

Planning Board Minutes December 21, 2015

A meeting of the Planning Board, Town of Yorktown, was held on December 21, 2015, 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:

Darlene Rivera

John Kincart

Also present were: John Tegeder, Director of Planning; Robyn Steinberg, Town Planner; Tom D'Agostino, Assistant Planner; Anna Georgiou, Planning Board Counsel.

Minutes:

Upon motion by Rivera, seconded by Kincart, and with all those present voting aye, the Board approved the December 7, 2015 minutes with changes as shown on the chair's copy.

WORK SESSION

Creative Living Development

SBL: 6.14-1-2

Request second 1 year time extension

Location: 3000 Navajo Street

Contact: Al Capellini Esq.

Description: Approved air-supported dome over the existing southern field and associated improvements including an access road and wetland mitigation plan.

Al Capellini, project attorney, and CJ Diven, the applicant, were present. Fon stated the Board received a report from staff listing changes to the site after a site visit was made by staff with Diven. The Board requested an as-built survey of the site so the changes can be documented. Capellini stated the applicant will review the list and come back to the next meeting to address it. Winter questioned the Board again whether he may issue the greenhouse permits. Kincart asked if the greenhouse is confirmed outside the NYSDEC regulated area. Diven confirmed the one greenhouse was moved outside the NYSDEC wetland per their request. Some of the photos from staff show the basin near Navajo Road being cleared. Diven stated that he was asked by the Town to fix this area. Staff would like the basin stabilized.

Adrian Auto Body

SBL: 26.18-1-24

Discussion Amended Site Plan

Location: 3330 Old Crompond Road

Contact: Ralph Mastromonaco, P.E., P.C.

Description: The prior approval was never built. The applicant proposes to construct a smaller 3,100 sf addition to the existing body shop.

Ralph Mastromonaco, project engineer, Tony Romano, project architect, and the applicant, Joe Adrian, were present. The addition that was previously approved by the Planning Board has been reduced to 3,096 square feet. Mastromonaco stated the total disturbance will now be less than 5,000 SF therefore a DEP approval is no longer necessary. Adrian did perform the excavation of the hillside pursuant to the previous amended site plan. Mastromonaco stated the drainage is now less complicated because

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there is less disturbance. The applicant was directed to meet with the Town Engineer regarding the stormwater management and drainage. Romano presented proposed elevations to the Board.

Colangelo Subdivision

SBL: 35.16-1-4

Discussion Subdivision

Location: 1805 Jacob Road

Contact: Site Design Consultants

Description: Proposed to subdivide the subject property into 6-lots utilizing the Town's Flexibility Standards in the Town Code.

Joseph Riina, project engineer, Al Capellini, project attorney, Bruce Donahue, project environmental consultant, and the applicant, John Colangelo, were present. Riina stated that after the last Planning Board meeting and a meeting with staff, the applicant has decided that a tree survey of the entire site would be too expensive. Therefore the plan now shows just 6 residential lots. All aspects of the farm, solar array, and dog park are no longer on the site. Colangelo stated he met with Donahue and a surveyor and thought the project would be delayed 2 years if a tree survey of the entire site were required. Donahue stated he is in the process of doing a tree survey for only the area of disturbance for the subdivision. Donahue has already cataloged 1,100 trees in just part of this area. The tree ordinance provides no room for the Board's interpretation, as it states all trees 6 dbh or more shall be surveyed. It also includes no provision for dead trees that do not need a permit to be removed. Donahue stated the ordinance is too onerous for a forested site. The Planning Board recommended the applicant appeal to the Town Board. The applicant would still like to pursue flexibility standards. The proposed plan shows a private road and 6 residential lots with no frontage on a town road that range from 1 acre to 3 acres and then the large estate lot. Actually the front of the site is zoned R1-40 so the applicant could alternatively propose to move the zone boundary to the south to encompass the substandard lots. The applicant will provide the Board with an analysis of the environmental disturbance of the conventional versus the flexibility plan. Tegeder stated flexibility is used to preserve the natural features of the property whereas on this site, preservation is not the proposed future of the site. The Board directed Planning staff to draft a memo to the Town Board outlining concerns of the tree ordinance. Capellini stated a forest management plan would obviate the need for a tree survey, however the land can't be developed for 10-15 years after the plan is put in place. The applicant will submit the environmental analysis.

East Coast Auto Sales & Storage, Inc.

SBL: 48.7-1-56

Discussion Site Plan

Location: 1401 Front Street

Contact: Site Design Consultants

Description: Amend the site plan for a public garage use on existing lower level of the building and the associated outdoor storage of vehicles.

Joseph Riina, project engineer, and Louis Russo, owner of East Coast Auto, were present. Several years ago Russo's father began the indoor storage of vehicles in the lower level of the building. The Building Department is trying to legalize this use because the use does not comply with town code; fire separation from an existing boiler. The applicant is in front of the Planning Board because he is

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proposing to also store vehicles outside in the existing parking lot, which was the subject of an approved site plan. Riina stated his parking analysis shows there is still enough parking for the other uses in the building even if the indicated parking spaces are used to store vehicles. The Town Code requires screening for outdoor storage. The applicant would like to ask that requirement to be waived. Need to analyze the code and meet with staff to decide if the outdoor storage needs a special permit, amended site plan, etc.

Envirogreen Associates

SBL: 15.16-1-30 & 31

Discussion Site Plan

Location: East Main Street

Contact: Site Design Consultants

Description: A redevelopment project proposing two new retail buildings of 10,000 and 6,000 sf with associated parking.

