

Planning Board Minutes April 3, 2017

A meeting of the Planning Board, Town of Yorktown, was held on April 3, 2017, at the Yorktown Town Hall Board Room, 363 Underhill Avenue, 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 Lascale

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

Correspondence: The Board received no additional correspondence.

REGULAR SESSION

Faith Bible Church

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

Request for Reapproval

Location: Sagamore Avenue

Contact: Albert A. 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.

Project attorney, Al Capellini, was present. Capellini stated the project goes back three years. The project was approved and granted two extensions. The applicant is in court in the appellate division with oral arguments will take place in the middle of this month. The site plan has been signed by the chairman. The applicant is in the process of raising funds to build the approved new building and is asking the Board to extend and reapprove the project so the church can be built. Fon noted the Board received an email from Mr. Evan Bray. Fon asked John Tegeder if there were any issues. Tegeder stated the Board was waiting for a letter from the applicant's engineer regarding a hard look at SEQR. Since that was not received, the Board made receipt of the letter regarding the review of SEQR a condition of the reapproval.

Upon a motion by LaScala, seconded by Savoca, and all those present voting in favor, except Kincart who was not yet present at the meeting, the Board reapproved the Special Use Permit, Site/Parking Plan, Stormwater Pollution Prevention Plan Permit, Wetland Permit, and Tree Removal Permit for the Faith Bible Church.

Zat Construction aka Tonndorf

SBL: 6.18-1-37

Public Informational Hearing

Location: 76 Route 6

Contact: ZAT Construction Corporation

Description: Proposed subdivision of an 18.095 acre parcel into three lots and to construct four commercial buildings of approximately 100,500 total square feet. These buildings will have mixed commercial uses allowed in the I-1 (Industrial Park) zoning district.

Upon a motion by LaScala, seconded by Kincart, and with all those present voting aye, the Board voted to open the Public Informational Hearing.

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David Sessions with Kellard Sessions Consulting was present. Sessions stated this application started before the Board in 2003. The last time it was in front of the Board was in 2008. The applicant is now ready to bring it across the finish line. When the project was last active, it did have approval from the Conservation Board and was finishing with the Planning Board. The NYS DEC approval was not yet secured and the lighting plan also had to be completed. The proposed site plan and subdivision plan has not changed. A representative from NYS DEC and the Town's former wetland consultant had been back out to the site about a year ago to reconfirm the wetland boundary.

Sessions stated the property is about 18.1 acres and is located on the north side of Route 6. The eastern property line is also the town municipal boundary line with the Town of Somers. Whispering Pines is the adjacent property to the east. The site slopes down from Route 6. There are several culverts from under Route 6 that outlet onto the property and drain to the wetlands.

The application is for a subdivision into three lots and a site plan covering each lot. Lot 1 is 2.6 acres and located on the corner of Navajo Road and Route 6. Lot 2 is 5 acres and located in the center of the site. Lot 3 is 10.5 acres and is located on the eastern side of the property. There is a phasing plan to show that the three individual lots can be developed independently and in any order. The phase for Lot 2 would include the driveway construction to a point beyond the wetland crossing. If Lot 3 was developed first, the entire driveway would be built at once. Sessions described the nature of the proposed use. Retail would only be secondary to the manufacturing use. Each of the buildings can be accessed from the front and the back with the back of each building being a story below the front of the buildings.

There are a total of four buildings proposed; one building on Lot 1, one building on Lot 2, and two buildings on Lot 3. The building on Lot 1 is 12,500 square feet with a total of 39 parking spaces are required. The applicant is proposing 49 parking spaces. Providing more parking came out of discussion with the Planning Board and the thinking was that this building might have more office or a little more retail than warehouse and therefore 10 extra parking spaces are shown on this lot. Lot 2 has a 28,000 square foot building (14,000 square feet upstairs and 14,000 square feet downstairs) with a total of 84 parking spaces required and provided. Lot 3 has two buildings. The larger building is 39,000 square feet and second building is 21,000 square feet with about 54,000 square feet devoted to warehouse and 6,000 square feet devoted to office or retail. A total of 84 parking spaces are required and provided on Lot 3. All three buildings have traffic circulation around the entire buildings. All three buildings have their own stormwater systems made up of a forebay and pocket ponds. The stormwater systems take into account all the water runoff from the roofs and parking lots. Sessions stated that a couple of rain gardens and green infrastructure practices will need to be added to update this plan to comply with the current stormwater regulations.

Sessions stated there is proposed disturbance in the wetland buffer. There is one small 2,500 square feet of DEC wetland disturbance. There is about 7,500 square feet of direct local wetland impact. Although this wetland was considered to be very low functioning. It did not meet Army Corp criteria and barely met the Town's criteria. The Town's wetland consultant at the time agreed the wetland was very low functioning and that the disturbance was warranted as long as the applicant provided for adequate mitigation. The applicant worked out a mitigation plan that was agreed upon with the Conservation Board. The mitigation would be a two-pronged approach, the first being fixing and providing a sediment settling basin for the stormwater currently coming from Route 6 and into the site on Lot 2. The applicant will provide access for the town or private trucks to remove accumulated sediment in the forebay so that the volume is sustained. The second form of mitigation is an invasive species removal and management program. There is over 2 acres of this removal proposed. Once the species are removed, the applicant would monitor the

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removal annually to make sure over time, that the invasives are kept down. A DEC wetland permit must be secured and the applicant hopes to secure this in the next few months.

The project will be connected to municipal water and sewer. There are three pump stations proposed to pump each lot up to the force main in Route 6. There is a water main located in Navajo Road and Route 6.

