

# Planning Board Meeting Minutes – January 9, 2023

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A meeting of the Town of Yorktown Planning Board was held on **Monday, January 9, 2023 at 7:00 p.m.** in the Town Hall Boardroom.

Chairman Fon called the meeting to order at 7:00 p.m. with the following Board members present:

- Aaron Bock
- Rob Garrigan
- Bill LaScala
- Bob Phelan
- Bob Waterhouse, Alternate

Also present were:

- John Tegeder, Planning Director
- Robyn Steinberg, Town Planner
- Nancy Calicchia, Secretary
- James Glatthaar, Esq.
- Councilman Sergio Esposito, Town Board Liaison

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## **Correspondence**

There was no correspondence.

## **Motion to Approve Meeting Minutes of December 12, 2022**

Upon a motion by Aaron Bock and seconded by Bob Phelan, and with all those present voting “aye”, the Board approved the meeting minutes of December 12, 2022.

## **Motion to Open Regular Session**

Upon a motion by Chairman Fon, and with all those present voting “aye”, the Board opened the Regular Session.

## **REGULAR SESSION**

### **SDML Realty, LLC**

Discussion: Public Informational Hearing

Location: 35.08-1-11, 14, 15, 23; 3735 Crompond Road (Route 202)

Contact: Reuben Buck

Description: Proposed 3,069 square foot Dunkin with drive thru, parking, and associated site improvements.

Comments:

**Upon a motion by Bill LaScala, and seconded by Rob Garrigan, and with all those present voting “aye”, the Board opened the Public Informational Hearing.**

Reuben Buck, P.E.; and Paul Sardinha, property owner were present. Mr. Buck stated that the proposal is for a 3,000SF Dunkin with drive-thru and parking to be located at 3735 Crompond Road (Route 202). The site consists of 4 parcels (lots, 11, 14, 15 and 23) which will be combined as part of the application. A dual drive-thru lane is proposed to the rear of the property. A total of 31 parking spaces are proposed that includes 24 patron spaces on the western side of the property; and 7 employee spaces on the eastern side of the property. The loading area and dumpster enclosure are proposed to be located on the eastern side of the property. They have engaged Colliers Engineering with respect to the potential traffic impacts and left turn lane into the site. Colliers concluded that a separate left turn lane was warranted at the site access driveway location in order to accommodate left turn entering movements. The report was provided to the Board for review. A lighting plan has been prepared which shows no spillage. Lighting fixtures are proposed on the building with light poles around the site. A preliminary landscape plan was prepared to show that they fully intend to screen the site as much as practical with respect to the rear residences which includes two staggered rows of 10-ft green giant arborvitae at planting; and a 6-ft board on board fence. Additionally, due to the grading, they will end up with a 10-ft wall to the rear. Between the wall height, screening trees and fence, they anticipate that the site will be well

screened from the rear residences. As requested by the Board, several line of sight elevations showing the first-floor residences to the site were prepared for review. It was noted that the green giant arborvitae can grow from 3 to 5-ft per year. The elevations show the tree growth at 3-ft per year. They anticipate that the landscaping and building will also help with the noise from Route 202.

Chairman Fon questioned if the proposed fence could be pushed further back to the property line. Mr. Buck responded that they had no issue with moving it further up the hill. Mr. Waterhouse was concerned about the deer eating the arborvitae.

Chairman Fon asked the public if there were any comments. Public comments as follows:

1. George Campolo, 3790 Old Crompond Road – Mr. Campolo stated that he is speaking on behalf of his neighbors. They are concerned about the timing of the deliveries and noise from the site. The business intends to open at 5:00AM and this is a concern. Other concerns are the noise from the intercom; and the dumpster location. He questioned if the dumpster enclosure could be moved to the Route 202 side. He is happy with the landscape plan and noted that the deer will not eat the arborvitae and do grow 3 to 5-ft a year. They are also concerned about the peninsula between Garden Lane and Pine Grove with respect to traffic and the development of Route 202.

