-2**

#### **Discussion Site Plan**

Location: 1560 Front Street

Contact: Daniel Ciarcia, P.E., P.C.

Description: An approved site plan to construct a 5,000 sf building for an engine building shop.

Present were: Dan Ciarcia, project engineer, and the applicants, John and Patty Cerbone. The Board reviewed the resolution approving the moving of #10 and #11 from the original resolution, from last meeting. Tegeder explained that #3, which required the building elevations also should be moved to the prior to building permit stage because the applicant can't release the order for the building until he has the Board's approval. The Board agreed the elevations can be looked at later. Tegeder reported that the other items including the Lighting Plan, Landscaping Plan, etc. are almost complete. The applicant should not need to return to the Board prior to signing the plan. Tegeder stated that the few items left on the Town Engineer's memo are not needed prior to the signature of the site plan. The Board will sign the resolution amending the original approval tonight.

#### **Shrub Oak International School**

**SBL: 26.05-1-4**

#### **Discussion Site Plan**

Location: 3151 Stony Street

Contact: David Steinmetz, Esq.

Description: A proposal for a site plan, a special use permit for a helistop, and a special use permit for a private school, for autistic children, at the former Phoenix House Academy.

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Present were: David Steinmetz, project attorney; Steve Hyman, project engineer; and Ron Hill, project traffic engineer. Steinmetz stated the applicant has been working on some items that were required for the plan to continue. Steinmetz also stated that he has spoken to the supervisor about the park entrance and that discussion continues.

Fon asked the applicant to speak about the NYCDEP watershed line now shown on the plan. Hyman stated the southeastern portion of the site is located in the NYCDEP watershed. The NYCDEP will be making a site visit to the site to confirm the wetland boundaries are outside the project area. Savoca asked if the NYCDEP said anything about the improvements and proposed road in the watershed. Hyman stated there will be an impervious cover limit and green infrastructure practices required. Steinmetz stated that the applicant hopes to obtain conditional approval until NYCDEP is satisfied. Tripodi asked if the farm animals are located within the NYCDEP boundary. Hyman stated that yes, the southerly proposed farm animal area is located within the watershed. Hyman stated that the only issue that came up is whether the area will be disturbed in order to have the animals. Either way however, the project already qualifies for a NYCDEP Stormwater Permit approval due to the amount of impervious cover proposed for the parking and other improvements. Hyman stated a clearer understanding of the shared access road would really aid in the discussions with the NYCDEP. Steinmetz stated the applicant needs direction on the proposed road standards. Tegeder stated that the width of the proposed road will determine the width of the right-of-way required. If the road is to be dedicated, it must be built to town standards. Tegeder also stated that the demand for a typical park and the proposed project should be used for the design of the shared driveway.

Ron Hill, traffic engineer, did perform a warrant study at Stony Street and East Main Street. The intersection makes one warrant in its existing condition. When the traffic was added from the four additional developments in the area, the third warrant is triggered. Five years of accident data were also studied. A lot of rear end and left turn accidents occur. There are a couple at every intersection along East Main Street. Several 90 degree accidents at each intersection were reported as well. The traffic data indicates there is moderate to high traffic on the narrow road (East Main Street). In addition, there isn't great sight distance on the road because it is narrow and curvy. Hill stated that in his opinion, there isn't one intersection that is the problem. The accident data was obtained from the NYS DOT with the most recent data from this past year (2016). Steinmetz asked if the applicant's project needs to provide mitigation. Hill stated that no, the applicant's application alone does not require mitigation, but all the developments studied together create an impact at the Stony Street and East Main Street intersection. Hill stated that in his opinion East Main Street is quite heavily traveled during certain hours. The accident data at Stony and the Bear Mountain Parkway have decreased since the NYSDOT improvements were completed.

