

Planning Board Meeting January 13, 2014

A meeting of the Planning Board, Town of Yorktown, was held on January 13, 2014, at the Yorktown Town Hall, 363 Underhill Ave., Yorktown Heights, NY 10598. The Chair, Rich Fon, opened the meeting at 7:30 P.M. with the following members present:

John Savoca

Darlene Rivera

John Flynn

John Kincart

Ann Kutter, alternate

Also, present were: John Tegeder, Director of Planning, Robyn Steinberg, Planner, and Karen Wagner, attorney to the Planning Board.

Discussion

Correspondence: The Board reviewed the McCrossan & McGoldrick Application for Special Use Permit memo from the Planning Dept. In addition, there was a memo from John Swetz Jr regarding the McCrossan & McGoldrick Application. Kincart stated with regard to access from French Hill Road, a grade change on the French Hill Road side which might make access difficult.

Liaison Reports: No reports were given at this time.

Courtesy of the Floor Rich Williams of Insite Engineering stated Teatown was looking to construct a parking lot along Spring Valley Rd. The parking lot will be on the 58acre lot across from the current Teatown parking lot. The main access will be at the high point for best site distance. This site is considered a public park and parking is an allowed use. Williams stated at E-Panel it was suggested this might require a Planning Board review. Currently, visitors park along Spring Valley Road, which is very dangerous. The applicant can submit an application and the Planning Board will conduct a public informational hearing.

Meeting Minutes – December 23, 2013

Upon motion by Flynn, seconded by Rivera, and with all those present voting aye, the Board approved the minutes of December 23, 2013.

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Regular Session

BJ's Wholesale Propane Facility

Public Hearing Special Permit

SBL: 36.6-2-75

Location: 3315 Crompond Road

Contact: John Meyer Consulting

Description: Construction of an outdoor, above ground propane filling facility within the parking lot of the existing BJ's Warehouse Facility.

Rob Aiello, project engineer, and John Dzwonczyk, BJ's designer of propane facilities, were present.

Aiello stated BJ's is asking for a special permit to construct an outdoor, above ground propane filling facility within the parking lot of the existing BJ's Warehouse facility. The purpose of this facility will be a propane canister refilling station, not a canister exchange. The facility will start as a 1,000 gal tank site, but a second tank is being requested. Aiello stated this installation will result in a loss of 12 parking spaces; however, the site is still in compliance for parking spaces. Tire center employees will operate the facility. Sales are seasonal and, as expected, higher in the summer months. The Fire Advisory Board has reviewed and commented including requests for the following: video surveillance, installation of sensors to detect propane leaks, training once per year, and records of training, and records to be inspected. They also requested no shrubs be provided to allow everyone on the site to know there is a propane facility.

Upon motion by Kincart, seconded by Savoca, and with all those present voting aye, the Board opened the public hearing. No one from the public came forward. Aiello stated the applicant went to ABACA and the Conservation Board early on in the process. Flynn asked if the Fire Advisory Board was advised of semi-trucks turning in this area. Aiello stated truck turning analysis was submitted to the Fire Ad Board. The bollards have the ability to sustain potential hits. Dzwonczyk stated the Fire Advisory Board did not have a great deal of discussion about the truck traffic. The Board had no other concerns.

Upon motion by Kincart, seconded by Savoca, and with all those present voting aye, the Board closed the public hearing, leaving written comment open for 10-days.

Gione Minor Subdivision

Decision Statement Amended Plat

SBL: 27.15-2-1

Location: 21 Loder Road

Contact: Al Capellini

Description: A proposed 2 lot subdivision with an existing residence. The new residence will be serviced with town water and individual septic system.

Fon recused himself from this discussion. Ann Kutter, Planning Board Alternate, joined the Board. Al Capellini project attorney, and Joe Riina, project engineer, were present. Flynn asked about a Site Design

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memo which stated there would be a permanent post and rail fence, indicating the fence would always have to be exactly as it is now. Capellini reviewed the latest draft of the resolution. Flynn requested the resolution state the fence be maintained or replaced with suitable fencing as necessary.

Upon motion by Kutter, seconded by Kincart, and with all those present voting aye, the Board approved the amended plat as modified by the Board.

Fieldstone Manor

Adjourned Public Hearing

SBL: 15.11-1-17

Location: Strawberry Road

Contact: Site Design Consultants

Description: A proposed 16-lot cluster subdivision on 22.94 acres in the R1-20 zone.

