

Planning Board Meeting January 27, 2014

A meeting of the Planning Board, Town of Yorktown, was held on January 27, 2014, at the Yorktown Community and Cultural Center, 1974 Commerce St., Room 104, Yorktown Heights, NY 10598. The Chair, Rich Fon, opened the meeting at 7:30 P.M. with the following members present:

John Savoca
John Kincart
Ann Kutter, alternate
Darlene Rivera, absent
John Flynn, absent

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

Discussion: Kutter reported Teatown is being sued for their attempts to reduce the deer population by the use of NYS certified sharp shooters. Kutter submitted a draft resolution for the Town Board, and asked the Planning Board to support this. The Planning Board had no objection.

Correspondence: The Board reviewed an email from John Swetz Jr. regarding the McCrossan & McGoldrick application to the Town Board for a Special Use Permit to operate a convalescent home along Underhill Ave.

Liaison Reports: Kutter reported the Conservation Board meeting was cancelled.

Courtesy of the Floor: No one came forward.

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Upon motion by Savoca, seconded by Kincart, and with all those present voting aye, the Board approved the minutes of January 13, 2014.

Work Session

Sierra Bella fka Samsel Minor
SBL: 47.5-1-13

Request 1st 90 Day Time Extension

Location: 1860 Hunterbrook Road

Contact: Al Capellini

Description: A 2 lot subdivision approved by Resolution #09-24 on September 14, 2009.

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

Al Capellini, project attorney, was present. Capellini stated it took some time for the applicant to secure a bond. The bond has been submitted to the Planning Department. Tegeder stated the Town Attorney had some difficulty with the bond, and the Planning Department will investigate this. In the past, the Board has moved away from bonding and toward Letters of Credit, a document issued by a financial institution assuring payment. Tegeder stated it is easier for the Town to get funds when a Letter of Credit is in place. Capellini stated it is not often a small developer has the required cash to set aside. Kincart stated as this project has already been approved; the Board is not required to change anything.

Upon motion by Kincart, seconded by Savoca, and with all those present voting aye, the Board approved the 1st 90-day time extension

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

Fieldstone Manor
SBL: 15.11-1-17

Adjourned Public Hearing

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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, and Joe Riina, project engineer, were present. Capellini stated we have reviewed the draft resolution, and the Planning Board closed the public hearing, leaving 10-day for written comment. Capellini asked if any written comment was received, and was told none had been received. Capellini stated the applicant has reviewed and agreed to the draft resolution. The Board asked about discussion with the Historical Society regarding the Tower. Capellini had no report on the Historical Society. Kutter reported that resident Babette Ballinger wanted to use the tower for a non-profit art center and would like to meet with the applicant. Kutter asked if the Board wanted markers to delineate the easement stated in the resolution. Riina stated ~~the~~ a fence is shown on the site plan that will delineate the Conservation Easement. Susan Siegel asked if the applicant had received notification that the Town Board wanted the entire acreage of land the applicant was offering. Riina pointed out how the proposed HOA open space and recreation open space is bisected by the Route 6 by-pass right of way, therefore the Applicant is offering the land adjacent to Lakeland Street with the recreation donation. Riina stated there have been discussions of keeping this open for public access to be used as a possible pedestrian connection to Lakeland Street. Tegeder stated the by-pass should be labeled as a future right of way on the site plan. Riina stated Parks & Rec is in favor of this plan and the open space parcel was shown this way during the Town Board's review for flexibility standards. Fon asked if the additional traffic analysis has been completed. Tegeder stated the information gathered will be very valuable to the Planning Board. Capellini stated to study one intersection will cost the applicant approximately \$4,000. Kutter asked if the Board knew what Cortlandt was approving, as they named 3 projects in their letter. Tegeder felt those projects would not have a significant impact on the development of this site. Tegeder stated the Board can direct the applicant's traffic engineer to inquire into the traffic studies done for the three proposed projects. Tegeder asked if the Board believed Grealy was correct in his supposition regarding Strawberry Rd /Lexington Ave and Strawberry Rd/Foothill Street intersections. Fon stated the Board is not requesting the applicant build the infrastructure, but to complete the warrant studies. Tegeder stated although Foothill St. may not warrant a signal, the Board will have the traffic counts and understand the level of service. Tegeder stated it was his belief Strawberry Rd handles 10,000 trips a day. Kutter asked if the applicant does the study at Foothill Rd, can the applicant request the traffic studies done for the three projects in Cortlandt. The Applicant will contact Cortlandt regarding the three projects. The Board will vote on preliminary subdivision approval for this project at the February 10, 2014 meeting.

BJ's Wholesale Propane Facility

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 David Steinmetz, project attorney, were present. Aiello requested a change to the draft resolution regarding parking requirements. The propane facility will cause the loss of 12 parking spaces, however the total parking count was revised due to the amended site plan the Board recently approved for the self-storage facility. The draft resolution states parking requirement for the commercial zones was reduced by Local Law 1 of 2013 from 5 parking spaces per 1,000 square feet to 4 parking spaces per 1,000

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square feet. Aiello confirmed that the existing site exceeds the required parking by showing 1,011 parking spaces are provided where 896 are required. The Board requested the applicant return for a decision at the February 10, 2014 meeting.

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. Aiello stated the former bank drive-thru driveway will now be revised to direct traffic north, additional handicap spaces have been added, and a sidewalk has been added to provide access from the parking area to the ramp. Aiello stated ease of access should be consistent throughout the entire frontage. Aiello stated the proposed island was made larger, and will be used for stormwater mitigation. Tegeder stated the sidewalk should be a minimum of 5ft wide to provide pedestrians with a level of comfort. Tegeder felt the proposed 4ft sidewalk was tight and may not be ADA compliant. Tegeder also suggested the stairway be placed in the front of the buildings, instead of the far west side, providing direct access to the parking lot. Kutter asked if there was still a sidewalk from the street to the ramp. Aiello stated there are sidewalk connections to the proposed ramp from the street and the parking area. Tegeder felt the applicant could widen the sidewalk and reduce the landscaped island. Aiello stated the island can be reduced if we meet stormwater regulations. The Board scheduled a public informational hearing for February 10, 2014.

Upon motion by Savoca, seconded by Kincart, and with all those present voting aye, the meeting was adjourned at 8:30 pm.