

# PLANNING BOARD MEETING September 23, 2013

---

A meeting of the Planning Board, Town of Yorktown, was held on September 23, 2013, at the Yorktown Community & Cultural Center, 1974 Commerce Street, Room 104, Yorktown Heights, NY 10598. The Chair, Rich Fon, opened the meeting at 7:30 P.M. with the following members present:

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

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

Discussion	No discussion took place at this time.
Correspondence	No discussion took place at this time
Liaison Reports	No reports were given at this time.

Courtesy of the Floor -.No one from the public came forward.

## **Minutes: September 9, 2013**

**Upon motion by Kincart, seconded by Flynn, and with all those present voting aye except Kutter, who abstained due to absence, the Board approved the minutes of September 9, 2013.**

### **Special Session**

**Upon motion by Kincart, seconded by Flynn, and with all those present voting aye, the Board opened a special session.**

#### **Kiederer Subdivision**

#### **Request for Reapproval**

**SBL: 27.14-2-4**

*Location:* 362 Granite Springs Road

*Contact:* Dan Ciarcia Engineering

*Description:* A 2 lot subdivision approved by Planning Board Resolution 05-21 dated September 12, 2005.

Dan Ciarcia, project engineer, was present with the applicant. Ciarcia felt this would be the final request for reapproval as the applicant had a contract pending. With regard to sewers, Ciarcia stated there was a 12 month period when the plant was under capacity. By the time NYSDEC got back to the applicant that was not the case.

**Upon motion by Kincart, seconded by Flynn, and with all those present voting aye, the Board reapproved the minor subdivision.**

#### **Crompond Crossing**

#### **Request to Amend Plat**

**SBL: 26.18-1-7**

*Location:* Crompond Road

*Contact:* Neil Deluca

*Description:* Approved and filed 29 lot subdivision requesting to amend lot lines around residential units.

Neil Deluca, project developer, was present. Deluca stated there was an issue when the project changed to modular construction. Modular units cannot butt up against one another; therefore, there is  $\frac{3}{4}$  of an inch between each of 26 units resulting in a 255sf difference from the approved plan. Deluca stated this would be deleted from the HOA lot. Kutter asked about the stream restoration and forestry work. Deluca stated it will occur when more of the site work is complete. Wagner suggested the approving resolution should -the requested

# PLANNING BOARD MEETING September 23, 2013

---

amendment does not warrant any new SEQRA analysis.

**Upon motion by Flynn, seconded by Kutter, and with all those present voting aye, the Board reapproved the amended plat.**

## **Savannah's Restaurant**

## **Adjourned Public Hearing**

**SBL: 25.20-1-3**

*Location:* 3901 Crompond Road

*Contact:* David Tetro, project architect

*Description:* Change of use from retail to restaurant, alter portion of parking, required 61 space and 58 provided. Front porch addition and rear walk-in cooler addition.

David Tetro, project architect, was present. Tetro stated this is an adjourned public hearing. The site is located at 3901 Crompond Rd. Tetro stated the only change in the plan is the second egress. The proposal now has a narrow exterior staircase installed alongside an existing window and existing walkway below. There is no change in impervious surface. ABACA wanted a small roof piece; however this looked forced, and therefore did not work well. ABACA agreed the change was unnecessary. Kutter asked why the stairs needed to be changed since the former occupant. Tetro explained necessity arose because the upstairs floor plan was changed. Fon opened the meeting to the public. Fon opened the public hearing. Fon opened the meeting to the public.

**Upon motion by Kincart, seconded by Kutter, and with all those present voting aye, the Board closed the public hearing.**

Tegeder asked if the document for the shared driveway, which was established with the prior approval, was in place. Flynn felt this was contained in the approving resolution. Tegeder suggested a construction easement. Tetro stated this curb cut will be installed after the adjacent property has completed construction, and paid for by the adjoining property owner. The applicant came forward and spoke to the Board for clarification regarding the shared access. Flynn explained the Board wanted to minimize the curb cuts along Route 202.

**Upon motion by Kincart, seconded by Flynn, and with all those present voting aye, the Board declared lead agency under SEQRA.**

**Upon motion by Kincart, seconded by Flynn, and with all those present voting aye, the Board issued a negative declaration under SEQRA.**

**Upon motion by Fon, seconded by Kincart, and with all those present voting aye, the Board the site plan.**

## **Spirelli Electric**

## **Building Department Referral**

**SBL: 16.6-1-44**

*Location:* 990 East Main Street

*Contact:* Michael Piccirillo, project architect

*Description:* Building Permit application #2013-2312 to renovate an existing building in the C-2 zone with commercial on the first floor and residential on the second floor where no approved site plan exists.

