

**MINUTES OF THE YORKTOWN ZONING BOARD OF APPEALS  
FEBRUARY 22<sup>ND</sup>, 2024**

The regular monthly meeting was held for the Zoning Board of Appeals, Town of Yorktown, at the Yorktown Town Hall, 363 Underhill Avenue, Yorktown Heights, New York, February 22<sup>nd</sup>, 2024. The meeting began at 6:30 p.m.

The following members of the board were present:

Gordon Fine, Chairman  
William Gregory  
John Meisterich  
Anthony Tripodi

Also present are, Nisreen Khoury, Legal Assistant, and Patrick Murphy, Town Board Liaison.

The meeting was aired on Channel 20 Cablevision and Channel 33 Verizon Fios.

It was announced that the next public hearing would be held March 28<sup>th</sup>, 2024, site visits are scheduled for March 23<sup>rd</sup>, 2024. Mailings are to be sent from March 3<sup>rd</sup> to March 13<sup>th</sup>, 2024.

**NEW BUSINESS**

No New Business.

**CONTINUED PUBLIC HEARINGS**

**INTERSTATE SALES  
COMPANY**

**#41/23**

**Property Address:  
1236 East Main St.**

**Section 16.10, Block 1, Lot 30**

This is an application to legalize a second sign for “Interstate + Lakeland” that does not have road frontage as per Article XX and Appendix D of the Town Zoning Code

Not open. It was determined that a variance is not needed. This item was removed from the calendar.

**DAMIANO**

**#01/24**

**Property Address:  
756 Hanover**

**Section 59.11, Block 1, Lot 19**

This is an application for a special use permit for a new accessory apartment that requires a special use permit as per 300-38 of the Town Zoning Code.

Adjourned by the Building Department.

**NEW PUBLIC HEARING**

**BERLOW**

**#02/24**

**Property Address:  
3535 Crompond Rd**

**Section 36.05, Block 1, Lot 14**

This is an application for a special use permit for a new child fitness and before and after school program that requires a special use permit as per 300-53 of the Town Zoning Code.

Mailings and sign certification in order.

Joel Greenberg, Architect, representing the applicant.

Memo from the Assistant Building Inspector dated, February 21, 2024 states:  
I visited this property on November 17, 2023 with the owner and architect. Once approved by the Planning Department this application will require a building permit and Certificate of Occupancy. The Building Department has no objections to the issuance of special use permit for a daycare center.

Memo from the Planning Board dated February 21, 2024 states:  
At its meeting on February 12, 2024, the Planning Board discussed the subject application for a special use permit regarding a child fitness & before and after school program. The Board had the following comments:

1. The Planning Board suggests three options for pick up and drop off:
  - a. Enter from Crompond Road and drop off at the sidewalk area located at the front entrance. This is the Boards preferred method.
  - b. Drop off in the rear of the store, entering from either Crompond Road or Old Compond road. This entails constructing a sidewalk area and an ADA compliant ramp, as the current state of the rear entrance is not sufficient for this use.
  - c. Drop off on Old Crompond Road and have staff waiting to receive the children. This entails construction of a sidewalk area and ramp, as well as a designated walking path from the gate to the rear entrance.

If the project were to advance, the Board recommends the following:

1. Provide a traffic narrative detailing the pickup and drop-off locations, the use of timed parking spots for patrons, and the schedule of operations for the proposed project and the surrounding businesses.
2. Show a recreation area on the plan to be built for future use if needed.
3. A Site Plan review and approval by the Planning Board as a condition of the special use permit approval.

Upon receiving correspondence between the applicant and the district's transportation coordinator, the Board learned that options A and B are not supported by the district's transportation company. Therefore, only option C is available. The Board believes that the operational characteristics of option C present safety concerns. The action of exiting a Bus on Old Crompond Road and escorting children roughly 100 feet through a parking/ loading area is generally unsafe and is contrary to the standards in the code sections governing this proposed use. With that said, the use of Old Crompond Road for access to a commercial site on Crompond Road (Route 202) is something that the Board does not support.

