

Planning Board Minutes May 22, 2017

A meeting of the Planning Board, Town of Yorktown, was held on May 22, 2017, at the Yorktown Community & Cultural Center, 1974 Commerce Street, Yorktown Heights, NY 10598. The Chair, Richard Fon, opened the meeting at 7:10 pm with the following members present:

John Savoca
John Kincart
Anthony Tripodi
William LaScala

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.

JCPC Holdings, LLC – A memo dated May 17, 2017 was received from the Town Engineer regarding the Planning Board's Stormwater and Wetland Permit. Applicant Patti Cerbone was present. Town Engineer, Michael Quinn, stated that the Engineering Department was working on the permit conditions for this project and that the draft conditions were prepared. The one issue Quinn wanted to discuss was the offsite mitigation that was supposed to be done for this project. The Engineering Department agrees that the wetland intrusion on site needs to be mitigated offsite. The work the applicant was proposing conflicts with another project East of Hudson is planning. Engineering estimated the work the applicant would have completed would have cost approximately \$15,000. Therefore, Quinn feels the applicant should contribute this \$15,000 to go towards the proposed work or work somewhere else in the same watershed.

The Board asked the applicant her opinion. Cerbone stated she would go along with the contribution if it would release the permits however, in their opinion, the NYCDEP has required a lot of work on the site and that when the project is finished there will be more wetlands on the site than currently. Quinn stated that all onsite work is related to stormwater.

Tegeder stated the Board did discuss the East of Hudson project. At that time the Board decided to talk about the mitigation again at the time of Certificate of Occupancy because the Board was waiting for the East of Hudson project to come to fruition. East of Hudson is now moving forward on the larger project for the area. Quinn stated he would rather discuss the mitigation now. LaScala asked what happens if the town doesn't spend all the money. Quinn answered that if the town doesn't use all the money or can't get a project together in a certain amount of time, the applicant's money would be returned. This condition is included in the draft permit.

Cerbone stated the onsite wetland will be larger, from 11,000 square feet to 12,000 square feet, once the project is complete. In addition, planters required by the NYCDEP to be installed around the building is also expensive. Quinn explained that the onsite wetland will become a bioretention area required by the NYCDEP. This is for stormwater mitigation, not wetland mitigation. Tegeder stated a bioretention area can be used for wetland mitigation as well. The NYCDEP did require more than the Board had approved. Tegeder continued to explain how the Board had taken into consideration the functional value of the existing wetland, which is of low function and nothing more than an area where water collects because it has nowhere to drain. Even though the mitigation is technically for stormwater, it will create a more highly functional wetland than was there before.

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The Board reviewed the reason the original impoundment of water was created. The building of Front Street most likely caused the water to collect in this area on the site. The Board asked Blanchard what his opinion on whether the mitigations are overlapping. Blanchard stated he would review the application.

Quinn stated he has changed the permit conditions to be specific to building permit for foundation so the applicant can start work. The Board agreed that they do not want to hold the applicant up.

Tegeder reminded the Board that they had already decided to not make a final decision on the mitigation until prior to issuance Certificate of Occupancy. Quinn stated that the town's wetland code requires one for one mitigation and the stormwater mitigation does satisfy the one to one.

Tegeder stated the Planning Board has always acknowledged that the function of a wetland is much more important than the size. Blanchard will look at just the wetlands issue and that the mitigation is not overlapping or over burdening the applicant. Fon will stop by the Planning Department to sign a revised permit so work on the site may commence.

Minutes:

Upon a motion by Kincart, seconded by Tripodi, and with all those present voting aye, the Board approved the chair's corrected copy of the May 8, 2017 meeting minutes.

SPECIAL SESSION

Ianuzzi, Stephen & Betty

SBL: 47.15-1-14, 15, 16

Request for Reapproval

Location: 1189 Baptist Church Road

Contact: Albert A. Capellini, Esq.