Chairman Fon noted that a flyer was distributed in the community that talked about some of the proposed projects. One of the statements was that driveways were proposed in the rear of the properties which is not correct. Mr. Campolo stated that he prepared the flyer. Chairman Fon advised Mr. Campolo and the public to reach out to the Planning Department with any questions to verify information. Mr. Bock noted that on a couple of those projects there may be emergency or limited access on Old Crompond Road that is not normal customer traffic.

Mr. Glatthaar suggested that the applicant install a yield sign at the intersection of the dual drive-thru lanes so that the customers are not driving forward at the same time. Mr. Buck had no issue with providing this accommodation. There were no other comments.

Chairman Fon advised the applicant to work with the Planning Department. Mr. Buck stated that they will move forward on working on a full submission and will address the noise from the drive-thru intercom.

**Upon a motion by Bill LaScala, and seconded by Rob Garrigan, and with all those present voting “aye”, the Board closed the Public Informational Hearing.**

#### **Envirogreen Associates**

Discussion: Request for First One-Year Time Extension

Location: 15.16-1-30 & 31; 1833-1875 East Main Street, Mohegan Lake

Contact: Site Design Consultants

Description: Approved by Resolution #21-22 dated September 27, 2021, redevelopment of the property removing 2 existing building and parking area to construct a new 12,400 SF retail building with associated parking, landscaping, lighting, and stormwater improvements.

Comments:

Joseph Riina, P.E. was present. Mr. Riina stated that the applicant is seeking a reapproval of the site plan as they are still waiting on a permit from the DEC.

Chairman Fon asked the Board and Counsel if there were any issues and there were none.

**Upon a motion by Bill LaScala, and seconded by Rob Garrigan; and with all those present voting “aye”, the Board approved the request for a first one-year time extension.**

#### **Motion to Close Regular Session and Open Work Session**

Upon a motion by Bob Phelan and seconded by Aaron Bock, and with all those present voting “aye”, the Board closed the Regular Session and opened the Work Session.

## WORK SESSION

### 670 East Main Street

Discussion: Pre-Preliminary Discussion  
Location: 16.08-1-34; 670 East Main Street, Jefferson Valley  
Contact: Hahn Engineering  
Description: Proposed to remove existing single family house and detached garage and construct five two-story, three-bedroom townhouses and 15 parking spaces.

#### Comments:

Will Angelillo, P.E. of Hahn Engineering was present. Mr. Angelillo stated that they are here as a follow up. At the request of the Board, the site was flagged for the proposed building and entrances in preparation for their site visit.

Mr. LaScala questioned if the 40" maple tree in the middle of the driveway could be saved. Mr. Angelillo responded that they will look into it. Mr. Bock stated that his concern is that this plan requires a number of significant variances. Additionally, the intersection is problematic and questioned how this will be addressed. He feels that there is too much going on for the size and location of this property. Mr. Phelan stated that at the previous meeting, they discussed the possibility of changing the plan to show the Jefferson Valley Road exit only to an entrance and exit (two-way); and making the East Main Street an exit only. He is concerned with the vehicles having to cross the northeast traffic on East Main Street to get into the site. Mr. Angelillo responded that they will look into it but noted that Jefferson Valley Road is a small road and this is why the current plan shows East Main Street as an exit and entrance for the site. Chairman Fon noted that there is another development proposed up the street which will be undertaking a traffic study that will include the whole area and suggested for the applicant to reach out to them with respect to this proposal. Mr. Garrigan added that the Surrey Court entrance or exit is currently chained off and questioned why. Chairman Fon thought that the sidewalk and curb was a good addition but noted that the swale will need to be addressed. He noted that 90% of the proposal is outside of the building envelope. Mr. Bock questioned if variances were required for Surrey Court. Mr. Tegeder responded that there were deficiencies and may be done under flexibility. Mr. Bock questioned at what point does the Board consider the requested variances. Mr. Tegeder responded that the Planning Board will refer the application once they are comfortable with the layout of the site plan. Mr. Garrigan thought that the plan may be suited for 4 units as opposed to 5 units. Discussion followed with respect to lesser units and the traffic impact. Mr. Garrigan questioned the corner setback closest to Jefferson Valley Road. Mr. Tegeder responded that the requirement in that zone is 50-ft for the front, rear and side yards and requested for the applicant to show the dimensions on the plans from the back corners. The Board requested for the applicant to submit alternative plans (lesser units, reconfiguration) in order to assess the impacts of the proposal.

