

## **Planning Board Minutes September 11, 2017**

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A meeting of the Planning Board, Town of Yorktown, was held on September 11, 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  
Anthony Tripodi  
William LaScala

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 reviewed correspondence.

### **Minutes:**

**Upon a motion by LaScala, seconded by Tripodi, and with all those present voting aye, the Board approved the chair's corrected copy of the August 14, 2017 meeting minutes.**

### **WORK SESSION**

#### **Lowe's Home Center**

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

#### **Discussion Approved Site Plan**

Location: 3200 Crompond Road

Contact: Provident Design Engineering

Description: Proposed revisions to the site plan approved by Resolution #16-22 on December 19, 2016.

Present were: Al Capellini, project attorney, and Tom Holmes and Nick Panayotou, from Provident Design Engineering. The Board received a letter from the NYC DEP that stated they would allow a demolition permit to be issued. The NYC DEP will issue a demolition letter of approval prior to the approval of the Stormwater Pollution Prevention Plan. There will be a pre-construction meeting this Wednesday with the Town and NYC DEP. Fon asked if there was an update from the NYS DOT. Panayotou stated that he is ready to submit back to the NYS DOT tomorrow addressing everything except the sidewalk section discussed at the last meeting. Tegeder asked Panayotou to explain why the grass strip that the Board requested him to try to include in the section could not be accommodated. Panayotou stated there is no way to accommodate any strip without compromising the embankment. The Board agreed upon a draft letter to the NYS DOT. The Planning Department will send the letter tomorrow.

Panayotou stated that three plans were sent to the Town Engineer, Michael Quinn, who forwarded the plans to the Health Department. Panayotou feels a meeting may be required. Tegeder and Blanchard asked to be informed of when this meeting is scheduled.

#### **Orchard View Realty Subdivision**

**SBL: 36.06-2-78**

#### **Discussion Subdivision**

Location: 2425 Sherry Drive

Contact: Brian Zappi, P.E.

Description: Proposed 9 lot subdivision on 9.2438 acres in the R1-20 zone granted preliminary subdivision approval by Resolution #17-01 on January 9, 2017.

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Present were the applicants, Jim and Brian Zappi. Brian Zappi stated that he revised the plans to include the Board's comments from the last meeting. He also submitted a final subdivision application and the application fee. The HOA documents and easements were sent to the Planning Department, the Town Attorney, and the Planning Board's attorney for review. Blanchard stated that he reviewed the HOA documents and saw no issues, but would like to review them with the Town Attorney. Tripodi asked what would be allowed to happen within the Conservation Easement. Brian Zappi stated that the easement area is to stay in its natural state. Only maintenance of the stormwater basin would be allowed. Kincart asked a question about the Town Engineer's memo dated today and where the sections of pipe to be replaced would be. Jim Zappi stated the applicant has received approval from the Health Department and the Board of Legislators. He hopes to get approval from the NYC DEP in the next week. Zappi stated that since the plan has not changed substantially from the preliminary approval, he would like to request that the final public hearing be waived. Zappi also asked that an approving resolution be drafted that includes conditions of approval from the Town Engineer and NYC DEP. Zappi is also waiting to hear about the recreation requirement and whether the Recreation Commission has a project or would prefer the fee in lieu. The Planning Board agreed to advertise for a Public Hearing in the Journal News this week for a September 25<sup>th</sup> hearing since the weekly paper's deadline for this week has already passed. Jim Zappi agreed to pay the additional cost of advertising in the Journal News. The Planning Department will refer the plans to the Recreation Commission again for a final recommendation on the recreation requirement.

### **Unicorn Contracting**

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

### **Discussion Site Plan**

Location: 355 Kear Street

Contact: Ciarcia Engineering, 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. All other existing buildings are proposed to remain.

John Savoca recused himself from this item.

