

Planning Board Meeting Minutes – February 13, 2023

A meeting of the Town of Yorktown Planning Board was held on **Monday, February 13, 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
- 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

Correspondence

The Board reviewed all correspondence. Mr. Bock noted that the correspondence items received were not part of this evening's agenda.

Motion to Approve Meeting Minutes of January 23, 2023

Upon a motion by Bill LaScala, and seconded by Aaron Bock, and with all those present voting "aye", the Board approved the meeting minutes of January 23, 2023.

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

Guiding Eyes for the Blind – Training School Kennel

Discussion: Public Informational Hearing

Location: 36.06-2-72; 3241 Crompond Road

Contact: Site Design Consultants

Description: Proposed construction of a Guide Dog training facility/kennel/veterinary hospital and office space with associates parking, stormwater management, utilities, landscaping, and lighting on 12.24 acres in the interchange zone.

Comments:

Upon a motion by Bill LaScala, and seconded by Aaron Bock, and with all those present voting "aye" the Board opened the Public Informational Hearing.

David Steinmetz, Esq.; Joseph Riina, P.E. of Site Design Consultants; Guiding Eyes representatives - Tom Panek, President and CEO with special guest Blaise, Guiding Eyes dog; Bill Ma, Head of Technology and Operations; Beth Brenninkmeyer, Chief Veterinary Officer; Janine Petraro, Director of Human Resources; and Ben Cawley, Director of Training. Mr. Steinmetz stated that Guiding Eyes for the Blind has been operating in Yorktown for quite some time at their existing facility located on Granite Springs Road and are now seeking to expand the business into their new location with a proposed new state of the art kennel facility. Since the site is in a zoning district that did not allow for kennels, they proposed a zoning text amendment to the Town Board to allow kennels of this nature on the property which was subsequently adopted as part of the first phase for this project. Now that the kennel is a lawful use on this property, a site plan application was submitted to the Planning Department. Guiding Eyes signed a contract to acquire a 12.2-acre parcel located in the planned inter-change district located at 3241 Crompond Road (Route 202 and Mohansic Avenue behind the Mobil Gas Station). The site which is currently owned by Temple Israel in Croton was previously approved

to be redeveloped with a synagogue, entertainment facility and associated parking which never happened. Guiding Eyes is now proposing to use this site to construct a kennel facility which would accommodate up to 200 dogs. He noted that while the proposed facility is similar to the Granite Springs facility, it will be further advanced in technology and noise suppression by decades. They are here this evening to introduce the application to the public.

Mr. Riina showed an aerial of the site to the Board. To the north of the site is the Lowe's shopping center and Old Crompond Road. The storage center, BJ's and Signs Ink is to the left. To the west and north of the site are commercial properties and to the south are residential properties which are accessed off Carpenter Road that borders the southern property line of the site. The site is currently improved with a single-family dwelling and driveway that has been abandoned for quite some time. The existing driveway access is off Mohansic Avenue and the applicant is proposing to use this as the main entry to the site. Other than the area around the existing residence, most of the site is wooded with some mature trees. There is a wetland that bounds the west, north, and east side of the property. The wetland delineation and 100-ft buffer is shown on the plans. There will be some disturbance within the buffer for the project. The green shaded area on the plan has been designated by the DEC as a construction debris landfill. They are currently in the process of performing a closure plan which involves a permanent soil cap over this area that will be monitored by the DEC.

Mr. Steinmetz informed the Board that the landfill has probably been there for decades and was not created by Guiding Eyes nor Temple Israel. He noted that the town's records and history should reflect this and added that this application will finally allow for this to be cleaned up.

Mr. Riina continued that the proposal is for a 30,000-SF building with parking. The main access will remain over the existing driveway but is proposed to be wider to allow for two-way traffic. There is an existing culvert that runs under the driveway that is proposed to be replaced with a larger culvert. The proposed building will have a main entrance, community entrance and veterinary clinic entrance. The traffic flow throughout the site was discussed. Visitors and some employees will bear left to the parking area in front of the building. The rear parking area will mainly be used for the vans that transport the handlers and training dogs. They are showing a total of 65 parking spaces between the front and rear of the building and are proposing to land bank an additional 26 spaces on the hillside to the south. The proposed building will have four extensions that will include the kennels/pods for the dogs. Each kennel will have their own yard for the dogs to exercise and train. A larger common area is also proposed for multiple dogs. The kennel areas will be fenced in and partly covered. The building pad including the parking will be set below the existing grade. As explained during the site visit, one corner will be set down 10 or 12-feet below the existing grade and may be dropped another two feet. The area to the north and west will be a fill section. Screening is proposed along the south edge of the property adjacent to the residences in the form of either a combination of trees and shrubs and possibly a fence. A tree inventory was provided for review. The elevations and renderings were shown to the Board.