Al Capellini, project attorney, Joe Riina, project engineer, and Phil Grealy, project traffic engineer, were present. Capellini stated at the last meeting the Board held a full public hearing. The hearing was adjourned to allow Jacobs Co. (the Town's traffic consultant) time to report on the project's traffic impacts. Grealy stated our original study was done in March 2013. The Jacobs report conclusions are summarized into 5 items.

1-The Jacobs' study is in agreement with the standard methodology used by the applicant's consultant.

2- The Jacobs' study refers to the applicant's March report that studied 16 units. Jacobs agreed that the difference from 16 units to 21 units would not affect the outcome. Additionally, the applicant's EAF included 21 units.

3- Jacobs concluded that the proposed project is not expected to generate a significant amount of traffic.

4-Signal timing at the intersection of Strawberry Road and U.S. Route 6 should be optimized.

5. Signal warrant analyses should be conducted at the following two intersections to investigate the feasibility of installing new traffic signals:

- Strawberry Road/Foothill Street
- Strawberry Road/Lexington Avenue.

The applicant's report recommends signalization at Strawberry Road/Red Mill Roads. In Grealy's opinion the Foothill Street intersection will not satisfy warrant signalization. Strawberry Road and Lexington Avenue will probably satisfy warrants now, prior to the proposed project. Fon asked Grealy if you were hired to design Strawberry Road/Lexington Avenue, what would recommend. Grealy replied signalization, assuming the by-pass is not going in quickly. Foothill just doesn't warrant this same treatment. Fon referred to the Cortlandt memo of Dec. 9 2013. Kincart felt it might be hazardous to have drivers coming up the hill and then be forced to stop. Grealy stated if you install signals you will increase the delays. Grealy stated the site distance is very tight, and changing this would be very costly, and would

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involve takings. Fon stated the by-pass, were it to become a reality, would not happen until sometime in the future. Capellini stated in reality were the by-pass to come about, the applicant would be donating 1.6 acres. Tegeder asked how the signal warrants were done. Grealy stated we are looking at a week's worth of data and study the approach to the intersection. Tegeder felt this is valuable data. A Strawberry Road/Lexington Avenue study should be done. Fon felt the applicant should not be alone on this study. Grealy explained the signal changes at Strawberry Road/Route 6 would be done by the NYS DOT. The DOT will be responsive to a request from the town. The applicant would provide the timing; however, an approved project is required for DOT to take action.

Upon motion from Kincart, seconded by Rivera, and with all those present voting aye, the Board closed the public hearing, leaving it open for 10-day for written comment.

Upon motion from Flynn, seconded by Savoca, and with all those present voting aye, the Board closed the regular session.

Work Session

Faith Bible Church

Discussion Site Plan & Special Permit

SBL: 15.16-2-54

Location: Sagamore Avenue

Contact: Al Capellini

Description: Proposed additions to existing one-story church building and associated parking.

Present were Al Capellini, project attorney, Joe Riina, project engineer, were present with applicant Pastor Zotolli. Tegeder stated a public notice should be placed in the newspaper prior to holding the adjourned public hearing. Capellini stated the applicant is aware that he is proceeding at his own risk. Fon opened the meeting to the public. No one from the public came forward. Capellini stated the ZBA approved the following variances: off-street parking is allowed at 909ft where 500ft is required, a front yard setback of 51.9ft is allowed where 55ft is required, a side yard setback of 45.3ft is allowed where 55ft is required, parking is allowed along the side and rear yard within 2 feet of the property line where 5ft is required, and parking is allowed in the front yard for 4 vehicles. Riina stated there are 64 standard spaces, and enough offsite parking to fulfill the parking requirement. The Shrub Oak Beach parking is not included in the count. Flynn stated the letter from ABACA dated July 24, 2013 indicates they were dissatisfied with windows and the gable end of the main building. Capellini stated Larry DalFino, project architect, will address this with ABACA. The Board will reconvene the public hearing on March 10, 2014, and requested the applicant return to work session on February 24, 2014.

Shell Station Canopy

Town Board Referral

SBL: 37.18-2-52

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Location: 1821 Commerce Street

Contact: Catapano Engineering, P.C.

Description: Proposed canopy at existing gasoline fueling station.

Maria Ceccacci, permit manager, and Kathy Zalanthis, project attorney, were present with the owner.