Michael Piccirillo, project architect, was present. Piccirillo stated the proposal looks improving the site with grass, and plantings. Fon felt this was what the Board was looking for. Piccirillo stated the sidewalk will remain the same. Flynn asked for the landscape plan to be specified in the resolution and it was as a site plan, Sheet SP-1 titled "Spirelli Residence Renovation," prepared by Michael Piccirillo Architecture, dated April 22, 2013, and last revised September 16, 2013, for a parcel located at 990 East Main Street, Shrub Oak and also known as Tax ID Section 16.06, Block 1, Lot 44. The Board wanted the Planning Dept. to ensure that this was not subject to any prior approvals

**Upon motion by Kutter, seconded by Flynn, and with all those present voting aye, the Board the site plan for Spirelli Electric.**

# PLANNING BOARD MEETING September 23, 2013

---

## **Taps Express aka 2000 Greenwood Street, LLC SBL: 37.15-1-40**

## **Building Department Referral**

*Location:* 2000 Edgewater Street

*Contact:* Michael Piccirillo, project architect

*Description:* Building Permit application #2013-2440 to add a roof to an existing commercial building in the C-4 zone where no approved site plan exists.

Michael Piccirillo, project architect, was present. Piccirillo stated the applicant met with Town staff and the current submission reflects this meeting. We are asking to establish a concrete driveway to the existing building. We want to redefine the gravel lot by installing grass, a picket fence, a mulch bed and plantings. Grass can be planted from the property line to the road. Now there is gravel, a washed-out road, and weeds. Piccirillo felt the existing tree buffer provided adequate screening. Flynn wanted to know what the triangular piece of property on the right side of the building would be used for. Flynn stated if this were used the applicant would need fencing. Piccirillo stated the applicant has not indicated he would be using that portion of the site. Tegeder stated if the upstairs is going to be used for anything other than storage; the applicant would have to return to the Board. Tegeder stated if the applicant chose to have outdoor storage, a special use permit might be required. Piccirillo requested the Board approve the building, knowing the site plan is still a work in progress. The Board would approve the building but include the following: no outdoor storage, no occupancy on the second floor just storage, and any changes will require the applicant to return to the Board. Tegeder stated the planting plan will have to go to ABACA. Kutter requested the planting plan be sent to the Conservation Board as well. Tegeder stated additional requirements effect the applicant receiving a CO. Fon asked if anyone from the public had any comments, but no one from the public come forward. As no approved site plan exist for this building, the Planning Board is required to review approved the changes.

**Upon motion by Kincart, seconded by Kutter, and with all those present voting aye, the Board approved a site plan for proposed renovations and alterations to the existing building.**

## **Creative Living Development**

### **SBL: 6.14-1-2**

#### **Discussion Site Plan**

*Location:* Navajo Road, Jefferson Valley

*Contact:* Site Design Consultants

*Description:* Proposed air-supported dome over the existing southern field and associated improvements including an access road.

Upon advice of counsel, this project was moved this to the work session.

**Upon motion by Flynn, seconded by Kutter, and with all those present voting aye, the Board closed the special session.**

## **Work Sessions**

### **Creative Living Development**

Flynn requested the Planning Board join the Conservation Board for the site visit scheduled for Saturday, September 28. Flynn felt the Board could make a more comprehensive evaluation of the existing conditions. Fon reviewed the Building Inspector's memo regarding access and fire codes. Tegeder felt the applicant had made a good deal of progress and was moving in the right direction. If the NYSDEC requires changes the applicant will return to the Board. Kincart asked about the progress in removing the wood chips. Riina stated the site is 100% stabilized, and restored. There are still some wood chips that have to be removed. Reduction of

