

# Planning Board Minutes December 18, 2017

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A meeting of the Planning Board, Town of Yorktown, was held on December 18, 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  
Robert Garrigan, alternate

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

## 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**

### **Request for 1st One-Year Time Extension**

Location: 3200 Crompond Road

Contact: Albert A. Capellini, Esq.

Description: Amended site plan approved by Resolution #16-22 on December 19, 2016.

Present were: Tom Holmes, from Provident Engineering; and Bob Rosenberg, from Breslin Realty. Holmes stated that they were able to start the demolition, but are still working on the outside approvals.

**Upon a motion by Kincart, seconded by LaScala, and with all those present voting aye, the Board opened a Special Session.**

**Upon a motion by Kincart, seconded by Savoca, and with all those present voting aye, the Board approved a 1<sup>st</sup> One-Year Time Extension for Resolution #16-22, the Lowe's Home Center.**

**Upon a motion by Savoca, seconded by Kincart, and with all those present voting aye, the Board closed the Special Session.**

Holmes asked about the next steps for the plans and materials that have been submitted. Tegeder stated that the Planning Department will review the documents and can set up a meeting with the applicant to review next steps.

### **Orchard View Realty Subdivision**

**SBL: 36.06-2-78**

### **Discussion Major Subdivision**

Location: 2425 Sherry Drive

Contact: Zappico Construction, LLC

Description: Proposed to subdivide a 9.2438 acres parcel in a R1-20 zone into 9 lots that received preliminary approval by Resolution #17-01 on January 9, 2017.

Present were the applicants, Jim, Brian, and Brandon Zappi. Jim Zappi questioned the situation at the end of Sherry Drive. Blanchard explained that he prepared a document extinguishing the temporary cul-de-sac easement already for the purpose of a private real estate transaction of an adjacent property. Tegeder stated that the two issues are the temporary easement and the removal of the actual cul-de-sac. The Board discussed the existing cul-de-sac. The temporary easement has been extinguished pursuant to Blanchard's

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filing, however the actual pavement has not been removed. Also the plat shows the old general note. There must be a note on the plat specifically referencing the Town Board approval extinguishing this easement. Jim Zappi went through a list of additional questions regarding the draft resolution:

- Page 6, #6: Signage at the end of Sherry Drive will be to the satisfaction of the Town Highway Superintendent.
- Page 6, #8: Straighten the split rail fence on Lot 7.
- Page 6, #7: Tegeder requested the split rail fence symbol be added to the legend so that fence and easement line are differentiated.
- Page 7, #19: Zappi stated that in his opinion the stormwater maintenance agreement should not be to the approval of the Planning Board. The Board decided that the agreement must be attached to the Stormwater Permit signed by the Board. Add \$5,000 escrow deposit, required by Town Engineer, to this item.
- Page 7, #24: Zappi asked why monuments were necessary at every point of curvature and tangency. The Board removed this specific language. The item will read, "Provide monuments as directed by the Town Engineer at right-of-way/property line, for all lots.
- Page 7 onto 8, Resolved clause: Clarify that the HOA will maintain the Conservation Easement only. The Town will maintain the drainage basin.
- Page 8: A Letter of Credit or bond is acceptable.
- Page 9, lot site plans to be approved by the Board: Zappi asked why Lots 6, 7, and 8 require this additional approval. Tegeder stated that this is typically done with lots that contain wetland and wetland buffer. Zappi stated he would rather not come in again if building according to the site plan. The Board added the following to the end of the sentence: "if any setbacks or field conditions warrant any deviations from the approved subdivision improvement plans."
- Page 10, regarding staking of lots: The Board agreed this item should be the following:  
BE IT FURTHER RESOLVED that no certificate of occupancy will be issued unless an as-built survey has been filed with the Building Inspector; and

**Upon a motion by Savoca, seconded by LaScala, and with all those present voting aye, the Board opened a Special Session.**

**Upon a motion by Savoca, seconded by LaScala, Kincart abstained, and with Fon, Savoca, LaScala, and Garrigan voting aye, the Board approved a Stormwater Pollution Prevention Plan, Wetland Permit, Tree Permit, and Final Subdivision Plat for the Orchard View Subdivision.**

**Upon a motion by Garrigan, seconded by LaScala, and with all those present voting aye, the Board closed the Special Session.**

### **Unicorn Contracting Corporation**

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

### **Discussion Site Plan & 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 to 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.

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Present were: Dan Ciarcia, project engineer; Paul Guillaro, the applicant; and Patrick Murphy, owner of Murphy's Restaurant. The Board reviewed the draft resolutions. All typical boiler plat language pertaining to residential subdivision and or items included in the Board draft site plan resolution were removed from the draft including page 5, #1, 2, 3, and 8. In the draft site plan resolution on page 6, #10, Ciarcia requested this language be clarified to require security for the improvements in the public right-of-way and for stormwater improvements only. Steinberg stated that there is no wetland permit involved in the application, therefore the title and the permit references on page 7 will be changed accordingly.