Mr. Greenberg said let me just follow what the report from the Planning Board or the Planning Director. Obviously he sent us a copy and it is quite obvious the school district is saying that the only way they would bus the children to this facility is to go on Old Crompond Road and come around, which was our initial agreement too. To make a long story short we have to change the whole situation based upon the recommendation from the Planning Board. Stop at the entrance to the facility, drop the kids off and continue and come out on the other side of the property. My clients have decided obviously the Planning Board will never approve the Old Crompond Road, so what we are going to do is they would either rent or secure a bus and they would control it, and they would obviously follow the directions of the Planning Board, which is they would come in on the right side of the entrance, stop where the entrance is to the facility, drop the kids off and then come down. Chairman Fine asked, can the parking lot handle a bus.

Mr. Greenberg said yes, we are not talking about a full size bus, it would be the size of an oversize SUV.

Mr. Meisterich said the bus would go to all the schools and pick up kids.

Chairman Fine said the Planning Board is also asking for a traffic study to be done also which they would want to see regarding that as well.

Mr. Greenberg said basically it is a traffic narrative which is basically what I just said.

Chairman Fine said but they are going to want to know traffic flow, how many cars are going to be exiting and coming in at the same time as the buses because it is an operational shopping center at the same time.

Mr. Greenberg said okay, I have an answer for that too. The bagel store closes at 4pm and the buses come in at 7am. The access to the bagel store after 7am and before when they close it would be minimal.

Chairman Fine said these are things you have to take up with the Planning Board.

Mr. Greenberg said agree, we understand that.

Chairman Fine said giving you a sense of what they are going to be asking you.

Mr. Greenberg said the school said that they have to know by April 1<sup>st</sup> which facility these children are going to be going. I know we spoke and it was indicated that this could not be approved until the Planning Board approved it, and we come to the March 28 meeting which is couple days before April 1<sup>st</sup>. So I suggest if it is possible if you could approve it subject to the Planning Board approving it on Monday. If they do not approve it then we go to the 28<sup>th</sup>.

Chairman Fine said there is too much missing from the overall plan for us to do that.

Mr. Meisterich said why does the school need to know this if they are not going to be involved in the busing at this time.

Mr. Greenberg said because they want to know which students are going to be picked up, whether it is going to be by the school buses or private buses, but they want to know exactly what the situation is. That we have no control over, that is the April 1<sup>st</sup>, that is why I have asked if it is possible.

Chairman Fine said generally we do not do that on these applications, we wait on the Planning Board to finish it up, see if they have any other recommendations.

Mr. Tripodi asked does the school have an alternative plan if they are not able to place these kids in the afterschool program.

Chairman Fine said it is not run by the school.

Mr. Greenberg said this is private. I guess the school because of their planning they want to know by April 1<sup>st</sup> that X amount of students from this school is going to this facility, Y amount from the other schools.

Chairman Fine said they are planning their bus schedule to see how many buses they need or not need.

Mr. Meisterich said this traffic narrative that the Planning Board requested, is that enough for us to consider that a traffic study.

Chairman Fine said that is up to the Planning Board.

Mr. Meisterich said but that would be the traffic study also.

Chairman Fine said because the Planning Board is looking at the whole exit and entrance strategy.

Mr. Meisterich said I totally understand, I am just trying to clarify that the applicant does not look into two things.

Chairman Fine said that is part of the whole process with the Planning Board.

Mr. Greenberg said your point is well taken, but I think what Gordon is trying to say is that if we provide adequate information and the Planning Board says okay now we approve it, you are taking private buses, the school is not involve with busing anymore and this is how the pattern is going to work.

Mr. Meisterich said a traffic study is specifically required in the code, so I just wanted to make sure that a narrative is going to satisfy that requirement, which it seems to me it would.

Mr. Greenberg said I am reading right off what the Planning Board ask for, so we are doing exactly what it says.

Mr. Meisterich said there were some other referrals like the Fire Marshal and what not, are we going

to make sure that happens.

Mr. Gregory said we still need that, still need the insurance, it indicates licensing by New York State Department of Social Services.

Chairman Fine said we do not handle licenses, they cannot operate until they have it anyway.

Mr. Meisterich said sometimes we do it subject to.

Chairman Fine said we are not part of the licensing process.

Mr. Meisterich said one thing they also mentioned in the memo was a recreational area is required.

Mr. Greenberg said if you look at the plans, recreation has been shown there from the very first time we came before the Board.

Upon motion by Fine, seconded by Meisterich and unanimously voted in favor by Gregory, Fine, Meisterich, and Tripodi, this item is adjourned.