Mr. Steinmetz informed the Board that the veterinary clinic proposed as part of the application is for the Guiding Eyes facility only and will not be open to the public. Additionally, he noted that by land banking the 26 parking spaces they are minimizing the impervious surface and disturbance to the site but still preserving the spaces for future use should the need arise.

Chairman Fon asked about the capping inherited with the property and questioned who is responsible. Mr. Steinmetz responded that it is a contractual issue for Guiding Eyes as they go forward and is a specific issue between the applicant and the DEC. He added that this landfill will now be addressed as a result of this application. Mr. Bock stated that his understanding is that the landfill at the site will remain but remedial measures are being taken to reduce the infiltration of water. Mr. Riina responded that due to the extent and depth of some of the debris, the DEC determined that the best course of action was to cap it so that the surface water does not penetrate the ground and wash down any potential pollutants. As observed during the site visit, there are monitoring wells at the site and no volatile chemicals were found to date but they continue to be monitored by the DEC. The process will be to cap the area with 2 feet of soil material to prevent surface or rainwater from percolating into the ground. Mr. Bock questioned if the plan will also prevent anything from growing on top of this area in the future. Mr. Riina responded that as part of the plan, it will need to be maintained as a vegetative surface that will be cut once or twice a year. Mr. Steinmetz added that it will all be part of the Remedial Action Work Plan (RAWP).

Chairman Fon asked if the improvements to Route 202 included the prior approved application for this site in the traffic analysis. Mr. Steinmetz responded that it is their understanding that the Temple Israel property was included in the intersection analysis that was done in connection with the Lowe's site. Mr. Tegeder stated that this was correct.

Mr. Panek thanked the Board for the opportunity to walk the site with them and stated that their team is excited for this new development and location. Guiding Eyes has been around since 1956 and they continue to care greatly about the community. They have taken a thoughtful approach to this proposal and the property. As requested, he met with Signs Ink to reconcile that they are on part of the parcel. He noted that the existing dwelling was originally owned by the Daronco family. They reached out to the great, great grandson, Joe Daronco to let him know that they saved a piece of brick in memory of the home for his family before it is removed. Additionally, with respect to the neighbors within the community, he noted that these dogs are the most docile, quietest, best behaved dogs in the world.

Chairman Fon asked the public if there were any comments:

1. Darren Vijacki, 2473 Mohansic Avenue – Mr. Vijacki informed the Board that there are two homes and two vacant lots on the southern border of the site. He is concerned about the potential noise issue and requested for this area to be screened appropriately. He noted that he will reach out to the Guiding Eyes representatives and the project engineer for further discussion.

There were no other public comments. Chairman Fon asked the Board and Counsel if there were further comments. Mr. LaScala felt that this proposal would be a great asset to the community. Chairman Fon asked about the number of employees. Ms. Petrero responded that this location will have about 50 employees. Mr. Phelan asked the applicant to provide a profile between the neighbors and the building to address the sound issues. Mr. Tegeder asked about the sound analysis. Mr. Steinmetz responded that they will address the noise and visual mitigation. He added that the structure of the existing kennels at Granite Springs and the proposed structure on Crompond Road are dramatically different in terms of advances in technology over the last 50 years.

Upon a motion by Aaron Bock, and seconded by Bob Phelan, and with all those present voting “aye” the Board closed the Public Informational Hearing.

