

# Planning Board Meeting Minutes – July 15, 2024

---

A meeting of the Town of Yorktown Planning Board was held on Monday, July 15, 2024, at 7:00 p.m. in the Town Hall Boardroom.

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

Bill Lascala  
Bob Phelan  
Aaron Bock  
Bob Waterhouse, Alternate

Also present were:

John Tegeder, Director of Planning  
Ian Richey, Assistant Planner  
Nancy Calicchia, Secretary  
David Chen, Esq.  
Councilman Sergio Esposito, Town Board Liaison

---

## **Correspondence**

- The Board reviewed all correspondence received.
- Mr. Bock noted correspondence from Zarin & Steinmetz with respect to the Toll Brothers application dated 7/2/2024 in response to the NYC Watershed Inspector General Office letter dated 6/28/2024.
- Chairman Fon noted that the Planning Department provided a draft comment memo for the Town Board with respect to the Lake Osceola rezone request for review.

## **Motion to Approve Meeting Minutes of June 24, 2024**

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 June 24, 2024.

## **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**

### **Colangelo Subdivision**

Discussion: Request for two 90-Day Time Extensions  
Location: 35.16-1-4; 1805 Jacob Road  
Contact: Hoberman, Tortorella & Wekstein LLP  
Description: Approved 6-lot subdivision in the R2-160 zone by Res #21-01, dated February 8, 2021.  
Comments:

Joseph Riina of Site Design Consultants was present. A letter was submitted by Hoberman Tortorella & Wekstein, LLP requesting two 90-day time extensions as the applicant is still working on completing the legal instruments of the project. Chairman Fon asked the Board, Planning Department and Counsel if there were any issues and there were none.

**Upon a motion by Bill Lascala, and seconded by Aaron Bock, and with all those present voting “aye”, the Board approved the request for two 90-day time extensions.**

### **Chipotle – Lowes Pad “C”**

Discussion: Decision Statement  
Location: 26.19-1-1; 3180 Crompond Road (Route 202)  
Contact: Site Design Consultants  
Description: Proposed amendment to the retaining wall.  
Comments:

Joseph Riina of Site Design Consultants was present. As discussed at the previous meeting, the site plan was amended to reflect some as-built conditions specifically to show rip-rap that was installed as part of some remediation for slope

disturbance occurring from run-off from the Taconic parkway. A permit was granted by the DOT to perform this work on their property. Chairman Fon asked the Board, Planning Department and Counsel if there were any issues and there were none.

**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 the Lowes Shopping Center Pad C - Chipotle.**

### **Underhill Farm**

Discussion: Decision Statement Site Plan Amendments  
Decision Statement Mansion Renovation  
Location: 48.06-1-30; 370 Underhill Avenue  
Contact: Tim Miller Associates, Site Design Consultants, Colliers Engineering, Hudson Cultural Services  
Description: Proposed amendments to previously approved mixed use development by Resolution #23-13 dated July 17, 2023. Proposed renovations to the Underhill Mansion to support an adaptive reuse, while preserving and repairing various historic architectural elements.

#### Comments:

Joseph Riina of Site Design Consultants; and Joseph Thompson, Architect were present. Mr. Riina stated that they received the draft resolutions and had no issues. Mr. Thompson informed the Board that they had a positive first meeting with the ABACA with respect to the mansion renovation and the project was generally well received. There was some discussion about the ramp placement and they are now exploring options with the Planning Department. Mr. Phelan asked if they were talking about the ramp at grade or a handicapped ramp. Mr. Thompson responded that it was a handicapped ramp to enter the proposed new seating area and coffee shop. Chairman Fon asked the Board, Planning Department and Counsel if there were any issues with either of the resolutions and there were none.

**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 Underhill Farm.**

**Upon a motion by Bill Lascala, and seconded by Aaron Bock, and with all those present voting “aye”, the Board approved the resolution approving the Underhill Mansion renovation plan for Underhill Farm.**

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

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

## **WORK SESSION**

### **Nathan’s and Mister Softee**

Discussion: Special Use Permit  
Location: 37.14-2-52; 1990 Commerce Street  
Contact: Mike O’Neil  
Description: Special Use Permit application for an outdoor seating area.