Description: Approved re-subdivision of three existing lots into four lots under the Town's Flexibility Standards by Resolution #16-11, dated June 13, 2016.

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

Project attorney Al Capellini was present. Capellini stated this application needs reapproval because the surveyor passed away. The applicant has contracted with a new surveyor to finish the plat.

Upon a motion by Kincart, seconded by Savoca, and with all those present voting aye, the Board reapproved the Ianuzzi Subdivision.

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

WORK SESSION

Hearthstone Minor Subdivision

SBL: 17.18-1-8

Discussion Subdivision

Location: 3138 Hearthstone Street

Contact: John Annicelli, Esq.

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Description: Proposed to subdivide a one acre parcel into two building lots both to be serviced by public water and sewer lines.

Present were John Annicelli and applicant George Vignonga. Annicelli asked the Board to schedule a Public Informational Hearing. Tegeder stated that a few changes were requested on the plans and the applicant is submitting these revisions tonight. The applicant will answer the Town Engineer's memo prior to the hearing.

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: Proposed to raze the existing single family house and garage on the parcel and build three 2-family town houses in the R-3 Zone.

Present were: Margaret McManus from Badey & Watson, and Anthony Navarro real estate development for Community Housing Innovations. McManus stated that the applicant listened to the comments the Board had at the prior meeting. The proposal is now for 6 single-family units, not two-family units. The proposal still requires variances or authorization of flexibility from the Town Board. Fon asked what the percentage variance is. Tegeder stated that the small parcel can only be developed with variances. There is currently an existing home and a garage on the site. The parking does not require a variance. McManus stated that the lot is about half an acre, not the 30,000 square feet shown on the town records. McManus said the survey shows the property is about 22,000 square feet. Kincart thanked the applicant for removing the proposed driveway on East Main Street, however he still felt the density is too high for this site. Kincart asked if the grade on Old Jefferson Valley Road could accommodate the proposed driveway as shown. McManus did not feel the road was too steep. Tripodi asked if the units would be rentals. Navarro stated the units would be for home ownership. The units shown are 800 – 1,200 square feet in size. McManus thought they were similar to the neighboring development at Surrey Court. A variance would be needed from the FAR and all the setbacks. Kincart suggested two two-family units or 4 single-family units might fit better. McManus stated that fewer units makes the site too expensive. McManus also stated that even with 4 units, all the same variances would be required.

The property owner was also present. He stated that he purchased the property eight years ago. The existing structure is 6 feet from the property line and is an eyesore. He would like to develop something on the property and asked if four units would work. Kincart stated he would support variances for four units. The entire Board agreed 6 units is still too much.

Lowe's Home Center

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

Discussion Master Sign Plan

Location: 3220 Old Crompond Road

Contact: Provident Design Engineering

Description: Proposed signage for the Lowe's Home Center Shopping Center.

Present were: Project attorney Al Capellini; Tom Holmes from Provident Design Engineering; Todd Evans and Amelia Dass from CREATE architecture; and Bob Rosenberg from Breslin Realty. The architects presented the proposed signage. Options are given for proposed signage conforming to code and then additional signage should the applicant require more signs. Kevin Bulger presented the signage

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for Lowe's. Bulger stated he had confirmed the square footage of signage allowed based on building length, with the former Building Inspector. The proposed monument sign is located on the left side of the main entrance; on Parcel B. Fon asked how the sign will be lit. The sign will be internally lit. Tegeder asked how the architect came to the height of 12 feet. Dass stated different heights were studied and higher signs looked too big. Rosenberg also stated that there is a restriction on signage near the Taconic State Parkway. Tegeder asked if the sign might be lower, unless it needs to be that tall to view, it might be fine. Also consider the grade change. Tegeder requested the applicant submit a sketch of what the sign might look like from Route 202 in each direction. The Board requested the master sign plan be referred to the ABACA. Capellini stated that the narrative lists the ABACA as an approval authority, which should not be the case for a master sign plan. Holmes stated the ABACA saw all the exhibits in the master sign plan during the site plan process. Blanchard will look into whether the master sign plan can allow more square footage than allowed by the code. Rosenberg stated that the applicant doesn't have tenants for the pad buildings yet so we will have to come back in the future if there are changes. Fon stated the signage looks nice and appropriate. Tegeder stated that since Lowe's is asking for zoning compliant signage, they should be able to move ahead and obtain sign permits ahead of approving a master sign plan. Rosenberg stated that Lowe's does need the pylon sign though. Capellini stated the applicant would like to come back to the next meeting with the details the Board requested.