Garden Lane Development fka Hoffman Property

Discussion: Public Informational Hearing

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:

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

Steve Dimovski of Dimovski Architecture; Dan Collins of Hudson Engineering; and James Garofalo of Tim Miller Associates were present. Mr. Dimovski stated that the proposal is for the construction of a two-story 20,000SF residential building on a 1.5-acre parcel. The site is located between Old Crompond Road and Crompond Road by Arthur Avenue. The building will consist of 12 one-bedroom units and 8 two-bedroom units. The proposed development will have two entrances. The northern driveway is proposed to be an entrance and exit, and the southern driveway only allows for entering the site. Renderings and floor plans were reviewed with the Board. They met with the ABACA and received their comment memo. A total of 34 parking spaces are proposed on the property where 30 are required per the code. The 4 extra parking spaces will be utilized for guests. Handicapped parking is also proposed. A landscape architect and lighting consultant has been engaged to work on the plan details. A preliminary landscape plan was submitted for review. On the south side of the property, they are proposing 8 to 10-ft high spruces to create a thick dense screening for the neighbors. There is a paper road on the north side of the property so there will never be any development on that side. A traffic study was also prepared for the site. Some of the neighbors' concerns had to do with screening, trash container location, and parking spaces on the southern corner. As a result, they incorporated a heavy row of screening on the south side, relocated the trash container from the south side of the property and eliminated the 10 parking spaces located on the southern right corner of the property. Anything that was near the property line has been removed and relocated.

Mr. Collins stated that the stormwater management system will be designed for both the DEP and DEC stormwater requirements which includes water quality volume and water run-off reduction volume for the 110 and 100-year storm events. The run-off from the southern entrance will have a trench drain that will be placed into a subsurface exfiltration gallery. The majority of the roof run-off will be piped into a larger exfiltration system located along the northern front entrance of the building. Both systems have been sized to fully store 100% of the 100-year storm event. The remaining parking areas and small portion of the roof will be captured and conveyed to a rain garden. Photos of the rain garden were distributed to the Board. The treated run-off will be piped into an existing pipe that traverses the property.

Mr. Garofalo distributed two reports to the Board with respect to the traffic and sight distances for the record. He discussed the trip generation, parking and site distance for the proposed project based on the ITE manuals. The specific use he looked at was for low rise multiple dwelling units not near mass transit. A 20-unit multi-family development of this type would normally generate 8 morning trips and 10 afternoon trips. They looked at the parking generation using full occupancy based on the number of bedrooms and came out with a range of needed parking of 23 to 32 spaces so the proposal development is in the parking requirement range. He added that rental management tends to be stricter with parking management. Two-thirds of the people in the metropolitan area leave for work between 6:00 and 9:00AM due to their commutes. There are also many people who work from home which will result in fewer trips. The reason that this development has an entrance only on the south side deals with the sight distance. There is better sight distance on the north side exit. All of the movements coming and going meet the stopping sight distance. The intersection sight distance coming out is not perfect and is something that is a little more difficult to manage with an older road so warning signs may need to be installed, however it does meet the stopping sight distance which is a code requirement. He recommends lowering the hedge on the southern entrance in order to help the neighbors with sight distance. A number of trees will need to be cleared along the frontage of the property as well as the town right-of-way in order to provide better sight distance.

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 the second property on the east side along with Khalil Ala Kasaji. He thanked the developer for hearing their concerns. He questioned if the applicant would need to return to the Board if the parking plan was to be amended. He requested additional screening along the eastern side as well. He also has concerns about Garden Lane and the traffic.
2. Susan Siegel, resident – Ms. Siegel informed the Board that this plan dates back to a 1990 rezoning resolution that included a density bonus for two affordable housing units. She questioned if those two units will be set aside for affordable housing and noted that the affordable housing law is in the process of being updated by the Town board.
3. Khalil Ala Kasaji, 3800 Old Crompond Road – Mr. Kasaji requested to move the parking lot as it is next to his home and children's playground. He was also concerned about the light shining into his house. He added that the applicant stated that they will move the parking lot to the other side but he would like assurance that this will be done and for it to be shown on a revised plan.

Chairman Fon responded that if there were any changes in the future, the applicant would return with a new application, however, any changes made during the course of this review is part of the current application. With respect to the screening, they will work with the developer to try and achieve the most efficient screening possible. He noted that the traffic was discussed this evening. With respect to Garden Lane, part of it is not a public road and will ask the Planning Department to look into it. Mr. Dimovski responded that they are currently working on the landscape details and will include screening on the east side as well. There were no other comments.

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

Motion to Close Regular Session and Open Work Session

Upon a motion 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 of Hahn Engineering was present. As requested by the Board at the previous meeting, alternatives for the site were provided for review which includes 4 options. A two-way entrance/exit on Old Jefferson Valley Road and a no left turn sign at the exit onto E. Main Street is proposed on all four options. All four options will require variances as the lot is non-conforming.