#### Comments:

Joseph Riina of Site Design Consultants was present. Mr. Riina stated that he submitted a letter to the Planning Board clarifying his statement that a building permit was issued when it was not. The contractor led the applicant to believe all was in order. He checked with the Building Inspector and was informed that a permit was not issued. Since the last meeting, a site plan and as-built drawing of the actual retaining wall and patio reflecting what was visibly accessible was submitted to the Planning and Building Departments.

Mr. Waterhouse asked if the plan listed all the materials and dimensions of the project. Mr. Riina responded that they field measured the entire construction for the dimensions. With respect to the materials, they verified what was visible such as the thickness of the gravel and the geotextile underlayment other than this there really wasn’t much more they could certify as it was already installed. Mr. Waterhouse asked if there were dimensions or depth of the sleepers that are holding the walls. Mr. Riina responded that they do for the upper wall but do not have the depth on the bottom wall. Mr. Phelan questioned if they should request an amended site plan to show the current conditions and not an additional drawing. Mr. Tegeder responded that the partial plan will become part of the record as a special permit and filed with the latest approved site plan and will suffice as an approval of this amenity along with the ability to use it for seating.

Chairman Fon agreed and noted that it is a special use that could potentially go away and is considered an addition to the site plan. Mr. Tegeder added that they always consider seating as an addition to site plans and cited daycares as an example; new plans are drawn that supplement and modifies the original approval. In this case, it's a partial plan that will go into the record with the approving resolution as to what is available for use by the owner. Chairman Fon asked the Board, Planning Department and Counsel if there were any other concerns and there were none.

**Upon a motion by Bill Lascala, and seconded by Bob Waterhouse, and with all those present voting “aye”, the Board opened a Special Session.**

**Upon a motion by Aaron Bock, and seconded by Bill Lascala, and with all those present voting “aye”, the Board approved the resolution approving a special use permit for outdoor seating for Nathan’s and Mister Softee.**

**Upon a motion by Bob Waterhouse and seconded by Bill Lascala, and with all those present voting “aye”, the Board closed the Special Session.**

**Teatown Lake Reservation - Campus Renovation**

Discussion: Site Plan

Location: 69.14-1-5, 6, 7, 8, 8.1; 1600 Spring Valley Road

Contact: Alan Sorkin, DTS Provident

Description: Campus renovations including the Nature Center and the adjoining areas north and south of Spring Valley Road.

Comments:

Aaron Bock recused himself from this agenda item; a letter was previously submitted to the Planning Department for the record. Chairman Fon noted that the Board conducted a site visit with the applicant since they were last before the Board.

Andrew Tung, P.E. and Mark Gratz, P.E. of DTS Provident; and Alan Sorkin, Managing Director of Teatown; were present. Mr. Tung stated that they provided a full submission dated July 2, 2024 to the Planning Department for review. A site visit was conducted with the Planning Board in June. Additionally, Teatown held a Town Hall zoom meeting in June to present the proposal with their neighbors and other interested parties. The primary objective is to maintain the health of the 1,000 acres preserve. The proposal will affect 5 parcels containing approximately 132 acres directly adjoining the nature center and carriage house on the north and south side of Spring Valley Road. The goal is to strengthen Teatown’s long standing commitment to environmental education, upgrade its aging infrastructure and buildings, and to create a more safe and accessible campus.

There will be no changes to the footprint of the nature center also know as the visitor center and carriage house. The interior and exterior façade of the nature center is proposed to be modernized and renovated to better use the spaces for the various functions that occur within the building. Photos of the existing nature center were shown; the tudor style will be retained and an additional dormer is proposed to better use one of the upper story rooms.

To the north of the nature center, there is a red barn that is used for maintenance with a small parking lot. Since this barn is located at the core of the campus with no functional purpose in terms of environmental education or visitor focus it was decided to relocate it to the south side of the road to the former tennis court that was adjoining the former Croft residence. In its place, they are proposing the construction of a new education building that will create a dedicated space for educators to set up four classroom spaces for student groups during the school year and summer camps. The proposal is for a one-story building with a green roof that will also allow for outdoor education on top of the building. Views of the proposed building from the nature center, new bus drop-off to the north, and an aerial view looking at the accessible green roof were shared with the Board.