## PLANNING BOARD MEETING September 23, 2013

---

the woodchip path, part of Town Board permit, has been reduced to the 8ft width. The wall is 100% complete, with the fence installed on top of the wall, and basin has full grass cover. The entry way has been graded, trees planted, and rip rap installed. There has been no change to the parking lot. Marino stated we have submitted to the DEC a sort of As-Built, and we have a meeting scheduled with them. The DEC is onboard with the dugouts; the greenhouses are on the DEC buffer. Tegeder asked if the applicant was storing woodchips in the parking lot, and Riina stated yes. Currently the woodchip path is not 8ft, and therefore, not in compliance with the Town Board permit. Marino stated the other missing element is the planting plan. Barber stated work needs to be complete for Town Board wetland permit before we address the dome. Barber stated after that is complete we can discuss substantive changes including the ring road and the dome that will go to the buffer. Barber asked if the ring road, which is in the buffer, can be changed, to avoid encroachment. Barber stated the Building Inspector has to indicate if there are flood plain issues, and the Board needs feedback from the applicant's meeting with DEC. If there are going to be substantive changes, the Planning Board has to be made aware of this. Additionally, the applicant must submit a planting plan. Fon asked about a group meeting. Capellini stated no meeting has taken place. Fon expressed his disappointment in the applicant's inability to meet with staff in order to move ahead. The path has been laid out by the Board to make the process easier. Fon was adamant that the applicant meet with the staff before the Board could move forward. Tegeder stated a mitigation plan is required for Planning Board review. Barber asked can we tweak this enough to get out of the entirely out of the wetlands. Marino stated we submitted to the DEC, and they need to get the existing conditions approved before they will even look at the dome. We are proposing to move the dome out of any DEC buffer and have additional mitigation. The other DEC issue is the removal of one of the footbridges. It may be impeding occasional overflow. Barber asked if the applicant has done any analyzes of flood plain elevations, the fields themselves are flood storage units, until you start to change the ground cover to AstroTurf. Riina we increased to flood storage capacity. Tegeder stated the critical thing is ordering the dome; But the Board would need stringent conditions to approve this. Riina stated what needs approval is the dome, the greenhouse structures, and the dugout. Barber stated we asked DEC to keep the town in the loop but they refused. Fon asked why the applicant has not met with staff to resolve the issues with bathrooms, fire egress, and building department requirements. These are problems that can be worked out. Additionally the Board needs to review a lighting plan, and mitigation. Fon stated the Board understands you have deadlines, but from the last meeting to this meeting we asked you to get things in order but they are not. Fon stated the Board is requiring you to meet with the Building Inspector, John Tegeder, and Bruce Barber and make them happy. Tegeder stated we need a lighting plan, mitigation plan, and the flood plain elevations. Fon stated the Board asked for a list of plantings we can check against. Marino stated we have submitted plans but we have not discussed it. Kincart asked if the plantings comply with the plan or is this in addition to the mitigation plan. Tegeder stated he would prefer not to have a two-step process, as not all the mitigation has been done. Kutter asked if Barber should go to the site. Fon felt it would cloud the issue and he will have to return with staff anyway.

### **1968 East Main Street**

**SBL: 15.15-1-47**

#### **Building Department Referral**

*Location:* 1968 East Main Street

*Contact:* Jeffrey Jordan, project architect

*Description:* Proposed expansion of dental office within an existing building in the C-2 zone where no approved site plan exists.

Present was the applicant's General Contractor, Joe. This is an existing building and the proposal calls for interior alterations. In the rear there was a residential facility with 4 dental treatment rooms. This will be reduced to 2 treatment rooms, and two, 2 bedroom apartments on the second floor. The parking lot has 11

# PLANNING BOARD MEETING September 23, 2013

---

spaces, and there is additional paved parking in the area. The town code requires 13 parking spaces, Flynn asked for the number of employees but that was not known. The plan calls for a total of 5 treatment rooms, and 2 hygiene rooms. Tegeder stated this site has no approved site planned. The Board suggested the applicant investigate shared parking or varying the office time there is offset time. The Board was told that the handicap space existed, but not painted.

**Upon motion by Kincart, seconded by Kutter, and with all those present voting aye, the Board opened a special session.**

**Upon motion by Kincart, seconded by Kutter, and with all those present voting aye, the Board approved expansion of the dental office within the existing building, with adherence to the conditions listed in the approving resolution.**

**Upon motion by Kincart, seconded by Kutter, and with all those present voting aye, the Board closed the special session.**

## Jefferson Valley Mall

**SBL: 16.12-1-24**

### **Town Board Referral**

*Location:* Route 6 & Lee Boulevard

*Contact:* Joshua M. Binkley, Simon Property Group

*Description:* Proposed additions totaling 20,000 SF for retail and restaurant use and associated parking area, utilities, and landscaping modifications.