### Garden Lane Development *aka Hoffman Property*

Discussion: Residential Site Plan  
Location: Old Crompond Road & Garden Lane; 35.08-1-27  
Contact: Dimovski Architecture, PLLC  
Description: Proposed 20 unit apartment units with associated parking and site improvements pursuant to a 1990 rezoning of 1.56 acres to the R-3 zone.

#### Comments:

Steve Dimovski; and Michael Stein, P.E. of Hudson Engineering were present. Mr. Dimovski stated that they were before the Board a while back. The proposal is for a two-story, 20-unit multi-family building on Garden Lane and Old Crompond Road which was formerly the Hoffman property. Since that meeting, they have engaged Hudson Engineering for site engineering and Tim Miller and Associates for a preliminary traffic study. A full set of plans were submitted for review. The grading, parking, site circulation, and building orientation have been addressed. Due to the grading, the southern side of the site is limited to 4-ft high walls, the rear of the northern side will be 6-ft maximum high walls. They were able to minimize the number of ramps necessary to get into the site as much as possible so now it's a walk in from the southern side and only a few stairs and a slight ramp to get in from the northern side. 44 parking spaces are proposed as required per the code. All the driveway access aisles are 24-ft in width where the parking exists and a minimum of 20-ft as you drive through. From the roadway, the property slopes down toward the east with a smaller parking area over to the right. Since their latest submission, the plans have been revised to reconfigure the rear parking area to provide an

additional area for stormwater mitigation. They worked with the DEP and Engineering Department and performed field testing at the site. They are proposing a stormwater management system up to the 100-year storm event.

Mr. Phelan questioned if the plan shown this evening is the most recent plan as there seemed to be different versions of the parking area to the right and noted that a previous version showed a recreation facility. Mr. Stein responded that the plan shown this evening is the latest version. The recreation facility is not shown on this plan as they are still working on it. Mr. Tegeder questioned the use of the small lot. Mr. Stein responded that the spaces will be assigned based upon the number of units required for the tenants. Mr. Tegeder suggested considering making the 10 spaces accessible from the rear part of the loop road as head-in spaces; and possibly separating the spaces into two groups of 5 each. Mr. Stein will look into this but noted that grading was an issue. The road profile was reviewed with Board. Mr. Phelan questioned if separating the rear parking to show five spaces to the north and five to the south would be an issue. Mr. Stein responded that they also have a wetland to deal with and added that this is an evolving grading plan as they are developing the stormwater but will look into it. The sewer system was discussed. The Board agreed to schedule a Public Informational Hearing for the February 13<sup>th</sup> meeting. The applicant was advised to work with the Planning Department.

### **Gardena Hotel**

Discussion: Site Plan

Location: 37.14-2-54; 1952 Commerce Street

Contact: Michael Grace, Esq. & Site Design Consultants

Description: Proposed demolition of existing building and construction of an 18-room boutique hotel with rooftop bar/grill, parking, and landscaping.

#### Comments:

Michael Grace, Esq., and Joseph Riina, P.E. were present. Mr. Grace stated the proposal is for an 18-room boutique hotel to be located at 1952 Commerce Street on the corner of Commerce Street and Veterans Road which is allowed under the Overlay District. The Town recently amended the law to account for this project. They feel that this proposal is compatible with the idea of a walkable downtown and that the location accommodates the parking quite well. He noted that under the Overlay Zone, there were certain buildings of historical interest and thinks this may have been one of the buildings designated. He met with the Heritage Preservation Commission Chair and there were discussions about possibly relocating the building which would require the Town's involvement. He is not sure that this building has a historical significance as it has been through quite a few renovations.