Other improvements to the site include a new bus drop-off to the north via an access road from the Blinn Road parking lot. Currently buses that come to the site enter into the main parking lot just west of the nature center and circle around in a tight space and park there or across the street. Bus drop-off currently happens in the same space as the visitor parking and entry into the preserve. Separating the two and bringing the bus drop-off to the north side of the proposed new education building will improve the vehicular circulation and bring the students closer to the nature center. The existing parking lot adjoining the nature center will be removed to create a more natural surround and is proposed to be relocated to the south side of Spring Valley Road as an extension of the existing south gravel lot which will help to reduce circulation conflicts.

Additional site improvements include the creation of new nature play areas and walkways that will now be accessible throughout much of the site including around the raptor loop which provides a number of existing animal enclosures that are to be improved. The combination of the proposed improvements will serve to improve the facility for visitors and staff.

Chairman Fon stated that during the site visit there was discussion about the site distances into the new loop drop-off from Blinn Road and Spring Valley Road. Mr. Tung noted Mr. Phelan asked if there would be a benefit to having a new curb cut on Blinn Road to the south that would bring them directly to the alignment of the new access road. Mr. Tung explained that the access road comes off past the entry to the Blinn parking lot up the hill to the round-about; the drop-off is at the end of the round-about near the new education building. To address Mr. Phelans's question they created an alternate plan to show the grading comparison with the original proposed plan. He noted that the challenge is that there is a 30-ft grade change between Blinn Road and the education building. The length of the road takes advantage of the fact that the Blinn Road parking lot rises up from Blinn Road; the alternate plan shows a shorter run with more of a grade change (15% vs 10%). Mr. Phelan appreciated the response to his comment and noted that the site distance was part of his statement but the suggestion was to segregate the bus traffic from the visitor traffic. The parking that is existing now will be continued but they are encouraging all bus and visitor traffic to enter at the same opening where there are 6 or 7 parking spaces. He understands that the grades don't work but thinks if they relocated those 6 or 7 parking spaces away from the entrance it would satisfy his concern of segregating the two and the site distance would not suffer any more than what is existing. Mr. Tung responded that they could consider removing those parking spaces but he believes that the utilization of the buses is during specific hours of the week for their programs. The use of the Blinn Road lot is primarily on the weekends and it is his understanding that the lot fills up in the bottom portion first, the spaces at the top would be utilized at a time when the buses many not be using that route. Mr. Phelan stated that he is not suggesting that the 6 or 7 spaces are removed but instead be repositioned further into the site. He would prefer that the design worked for safety purposes rather than rely on the timing of the programs. He is not suggesting to create a separate entrance but instead segregate the bus and vehicle traffic upon entrance possibly directing the buses to the left and vehicles straight ahead without the interference of those parking spaces. Mr. Tung will look into this.

Councilman Esposito asked about the overall investment for the project. Mr. Sorkin responded that it was in the ballpark of 22 to 23 million.

Chairman Fon informed the applicant that the stormwater practice should be sensitive to the wetlands in the area. Mr. Waterhouse asked if the proposal was reviewed by the Fire Commission with respect to access. Mr. Tung responded not as yet but added that they included the turning diagrams within the submission.

Mr. Tegeder stated that the application will be referred to the appropriate agencies and thought that the application was ready to move forward with a Public Informational Hearing. The Board agreed. Mr. Tung requested to schedule the hearing for the first meeting in September.

### **Nantucket Sound Sons LLC**

Discussion: Amended Site Plan

Location: 37.18-2-86; 385 Kear Street

Contact: Joseph Thompson Architect

Description: Proposed changes to previously approved site plan by Res #21-14, dated August 9, 2021.

Comments:

Joseph Thompson, Architect; and Leroy Bartley of the Restaurant Clinic and Fire Protection was present. Mr. Thompson stated that he is present this evening for continued discussion of the site. Photos of the site's existing conditions were shared with the Board. The applicant completed the landscaping and screening and the site is almost complete at this point. The HVAC equipment area still in question was shown on the plans in a red box. The exterior electrical meters were screened and they are currently working on planters to beautify the site. The proposed propane tank location if approved; and the new dumpster location are proposed to be screened and will have bollards for protection. At the previous meeting, the Board requested that they submit a roof plan. They provided an as-built for the roof and it was noted that the dimensions were verified and was constructed to plan. For the proposed restaurant, the roof plan shows where the exhaust would need to exit from the existing shaft (shown on the plan as a red circle with 10-ft radius). The shaded area on the bottom is where the proposed make-up air unit would be located. There is enough distance between

the exhaust and the intake. While there is some room on that boundary the owner asked that they bring in Mr. Bartley, the installer for the kitchen equipment hood to discuss his experience with these units.