Present were: Dan Ciarcia, project engineer, Al Capellini, project attorney, Paul Guillaro, property owner, and Patrick Murphy, owner of Murphy's Restaurant. Ciarcia stated that since the last meeting, the applicant has performed a topographical survey. The traffic study was also submitted. There was an issue with fire access behind the proposed building. Ciarcia is meeting with the Fire Advisory Board next week and will discuss the issue with them. Tegeder asked the applicant to update the rendering since a mansard roof is now proposed to accommodate more useable space on the third floor of the proposed building. Tegeder stated the mechanicals on the roof may be an issue. Fon asked if the height of the building is within code. Capellini stated that the applicant must meet with the Building Inspector to discuss the entire site including the building height and also the setbacks in regards to the lot line mergers. The applicant will own two lots in the end, one lot with the proposed development and one lot on the corner where the bank was originally proposed. The applicant would like to go to the Zoning Board once for all required variances. The Board had no particular comments about the layout of the site as shown until the applicant meets with the Fire board and Building Inspector. The applicant will come back to the Board's September 25<sup>th</sup> meeting with those details. In addition, Phil Grealy had a conflict tonight, so would like to discuss traffic at the next meeting as well. Tripodi asked if the proposed building is in the same place as the existing Murphy's. No, the proposed building is further back from the road and the footprint is approximately three times larger than the existing Murphy's building. The proposed building will be three stories. Ciarcia asked if the Board will require the applicant to file a new map with the Westchester County to remove and move the lot lines. Tegeder stated that an easement map for the shared access should be filed so the new lot lines should be shown on this map, which may be a sufficient record of the new lot lines. Blanchard

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agreed and recommended the applicant should also file the easement documents. Ciarcia wanted to make sure that procedurally any hearing is on a site plan and subdivision if a subdivision is required. The public hearing notices can be written accordingly. Ciarcia will have the surveyor prepare a plat based on the site plan.

### **RPG Properties**

**SBL: 15.15-1-22**

#### **Discussion Site Plan**

Location: 3574 Lexington Avenue

Contact: Albert A. Capellini, Esq.

Description: Proposed 8 unit townhouse development on 1.1 acres in the R-3 zone.

Present were the applicant, Phil Sanders, and project attorney, Al Capellini. Sanders stated he is down to the last details regarding the utilities that are connecting to those in the Town of Cortlandt. Sanders is seeing the ABACA tomorrow night regarding the latest elevation and color details. Savoca stated that the utility issues can be a condition of the approval. Tegeder asked about the back yards. Sanders explained that each unit has a back patio with stairs. The HVAC units would also be on the patios. Tegeder stated that there must be a landing before there are stairs from the patio doors. Fon confirmed that the door cannot open onto the first stair. Sanders confirmed that access to the basements for each unit would be through Bilco doors adjacent to the patios. Tegeder stated Sanders should show the landing and submit it to the Planning Department so a meeting can be setup with the Building Inspector. Need to make sure the landings do not need to be within the setbacks. Tegeder stated that the final elevations should be a part of the Planning Board's final plan set. Sanders stated a plan has been submitted to the Health Department. Tegeder requested proposed utility easements be submitted. All units are 3 bedroom, 2 ½ baths rental units. Blanchard recommended trying to avoid the need for any inter-municipal agreements with the Town of Cortlandt. Fon asked about the remotes that were requested for Mohegan Fire Department. Sanders stated that two remotes will most likely be donated.

### **Hearthstone Minor Subdivision**

**SBL: 17.18-1-8**

#### **Discussion Subdivision**

Location: 3138 Hearthstone Street

Contact: John Annicelli, Esq.

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

John Annicelli was present. He stated that he addressed the water department issues by adding a meter pit. Annicelli also addressed the fire department's concern regarding turn around. A 12 foot area is available for turn around. Tegeder asked how the applicant made out with the public vs. private sewer connection. Annicelli will put in an 8 inch private sewer line with manhole. The details will conform to town standards so that it can be taken by the town as public in the future. This is not shown on the plans yet.

Kincart asked about the email from Grace Siciliano. Savoca stated that the Hearthstone paper road can be addressed at the public hearing and the Board can discuss why this paper road is not being used to access the subdivision. The Board scheduled this public hearing for the October meeting.

**Upon a motion by Kincart, seconded by Tripodi, and with all those present voting in favor, the Board voted to close the meeting at 8:15 pm.**