Shrub Oak International School

SBL: 26.05-1-4

Discussion Site Plan and Special Use Permits

Location: 3151 Stony Street

Contact: David Steinmetz, Esq.

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

Present were: David Steinmetz and Michael Cunningham from Zarin & Steinmetz, Joel Richardson, project engineer and Ron Hill traffic engineer from H2M. Steinmetz stated that project engineer Steve Hyman is at the Fire Bureau meeting. Richardson reviewed the proposed road improvements. Steinmetz stated that using the existing southern road is too steep. Therefore in an effort to try to avoid building two roads to the park, the applicant is proposing a shared road that would be built to town standards and deeded to the town that is completely on the applicant's property to compensate for the grade change. The second entrance is still the proposed entrance for the park and the employees of the school. There needs to be more design and grading. Fon brought up a letter from the public that came in suggesting restricting turns north onto Stony from the school during certain hours of the day. Hill stated restrictions would be difficult to enforce. The peak entry hour for the school is 6:00 – 8:00 am. The peak exit hours from the school will be 3:00 – 5:00 pm. Kincart asked about a gated entrance for the employees. Hill advised against gating the entrance because it would create queuing. Steinmetz stated the town may gate off the park during certain hours of the day or times of year.

Richardson reviewed the concept stormwater plan. The plan includes extended detention and sediment forebays. On the areas draining into the watershed, there will be water runoff reduction and green infrastructure. Currently there is little stormwater practices on site. There is basically just a swale down to roadside drainage.

Richardson described the life safety and fire access proposals. The Fire Bureau requested access to all sides of the building. The plan now shows an added fire truck turn around at the north side of the building. Fon reviewed that the building will be fully sprinklered and all electrical upgraded. In terms of fire safety, the site and building will be brought up to code.

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Steinmetz stated all remaining comments from the public hearing will be addressed in writing. The applicant has no problem with the Board imposing conditions on the hours and frequency of use of the helistop and that there will also be a limit to the duration on the permit approval. Fon asked if there really was a need from emergency services for the helistop or is it more a convenience for the parents. Fon asked if a test flight might be conducted to evaluate the effects because the residents are very concerned about noise and safety. Steinmetz stated the applicant does not currently own the site and would have to ask permission from the Phoenix Academy. There is insurance liability, etc. but he will look into a test if the Board requests it. In regards to improving the Stony Street and East Main Street intersection. Hill handed out a table summarizing the comparison of volume increases from the additional projects studied in the traffic analysis. The second table shows a comparison of approach delay increases northbound on Stony Street at the intersection. Fon asked Hill if a traffic light installation alone would fix issues or if the intersection must be redesigned. Hill stated that the traffic light would probably be enough however most of the time other improvements are warranted to accommodate pedestrians, etc. Quinn suggested the applicant provide options for upgrades at the intersection and show what would help and if one of them can mitigate all of the applicant's impact.

Quinn stated testing needs to be done on site and then when the stormwater plan is finished he would be interested in completing a technical review. Hyman stated he was ready to perform the testing now.

Steinmetz would like to start working with staff to draft conditions for a decision and requested the project be placed on the June 12th agenda to continue this discussion.

