

# Planning Board Meeting Minutes – April 10, 2023

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A meeting of the Town of Yorktown Planning Board was held on **Monday, April 10, 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

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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Chairman Fon informed the public that the Planning Board receives many emails with respect to various applications. All correspondence is reviewed by the Board and becomes part of the record. He added that the public hearings are the time to make public comments for input as the meetings are recorded and are also part of the record.

## **Correspondence**

The Board reviewed all correspondence.

## **Motion to Approve Meeting Minutes of March 8, 2023, and March 27, 2023**

Upon a motion by Aaron Bock, and seconded by Rob Garrigan, and with all those present voting “aye”, the Board approved the meeting minutes of March 8, 2023 and March 27, 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**

### **Burger King**

Discussion: Decision Statement  
Location: 37.18-2-57; 385 Downing Drive  
Contact: Michael Grace, Esq.  
Description: Proposed second ordering line for drive-thru and restriping of parking adjacent to the new drive-thru lane.

Comments:

Michael Grace, Esq. was present. Mr. Grace stated that he reviewed the draft resolution. He questioned the striping for the crosswalk from Downing Drive to the building. Mr. Tegeder noted that the crosswalk to the travel lane should turn perpendicular to the sidewalk and head straight for the sidewalk. Mr. Grace had no issue with this. There were no other concerns.

**Upon a motion by Aaron Bock, and seconded by Rob Garrigan, and with all those voting “aye”, the Board declared themselves Lead Agency.**

**Upon a motion by Bill LaScala, and seconded by Aaron Bock, and with all those present voting “aye”, the Board adopted the Negative Declaration.**

**Upon a motion by Bill LaScala, and seconded by Aaron Bock, and with all those present voting “aye”, the Board approved the resolution approving an amended site plan for Burger King.**

## **Gardena Hotel**

Discussion: Public Hearing  
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:

**Upon a motion by Rob Garrigan, and seconded by Bill LaScala, and with all those present voting “aye”, the Board opened the Public Hearing.** Michael Grace, Esq.; Joseph Riina, P.E. of Site Design Consultants; and Abigail Adams, Landscape Architect of A2 Land Consulting; were present. Mr. Grace stated that the proposal is for a boutique hotel with a rooftop bar/grill to be located on the corner of Commerce Street and Veterans Road. They are proposing to utilize the flexibility option within the Overlay District for this use. The property is currently improved with an existing house that was used as a real estate office in the past. The house is noted in the Overlay District as one of the original remaining structures on Commerce Street and probably dates back to the 1920s. There was discussion with respect to possibly relocating the existing structure for reuse by the Parks Department, however, there was no interest. The existing structure has limited use and utility and over the years has been modified to the point where it doesn't have much historical significance. They feel that the proposed design of the boutique hotel is compliant with the code in the sense that it pays respect to the historical architecture of the town. With respect to the parking, they feel that this area of town has ample parking which has been proven over time with the various events (concerts, parades, etc.) held by the town. They feel that this project will set the town for the future in terms of creating a walkable and aesthetically pleasing downtown.

Mr. Riina, P.E., stated that the proposal is for a 3-story, 18-room boutique hotel with a rooftop bar/grill that is to be located on the northeast corner at the intersection of Commerce Street and Veterans Road. The site is currently improved with an existing structure that is proposed to be removed as part of the application. The existing parking area will be maintained and utilized for the project. The proposed building will overlap the footprint of the existing building and some of the parking. The main entry to the building will face Veterans Road. The Commerce Street side will have a prominent clock tower feature with an interior stairwell. A patio area is proposed on the Veterans Road side which is adjacent to the café that is to be located on the first floor. 18 parking spaces are proposed where 27 are required by code but they believe that there is a generous amount of parking off site. The building will require variances from the Planning Board. The corner of the building is 6-ft off the property line where 15-ft is required; and the side yard on Commerce Street is 9.6-ft where 10-ft is required. There is a connection from the parking area under the building to the front door. They are proposing to use the existing entrance but widen it with a small flush median. The project is in the NYCDEP main street designated area and will require a stormwater permit. A SWPPP has been prepared and will be submitted shortly. The site is serviced by sewer, water and gas and all the utilities will be underground. They are proposing to extend the Commerce Street streetscape around the Veterans Street side of the site with brick paver buffer and concrete sidewalk. New trees are proposed to be planted; and the site will be fully landscaped. Three new light poles are also proposed that will be identical to what is on Commerce Street currently.

Ms. Adams, Landscape Architect, discussed the details of the landscape plan. In the northeast corner of the site, they are proposing to screen the refuse area with green giant arbovitae and Japanese holly along the property line. For visual interest they are adding specimen limber pine, snowflake viburnum and mountain laurel. A variety of evergreen shrubs, ornamental grasses, rododendrons and hydrangeas are proposed to be planted between the sidewalks and parking area. Along the street scape on Veterans Road they are proposing little leaf lindens at 4 to 4 ½ inch caliber which is the same street tree that was used on Commerce Street to create continuity along the streetscape. To the south between the hotel and the neighboring property, green giant arbovitae are proposed along the property line with lawn in between for maintenance around the building. In the southeast corner they are proposing magnolia, hydrangea, etc. In front of the building and around the streetscape, they are proposing boxwood, spyrea, azalea, ornamental grasses, ground covers, and a variety of lillies. The goal is to beautify the corner of this intersection.