Zelanthis stated we met on site with the Building Inspector. The station will have a propane exchange cabinet as shown on the plan. The clothing bins and the filter tanks in the rear have been removed as requested. Remediation equipment will all be removed as it is no longer required. The exchange cabinet will have bollards on each side. Savoca stated there is a vacant lot in the rear. Zelanthis stated the Town Board has the authority to vary the terms of the special permit. Flynn stated the Planning Board is suggesting one curb cut be closed and plantings installed. The owner felt this could cause a backup of cars. The delivery truck is on site every other day for 45 minutes. Flynn felt the current situation was a danger to traffic. Fon stated the 3 large openings are excessive. The Planning Board would like to improve the site and the safety. Flynn stated the opening is approximately 30feet wide and close to the intersection. This creates a confusing flow of traffic. Tegeder asked what the plans were for lighting within the canopy. The owner stated it was standard LED canopy lighting. Tegeder requested the canopy installer submit a lumens analysis. Fon stated any opportunity to improve the downtown area should be addressed. Kutter asked if the canopy can be smaller. The owner stated it needed to be large enough to cover a person filling their gas tank on both sides of the island. Tegeder stated the Board will draft a memo to the Town Board.

Blumberg Subdivision

SBL: 47.15-1-21

Location: 1305-1307 Baptist Church Road

Contact: Kellard Sessions

Description: Proposed two lot subdivision to result in the main house on a 32.4 acre parcel and the second house and farm on a 11.2 acre parcel.

John Kellard, project engineer, was present with applicant, Leda Blumberg, and members of the applicant's family. Kellard stated this is 43 acres on Baptist Church Road. The site is in an R1-160 zone and a large portion of the site is within an agricultural district. The property is owned by the Gerald Blumberg Marital Trust. Currently, the property contains the main residence, occupied by Mrs. Blumberg, a secondary residence and farm buildings. Daughter Leah lives in the secondary residence and manages the farm. The farm contains 20 alpacas and 2 horses. Kellard stated for estate planning purposes the applicant wants to subdivide, and no new construction is planned. The applicant is requesting a 2-lot subdivision. One lot will be 32.4 acres including the main house, and the other 11.2 acres containing the

Pre-Preliminary Subdivision

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secondary residence and the farm. The applicant complies with the R1-160 zoning requirements, but the farm driveway needs a short easement to meet the frontage requirements. Kellard stated the town's zoning code has special requirements for farms, two of which are problematic for the applicant. One requirement is a 200 feet setback for a manure facility. This facility was constructed by the Agricultural District Watershed Council and would have to be moved. The other restriction is a 100ft setback of farm structures from the property line. The applicant does not believe compliance is required due to 305-A of Agricultural Laws and is seeking relief. Tegeder stated the Building Inspector is reviewing this, and we will talk to the County and the State. Tegeder stated the Board will require the easement to be shown on the plan and filed with the County.

Staples Plaza – BurgerFi Restaurant

Discussion Site Plan

SBL: 36.6-2-76

Location: 3333 Crompond Road

Contact: John Meyer Consulting

Description: Proposed facade & site plan improvements for a restaurant in the former Emigrant Bank building.

Tony Romano, project architect, and Rob Aiello, project engineer, were present. Romano stated this proposal will upgrade the former Emigrant Savings Bank site. Romano stated currently there is a small ramp to the bank, a ramp to Subway, and a ramp to WindowRama. The entire façade will be upgraded to match the shopping center's design. Improvement involves construction of one ramp on the west side of the building then the entire sidewalk being elevated approximately 31/2 feet with a retaining wall installed around the front of the building. This plan uses one of the three existing vehicle lanes, and leaves 30 feet for cars and trucks to maneuver. Kutter was pleased to hear there were stripped crosswalks. Tegeder asked the width of the patio, and was told 16feet. Aiello stated the width may be reduced to address stormwater management. Tegeder felt this needed to be reviewed from an ADA standpoint. Aiello stated the applicant would require approximately 14 seats for outdoor dining. Tegeder asked if a ramp be installed. Aiello replied we have to study the access and ramping issues. Romano asked, procedurally what kind of application is this. Tegeder replied this is an amended site plan. Tegeder requested the applicant investigate more ADA spaces, and rethink the traffic circulation on both sides of the island that was created from the Emigrant Savings Bank Drive-Thru. This can now be used to create better access to the front of the building. Aiello agreed to consider the Board's concerns and return to another work session.

Upon motion by Flynn, seconded by Rivera, and with all those present voting aye, the meeting was adjourned at 10:15 pm.