Unicorn Contracting

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

Discussion Site Plan

Location: 355 Kear Street

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

Description: Proposed demolition of the existing restaurant and barn for the construction of a three story, 40,000 sf building with a mix of retail and office uses and a new 2,925 sf bank building. All other existing buildings are proposed to remain.

John Savoca recused himself from this item.

Present were: Dan Ciarcia, project engineer; Paul Guillaro, applicant; and Patrick Murphy, one of the property owners. Ciarcia and Guillaro met with staff since the last meeting to discuss some items including screening the parking from Route 202 and pedestrian connectivity. On the real estate property, the existing parking is within the right-of-way. This pavement will be removed. This area will not be landscaped further because it is lower than the road. The section in front of the new building will be include added landscaping in the state right-of-way to screen the parking. The landscaping would be in the right of way because the parking is proposed right up to the property line. The plan will propose pedestrian connections to the existing pedestrian network in the downtown. Sidewalk will be proposed across the site to connect Underhill Avenue to Kear Street. Ciarcia stated that a survey was completed and topography is also being acquired. Ciarcia stated that if the Board is happy with what has been discussed, he will add the proposed pedestrian elements to the plan and requested a Public Informational Hearing be scheduled. Stormwater practices will all be underground. The project is a redevelopment so credit can be taken for the existing impervious area. The Board circulated its intent to be lead agency after the last meeting. The Board agreed to schedule a Public Informational Hearing at the June 12th meeting provided the applicant submits revised plans showing the additional improvements discussed.

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Town Board Referral – The Weyant Site Plan

SBL: 37.14-2-32

Discussion Rezoning

Location: 2040 Crompond Road

Contact: Site Design Consultants

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

Present were: project attorney, Al Capellini; project engineer, Joseph Riina; and applicant, John DeVito. Capellini noted that the Board previously recommended the site be rezoned to the transitional zone over the other options. When the Town Board approves the rezone, it will also approve the site plan for the project at the same time. The two site plan alternatives were shown. Riina stated that 80 parking spaces are shown, 20 of which are proposed as conservation spaces. One option has access off Hamblyn Street. The access would be angled, curbed, and signage would be added to prohibit right turns out of the site. An emergency exit is proposed onto Crompond Road at the Roma Building side of the site. The second option has the main access onto Crompond Road with emergency access onto Hamblyn Street. The NYSDOT would prefer not to have another curb cut on Crompond Road, and if allowed may prohibit left turns out of the main access all the time or during certain hours. The Board noted that on this plan, drivers may be more apt to use Hamblyn Street because they could easily make the two right turns; one onto Crompond Road and a second onto Hamblyn Street. Whereas the first plan showing the main access onto Hamblyn Street would make it more difficult to make a right turn onto Hamblyn Street. The applicant does not prefer either plan. Extensive vegetative screening and maybe fencing will be proposed in between the development and the existing residential properties to the north. The existing trees will remain. The sidewalk along the front of the site is shown mostly within the property. The sidewalk can't be located along the road because the construction would undermine the existing stonewall that the applicant and the town would like to preserve. The applicant proposes to continue the Commerce Streetscape from the intersection to the east, all the way across the front of the site. The plan looks to preserve the existing stonewall and trees as much as possible. Hamblyn Street will be widened from the proposed driveway to Crompond Road. A crosswalk will be added and the sidewalk will continue to the existing bus stop. Fon asked if Hamblyn would also be straightened to meet Crompond Road more at a 90 degree angle. Riina will asked Phil Grealy about this. DeVito also stated that Grealy suggested a raised curb at the driveway to really make it difficult to make a right turn out of the site, or even a left turn into the site. Fon summarized the Board's concerns are mainly traffic, the street improvements, buffers to adjacent properties, and the proposed landscaping and lighting. Tegeder suggested the Board send a memo to the Town Board asking to review details and comment on the site plan. The applicant will come back with more details.