Greg Bernard, Councilman, noted Sessions had mentioned that town vehicles would be able to access the forebay to remove sediment. The town is trying to get away from the practice of taking ownership of stormwater infrastructure. The ownership and maintenance should stay with the owner of Lot 2.

Susan Siegel, agreed with Bernard's comment. Siegel has no issue with site plan, but wanted to bring the Board's attention to the fact that as of the end of February this property owed over \$100,000 in back taxes going back many years. This is not an insignificant amount. The applicant should pay the back taxes before obtaining an approval.

Tony Grasso, from the Chamber of Commerce, stated that it is nice to see this property developed. It would mean more jobs and taxes to the community. Grasso agreed that he doesn't want town vehicles cleaning out someone else's mess. Otherwise it is a good project, is located in a part of town that could use it, and I'd like to see it go forward.

Sessions stated that the comment about town vehicles is taken seriously, however he wanted to remind the Board that none of the project's stormwater or silt will contribute to the forebay. All the drainage is from Route 6 and development to the south.

Siegel, thanked Sessions for clarifying this point, except noted that the mitigation plan is what has allowed the applicant to intrude into the wetlands and develop the site. Fon stated the Board will review the mitigation more in detail at the next work session.

Upon a motion by Kincart, seconded by Savoca, and with all those present voting aye, the Board voted to closed the Public Informational Hearing.

Upon a motion by LaScala, seconded by Kincart, and with all those present voting aye, the Board voted to move into the work session portion of the meeting.

WORK SESSION

JCPC Holdings, LLC

SBL: 48.07-2-2

Discussion Site Plan

Location: 1560 Front Street

Contact: Daniel Ciarcia, P.E., P.C.

Description: Approved site plan to construct a 5,000 sf building for an engine building shop.

Present were Dan Ciarcia, project engineer, and applicants John & Patty Cerbone. Ciarcia stated that the applicant received the resolution from the Planning Board last year and then went to get the NYCDEP approval. The off-site mitigation is going to be completed by the East of Hudson. One condition of the resolution was for the applicant to post a bond for the off-site mitigation. The applicant would like to request the Board move this requirement from "Prior to Building Permit" to "Prior to Certificate of Occupancy." This would allow the applicant to get started constructing his site while the East of Hudson

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works on the off-site wetland project. Then applicant can revisit the progress of the off-site mitigation at a later date.

Ciarcia stated that the NYCDEP added planters surrounding the building. The pond is roughly the same shape. The plantings were modified to make it a bioretention basin. The paving had to be reduced so there are more permeable pavers now shown.

Fon asked if the Town Engineer has reviewed the amended plan yet. Tegeder stated that he received the notice of DEP approval, but was not sure if he has reviewed the plan yet.

Ciarcia reviewed the conditions in the Board's resolution. Some arborvitae that were previously shown on the landscaping plan were removed due to the required NYCDEP plantings around the basin. The ABACA had wanted street trees, however NYSEG has a main line on this side of the road so the applicant will not be able to plant trees. There will be a low planting such as box woods added around the proposed sign. Ciarcia will also add a four season maintenance plan to the sheet. The Lighting Plan has been updated. The off-site mitigation plan is still in the plan set. Again, a condition prior to obtaining a building permit is for the applicant to post a bond for the off-site mitigation. The applicant would like to move this down to "Prior to Certificate of Occupancy" and re-evaluate what East of Hudson has or hasn't accomplished at that time. Savoca agreed that the Board would still have the option to have the applicant construct the off-site mitigation should the East of Hudson project fall through. The off-site wetland mitigation area is approximately 12,300 square feet. The Board had no issue moving the condition.

The engineering memo requested building elevations. Mr. Cerbone stated that the shop drawings for the actual building to be built will be ready in a few weeks. Therefore resolution requirement #3 should also be moved to the prior to building permit stage. Quinn had asked about a 50 foot setback required in the rear of the lot. The Building Inspector had already determined that this would be a side yard setback on a triangular shaped lot. Site Design Consultants provided 7 additional sheets for the erosion control and stormwater plans. The grasscrete pavers are included and the detail for NYCDEP required planters are included. Ciarcia stated that he needed to add a handicap parking space to the plan.

The retaining walls details were requested in the resolution and Town Engineer's memo. Ciarcia explained that the type of wall built will depend on how much rock is encountered on the site. Tegeder recommended Ciarcia add the details for both types of wall options and then the determination can be made later.

Tegeder stated that at the next meeting the Board can formally approve the permit provided the Town Engineer accepts the NYCDEP approved stormwater pollution prevention plan. Tegeder stated that condition #3 should drop down to "Prior to Building Permit." Then conditions #10 and #11 in the Board's resolution should drop down to "Prior to Certificate of Occupancy." #10 requires the applicant submit proof of insurance for working on town property. #11 requires a bond be posted for the off-site wetland mitigation.

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

Upon a motion by Kincart, seconded by Savoca, and with all those present voting aye, with respect to the Board's Resolution #16-10 dated May 23, 2016 approving the site plan for JCPC, LLC, the Board voted to move condition #3 to Prior to Building Permit and conditions #10 and #11 from being a requirement Prior to Building Permit to being a requirement Prior to the issuance of a Certificate of Occupancy.

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

A resident was present who asked the Board about noise and emissions from testing engines on the site. The Board stated these concerns were addressed during the review of the site plan application.

Upon a motion by LaScala, seconded by Savoca, and with all those present voting aye, the Board voted to close the meeting at 7:47 pm.