Mr. Riina discussed the details of the building's architecture, floorplans and interior design. The building will consist of three floors with a rooftop bar/grill. The building materials will consist of stone, granite or limestone coping, and brick. Samples of the bricks and stone were shown. The bricks will be two-toned but predominantly reddish in color. An accent feature is proposed above the front entrance. All the windows will have a black frame. The roof is proposed to be a

standing seam black metal roof. The clock tower will also be a standing seam metal roof with a copper patina. The first floor will consist of the main lobby, lounge, café and patio area for the guests that will also be accessible to the public. The second and third floors will each consist of identical guest rooms (1 king suite, 1 queen suite, 1 ADA compliant queen suite, 1 junior suite and 5 king bedrooms) for a total of 18 rooms. The rooftop will consist of a bar/grill area. The indoor and outdoor features were shown. The clock tower stairwell is proposed for the emergency egress. Tinted glass is proposed for the front of the clock tower stairwell. Elevations from different vantage points were shown which included daytime and nighttime views. A 3-D sketchup model was prepared to show the relationship of the proposed building with the other buildings in the area. Mr. Phelan asked to show the western view from the Commerce Street side. Mr. Grace noted that the proposed building lends itself proportionately to the surrounding buildings and softens the two big buildings – Albert A. Capellini Community Center and the Commerce Street building.

Mr. Garrigan stated that turning onto Veterans Road off of Commerce Street is one lane and noted that this is where the main entrance is. He questioned potential drop-offs and installing possible signage. Mr. Riina explained that they will pull into the parking lot but signage could be considered. Mr. Garrigan asked if there was any room in the design to create a cut-off. Mr. Riina responded that it couldn't be done at the turn but further down there was a possibility and noted that there was discussion earlier about doing this but the Highway Superintendent objected to it at the time. Mr. Tegeder informed the Board that he will be meeting with the Highway Superintendent tomorrow and can discuss this further. He added that the wide turn is for the delivery traffic.

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

1. Jay Kopstein, resident – Mr. Kopstein feels that the width of the road should not be changed as buses and trucks turn there and added that Dave Paganelli suggested that the width not be reduced. He asked if the site will have back-up electric generation. He feels if the site plan is approved that the site plan and resolution should specifically prohibit the owner, management and valet service from reserving parking spaces in the public parking spots.
2. Gerardo Longarzo, resident – Mr. Longarzo stated that he is concerned about security for the parking area and hotel; and the construction phase with respect to noise, dust and asbestos abatement. He asked what protocols will be in place to ensure that certain hourly transactions will not occur. He wants this to be a high-quality place with a good reputation and not want it to get out that this is a place where the world's oldest profession is happening.
3. Susan Siegel, resident – Ms. Siegel supports the idea of a hotel in Yorktown, however, she is not sure if this is the location for it due to the size of the building. She is concerned about the size of the building. Although she is not an architect, she feels that the representation shown is not to scale and thinks that the hotel will be taller. She doesn't see how this building will soften the site. She asked if the applicant provided detailed numbers on the required number of parking spaces according to the code calculating the square footage of the restaurant and café areas. She asked how they will deal with the liability issue when patrons of the hotel or bar park in the public areas (AACCCC or Commerce Street parking lot). She heard the term elevator used in the plural. Will food for the café be brought down from the kitchen on the top floor?
4. Dan Strauss, resident – Mr. Strauss asked for clarification that the road will not be narrowed on Veterans Road. Chairman Fon responded that it will not be based on the current proposed plan. Mr. Strauss continued that he got the impression that there may be discussion about this and added that there are trucks that come around that corner and the width is needed. He is also concerned about the size of the building and as far as he knows there has been no discussion or input from the public other than emails. He is not saying that the architecture and structure isn't nice but feels that they are jamming a large building into a small lot. He agrees with Mr. Kopstein that there should be no specific use of parking on public parking.
5. Jennie Sunshine, resident – Ms. Sunshine stated that families would like to see a hotel in town, but doesn't think this is the right location for a variety of reasons. She feels it is too large for the location and that the existing house fits nicely. The mature trees will be removed. She also feels that if it becomes popular the rooftop bar/grill would then be too small. She noted that during the Underhill Farm review, there was discussion about non-native trees removal and during this presentation she heard the landscape architect list trees that didn't sound native so this should be looked at. She noted there are many parades in town that pass this corner and asked if there are any safety concerns for that area. She questioned if the hotel would be friendly to people wanting to use their bathroom during these events as many times the AACCCC building is not open for restroom use. She added that the Yorktown Stage is a heavily used site for recitals, early voting, and shows and noted that the parking spaces are usually filled.

Mr. Bock noted that they received correspondence from Dr. Platoni owner of 1961 Commerce Street building; and Lynn Briggs of the Heritage Preservation Commission. Ms. Briggs letter stated that they explored other uses for the building, specifically the Parks Department, but there was no interest. Chairman Fon stated that the application will be referred to the Town's historical consultant. Chairman Fon asked about the required variances. Mr. Grace stated they will need variances for the height and sideyard setback variances. He noted that the Kitchen headquarters across the street butts up against Wallauers. Discussion followed with respect to the streetscape and the operational aspects of the business. Mr. Grace stated that with respect to the parking, the Heights area is filled with asphalt. The town holds many events (parades, concerts, feast, etc.) and there have never been any issues with parking. Chairman Fon agreed and noted that in this area there is a lot of parking and is being looked at differently from a planning perspective. He added that this use will mostly be a night time use and the neighboring properties are predominately weekday uses. Mr. Grace added that the Commerce building has a parking lot across the street that is always empty.