- Option #1 includes five townhouse units. The building was shifted 2-ft to be more in the building envelope.
- Option #2 includes five townhouse units with the parking lot shifted east to preserve the 40" maple tree.
- Option #3 includes four townhouse units with the parking lot shifted east to preserve the maple tree.
- Option #4 includes five townhouse units split on each side (three on the east side and two on the west side of the centrally located parking lot.)

After discussion, the Board agreed that option #3 showing four townhouse units was the most desirable. The applicant was advised to work with the Town Engineer and Planning Department and to work on a preliminary engineering plan for review by the Board.

SDML Realty, LLC – Dunkin Route 202

Discussion: Site Plan & Special Use Permit
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:

Reuben Buck was present. Mr. Buck stated that since they were last before the Board, they met with the Planning Department via zoom to discuss the landscaping, lighting, dumpster enclosure, signage, etc. The plans were revised to include more detail. They also met with the ABACA and have received their comment memo. A sound consultant was engaged to conduct a 24-hour study at the site. The report will be included with their next submission. The report concluded that based on the improvements to the site which include grading, landscaping, fencing, and the large cut in the rear of the property, the increase in volume will be mitigated. Due to the distance between the residences and the drive-thru kiosk, there will be no noticeable change in sound. One of the recommendations from the WCPD was to incorporate a sidewalk along the frontage of the property on Route 202. They are seeking feedback from the Board as to how to proceed. At this point, the applicant is requesting to move forward with a Public Hearing if the Board feels it is appropriate.

Discussion followed with respect to the proposed sidewalk. Mr. Tegeder stated that to the west there are sidewalks and some are new. Savannahs Restaurant to the south also has a sidewalk. He noted that sidewalks are supposed to be practicable as far as connections and feels that it may be something to consider. The Planning Department will review the area and submit a survey to the Board.

The Board agreed to schedule a Public Hearing for the March 13th meeting. Chairman Fon advised the applicant to work on the plan details including visuals, noise, lighting and landscaping for the project. Mr. Tegeder added that the rooftop units should be fully screened. Mr. Bock stated that the sidewalk issue will be held open until they hear back from the Planning Department.

MJM Land Development

Discussion: Major Subdivision
Location: 17.18-2-2; 3232 Gomer Street
Contact: Site Design Consultants
Description: Proposed 13-lot single family subdivision with road to be constructed to access the project from London Road.

Comments:

Joseph Riina, P.E. was present. Mr. Riina stated that during the site visit this past weekend, the Board discussed possible alternatives for accessing the site and thought they should continue the discussion this evening in order to move forward.

Chairman Fon stated that his concern was the wetland at the middle of the site. They walked to the end where the town did the drainage work and thought it may be possible to work with the landowner at this end. He feels that two approaches to the site may be a better option than entering through the center. Mr. Bock questioned if there would be a problem if they maintained the access off Gomer Street with the proximity to the London Road intersection. Mr. Riina responded that he didn't think it would be an issue and thought it would be at least 300-ft between the two intersections. Mr. Bock thought coming in through the other half on Cordial Road would skip going through the wetlands altogether and questioned how difficult this would be. Mr. Riina responded that the pinch point of 40-ft would need to be addressed as 50-ft is required. If they could negotiate gaining the additional 10-ft with one of the property owners it would open up the possibility of having two cul-de-sacs, one coming in off of Cordial Road for the 6 lots and one off of Gomer Street for the 7 lots. Chairman Fon stated that he preferred the split option. Mr. Bock agreed not only because it eases the burden on the homeowners to the south, but also avoids crossing the wetland in the middle. He noted that Lot #7 seemed tight for that particular house under the current layout. Mr. Riina responded that this scheme would require some buffer disturbance for a rear yard, however, if they are coming in on Gomer Street, the configuration may change and open up a little more. Mr. Bock questioned if there were improvements to the 50-ft right-of-way north on London Road. Mr. Tegeder responded that there were no improvements but there is an underground drainage pipe that goes through the backyards of the residents that front on Lily Court but it's not in the right-of-way and will remain. There is a water main up to the property. Mr. Waterhouse questioned if there was a possibility of creating an entrance off of Lily Court. Mr. Riina responded that it was possible but would need an approval from the Ponderosa HOA. The traffic would then be going over a private road. It goes right up to the property line and looks like it was meant to be extended but is not in a public domain. Mr. Bock stated that if they really wanted it, they would have to condemn it or work a deal. Mr. LaScala thought that half the traffic on London Road would alleviate a lot of the issues. Mr. Phelan suggested exploring the option to come in off of Cordial Road and thought if they were able to do a lot line adjustment with the two property owners they could come up with the 50-ft requirement as they only need 10-ft. He also questioned if condemnation was a possibility. Mr. Glatthaar responded that it is a possibility if the Town wanted to pursue it.

