

**MINUTES OF THE YORKTOWN ZONING BOARD OF APPEALS
MARCH 28TH, 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, March 28th, 2024. The meeting began at 6:30 p.m.

The following members of the board were present:

Gordon Fine, Chairman
Robert Fahey
William Gregory
John Meisterich
Anthony Tripodi

Also present are, Adam Rodriguez, Special Counsel.

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

It was announced that the next public hearing would be held April 25th, 2024, site visits are scheduled for April 20th, 2024. Mailings are to be sent from April 1st to April 10th, 2024.

NEW BUSINESS

CUNHA #05/24 This is an application to construct a new two-family dwelling with a lot size of 10,000 sq. ft where 20,000 sq. ft is required as per section 300-21 and Appendix A of the Town Zoning Code.
Property Address:
Summit Street
Section 37.19, Block 1, Lot 78
Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Gregory, Fahey, Fine, Meisterich, and Tripodi, this item was scheduled for a Public Hearing on April 25th, 2024, Site Visit on April 20th, 2024, and referred to the Building Department, Planning Department, Assessor office and ABACA.

SUMMA #06/24 This is an application for a special use permit for an accessory apartment for new owner that requires a special use permit as per 300-38 of the Town Zoning Code.
Property Address:
356 Hallocks Mill Rd
Section 37.10, Block 1, Lot 16

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Gregory, Fahey, Fine, Meisterich, and Tripodi, this item will be handled administratively.

POLCHA #07/24 This is an application to legalize a deck with a pergola with a rear yard setback of 2 ft where 10 ft is required for accessory structures as per 300-21 and Appendix A of the Town Zoning Code.
Property Address:
201 Friends Rd
Section 37.15, Block 1, Lot 3

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Gregory, Fahey, Fine, Meisterich, and Tripodi, this item was scheduled for a Public Hearing on April 25th, 2024, Site Visit on April 20th, 2024, and referred to the Building Department.

LYNCH #08/24 This is an application to construct an addition with a rear yard setback of 38 ft where 50 ft is required as per 300-21 and Appendix A of the Town Zoning Code.
Property Address:
1496 Heights Dr
Section 48.09, Block 1, Lot 14

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Gregory, Fahey, Fine, Meisterich, and Tripodi, this item was scheduled for a Public Hearing on April 25th, 2024, Site Visit on April 20th, 2024, and referred to the Building Department.

CONTINUED PUBLIC HEARINGS

DAMIANO #01/24 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.
Property Address:
756 Hanover
Section 59.11, Block 1, Lot 19
Not open. Adjourned.

BERLOW #02/24 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.
Property Address:
3535 Crompond Rd
Section 36.05, Block 1, Lot 14

Joel Greenberg, Architect, representing the applicants.

Mr. Greenberg said we have gone to the Planning Board. I think you have a memo from the Planning Board indicating that they have no objections to the special permit. One of the things that you did request and I sent you a letter March 12th with regards to exactly what the procedure will be for the new drop off and pick up, and also you had requested we do some investigation of the traffic situation.

Chairman Fine said that was part of the Planning Board process.

Mr. Greenberg said yes, they have it. We did address that, and as you know prior to that we had site inspection with the Planning Board, and went over a lot the things. The latest site plan that you have basically address all those issues.

Memo from the Planning Board dated March 15, 2024 states:

At its meeting on March 11, 2024, the Planning Board discussed the subject application for a special use permit regarding a child fitness & before and after school program. The Board reviewed this referral at the February 12th, February 26th, and March 11th meetings, and conducted a site visit on Friday March 8th. Throughout the review process, there have been many comments made regarding the safety and function of the site. The applicant has revised the plan per the Planning Boards comments to show the following:

1. New dumpster enclosures will be built in the rear lot.
2. The parking spaces in the rear lot will be re- striped.
3. The proposed recreation area will be relocated to the eastern edge of the rear lot to avoid the existing Con Edison electrical equipment.
4. Bollards and landscaping will surround the recreation area.
5. An ADA compliant ramp will be constructed outside of the rear entrance.
6. The entire corner of the north-eastern edge of the rear lot will be striped to represent the walking area.
7. The ADA parking spaces in the front lot will be re-striped.
8. Signs for the designated ADA and parent pick-up/ drop-off parking spots will be installed.