Town Board Referral – Tompkins Garage

SBL: 58.06-1-20

Discussion Amended Special Use Permit

Location: 1440 Croton Lake Road

Contact: Site Designs Consultant

Description: Proposed restoration of the gas dispensing facility with new canopy.

Present were: project attorney, Al Capellini, and project engineer, Joseph Riina. Capellini stated the gas station had been located on the site since 1932. There was a delivery in March where there was a spill. As a result the pumps and tanks were removed. Now the applicant wants to restore the station with the pumps in the same location. Fon asked if there was any time limit to replacing the pumps. Capellini stated no, because the use was pre-existing nonconforming because it existed before 1958. Fon asked if the State will

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allow the pumps to be installed within the right-of-way. New York State did do a taking of about 10 feet several years ago. Capellini stated that if the State does not approve the replacement, the pumps will have to go inside the site and he will only be able to pump gas on one side. Capellini stated the applicant did come before the Town Board for the addition on the building and the pumps were there. Tripodi asked how much gas the applicant pumps on this site. Capellini said the owner did enough business that he is hurting and needs to either replace the tanks as they were or have the one sided pumps. The Board requested a memo be sent to the Town Board that they have no objections, pending NYSDOT approval.

Town Board Referral – Roberta

SBL: 48.07-2-11

Discussion Rezoning

Location: Front Street

Contact: Site Design Consultants

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

Project engineer Joseph Riina was present. Riina described the site on Front Street. The larger building on the south side of the site is 5,400 square foot with commercial space on the first floor, and five two-bedroom apartments on the second floor. The second building is 2,100 square feet with just one floor of commercial space. The loop drive will exceed the allowable slope on the south side. The town streetscape will be carried along the frontage of the site and integrate with the proposed plazas in front of the buildings. Riina stated that the plazas will probably be more landscaping than hardscape plazas with the stormwater requirements. Kincart asked if the town would own the landscaped area in the right-of-way of the paper road. Fon asked about the ownership of the paper road. Bernard stated that the Town Attorney is working on this. The applicant is requesting the zone be changed to Transitional Zone. The Board agreed they had no objections to the plan and requested continued review the site plan as it becomes more detailed.

Town Board Referral – Harwood Place, LLC

SBL: 37.19-1-69

Discussion Rezoning

Location: 200 Harwood Place

Contact: Site Design Consultants

Description: Requested to rezone from R-2 to R-3, Multi-Family Residential Zone, to legalize the two lower level apartments.

Project attorney, Al Capellini, and project engineer, Joseph Riina, were present. Capellini described the location of the site, which has frontage on three roads. The site was originally built during urban renewal with a certificate of occupancy for 4 apartments. Beginning about 4-8 years ago, two apartments were located in the basement. The current owner bought the property in foreclosure and was cited for the two illegal apartments. The new owner is also the owner of Rok-Built on Front Street. The request is to legalize the two basement apartments. The property is currently in the R-2 zoning district. The two additional apartments requires it be in the R-3 zoning district. Adjacent land uses are: Underhill Apartments, located across Underhill Avenue; on Summit Street is Riina's office; to the east side of the building is the Baptist Bible Church; across Harwood Street is a two-family home; and the last side also has a multi-family home. Capellini stated the apartments have existed for 4-8 years and therefore will not affect the existing character of the neighborhood. The site will also require setback variances and a parking variance. There are 10 parking spaces however two of the spaces are located in the right-of-way. LaScala asked if the basement apartments are code compliant. Capellini stated the owner is making renovations to comply with

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the building code. Two additional egress windows were recently added to each apartment. The apartments are partially below grade (approximately only 3 feet above grade). The four legal apartments have two bedrooms each. The two basement apartments have one bedroom each. The rentals are market-rate rentals. Eight people currently live in the building.

The Board felt that changing the zone will not change the character of the neighborhood because all of the apartments already exist. The Board had no objection to the zone change.

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