**SINDACO #03/24** This is an application for a renewal of a special use permit for a child day care, Little Red School House, that requires a special use permit as per 300-53 of the Town Zoning Code.  
**Property Address:**  
**2300 Crompond Rd**  
**Section 37.09, Block 1, Lot 59**

Mailings and sign certification in order.

Melanie Sindaco, owner of both Little Red Houses.

Ms. Sindaco said we have been in Yorktown for about 15 years, we are looking to renew our special use permits.

Memo from the Building Department dated February 20, 2024 states:

The Fire Inspector inspected the property on February 16, 2024 and found no violations on the property. The Building Department has no objections for the renewal of special permit for a daycare center.

Memo from the Fire Marshal dated February 1, 2024 states:

There were no Building Code Violations noted at this time.

Memo from the Planning Board dated February 20, 2024 states:

At its meeting on February 12, 2024, the Planning Board reviewed the application to renew the existing special use permit for a child daycare center for the Little Red House at the subject location. The Planning Board has not been notified of any issues at the site and therefore has no objections to the renewal of the special use permit as requested.

Chairman Fine asked any changes in the number of people attending.

Ms. Sindaco said no, everything is staying the same.

Upon motion by Fine, seconded by Meisterich and unanimously voted in favor by Gregory, Fine, Meisterich, and Tripodi, the application for a renewal of a special use permit for a child day care, Little Red School House, that requires a special use permit as per 300-53 of the Town Zoning Code, was granted for a period a period of three (3) years, same conditions as the previous permit.

**SINDACO #04/24** This is an application for a renewal of a special use permit for a child day care, Little Red School House, that requires a special use permit as per 300-53 of the Town Zoning Code.  
**Property Address:**  
**322 Kear Street**  
**Section 37.18, Block 2, Lot 51**

Mailings and sign certification in order.

Melanie Sindaco, owner of both Little Red Houses.

Memo from the Assistant Building dated February 20, 2024 states:

The Fire Inspector inspected the property on December 5, 2023 and found minor violations on the property which have been corrected. The Building Department has no objections for the renewal of special permit for a daycare center.

Memo from the Fire Marshal dated February 21, 2024 states:  
There were no Building Code Violations noted at this time. As a Result of the most recent inspection, I have the following comments: Re -inspect in one year.

Memo from the Planning Board dated February 20, 2024 states:  
At its meeting on February 12, 2024, the Planning Board reviewed the application to renew the existing special use permit for a child daycare center for the Little Red House at the subject location. The Board requests that the crosswalk on Kear Street be painted annually to ensure the safety of the building' s patrons. The Planning Board has no other planning objections at this time.

Chairman Fine asked who painted the cross walk, was it you or the highway department.  
Ms. Sindaco said the building owner actually, I think he maintains everything on Kear Street, it is part of his permitting possibly with it. So he actually paints it annually, we do not do it.

Chairman Fine said the actual striping on Kear Street is what they are talking about.  
Ms. Sindaco said yes he does all the time for me.  
Chairman Fine said so the building owner does it not highway.  
Ms. Sindaco said I am pretty sure that the building owner does it because he was the one who did out cross walk the last time. What we do and what I have explained to Planning, the salt has really kind of eaten at everything, our cross walk is actually darker than even the lines on Kear Street now. So we usually paint it every spring, so it will be redone soon.  
Mr. Meisterich said I do remember from a few years ago and that was probably the main thing, the cross walk. So how does that work for you, do you think with the cross walk and people walking the kids across, have you had any issues.  
Ms. Sindaco said no we have not had any issues, we do have an extra teacher on hand that comes out with the stop sign, and make sure that traffic sees us and everything like that. I spoke to OCFS that does the licensing as well because at first I was trying to wrap my head around how that would work too, and she explained to me what an important life skill it is that you teach kids how to cross the street, how we stop together, how we look together, how we move as a unit together. It has been great.  
The matter of the cross walk was discussed further.

Upon motion by Fine, seconded by Meisterich and unanimously voted in favor by Gregory, Fine, Meisterich, and Tripodi, the application for a renewal of a special use permit for a child day care, Little Red School House, that requires a special use permit as per 300-53 of the Town Zoning Code, was granted for a period of three (3) years, under the same condition as the current permit, and with the condition that the cross walk be painted each year.

Meeting adjourned at 6:50pm  
Happy Zoning!