**Upon a motion by Kincart, seconded by LaScala, and with all those present voting aye, the Board opened a Special Session.**

**Upon a motion by Kincart, seconded by LaScala, and with all those present voting aye, the Board declared Lead Agency.**

**Upon a motion by LaScala, seconded by Kincart, and with all those present voting aye, the Board adopted a Negative Declaration.**

**Upon a motion by LaScala, seconded by Garrigan, and with all those present voting aye, the Board approved a subdivision plat for Unicorn Contracting.**

**Upon a motion by LaScala, seconded by Kincart, and with all those present voting aye, the Board approved a Stormwater Pollution Prevention Plan Permit, Tree Permit, and Site Plan for Unicorn Contracting.**

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

### **Dubovsky Site Plan**

**SBL: 59.14-1-18**

**Discussion #FSWPPP-T-040-13**

Location: 702 Saw Mill River Road

Contact: Site Design Consultants

Description: Site plan approved by Resolution #17-15 on September 25, 2017.

Present were the project engineer, Joseph Riina; and the applicant, Michael Dubovsky. The Board needed to act on the Stormwater and Tree Permit for the previously approved project.

**Upon a motion by Savoca, seconded by Kincart, and with all those present voting aye, the Board opened a Special Session.**

**Upon a motion by Kincart, seconded by Garrigan, and with all those present voting aye, the Board approved a Stormwater Pollution Prevention Plan Permit and Tree Permit for the Dubovsky Site Plan.**

**Upon a motion by Kincart, seconded by Savoca, and with all those present voting aye, the Board closed a Special Session.**

### **Colangelo Subdivision fka Featherbed Properties**

**SBL: 35.16-1-4**

**Discussion Major Subdivision**

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.

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Present was the project engineer, Joseph Riina; the applicant, Maria Costanzo; and members of the Advisory Committee on Open Space (ACOS). At the last meeting there was a discussion about the recreation and trail on the site. Since then the property owner, Ms. Costanzo's brother John Colangelo, walked the property with members of the open space committee. Riina stated the property owner would increase his donation to be approximately 5 acres for it to comply with the recreation requirement. The only thing Colangelo would like to reserve is an easement to be able to tap the groundwater near the stream for irrigation purposes in the future. There are two proposed routes for the trail; along the eastern property line and then down to the Hunterbrook inside the property; or down the private road and existing farm trail and then down to the Hunterbrook. ACOS members John Schroeder and Walt Daniels indicated to the Board that either trail would be a good trail connection. Riina stated that Colangelo would like language in the preliminary resolution to allow for the location of the trail to be decided in the future.

Blanchard will write a memo to the Board regarding his review of the town code as it pertains to the Board authority to take land or a fee in lieu and what type of land satisfies the recreation requirement. Kincart asked if the applicant would consider giving more land so there is full access to the town line. This would connect the trail to the DeMaria farm in Cortlandt. Riina stated he did not think this would be a sticking point with Colangelo. Tegeder stated that the Board has taken land against the recommendation of the Recreation Commission in the past. Riina stated that he thinks Colangelo would rather the access be down the old farm road instead of behind the homes. His vision is that the trail would go through the agricultural land. The ACOS does not have an opinion on the location of the access. Riina will show an access to be determined. Riina requested approval of the preliminary resolution at the January 8<sup>th</sup> meeting.

### **Prestige Renovations**

**SBL: 16.10-4-8**

#### **Pre-Preliminary Application**

Location: 3511 Buckhorn Street

Contact: Site Design Consultants

Description: Proposed 2-lot subdivision on 0.95 acres in the R1-20 Zone to be served by public sewer and water.

Fon recused himself from this item.

Present were the project engineer, Joseph Riina; and the applicant, Anthony Verrino. Riina described the application on land at the end of Buckhorn Street in Shrub Oak. The wetlands were delineated by Tim Miller Associates. The development is outside the buffer, but the house could be moved closer to the street. Riina stated the applicant might flip one of the homes to align with an existing curb cut. An existing abandoned home has already been removed from the site. No variances are required for the proposed development. The flood plain boundary is on the site, but far in the rear. Savoca asked how much useable backyard space there was that is outside the wetland buffer. Riina stated that one lot has 50 feet. The other has less, however that home can be moved closer to the road. The applicant must submit a formal application to request a Public Information Hearing. Riina stated he will revise the plan and submit a formal application.

**Upon a motion by Kincart, seconded by Garrigan, and with all those present voting aye, the Board voted to close the meeting at 8:50 pm.**