Mr. Bartley stated that he was hired by the tenant to install the system. Based on his review, he feels that the surrounding space and depth of the roof will not allow the HVAC units to breathe properly based upon the degree and dimensions. Horizontally, the regulation requires the units to be 10' away from the duct exhaust; on a 90-degree angle it must be 21'3" away; on a 10-degree angle it must be 12' away; and on a 30 degree angle it must be 10'12" away. Based on his experience, wherever they have HVAC units, the exhaust and kitchen system has to be 15' away from the intake although some places don't have that capability and can go 10'. The size of the unit they are proposing will have a fresh air intake of 3,300 cfm. He noted that there is a 9-ft depth on the roof so they still have to raise the exhaust from the floor level. Upon his inspection, his recommendation to the architect is that they use the roof space only for the kitchen intake and exhaust because the heat generated from the HVAC units during the summer will be about 200 degrees in that area with the exhaust. His recommendation is to set the equipment in a way to work with the National Fire Protection Association fire code.

Chairman Fon asked if any of the roof equipment would penetrate past the roof line. Mr. Bartley responded that as it is now it would not be visible and would be within the 9-ft depth. Fon asked if a fire protection system would need to be installed on the roof. Mr. Bartley responded that they will install a fire suppression system into the exhaust duct that will penetrate through the middle of the building. Mr. Phelan asked about the duct unit. Mr. Bartley responded that it was a square unit that will be isolated from the floor; the fresh air will be pushed down from the side of the unit. Mr. Phelan asked if the unit could be greater than 4-ft off the floor area. Mr. Bartley stated that based on the weight it could, but due to maintenance purposes they normally go 4-ft for fresh air.

Mr. Phelan stated that the discussion is that the HVAC units conflict with the intake but he feels it's the opposite. The HVAC units were approved to be on the roof and had they been installed properly they instead would have been working around them for the kitchen equipment. His thought is that they install the HVAC units on the roof and lift their unit further up with a walk around for maintenance. He noted that he would be less against elevating the unit to create more floor area, if possible, as opposed to keeping the HVAC units on the ground. The unit itself is not the issue, it's the area around that draws the air so if it was elevated they will have a greater amount of air because the HVAC units will sit below. He feels that an alternate design sounds achievable. Mr. Bartley stated that his only issue is that heat rises and the heat generated from the units will rise and the fresh air unit will pull anything that goes towards it. Mr. Phelan stated that this would be seasonal and could be investigated as a solution. Mr. Bartley will discuss this with the owner and added that instead of using regular return air they could use a temporary unit that could work with the change of seasons but noted that the summer time would be conflict. Mr. Waterhouse agreed with Mr. Phelan's remark that if the HVAC units were on the roof as approved, the restaurant use that came in after the fact, would then have to retrofit the system with the space available and questioned if this was possible. Mr. Bartley responded that this was true and there are ways they could do this by using an in line fresh air unit that would have to be installed in the building with a duct going upstairs maybe on the edge of the building. Chairman Fon asked if the duct work would not be seen with this unit and Mr. Bartley responded that this was correct.

Mr. Phelan stated that the HVAC units don't have to be located adjacent to each other to create a mass instead they could be placed on the corners of the roof with the equipment in the middle. Mr. Bartley responded that if they had one-way units they could but these units are not so when they are against a solid wall they would be restricted and would never produce the air flow because they wouldn't breathe; the units are designed for open space. Mr. Phelan noted that the units are currently isolated in a small area as opposed to the roof which is much larger. Mr. Bartley stated that they won't work with solid buffers and would have to meet the requirements of the manufacturer. Mr. Phelan stated that this may be a further reason to not have the units on the ground and thought they should look at the alternate way to handle the fresh air discussed earlier. Mr. Bartley responded that they could look into this once the location of the units was resolved.

Mr. Thompson stated that while not ideal it is not impossible. The applicant has put his best foot forward to screen the units as best he can. They recognize that if the Board believes that the action made in error and not in conformance with the site plan detracts from the site then this is the path they will proceed. If the Board feels that they made a diligent effort and nice job with the screening it will be a different discussion.