Chairman Fon asked if the ADA compliant sidewalk would prohibit anyone from walking up and down the street or standing on the corner to watch a parade. Mr. Riina responded that it will be the same as what you will find on the opposite corner. Chairman Fon asked if the 3-D sketch up model is to scale. Mr. Riina responded that it was. Mr. Phelan stated that as an architect himself, the plans and elevations are entered into the computer and the software program then takes information to generate what is shown, so not only is it to scale it is exactly to scale.

Councilman Esposito asked what would be involved to widen the mouth at the corner of Veterans Road where it was identified as the narrowest portion. Mr. Riina responded that they never looked into changing the mouth of the intersection. Mr. Bock stated that some of the patio seems to extend beyond the border of the property into the town right-of-way and asked how this would be addressed. Mr. Riina stated that he thought there will need to be a lease agreement between the property owner and the town. Mr. Bock asked if they had to work with the Town Board for this. Mr. Grace responded that he didn't think so and noted that many of the properties within the town encroach on the unimproved portion of the town right-of-way. Mr. Tegeder stated that it would be a license agreement.

Mr. Grace noted that Ms. Siegel asked about liability and he clarified that you are responsible for your own property and it doesn't make any difference if a person is on the property legally, illegally or as a guest. If you keep your property in disorder or neglect that causes injury then you are responsible and this goes for everyone. The hotel is not an insurer for the entire community for someone that may park somewhere else and walk there. Mr. Phelan stated that there was a comment about the possibility of reserving or restricting parking spaces at the AACCCC and noted that the Planning Board does not have the ability to grant a restricted parking space to someone that runs a private business nor is the applicant asking for this. Mr. Bock noted that it is not in the application. Mr. Grace noted that this is a major investment by a private individual and all those issues will be addressed.

Public comments continued:

6. Dan Strauss, resident – Mr. Strauss stated that this is the first hotel in Yorktown with only 18 assigned parking spaces. With respect to the comment that it will only be used at night, he noted that people are using the hotel which means cars will be parked there. The spots could be filled completely by people in the hotel. He is also concerned with the parking for the rooftop bar and café and feels they don't know what the ramifications are.
7. Jay Kopstein, resident – Mr. Kopstein stated that his comment about reserved parking spaces is based on his experience and observations in communities surrounding Yorktown and NYC. Some valet companies cone off public spots which happens regularly and he is seeking to prevent this. He understands what Mr. Grace said about the operations of the business but he also understands that if they don't specificially prohibit this it may happen.

Mr. Bock stated that the applicant is requesting a parking variance for 9 spaces. Mr. Grace responded that this was correct. Mr. Tegeder noted that with respect to the height of the building, in the Overlay District there are limits which can be varied. They still need to review the lighting plan. Mr. Riina stated that the lighting plan is prepared but there is a question with respect to the street lamps that was previously discussed with the Planning Department. The street lamp fixutres are no longer available so they are now proposing LED lighting which is different from what is existing there currently. They are currently working with the lighting consultant to get a softer light to match Commerce Street.

Mr. Tegeder stated that with respect to the width of the road and intersection, the discussion was always about the portion of the road as it opens up as you go by the site north on Veterans Road. There was never a consideration to reduce the width at the neck of the intersection as it is a difficult turning movement. He thinks its an interesting idea by Councilman

Esposito about widening it a little bit. He noted that the the location of the trees and lights closest to the interesection may have some difficulty with traffic. Mr. Riina stated that they can look into this. Mr. Tegeder added that the light poles will need to have a post for hanging plants but will all be part of the site plan details.

Public comments continued:

8. Lenny ?, resident – He feels it is a great project but wants to ensure that the SEQRA review and SWPPP report is complete. He added that with respect to the trees, there are zelcovas along the street near the gas station which turn into large trees and feels that they should continue this so it will be symmetrical.

Mr. Tegeder responded that they are currently under the SEQRA review process as it goes parallel with the site plan review under the law as part of the application.

Mr. Riina stated that this property is in the NYCDEP main street designated area and they will need to comply with their regulations for stormwater control. A stormwater permit is required from the DEP and the town. Testing was already performed with the DEP so they know their design parameter. The SWPPP will be submitted shortly.

9. Gerard Longarzo, resident – Mr. Longarzo feels that this proposal will have a major impact to the residents. The issues raised such as security, lighting, clientele, etc. should be looked at. The devil is in the details and he feels that those details can have a major impact on the success or failure of a project. They want this to be a win win.
10. Lenny ?, resident - He asked if any testing had been done with respect to the demolition of the existing building and possible lead and asbestos. Chairman Fon responded that this will all be part of the demolition process.

Chairman Fon stated that the Board takes all comments into consideration. 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 Hearing with a 10-day comment period.**

### **670 East Main Street**

Discussion: Public Informational Hearing

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 4 two-story, three-bedroom townhouses and 12 parking spaces.