Al Capellini, project attorney, was present with Mall Representatives including Steve Shea, regional director of development, Bob Roth, engineer, Tenille Jordan architect, Ken Markowitz engineer. Roth explained this was a 20000sf-21,000 sf addition. Renovation to the parking lot, landscaping, landscaping of the existing berms, regarding, and changes to the island. The Board was told traffic impacts would be insignificant as this is a minor addition. Currently, there are 37 existing handicap that will be increase to 50spaces. None of these will have overhead roofs for weather protection. The applicant then made a presentation.

## Yorktown Farms Lots 11

**SBL: 17.06-2-32.11**

### **Discussion Lot Site Plan**

*Location:* Route 6, Jefferson Valley

*Contact:* Ciarcia Engineering

*Description:* A 22 lot subdivision approved by Resolution 08-03 dated February 11, 2008.

Dan Ciarcia, project engineer, was present. Ciarcia stated he had met with staff regarding changes. There is a walkout basement, and installation of a wall. Elevation went from 604' to 606' Fon ask that this be submitted to the Planning Dept.

## Yorktown Police Dept.

**SBL: 37.9-1-4**

### **Discussion Site Plan**

*Location:* 2281-2295 Crompond Road

*Contact:* Rahul Verma, East of Hudson Watershed Corporation

*Description:* Stormwater Retrofit Project

Present was Rahul Verma, East of Hudson Corp. representative. Verma stated he had met with Planning staff. EOHC is a 19 member group installing about 110 projects. The Croton-Kensico Watershed Intermunicipal Coalition developed a Regional Stormwater Implementation Plan (RSIP), approved by NYSDEC in 2010. The RSIP identified numerous phosphorus-reducing stormwater retrofit projects (SRPs) in all municipalities in the

# PLANNING BOARD MEETING September 23, 2013

---

East of Hudson watershed, including this SRP. NYSDEC granted a “bubble compliance” compliance mechanism, where the aggregate phosphorus removal can be achieved by all members collectively. The Town of Yorktown has executed an Intermunicipal Agreement (IMA) to join EOHWC for the purpose of implementing phosphorus-reducing SRPs.

This SRP is an extended detention basin, with a contributing drainage area of approximately 24 acres. Stormwater runoff is conveyed from Route 202 (Crompond Road) through existing catch basins and piping. Stormwater runoff from the police/court property is conveyed via catch basins, piping and sheet flow. The SRP includes minor modifications to the existing catch basins, and connecting the existing piping with new pipes to route flow into a forebay.

Barber stated there may be a need to review parking therefore it is a site plan issue. Tegeder you need to have a public informational hearing. Verma stated the basin will be heavily landscaped, using all natural hearing. The Board scheduled a public informational hearing for Oct. 7. Kutter asked if a sign explaining the process be installed. Verma stated this could be part of the Town’s educational component.

## **St. Patrick's Church Multipurpose Room**

**SBL: 48.7-3-72**

### **Zoning Board of Appeals Referral**

*Location:* Moseman Avenue

*Contact:* Al Capellini

*Description:* Proposed multipurpose room in lower level of the existing classroom building

Al Capellini, project attorney, and Vincent Mellusi, project architect, were present with church representatives. Mellusi explained that when building the upper level included 4 classrooms and 4 meeting rooms, and the lower level was just used as storage. What the school would like to do is create toilets and a multipurpose room on the existing lower level. A space for an elevator already exists. This would be an ancillary use, no increase in population, and no additional parking would be required. Fon requested a need memo to ZBA before Thursday.

## **Yorktown Auto Body**

**SBL: 37.19-1-81**

### **Discussion Amended Site Plan**

*Location:* 1798 Front Street, Yorktown Heights

*Contact:* Site Design Consultants

*Description:* A proposed addition of approximately 1,450 SF to the existing auto body repair shop and construction of additional parking.

Al Capellini, project attorney, and Joe Riina, project engineer, were present. Fon stated the Building Inspector was in favor of this proposal and felt additional parking would be an improvement for this site. The Board scheduled a public hearing for Oct 7, 2013. Tegeder asked for elevations that include the height of the wall. Additionally, photographs would go a long way to help the public understand the proposal. Tegeder also requested information on tree removal. When asked about stormwater issues, Riina stated this is a DEP Main Street but the application will reduce some of the impervious area.

**Upon motion by Kincart, seconded by Kutter, and with all those present voting aye, the meeting was adjourned at 10:30.p.m.**