Mr. LaScala thought that a building could not be designated historic without the permission of the owner. Mr. Grace responded that he was correct and added that this building was noted as a unique building. Mr. Tegeder informed the Board that when the Overlay District was created, it identified a number of buildings that had some character, history, or notable design. It was not meant to be used as a landmarking or preservation tool but more of an acknowledgement to some of the character that has been built in the town over the years that still remains. It is meant to be a planning tool for this Board and the Town Board to discuss between the town and the developer as to what the intrinsic value of each unique building is. If there is an opportunity to move forward in a way to preserve them and reuse them then that should be considered. Mr. Phelan questioned if the application was referred to the Heritage Preservation Commission from the Town Board or Planning Board. Mr. Tegeder responded that the Heritage Preservation Commission sent an email to the Town Board which they also read at the meeting.

Mr. Grace feels that the project complies with the spirit of the law and the intent of the Overlay District and would like to move forward with the project. Mr. Bock stated that he feels that this project will be a great asset to the community and thinks it's a great use for the town and site. He noted that the Chamber of Commerce has been trying for years to get this type of accommodation for the town.

Mr. Riina stated that the plan changed slightly since they last saw it. He noted that in the C2-R zone, the setback requirements on a front yard is 15-ft and the side yard is 0 or 10-ft. The previous plan had the building all the way up to the property line on the east side. For construction purposes, they moved the building off that line and are now encroaching on a 15-ft setback. Their setback is 6-ft but under the overlay, the Planning Board has the ability to vary this. The plaza area and outdoor seating will remain. As a result of the depth of the building, in the back where they need to have a 10-ft setback. they will now have a 9.5-ft setback of which they will need a variance. This change will help with the excavation and benefit the maintenance of the building. 18 parking spaces are proposed, one for each

room. There is additional parking in the adjoining areas that are open to the public. They expect the use would occur when the rooftop bar/restaurant is open. Mr. Grace added that with respect to the parking, between the field use, town events, and summer concerts there has never been an issue.

Mr. Grace requested to move forward with a Public Hearing. The Board deferred to Counsel. Mr. Glatthaar responded that in this circumstance, the Planning Board could waive the requirement of a Public Informational Hearing as this is a special permit use. Mr. Bock questioned if it also included the site plan review. Mr. Glatthaar responded that the special permit is part of the site plan so it wouldn't be an issue. Discussion followed with respect to the stormwater. The Board agreed to schedule a Public Hearing for the February 13<sup>th</sup> meeting.

**Zoning Board Referral #57/22 - Kurti**

Location: 48.07-2-31; 1655 Central Street

Contact: Site Design Consultants

Description: Application to construct a new single-family residence with lot area of 5,000 square feet where 20,000 square feet is required and a lot width of 30 ft where 50 ft is required.

Comments:

Joseph Riina, P.E. was present. Mr. Riina stated that the applicant is requesting an area variance to construct a residence on a 5,000SF lot where 20,000SF is required. The vicinity of the site was shown to the Board. The proposed plan meets all the setbacks. There are homes in the vicinity that are constructed on 5,000SF lots.

After discussion, the Board agreed to request more time to review the history of the site; and design of the proposed residence.

**Zoning Board Referral #53/22 - Taco Bell Mohegan Lake Signage**

Location: 15.16-1-21; 3571 Mohegan Avenue

Contact: Signs Ink

Description: Requested variances are to allow building signs on elevations that do not face street frontage.

Comments:

No representative was present. After discussion, the Board had no planning objections to the proposed variances.

**Town Board Referral - Amendments to Section 300-39(B) Affordable Housing**

Description: It is proposed to replace the definition of Affordable Housing with: A residential dwelling unit made available for sale or rent at a price established in conformance with the provisions hereof.

Comments:

After discussion, the Board had no planning objections to the proposed amendment.

**Meeting Closed**

Upon a motion by Aaron Bock, and seconded by Bob Phelan, and with all those present voting "aye", the Board closed the meeting at 8:29PM.