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.** Will Angelillo of Hahn Engineering was present. Mr. Angelillo stated that the proposal is for the construction of four (4) two-story, three-bedroom townhouses with 12 parking spaces and a dumpster enclosure. The parcel is located between East Main Street and Old Jefferson Valley Road. The site is currently improved with a single-family home and detached garage that is proposed to be removed as part of the application. They are proposing to extend the sidewalk along East Main Street to connect to the existing sidewalk. The large maple tree near the proposed entrance will be preserved. The property is proposed to be screened with evergreens along the rear and continuing along the frontage on East Main Street. The proposal will require multiple setback variances as the building envelope is very small. An application will be submitted to the Zoning Board of Appeals for the required variances.

Chairman Fon informed the public that this is the first step for the application. As noted by the applicant, the proposal requires multiple variances and if granted by the Zoning Board of Appeals it will then return to the Planning Board for further review and a public hearing. Chairman Fon asked the public if there were any comments and there were none.

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

Mr. Tegeder informed the Board that the next step for the application would be a referral to the ZBA with their recommendations.

**Upon a motion by Bill LaScala, and seconded by Aaron Bock, and with all those present voting “aye”, the Board agreed to submit a memo of recommendation to the Zoning Board of Appeals for the application.**

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

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

### **WORK SESSION**

#### **IBM Battery Energy Storage**

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

Rudy Albrecht was present. Mr. Albrecht stated that since their last meeting, IBM and Powerflex have been in touch with the neighbor (Kate Bolger at 245A Pines Bridge Road) to help mitigate her concerns. As a result, IBM has agreed to replace the existing broken fence, provide landscaping and clean up the area. The lighting was also reduced. Councilman Esposito asked if the existing fence will be replaced and installed on the entire length of the property. Mr. Albrecht responded that it would and added that IBM is committed to being a good neighbor.

Mr. Albrecht stated that the proposal is for a Battery Energy System but noted that it has not yet been decided as to whether it will be installed due to financial issues. However, they still plan to go through with the approval process and address all questions. Mr. Garrigan asked if the neighbor’s concerns will still be addressed if the project doesn’t proceed. Mr. Albrecht responded that they will be addressed regardless of the project status. The Board agreed to schedule a Public Hearing for the next meeting

#### **Staples Plaza Battery Energy Storage System Expansion**

Discussion: Special Use Permit  
Location: 36.06-2-76; 3333 Crompond Road  
Contact: Mayflower Energy Engineering  
Description: Proposed installation of 2 additional Tesla megapack units with a total energy capacity of 7,833 kWh, next to the existing system. Installation would remove 4 parking spaces.

Comments:  
Maziar Dalaeli was present. Mr. Dalaeli stated that he is one of the founders of IPP Solar which is based in NYC and have been in business for 15 years. They completed the first commercial energy storage project coupled with community solar in New York State at this location. He is here this evening to propose the second phase for this project. A narrative and plan was submitted to the Board for review. The additional units will be enclosed with a fence and they are proposing to remove 2 or 3 parking spaces. He added that the area is a dead end and there is no traffic in this location.

Mr. Bock stated that he assumes the same conditions and requirements applied to the first system will apply to the additional units. Mr. Dalaeli responded that the same safety measures will be in place. Mr. Bock asked if the additional units could be placed south of the existing units as opposed to the proposed location as he feels that it is too close to the traffic area. Mr. Dalaeli responded that the south side is a grassy area and there are concerns with the NYC watershed; it will also be closer to the neighboring property line.

Mr. Phelan asked if the parking spaces within the red outline for the Phase 2 location will disappear in favor of the proposed units whereas the other area proposed by Mr. Bock is grassy. Mr. Dalaeli responded that this was correct. Mr. Phelan thought it may be better to install the units on the grassy area away from the traffic and to save the parking spaces. Mr. Dalaeli responded that he thought it was contemplated in Phase 1 but thinks it was stopped due to the proximity of the neighboring line, creating impervious surface, etc. Chairman Fon stated that their biggest concern was the adjacent residential neighbors and landscaping.

Mr. Tegeder stated that he didn’t have any concerns about the loss of the parking spaces and noted that they looked at this site over the years a number of times to prove out the parking. There are conservation spaces that have yet to be built and still have yet to witness parking deficiencies of a magnitude that would bring that into place. He doesn’t see any difficulty with this proposal at present. He suggested that the Board conduct individual site visits. The Board agreed to schedule a Public Informational Hearing.

### **Town Board Referral - AMS Yorktown Development**

Location: 5.19-1-15; 800 East Main Street, Jefferson Valley (Contractors Register property)  
Contact: DelBello Donnellan Weingarten Wise & Wiederkehr, LLP  
Description: Referral for review of the draft scoping document for the proposed rezone of 35.53 acres in the OB zone to RSP-2 for a active adult residential community consisting of 250 units including a mix of rental and for-sale townhomes, together with amenities, parking, and related infrastructure.

#### Comments:

Mark Weingarten, Esq.; and Peter Feroe, AKRF, Inc., were present. Mr. Weingarten stated that the application is under review by the Town Board as Lead Agency. A positive declaration was adopted by the Town Board and a draft environmental impact scoping document was prepared. They were told that there were no requirements for a presentation this evening and were referred for discussion of the draft scope.