Joseph Riina, project engineer, Al Capellini, project attorney, and property owner, Rick Cipriani, were present. The proposed square footage is the same as the previous submission. The L-shaped building was eliminated and the buildings were moved back a bit to add streetscape area. The plan shows connections to the existing sidewalk along the frontage. The current site entrance to the far western side of the site has been moved to the east to remove the awkward turning radius when entering. The total entrances onto Route 6 are proposed, including the existing curb cut at the eastern side of the property. This plan reduces the wetland disturbance only a little bit. The site is still removing 4,000 square feet more wetland than there is room for mitigation on the site. The applicant is looking to supplement the wetland mitigation with mitigation of drainage coming off Route 6. Barber stated he would like to confirm the wetlands before the winter comes. The Board received the Conservation Board memo, which stated the Board was not in favor of the wetland encroachments. However the Planning Board felt the layout is a compromise. Not all the development will be removed from the wetland buffer. Tegeder asked if the loading zone area can be one-way making the drive behind the larger building narrower. The parking spaces located behind the building can be designated employee spaces, which can be smaller. Barber asked if the Board would consider off-site mitigation cleaning up the Ardizzone property. Capellini had spoken about off-site mitigation at Ardizzone in the past. The Town Board would have to acknowledge the Ardizzone wetland "mitigation bank." The applicant will pursue wetland issues and details of this layout.

Faith Bible Church

SBL: 15.16-2-54,53,50 & 15.16-2-9,10

Request for Demolition Permit

Location: Sagamore Avenue and Mohegan Avenue

Contact: Al Capellini Esq.

Description: Approved Special Use Permit, Site/Parking Plan, Stormwater Pollution Prevention Plan Permit, Wetland Permit, and Tree Removal Permit for an 8,000 sf, two-story church and parking granted by Resolution 14-08 dated May 5, 2014.

The applicant is requesting a demolition permit from the Building Inspector to demolish the original building that is nestled into the church building. The request is being made to the Board because the site plan, which includes the demolition, has not been signed. Riina is working with the planning

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department to complete the conditions of the resolution which will take a few weeks. The Planning Board determined it is okay to remove the structure, but no additional excavation work should be allowed. A memo will be sent to the Building Inspector.

Bonsignore

SBL: 36.5-2-57

Discussion Subdivision

Location: 2483 Hunterbrook Road

Contact: Site Design Consultants

Description: Proposed subdivision of 3.422 acre lot with an existing 2-story dwelling into 3-lots with 2 1/2 story dwellings.

Joe Riina, project engineer, Al Capellini, project attorney, and the applicant, Brian Bonsignore, were present. Barber confirmed the wetland delineation. Barber explained that because of the lack of vegetative cover and excessive amounts of invasive species on the site, the wetland is not a high functioning area. Barber suggests moving the house down the hill into the wetland buffer because the better trade off will be to reduce the amount of tree removal and grading required to put the house on top of the hill. Riina stated the house will be easier to build with Barber's suggestions, but the property needs NYCDEP approval. Barber also suggested reducing the amount of new shrubs planted and a longer time be spent removing the invasive species as part of a 3-year maintenance plan. Riina cautioned that the NYCDEP still must determine if the wetland is a water course. If the NYCDEP determines the wetland is a watercourse, no impervious surface will be allowed within 100 feet, unless it is an intermittent stream, which requires a 50 foot setback. Barber suggested using pervious pavement until outside 75 feet from the wetland. Riina will start working with the NYCDEP.

Marathon Development Group

SBL: 37.18-2-51

Discussion Site Plan

Location: 322 Kear Street

Contact: Site Design Consultants

Description: Proposed three story commercial/residential building with associated parking and walks.

Joseph Riina, project engineer, Al Capellini, project attorney, Vincent Mellusi, project architect, and the applicant, Mark Beida, were present. Mellusi presented a perspective of the streetscape from the west on Kear Street. The Board evaluated Town Code Section 300-13(H) for the uniformity of the existing building line on Kear Street. Winter stated when applying this section of code he would use only the side of the street the building is on. The Board did not feel comfortable stating the buildings on the street are in a line. Tegeder looked at the parking analysis provided by the applicant. The peak usage between the two uses will not overlap is what is important, not the ratio of parking. It is not necessarily equal to compare this application to Underhill Apartments. This site has to be discussed on its own. Apartments with fewer bedrooms may have a different type of owner and therefore not necessarily fewer cars. In addition, public parking is available on the street if available. Weekend days would probably be the only overlap. The Board set up a Public Hearing for January 11, 2016 and advised the applicant to apply to the Zoning Board for a frontage variance.

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RPG Properties

SBL: 15.15-1-2

Town Board Referral

Location: 3475 Lexington Avenue

Contact: Gerry Walsh and Phil Sanders

Description: Applicant is requesting a rezoning from R1-20 to R-3 for this property.

The applicant, Phil Sanders, was present. The preferred plan requires many variances from the R-3 bulk regulations including the distance between the two buildings which is 74 feet where 90 feet is required, in addition to variances for setbacks and floor area ratio. Generally 6-8 units would be allowed with the R-3 zone, regardless of the site plan implemented. The Planning Board has no objection to the zoning change. The memo to the Town Board should include language regarding preserving SEQOR review for reviewing the site plan

Upon a motion by John Kincart, seconded by Darlene Rivera, and with all those present voting aye, the Board voted to close the meeting at 9:00 pm.