Based on the attached revised plans, the Board has no planning objections with the proposed use or the issuance of a special permit. The Board requests that the Zoning Board of Appeals include a condition of its approval in their resolution requiring the applicant to come back to the Planning

Board for site plan review in order to have an updated plan on file.

Chairman Fine asked what is your maximum number of students, attendees. What do you refer to them as?

Mr. Greenberg said 60.

Chairman Fine asked what do you refer to them as?

Mr. Berlow said it is going to be up to the OCFS how many we are allowed.

Chairman Fine said we give you the max.

Mr. Greenberg said the way it works, you have to have at least 35 square feet per child, actually we could have more than 60 but at the present time we are limiting it to around 60 kids.

Mr. Fahey asked what is OCFS?

Mr. Berlow said Office of Child and Family Services.

Mr. Fahey said that is Westchester County.

Mr. Berlow said the State of New York.

Mr. Fahey asked does Westchester County get involve in that as well.

Mr. Berlow said we have contacted them; we have to get this approved before we move on with the process.

Mr. Gregory said basically what is the process you are going to go through, do you know.

Mr. Berlow said pretty much a nightmare of a process. You have about as many applications and stuff to fill out. They will do a site visit, obviously they will make sure all the inspections are up to date, fire alarm, every single thing you can possibly imagine. They will obviously make sure the facility is safe, they will work with the County as well, we have to have a County Board of Health inspection. And they will determine how many children we are allowed to have ultimately.

Mr. Fahey asked the State will?

Mr. Berlow said the State will, OCFS. They also work in conjunction with the Childcare Council which is pretty much the local governing board of all child licensing childcare facility.

Mr. Fahey asked they are Westchester.

Mr. Berlow said they are Westchester. There is a laundry list.

Mr. Meisterich said it is a little bit confusing with the number of kids, do we decree that or the State.

Chairman Fine said we have always had that in our permits, we usually give them the maximum they are allowed, but it is up to the State what they license them for.

Mr. Fahey said and with the parking and all that is available right now and okay with the drop offs and stuff, there has been no impact as far as OCFS. You say you could have 60 students there but with the sizes and all that you have there, there is no limitation, you could accommodate all that right now, everything is easy to be done.

Mr. Greenberg said prior to this occupancy there was a gym there, they obviously used a lot more parking. The number of employees that is going to be in this facility will probably not exceed 12, because there is also a number of staff to the number of children that has to be considered also.

Mr. Fahey said I was not here last month so forgive me if I ask questions that may be redundant, but as far as the drop off and doing that, you obviously have your times as to when you are doing that, there is other businesses there; there is a deli and stuff like that, so all of that has been addressed, being able to come and do that drop offs, you get your max time for in and exit.

Chairman Fine said the Planning Board went through that.

Mr. Meisterich said you are still going to do the mini bus, that is still the game plan.

Mr. Greenberg said right, we are going to have our own buses. The other three (3) stores, the pizza place, the Chinese restaurant and the salon, obviously do not open at 6am when our students are coming in and the reverse happens when the students are leaving, the bagel store is also close. So we will never have everything open at the same time.

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Gregory, Fahey, Fine, Meisterich, and Tripodi, the 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, was granted for a period of three (3) years, with the stipulation that the permit is for a maximum of 60 children, and that it is subject to the Planning Board memo as well as subject to site plan approval by the Planning Board.

NEW PUBLIC HEARING

No Public Hearing.

Meeting adjourned at 6:43pm
Happy Zoning!