Mr. Tegeder informed the Board that they have been focusing on the application's prominence on top of the ridge and how it will visually affect the Taconic parkway and other parts of the immediate area. Mr. Bock noted that the scoping document talks about alternatives and questioned if there was a requirement to consider access points to the site other than the one proposed currently. Mr. Tegeder stated that there are no requirements for alternatives under the regulations for the EIS, but they did talk about looking at alternative access points and how to best access the site and how it operates. There will be a hard look at the traffic design and other opportunities for the ingress. Mr. Weingarten stated that it was raised with the Town Board and they anticipate that it would be one of the changes made when the scope is finalized to look at alternative access points. Mr. Bock stated that this was his concern and should be noted as a recommendation to the Town Board. The Board agreed.

Chairman Fon stated that his concern was the viewshed of the development from the Taconic State Parkway. Mr. Tegeder noted that this proposal will be referred to the Planning Board at some point for site plan review but can note this in the Town Board memo. Mr. Weingarten stated that the draft EIS has a visual impact section. Studies were performed on a number of areas that they were asked to look into as this was an issue with the traffic. They expect that they will be asked to create more visual studies from various vantage points with the tree canopy. They believe that they have designed something, even with the increase of height, that will be below the tree canopy of which they will show and indicate in the DEIS.

Mr. Bock stated that some of the area maps talk about a half mile study which leaves out certain intersections along East Main Street and asked what is the implication of a delineated study area. Mr. Weingarten stated that the study area was in response to the town's traffic consultant. Mr. Feroe clarified that the half mile study area refers only to the land use study area. The intersections proposed to be analyzed in the traffic study does go to Hill Blvd. There were two different study areas for two different purposes.

The Planning Department will prepare a memo for the Town Board with the Board's comments.

### **Underhill Farm**

Discussion: Proposed Traffic Improvements  
Location: 48.06-1-30; 370 Underhill Avenue  
Contact: Colliers Engineering, Site Design Consultants  
Description: Proposed mixed use development of 148 residential units, 11,000 SF commercial space, and recreational amenities proposed on a 13.78 acre parcel in the R1-40 with Planned Design District Overlay Zone authorization from the Town Board. Original main structure to remain and be reused.

#### Comments:

Mark Blanchard, Esq., Joseph Riina, P.E. of Site Design Consultants; Dr. Phil Grealy, Traffic Consultant of Colliers Engineering, Paul Guillaro, property owner; and Scott Levine, Town Traffic Consultant of Transpogroup were present. Mr. Blanchard stated that they are here this evening to discuss the traffic component of the project. At the previous meeting the Board agreed to schedule a special meeting for Wednesday, April 12<sup>th</sup> to continue the work session discussion; and will return to the Board again for the April 24<sup>th</sup> meeting. They are requesting to schedule another special meeting for April 26<sup>th</sup> and hoping to move forward with a Public Hearing for May 1<sup>st</sup> if the Board agrees.

Dr. Grealy, Traffic Consultant of Colliers Engineering – Dr. Grealy stated that they received the Transpogroup report dated March 2023 and have responded to their comments with respect to the traffic study and cost estimate with letters dated March 30<sup>th</sup> and March 31<sup>st</sup>. A revised Traffic Impact Study was also prepared addressing their comments. With respect to trip generation, they look at the Institute of Transportation Engineers (ITE) and the peak hours. Their evaluation for the residential portion was already looked at for higher peak hour of generation rates. Information was also provided on other developments that were either approved or planned in the area that would add traffic with a breakdown of the assignment of those trips through the intersection. They provided updated information and clarifications on trip estimates. They removed the interplay trips which would be the trips that would stay on-site between the residential and commercial uses that wouldn't go into the network. In terms of existing conditions, without the project (no build), the delays in the afternoon rush hour on Underhill Avenue approaching Route 118 would continue to increase and are looking at delays upwards of 80 seconds for that approach. They identified certain mitigation for growth and approved projects such as the Weyant, etc. without any improvement (no build). With the improvements those delays would be reduced to less than 20 seconds. The queues that occur today on Underhill Avenue in the afternoon rush hour would be reduced significantly. The real improvement would be widening Underhill Avenue, both on the Town Hall side and the site side, to develop a separate left-turn lane. The history of the traffic signal was discussed and it was noted that it was just a two-phase signal which was modified years ago by the DOT to add a left-turn advance. So if you were heading eastbound on Underhill it helped to reduce some of the issues at that time. It has operated well over the years but has reached its point in handling the peak volumes. Without this project, those delays and queues would increase. With the improvements discussed, this will be reduced significantly, which includes the added traffic from the project. They prepared another analysis that looked at the hotel, the old Turco's re-occupancy and the previously proposed Roma building project. They took a comprehensive look at the traffic and feel that this project is more than offsetting the traffic. They are adding somewhere in the area of 80 trips. The applicant is proposing to develop the design and permitting as part of the construction level plans; and commit \$450K toward the construction of the intersection improvements. The improvements along Route 118 are also laid out for future development. The phase 1 plan provides left-turn lanes on the Underhill Avenue approaches and reconstructs the shoulder on Route 118 southbound as a fully controlled operational right-turn lane under a signal control as part of the intersection work. The signal system will be upgraded with full pedestrian accommodations (push button on all approaches and crosswalk). A "do not block the box" is proposed at Cardinal Court and at the access point. Additional signing and sight distance improvements are proposed along Underhill Avenue that are outlined in the report.