The Board requested for the applicant to prepare alternative access layouts as discussed for review. Mr. Tegeder stated that once the alternatives are submitted and the layout is selected, the Board can consider using flexibility standards for the layout of the homes.

IBM Battery Energy Storage

Discussion: Site Plan & Special Use Permit
Location: 1101 Kitchawan Road; 69.16-1-1
Contact: Michael Landler, Powerflex
Description: Proposed 1 MW AC battery energy storage system to support solar canopy.

Comments:

Dennis Phayre, Powerflex Project Developer, was present. Mr. Phayre informed the Board that the approved solar carport is currently under construction. The EV charging stations were recently approved and will be installed under the carport. They are now before the Board with an application for a Battery Energy Storage System. The proposed system will be located behind the salt barn in the rear parking lot of the IBM facility. The plans, photos and battery specifications were shown to the Board. The battery units proposed are Powin Centipede units and will consist of 6 side by side stacked units with a series of transformers (two that will service the battery, and one that will service all of the systems that operate the battery itself). The entire area is proposed to be about 75-ft long by 24-ft wide and will be fenced in. The system is proposed to be located 30-ft beyond the salt barn. The function of the system is to take power from the solar

array and firm it up on the grid to improve the liability of the local substation which was identified as being highly stressed by Con Edison. A sound study was also performed which reports less than 10 decibels of sound at any property line

Mr. LaScala questioned the battery type and containment for the system. Mr. Phayre responded that it is a lithium ion phosphate battery which is about the safest technology out there. He added that a pad and fencing is proposed around the system. The units are designed to be self-contained with a number of safety detections. Mr. Tegeder informed the applicant that a fire safety plan will need to be submitted for the Fire Department. Mr. Tegeder suggested coordinating a site visit and the Board agreed.

Town Board Referral - 930 East Main Street Special Use Permit

Location: 16.07-1-6; 930 East Main Street, Shrub Oak

Contact: Island Pump & Tank Corp

Description: Replacement of fueling canopy fascia on existing frame, install signs on canopy, install new sign cabinet on existing monument ID sign, and install signage on existing building.

Comments:

Danny Porco was present. Mr. Porco stated that the application consisted of two parts which included the removal of the tanks which is now complete; and upgrades to the building, canopy and branding. They met with the ABACA last year and received their comment memo requesting more detail which was submitted as part of this referral. The right corner of the existing building is proposed to have an ACM wrapping around the front entrance toward the back. The existing canopy is proposed to be updated and will also include two logos, one on each end as shown in the renderings.

Mr. Tegeder stated that the landscape plan needs to be addressed. There were a few trees between Route 6 and the pavement that were removed that were part of the original landscape plan to screen the rear of the property. He also questioned if the original cupola was placed back on the building. Mr. Porco responded that he thought the cupola issue was resolved but will check into it. Chairman Fon stated that this site is in a sensitive location and needs to be addressed. Discussion followed with respect to the trees that were removed at the site in 2019.

The Board agreed that a landscape plan should be submitted for review and advised the applicant to work with the Planning Department. The cupola issue will also need to be resolved. The Planning Department will submit a memo to the Town Board requesting to work with the applicant on the landscape plan prior to their approval.

Town Board Referral - Affordable Housing

Description: Proposed amendments to Chapter 300 Section 39(A) through (F).

Comments:

Mr. Tegeder informed the Board that the language was updated to comport more closely with the County's model ordinance with respect to size of units, income adjustments, removal of date limit, etc. After discussion, the Board had no planning objections. A memo will be submitted to the Town Board.

Meeting Closed

Upon a motion by Bill LaScala, and seconded by Aaron Bock, and with all those present voting "aye", the Board closed the meeting at 9:00PM.