Chairman Fon stated that the screening is tasteful and looks nice but after this evening's discussion he is now concerned that the HVAC units as they exist may not function correctly with the airflow due to their placement. Mr. Bartley stated

that the building shield would prevent the air flow but if it was a fence with air space they will work correctly. Chairman Fon stated that the units are in a small area with two walls and a fence enclosure and he now has concerns that they may not work properly. Mr. Bartley stated that it would be a concern if there was solid siding. Councilman Esposito stated that he recalled there were baffles that aim the air flow up and that the units conformed to the manufacturer specifications. Mr. Phelan informed the applicant to submit a roof plan with the HVAC units on the roof as approved along with the duct work and equipment for the restaurant. He noted that after the stop work order, they allowed them to continue to finish the building; it was all done to design and they allowed the change to the siding, etc. He doesn't have an issue with the design or execution of the rest of the building, his only issue is with the placement of the units as they are in the wrong place. Now that they are almost at the finish line they were introduced to a restaurant use that requires duct work interfering with the placement of the units on the roof where they were approved to be. In his opinion, it's the other way around and feels that the duct work should conform to the roof units as approved. They need to show the location of the units on the roof with the duct work. If the duct work is greater in elevation and they have to approve a modification to the site plan then he is willing to listen to this. Mr. Lascala thought they should take a vote. Chairman Fon stated they need to wait to see how the equipment works before doing so. Mr. Phelan stated that he is not of the belief that the units won't work in their current location but it is a tight space and there may be a way to accommodate the manufacturer's requirements for spacing both the HVAC units and duct work on the roof. Mr. Thompson stated that they will look into this and return to the Board with a conclusive result and understand the Board's position.

Mr. Tegeder asked the Board if they had any issues with the applicant proceeding with the proposed fencing and screening for the refuse enclosure; the Board had no issues.

**Lamp Subdivision**

Discussion: Minor Subdivision  
Location: 70.08-1-8; 357 Crow Hill Road  
Contact: David Steinmetz, Zarin & Steinmetz  
Description: Proposed subdivision of a 4.463-acre lot in the R1-80 zone.  
Comments:

Jody Cross, Esq., Paul Lynch, P.E.; and Evan Lamp, property owner were present. Ms. Cross stated that the proposal is for a two-lot subdivision at 357 Crow Hill Road. The property is a total of 4,463 acres and is zoned R1-80. The property is currently improved with an existing single-family house on 2.6 acres; the proposed new lot would be on 1.84 acres. Both lots comply with the 80,000-sf code requirement. They looked at the GIS maps for the area and on average most of the lots are about 2 acres making this subdivision consistent with the neighborhood. The property access is off of Crow Hill Road via an existing common driveway that is also accessed by lots 7, 9 and 10 with easements. If the property is subdivided, the proposed new lot would have the driveway property and the existing lot would then be granted an easement over that drive. They acknowledge that it doesn't meet the 200-ft frontage requirement so they would need a variance. The property is large enough to locate the well and septic and the soils have been tested. There is sufficient space to mitigate the additional run-off from impervious surfaces. They are still working on the engineering details.

Mr. Bock asked about the width of the common driveway and availability of the space in the strip shown on the plan. Ms. Cross responded that the driveway is currently 14-ft wide with 25-ft of available space; the current frontage is 35-ft so it could be expanded to 25-ft. Mr. Bock asked how many houses are served from the driveway. Ms. Cross responded that with the proposal it would be 5 total. Chairman Fon asked about the code in terms of the roadway width and distance with respect to emergency access and public safety. Mr. Tegeder stated that the Planning Department will look into this and added that they may also need to provide a turnaround. He noted that the code has changed over the years. Ms. Cross stated that they could make the driveway wide enough for emergency vehicle access. Chairman Fon requested that the Planning Department schedule a site visit with the applicant and Fire Commission if possible.

### **Aronson Subdivision**

Discussion: Minor Subdivision

Location: 48.05-1-34; 1879 French Hill Road

Contact: Gilda Aronson

Description: Proposed subdivision of a 1.9-acre lot in the R1-40 zone.

Comments:

Gilda Aronson was present. The proposal is for a two-lot subdivision at 1879 French Hill Road. The property is a total of 1.9 acres and is zoned R1-40. The property is currently improved with an existing residence. No variances are required.