Mr. Tegeder asked about the three options for the project and noted that option 1 was in the area of \$150K for mitigation into the road network for their actual impact to the network. Dr. Grealy responded that this was correct and that it incorporated signal modifications/upgrades and pedestrian enhancements, but did not go into the full intersection plan. Mr. Tegeder stated that some of that will be taken up in the larger project and Dr. Grealy responded that was correct. Mr. Tegeder asked what the impact to the intersection would be with the build situation only. Dr. Grealy responded that from a delayed standpoint, with those improvements, the conditions would be brought back to where they were today but a little bit better at the intersection, Mr. Tegeder stated that the \$150K would get them back to the 80 second delay then. Dr. Grealy responded that it would be reduced about 5 seconds for that whole intersection. Mr. Phelan asked if that was the impact they were mitigating in bringing the standard back up. Mr. Tegeder stated that it was how the description of that portion of the project was proposed. It would satisfy the standard mitigation requirement for the impact to that intersection produced by the project itself. Dr. Grealy stated that at the time they identified it in pieces to offset any traffic increases they would have. They also looked at this plan to address the issue of the left-turn movement to provide better traffic control and to further enhance the pedestrian area. They then went one step further to include potential developments and designed a plan for the future. Plan 2 is what they are proposing which encompasses plan 1 and everything is set in place for the future plan that would include turn lanes on Route 118. Dr. Grealy noted that when they did their original estimate, they allocated about \$800K for this plan in 2022. They were asked to look at the numbers based on cost increases and noted that the design and permitting is included in their estimate. With respect to the contingency. In terms of contingencies, he noted that they are a little past the scoping level for contingencies as they actually laid out the plan for dimensions, distances, calculations for paving, etc.; all those parameters were folded into the estimate with a 10% contingency with inflation factors. He added that there are also some site plan issues that are working through.

Scott Levine, Town's Traffic Consultant of Transpogroup – Mr. Levine provided a PowerPoint presentation with a summary of their traffic review for the proposal. He stated that there had been many conversations over the past few months with the Planning Department, DOT and the applicant. Sources of information used were the EAF, site plan dated December, the Transpogroup report and the Colliers Engineering response letters with respect to the traffic report and cost estimate. They will focus on three issues – on-site traffic issues, off-site traffic issues and the cost estimate for the Underhill Avenue/Route 118 improvements.

On-site traffic issues:

- Distance between Underhill Avenue and the loop road intersection, parking, and control of this intersection. Mr. Levine stated that they feel that the internal loop area (purple section) is a bit close to the Underhill Avenue intersection so they are suggesting to pull those intersections apart and a bit further north, and to give thought about how that traffic comes together at the connection of that loop. He believes the latest thinking is to have it stop controlled.
- Loading area. The site plan does not have allocated loading areas and they encourage the applicant to consider this.
- East-west pedestrian connection on the south of property should be considered. The site plan has a sidewalk that cuts across the neck of the loop road and cuts north and again to the south to the pedestrian plaza at Underhill Avenue and Route 118.
- Tandem parking underneath condo building will be complex but doesn't mean it can't be done. The plan shows three rows of parking but two are in tandem which means two spaces will be controlled by the same household and they will need to think about how this will work. There are 48 spaces total that includes 32 tandem and 16 in a single row.
- Parking. Consider requesting a parking management plan. How will shared parking with the senior center be managed?
- Clarify whether some condo units may be designated as senior housing and if so, what is being proposed as it will reduce some of the parking demand for this use.

Dr. Grealy stated that there are some areas allocated on the plan for land banked parking which could be used for additional parking. For example, they could be used for the spaces proposed to be eliminated for the internal loop if needed. With respect to the senior center, during the day the parking spaces would be utilized as a dual use for shared parking. Additional discussions will be held as to how the parking will work if the senior center is built and noted that there is not a lot of parking available on the Beaver Ridge property. Chairman Fon asked if there was an adequate connection between the two sites. Dr. Grealy stated that they have designed it as an all-way stop controlled intersection, which is reflected in their recent plan. He believes that Beaver Ridge provided recent suggestions that they are reviewing. Mr. Levine noted that the plan is that they are coming northeast on the side of the apartment building, the main road will curve around and turn right to continue north into Beaver Ridge. His understanding is that the idea is to provide that connection but not encourage it to be used as cut-through traffic. Mr. Tegeder thought that it is likely to not be attractive as a cut-through given its length and order to get through; there would be no savings of time. However, the usage by the residents of the project and Beaver Ridge would be an advantage. Mr. Levine stated they would like to see a bit more clarity on the shared parking on site not just with the senior center but with the retail, restaurant and residential uses as well.