Fon stated East Main Street is used as a cut through to the Taconic because there are no traffic control devices at all along its entire length. Hill stated that the road is definitely used to get to the Taconic, however he would never recommend a stop sign be used at any of the intersections for the purpose of slowing vehicles down. A stop sign is not a traffic calming device. Tripodi asked why stop signs are not traffic calming devices. Hill stated that stop signs only control the speed of traffic right next to the sign. Drivers tend to speed between the signs and eventually will roll through them and accidents occur. Adding a traffic signal is the Town's decision.

D'Agostino asked about a flashing signal at the intersection. Hill stated that studies show that people stop paying attention and therefore a flashing signal will have little effect. Steinmetz asked if the town has any plans to do something on East Main Street. Councilman Bernard stated that there has been discussion

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about putting a three way stop at New Road. The town has already passed legislation to put a light at the intersection of Stony Street and East Main, however funding is needed.

Steinmetz stated that between now and the public hearing, the applicant will confer with Michael Quinn about the traffic intersection. Kincart asked what the 4 other projects studied were. Hill stated the four projects given to him were the restaurant yet to open at Crompond Crossing, Crompond Terraces, Lowes, and the town's park on the adjacent site.

Steinmetz stated the helipad consultant wants to do a large presentation and he is asking the Board's guidance on where they want the discussion to go. The Board stated they would like the consultant to address the angles of flight, the flight patterns, and the frequency of non-emergency flights proposed. LaScala asked if the applicant's company owns a helicopter. Steinmetz stated the applicant does not own a helicopter. Councilman Bernard asked about a curfew for non-emergency flights. Tegeder and the Board agreed, the hours of non-emergency flights will be conditioned in the special permit. Steinmetz stated that the 300 residents of the school will want it to be quiet as well.

Tegeder asked how the applicant was proposing to handle the stormwater. Hyman stated that once the NYC DEP has made their site visit, this will dictate the practices that will be proposed. The NYCDEP must delineate any water courses that are on the site. There are a few drainage ditches running off the property towards Stony Street that may or may not be considered water sources. If the NYCDEP sees these are still wet more than a few days after a rain, then they will be considered water courses. Tegeder asked if there was even a generalized scheme for the stormwater at this moment. Hyman stated no, he wanted to wait until the NYCDEP made their site visit before developing the stormwater plan. Garrigan asked if the proposed road to the southern parking area was a new road or reuse of existing driveways. Hyman stated that there is a very narrow driveway into the site from this access. It will generally be reconstructed. Tegeder stated that the applicant must be able to describe the stormwater plan in a preliminary way at the hearing. Steinmetz asked if the applicant can tentatively be put on the Board's schedule for a May hearing. Hyman stated he would generate a preliminary plan after meeting with the town engineer and John Tegeder. The architect for the project is working on conceptual lighting and conceptual landscaping plans.

The Board will notice for a May public hearing and pull it off the agenda if the stormwater and town park details are not able to be submitted. The applicant should pay for the hearing to be renoticed if that is required.

### **Community Housing Innovations**

**SBL: 16.08-1-34**

#### **Discussion Site Plan**

Location: 670 East Main Street

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

Description: A proposal to raze the existing single family house and garage on the parcel and build 3 two family town houses in the R-3 Zone.

Present were: Alex Roberts, from Community Housing Innovations; Margaret McManus, Badey & Watson; Anthony Navarro, real estate development at Community Housing Innovations. Community Housing Innovations has been developing affordable housing for 18 years and they have managed over 750 units. New owners must meet certain qualifications and complete 8 hours of counseling.

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The company obtained 10 grants for providing affordable housing in Westchester County. The development would use manufactured housing. Two units have been approved in Cortlandt. Completing these projects one unit at a time is time consuming. The applicant is hoping to propose four two-family homes on the site in Yorktown. The unit owner would live on the second floor and rent the first floor. Navarro stated that they are aware that a variance would be required no matter what is built on this site. The applicant had McManus draw several designs to show the Board. LaScala asked if there is a time limit in which the unit must remain affordable. Roberts stated that their program is not the same as Westchester County's affordable housing program, which requires the unit remain affordable for 40 years. The applicant's program, allows for a sale sooner, however then the owner must repay the original \$40,000 granted. In the case of the rental unit, the rent is controlled for 15 years. Community Housing Innovations monitors the rental of the unit. Not the same as Section 8 housing. The maximum a Section 8 participant can earn is 50% the median income. The applicant's program allows up to 60% of AMI. There is a deed restriction on the title. After 15 years the unit can be sold at market value. The owner must occupy the unit for the 15 years. It cannot be bought as an investment. The applicant as developer is allowed to earn a 10% developer fee. The applicant monitors owner occupancy, housing quality standards, and that the owner remains current on payments. Rentals are typically an annual lease. There are no age restrictions.