Mr. Bock asked about the zoning. Ms. Aronson stated that the zoning is one-acre and the property is just shy of two-acres. Mr. Phelan informed the applicant that the property could accommodate two planning acres of 40,000-sf and it seems that they have 86,745-sf. to work with. Mr. Phelan asked if there were any wetlands on the property and Ms. Aronson responded that there were not. Chairman Fon requested that the Planning Department schedule a site visit with the applicant.

### **401 East Main Street**

Discussion: Site Plan

Location: 6.14-1-44; 401 East Main Street

Contact: Hildenbrand Engineering , PLLC, Rich McHale

Description: Proposed 24'x30' office building with associated parking, septic, and stormwater system on a 0.38 acre site in the CC zone.

Comments:

Brian Hildenbrand, P.E.; and Rich McHale, property owner, were present. Mr. Hildenbrand stated that the site was previously the location of a restaurant. The building was demolished and there are some remnants of a parking lot. The proposal is for a 24 x 30 commercial office building and parking lot. No variances are required. The previous building was much larger and they have an existing approval from the Health Department for the septic. The property is served by town water. There is enough space to mitigate the stormwater on site. The stream is chanelized and is not a natural brook. A conceptual rendering of the building was submitted for review; the building is proposed to be country style. More detail will be provided as the project progresses.

Mr. Bock asked how far back the property was from the lake. Mr. Hildenbrand wasn't sure. Chairman Fon requested that the Planning Department schedule a site visit with the applicant.

### **Wipe Your Paws**

Discussion: Site Plan

Location: 37.14-1-45; 2013 Crompond Road

Contact: Cristina Racanelli

Description: Proposed dog grooming and daycare facility at 2013 Crompond Road.

Comments:

Christina Racanelli, business owner, was present. Ms. Racanelli stated that a drawing was submitted for review showing the pet relief area and crosswalk alongside the building. The proposal is for a dog grooming and daycare facility to occupy the former Remax Realty space at 2013 Crompond Road. She currently owns a facility in Mt. Kisco and is seeking to expand the business into Yorktown.

Mr. Bock asked if two parking spaces were proposed to be removed for the pet relief area. Ms. Racanelli responded that this was correct and that the area will be fenced in. Mr. Bock asked about the proposed amendment to the legislation for this type of use. Councilman Esposito responded that the law is proposed to be amended to accommodate and strengthen this type of use with respect to sound proofing, etc. Mr. Bock questioned if they could proceed with the review before the law was adopted. Mr. Tegeder responded that they could review the application but it is not a permitted use as yet. Mr. Phelan also informed the applicant that they can process the application but cannot approve it until the law is in place. Councilman Esposito noted that the draft law was referred to the appropriate agencies and a public hearing is scheduled for August 8<sup>th</sup>. The Board has no issues with review of the proposed facility but informed the

applicant that the proposal must conform with the proposed legislation. The applicant was advised to work with the Planning Department. Mr. Tegeder requested that a floor plan be submitted for review.

**Zoning Board Referral - Atrac Recycling Facility - ZBA #18/24**

Location: 6.18-1-37; 76 Route 6

Contact: Margaret McManus P.E.

Description: Request for an area variance to allow a 101-ft setback from the eastern boundary line where 200 feet is required.

Comments:

David Cooper, Esq., Jaclyn Cohen, Esq., Margaret McManus, P.E.; Mark Millsbaugh, P.E. of Sterling Environmental Engineering, P.C.; and Pat Cartelemy, property owner were present. Mr. Cooper stated that the applicant is ultimately seeking a site plan and special permit approval from the Planning Board to develop a recycling facility at the site. They are here this evening as a referral from the Zoning Board with respect to their request for a 100-ft side-yard setback variance from the eastern property line where the building is proposed to be located which is their preferred layout. The primary question they are asking the Planning Board at this point is where to place the building. An alternate layout was provided showing the building closer to Route 6 on the southern portion of the property that would comply with all the setbacks however it would be more visible from both Route 6 and the residences on Gay Ridge Road. The applicant believes that the proposed preferred plan is the better siting as there is significantly more buffer between Route 6 and the existing residences on Gay Ridge Road. He noted that at the previous meeting there were questions about the site's operation that will be addressed by Mr. Millsbaugh.