Off-site traffic issues:

- In afternoon peak hours, site-generated traffic will be from the residences and the commercial/restaurant uses. Mr. Levine stated that Dr. Grealy discussed the trip generation and noted there was quite a bit of analysis performed. Roughly half of the site generated traffic in the PM peak hours, which is the critical time period, will come from the residences, and the other half from the commercial/restaurant uses.
- The type of restaurant envisioned for this site is proposed as a fine dining establishment and that type of establishment will have peak hours later in the evening and not so much during the afternoon rush hour so there will be less traffic generated as opposed to a casual type restaurant. If in fact this is proposed, they suggest a condition of approval be established so that if the restaurant type was to change, it would trigger a re-analysis of the trip generation.
- Level of service at Route 118 and Underhill Avenue intersection. They are on the same page with Dr. Grealy. They calculate that the intersection at present is roughly a level "C" (30 seconds) with observed queuing. As an aside, he mentioned to a DOT colleague that he is not sure that the signal timing at present is most optimal and suggested if it could be looked at by a technician. The level of service would go from a "C" to "D" (42 seconds) from other developments (Weyant, Caremount, Gardena) excluding Underhill Farm in 2025. The level of service would go to

an “E” (55 seconds) in 2025 with the addition of Underhill Farm and no new turn lanes and the “E” would become worse (79 seconds) if the other not yet approved developments were to occur and there were no turn lanes added.

- Mr. Levine added that they did an analysis based on discussions with the Planning Department to exclude the effects of other approved /potential developments to look at what would happen with the intersection as is with Underhill Farm in place as a comparison. The level “C” (30 seconds) would become a “C” (33 seconds) with four years of general traffic growth to 2025; and “D (41 seconds) with only Underhill Farms in place.
- Cardinal Court – “Do not block the box” treatment. He was delighted to see in the earlier presentation by Dr. Grealy that they showed a “do not block the box” treatment at Cardinal Court and suggested sliding it a little bit to the east to provide a good line of sight for the Cardinal Court residences.
- Secondary site access onto Route 118 to distribute traffic may be desirable but it is doubtful that the NYS DOT will approve. The current proposal is for two access points on Underhill Avenue – one for the townhomes to the west and the other for the uses to the east with no access on Route 118. He noted that NYSDOT has control for access and they are unlikely to grant access.

Dr. Grealy stated that the NYSDOT has control of access on any highway and their general rule of thumb is to access the town road or the local road but in this case, it is more complicated because this entire stretch up to the Triangle intersection is what is called “without access”. When the DOT bought the right-of-way along that stretch of roadway it was “without access” so you only have access at Kear Street, Triangle intersection, Downing Drive and Underhill. Other than that, there is no access permitted.

Three packages of off-site improvements are proposed which include:

1. Traffic signal with improved detection, communication and control improvements.  
In their view, it is valuable to upgrade the infrastructure but in terms of operational benefits it is fairly marginal.
2. East-West left turn lanes on Underhill Avenue and southbound right turn lane on Route 118.  
They agree that this will be a major improvement and will bring the level of service back to a “C” (23 seconds) rather than “E”.
3. Same as #2 but also adds North-South left turn lanes onto Route 118.  
Given current traffic patterns, they see relatively minor additional benefits. The level of service will go from a “C” (23 seconds) to a “B” (19 seconds). It provides much less of an improvement than you would get from the east-west turn lanes, which is more of an immediate issue.

#### Cost Estimate of Route 118 / Underhill Avenue

They used the same data used by Dr. Grealy for the cost estimate and are in reasonable agreement. They come up with a number of about \$1M for the improvements and the applicant is around \$900K. They were at 1.2 or 1.3M but the applicant indicated that they will perform earthwork along the south property line, plus the intersection design plan which is estimated to be around \$100K that is outside of the scope estimate so they are not far off. With respect to the contingency, they think that a high level is prudent and are suggesting 20%. They feel that a 10% contingency is risky given what is happening with highway construction costs. A chart was shown from the USDOT showing that construction costs have escalated post-covid (40%) and feel that it is important for the town to consider how the risks of unanticipated escalation of costs will be managed. They feel that the higher contingency makes sense because of what is happening with construction costs. If cost sharing is the chosen mechanism, they should then consider clarifying this as a condition of the approval and should be reviewed by counsel.

Councilman Esposito asked the consultant if his number of \$1M includes the design and permitting of \$100K and the \$450K for the initial phase. Mr. Levine responded that their estimate of \$1M includes those numbers and noted that it was lowered from their original estimate due to the earthwork and design plan. Dr. Grealy stated that there were also some construction administration costs that were folded in as well. Mr. Levine stated that another issue to be considered by the town is the risk not only of costs but management as well.

Chairman Fon asked if Glenrock Street was reviewed. Mr. Levine responded that they did not look at it in detail. His understanding is that there is no access proposed on Glen Rock and that the western most access is for the townhomes. One minor issue relating to Glenrock Street is that the latest plan doesn’t show the connection of sidewalks along Underhill Street over to Glenrock Street but this would be a town choice. Chairman Fon asked if there were any concerns with respect to cut-throughs. Mr. Levine stated that he would look into it.