The proposed units are modular, side by side, units. All of the homes are the same size. The second story unit is the 3-bedroom owner's unit. The first floor is a 2-bedroom rental unit. The owner cannot switch and occupy the smaller unit and rent the top. The owner is responsible to pay the taxes for their own fee simple lot. The existing parcel is about 1/2 acre. The units are about 2,200 square feet each.

Kincart stated the intersection of East Main Street and Lee Boulevard is very dangerous. Having the driveway(s) off this intersection would not be a good idea. Kincart stated that he thought the program would be very good for the community, however he does not see this many units on this site. Fon projected there could be at least 5 cars per unit with the amount of bedrooms. The Board agreed there were too many units proposed.

Fon suggested the applicant meet with staff to work on some alternatives that would work for the applicant. Roberts said they could do four single-family homes. It is just less affordable for the homeowners.

### **Adrian Auto Body Addition**

**SBL: 26.18-1-24**

#### **Discussion Site Plan**

Location: 3330 Old Crompond Road

Contact: Ralph G. Mastro Monaco, P.E., P.C.

Description: A proposal to construct a 3,900 sf addition to the existing body shop.

Joseph Adrian, Jr. was present. The applicant obtained approval from NYCDEP on Friday. Fon asked about the SEQR review. Tegeder stated the SEQR process was completed the first time the site plan was approved.

**Upon a motion by Kincart, seconded by Savoca, the Board opened a Special Session.**

Fon stated the applicant obtained the NYCDEP approval. Tegeder requested a condition be added that the stormwater chamber be moved 5 feet from the property line.

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Upon a motion by Kincart, seconded by LaScala, the Board approved the amended site plan for Adrian Auto Body.

Upon a motion by Savoca, seconded by Kincart, the Board closed the special session.

### **Town Board Referral - Wetlands Ordinance**

Description: Proposed local law to repeal Chapter 178 entitled, "Freshwater Wetlands," and replace it with a new Chapter 178 entitled, "Freshwater Wetlands Protection."

Tegeder stated what the major changes from the document the Board saw before were: on page 14 F) language was added to strengthen the importance of the functional value, as this was the intent of the new law. On Page 16 A) mitigation policy, a second sentence was added stating that size, location, and setting shall be considered secondarily. This means that the wetland would not necessarily have to be replaced in-kind at a one for one ratio.

Kincart asked why the delineation of off-site wetlands was changed from 200 feet to 100 feet. Kincart asked if this took into account the topography of the land. Tegeder stated that yes, the 100 foot buffer would not have a function if it was below the wetland. Garrigan asked about page 9, H 1) that was changed to 100 feet and if all the items under this heading should also be changed to 100 feet. Tegeder stated no on #4, but maybe #7 could be 100 ft.

Tripodi commented that on page 6 c) prohibited acts, seemed too broad.

Kincart asked if on page 5 #16: silviculture agriculture, should move to be a regulated act so a permit is issued. The Board agreed.

Tegeder pointed out that on Page 2 under intent, the issuance of a permit allows work, but it does not authorize a land use. Page 9, B 1)(b)(1) the 2,500 was 800 prior. The proposed ordinance made a large jump from 800 square feet to 20,000 square feet for Board approval, so the lower limit was also raised.

On Page 10, #7, suggest changing from 200 feet to 100 feet; requiring elevations of the site and adjacent lands within 100 feet of the site at a contour interval of no greater than 10 feet.

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