Chairman Fon thanked the applicant for showing the development that is proposed next to the site on each layout as discussed at the previous meeting. He stated that the buildings are laid out differently for each plan and questioned the operations. Mr. Phelan asked about the measurement scale shown on the alternate plan. Mr. Cooper explained that it was 112-ft to the road, 396-ft to a residence on Gay Ridge Road and 500-ft to another residence as detailed on the submitted plan. Mr. Phelan asked what the setback requirement was without a variance. Mr. Cooper responded that it was 100-ft. Mr. Bock stated that he asked previously whether or not there had to be a 200-ft setback from the residential properties to the south. Mr. Cooper cited the town code stating that no building shall be located at a distance less than 200-ft from a boundary which adjoins any residential district. He added that the code then states that where a residential district line follows streets, the center line shall be construed to be the boundary of the district. His interpretation of the code is that the district boundary is the center line of Route 6; the boundary of the lot does not adjoin a residential district so in this case the 100-ft setback applies. Mr. Phelan understood the center line but did not understand how it got from 200-ft to 100-ft. Mr. Cooper responded that if it doesn't adjoin a residential district it is then a 100-ft setback. Mr. Tegeder asked what section of the code they were referring to. Mr. Cooper responded that it was Chapter 300-7 (a) and (b). Mr. Bock asked if they were basically saying that because of Route 6 their property doesn't adjoin the district across the street. Mr. Cooper stated that this would be the zoning compliant layout and that the boundary is the lot line. Discussion followed with respect to the town's official zoning map, district line and lot line. The Board requested for the Town Attorney to provide a clear definition of the setback interpretation as discussed.

Mr. Cooper stated that the question from the Planning Board's perspective is the location. Bock was concerned about the traffic if the building was closer to Route 6. Tegeder stated that the Board needs to determine what the best layout for the site is given the parameters and the impacts carried with the use. If the building was located in the back of the property, the proposed nearby development and future development of the Whispering Pines site needs to be considered. Whereas, the alternate plan may turn out to be less impactful because it is closer to a noise generator (Route 6). It could also be possible to position the building somewhere else on the site that hasn't been figured out as yet to manage the neighboring impacts. Fon stated that they need to know what the setbacks are in order to place the building in the most appropriate location. Tegeder noted that there is a potential for a variance regardless of where it goes. Mr. Cooper stated that there are wetlands and wetland buffer areas so they didn't randomly select the two proposed development footprints. Fon stated that he would like to see the areas that they can't go into (wetlands, easements, setbacks, restrictions) boxed out in order for the Board to make an informed decision. Fon asked if the drawings submitted showed the setbacks. McManus responded that they did and showed both plans with the setbacks from the residential district, wetland buffers and building setback constraint. After discussion, Fon felt the Board needed more information to see what is actually there in order to make a determination of where to place the building.



Fon asked if there could be an entrance from Route 6. McManus responded that the DOT would not approve this and would prefer to come in on an entrance that already exists. McManus stated that she understands that they need to flush out the details and noted that the building envelope will accommodate the building. Fon wasn't sure because they don't know what the frontyard setback from Route 6 actually is. Phelan felt they didn't have enough information to make a decision. Mr. Cooper stated that ZBA referral is for the setback with the building placement on top which is there preferred plan (50% variance). Fon thought that if the building works towards the front of the site (alternate plan) they could then avoid the variance, however, there is still the question of the setback interpretation. McManus stated that if it is 200-ft from the center line of Route 6 they could still accommodate the building in this location by moving the building a bit north to avoid a variance. Cartelemey noted that there are wetland buffers to the north so the building would be squeezed in and work like a triangle in those setbacks. Tegeder stated that the proposed layout has wetland and wetland buffer encroachments so no matter what they do on the site there will be impacts; the Board has to find the best location in order to minimize the impacts to all the parameters of the project to the greatest extent possible before giving an opinion to the ZBA on a variance for something that they have not determined should be there or not. Cartelemey felt that there would be a larger disturbance to the wetland buffer as opposed to their preferred plan. Chairman Fon stated that these are the details that they need to review. Bock felt that the Board should submit a memo to the ZBA requesting more time to review the proposal. The Board asked Mr. Chen, Planning Board Counsel, to provide an interpretation of the setback.