Mr. Bock stated that he raised an issue at the outset of the project with respect to the connection with the rest of Yorktown. He suggested installing a sidewalk on the west side of Route 118 opposite Caremount but was told it couldn’t be done. Since tonight’s discussion turned to vehicular access and driveways, he is wondering if the DOT would be more

amenable to sidewalks along right-of-ways as opposed to driveway cut-throughs. The Overlay District is intended to create a unified different downtown that what we have currently and he envisions more of a neighborhood feel and less of a highway approach and asked how the DOT responds to community change. Dr. Grealy stated that the DOT does not like to introduce a potential for pedestrian crossing that is not at an intersection. There are ADA requirements which can be accomplished at the intersection. The character will change by removing the stone wall along Route 118 and he doesn't see it being able to meet those ADA requirements mid-block. There would not be a lot of remaining room to accommodate future traffic movements because the difference from the edge of pavement to the stone wall does not permit a full sidewalk in some sections. Mr. Levine added that if considered it would make the reconstruction project very different. Mr. Garrigan stated that there is a sidewalk on the east side and asked if that was granted by the DOT. Dr. Grealy responded that it was. Mr. Tegeder stated that the sidewalk along that side goes between Kear Street and Downing and had to be approved by the DOT. Mr. Garrigan asked if Bock's idea could be explored with taking the pedestrian traffic off the north side of the property to Hamblyn. Mr. Tegeder thought it could. Discussion followed with respect to a potential sidewalk connection. Chairman Fon suggested talking to Beaver Ridge.

Chairman Fon asked Mr. Levine if he thought that the proposed design was a good plan. Mr. Levine responded that it was and makes sense given the traffic patterns today and for the future. Chairman Fon asked if this project would help the entire area under the Overlay District. Mr. Levine responded that it won't address the Triangle intersection but for this intersection, with option 2 (providing east-west lanes) it will provide a lot of extra capacity which is what is needed to keep the intersection moving. Councilman Esposito stated that this is a tremendous opportunity for the town to correct an intersection that is flawed and the town's traffic consultant is attesting that this is a good plan.

Mr. Garrigan asked if the topography would lend itself to a roundabout. Mr. Levine responded that it wouldn't as it is tight and the approaches are skewed. Mr. Levine added that with respect to the proposed design, the current southbound right turn is a high-speed movement that takes you directly onto Underhill and is a concern of the Cardinal Court residents. This proposed design would tighten up the radius of movement and slow it down from where it is today.

Mr. Phelan stated that the applicant is required to mitigate their impact on the areas that they are talking about and discussed level of service, contribution and overall costs. He asked the consultant if the applicant's proposed donation is sufficient to mitigate their portion of the impact that they are creating regarding the level of service. Mr. Levine responded that there is no simple answer. He noted that doing the improvement would both mitigate the traffic impacts of this applicant and would provide a series of public benefits and it is really a judgement call as to how to make this happen. Mr. Phelan asked if more information was forthcoming. Mr. Levine responded that he is not expecting much more but will look into the Glenrock Street potential cut-through.

Dr. Grealy stated that their initial plan in terms of technology and upgrades was to offset their increase in traffic to bring it back to where it was today. However, there are other issues that they were looking at in terms of safety and providing turning lanes. The initial allocation to offset the traffic increase was about \$120K but when they looked at other development traffic and operation aspects (turn lane plan), the applicant increased their contribution to \$450K in addition to including the design and permitting of \$100K. They feel that this more than offsets the traffic generation but also creates a better, safer intersection. Mr. Phelan stated that he wanted to know if the town's traffic consultant concurs. Mr. Levine stated that he is not convinced that the technology improvements themselves would be fully mitigated. Dr. Grealy noted that the applicant is providing the design plan which will ensure that it stays on track and will drive the DOT. Mr. Levine noted that with respect to the general funding context, there is money floating around for transportation infrastructure but it is not for this kind of improvement; a lot of the money that comes out of the infrastructure bill is competitive funding and was designed to address environmental goals, etc. Chairman Fon stated that if the goal was economic development there may be funding and Mr. Levine agreed. Chairman Fon thought that this should be explored with the possibility of a grant.

Mr. Bock asked about the interior comments. Dr. Grealy reviewed the plan. They will look into creating a loading area. In terms of the control issues, they can fine tune the Beaver Ridge connection and there was to be an all way stop control. With respect to tandem parking, he noted that this is used in many buildings. They have 48 spaces with a space for each unit and some units may have 2 spaces, which is not unusual. He thinks the management of the spaces on the site with the senior center can be worked out. Mr. Levine asked about the connection to Beaver Ridge and thinks a walkway is shown under a canopy on the west side of the double loaded parking area. Dr. Grealy responded that once you get on to Beaver Ridge there is a section of sidewalk there but it goes around their building and up towards the front. Mr.

Tegeder noted that on their site they should facilitate the potential for people walking to and from the area as they are proposing some commercial.

Mr. Glatthaar stated that there were three levels of improvement. The recommendation was to go with the middle level as the consultant thought the third level would provide marginal improvement. He asked Mr. Levine if they were to go with the middle level, would it prevent someone from doing the third level in the future. Mr. Levine responded that it would not.

Mr. Blanchard informed the Board that the project is proposing the middle level improvement. The first level was provided for context. In terms of the middle level improvement, they are working with the Westchester County IDA for the applicants proposal to fund the extent of the middle level improvements and the delta above the \$450K would be recaptured on a limited tax abatement issue through only the commercial portion of the project. The town would be deriving the residential portion of the taxes. The abatement concept would be a creative concept with the IDA where it would not be a finite period. Once reimbursed, the tax abatement immediately expires. He noted that they are working to find the solution to fund the second improvement. He noted that he would like to table his discussion with respect to an additional meeting and public hearing for the next meeting.

**Meeting closed.**

Upon a motion by Bill LaScala, and seconded by Rob Garrigan, and with all those present voting “aye”, the Board closed the meeting at 10:00PM