Mr. Cooper stated that Mr. Sterling will discuss the NYSDEC regulations with the Board as there were questions at the previous meeting. Mr. Sterling stated that his firm specializes in the permitting and design of solid waste management facilities and discussed the NYSDEC regulations, NYCRR Sections 360.19(a) through 360.19(o) as described in his letter dated 7/2/24. Regardless of where the building is located, trucks will enter off of Navajo Road and queue before the scale to check in with the requisite paperwork and get weighed. Once the billing transaction is complete, the trucks will be directed to the appropriate bays. Construction debris has to come from a project that has a demolition permit; local governments issue these permits. Debris in New York is well defined and does not include garbage, industrial and commercial waste. The facility is also seeking permits for recyclables which is a well defined and controlled material. The regulations require new solid waste management facilities to be fully enclosed. The staff is trained in identifying the waste and sorted out appropriately. The materials are consolidated and loaded for long haul transportation to either recycling or disposal facilities. The building will have a fire suppression and ventilation system to maintain a safe working environment. The building will also be equipped with door systems that quickly open and close. There will be a tarping station for the trucks. The building structure will be tall enough to allow the truck to elevate and dump within the building. Building elevations were shown to the Board. Part of Section 360 has detailed operational noise limits with standards during operating and non-operating hours. The facility is required to perform noise monitoring. Employees are required to have specific training (OSHA and waste related training). Fon asked if they were taking regular garbage. Cartelemey responded that they were not. On the recycling side they would collect cardboard, plastic, paper, bottles, cans, and on the construction debris side they would be collecting sheetrock, wood, roofing materials, etc.

Mr. Sterling stated that odor is generally not an issue with this type of facility as it doesn't handle putrescible waste. Fon asked if anything was proposed to be processed on the site. Cartelemey explained the recycling and construction debris process and noted that it is all done within the building. Fon asked if the building was soundproofed. Cartelemey responded that it wasn't. Mr. Sterling noted that the siding and areas that have insulation will help with the sound. Sterling noted that the operational standard is that monitoring is conducted at the property line to demonstrate that the sound levels as part of Section 360 are not exceeded. Fon ask about the monitoring process. Sterling responded that firms like his measure the sound levels that is then reported to the DEC. The regulations also require reporting tracking documentation on the incoming loads, nature of material and ultimate disposition of the material.

Mr. Lascala asked how many trucks a day will enter the site. Sterling said it would be a function of the size of the vehicles and the size of the building. They haven't applied for permits yet. Cartelemey stated they were seeking 600 tons a day for construction debris and 200 tons a day for recycling; it would depend on the size of the trucks. Lascala asked how many trips a day to the site. Cartelemey responded that it would vary and noted that a traffic study has been prepared and will be submitted to the Planning Department shortly for review. Councilman Esposito asked about the truck sizes.

Cartelemy responded that the most common truck would be a roll-off truck that varies in container size from 10 to 40 yards. A 10 yard container holds about 1 ton; the 40 yard container holds between 16 and 17 tons on average.

Fon asked if there was a wash station for dirty trucks. Sterling responded that the the construction sites are subject to a stormwater pollution prevention plan and will have trackout pads at the site. The pads used to exit the site and any wheel wash will take care of this issue at the site. Fon asked where the recycling comes from. Cartelemy stated that the recycling in Yorktown goes to the Westchester County facility as the town has a contract with them. Their recycling would come from other municipalities and commercial establishments in Yorktown, Westchester or Putnam. Fon asked how many of these facilities exist within the area. Cartelemy responded that there are none in Putnam and about three in Dutchess and six in Westchester. He added that random inspections of the loads are required and reported back to the DEC.

Mr. Bock asked about the parking. Cartelemy responded that it was about 90 total spaces on the property. Bock asked how many trucks can the building accommodate at once. Cartelemy responded that there will be 5 bays so they could accommodate 5 trucks at a time but it would most likely be 3 on average. Lascala asked about the hours of operation. Cartelemy responded that they are requesting 6:00AM to 6:00PM and noted that this is regulated by the DEC. Bock questioned if the Planning Board could have input with respect to the hours of operation. Fon noted that the town has a noise ordinance. Fon stated that the backup beepers and lights are a concern. Bock stated that he would like to see the DEC regulations. With respect to the noise and light, Cartelemy felt that their preferred location with the building set further to the north would be the better option. The trucks will be backing in so the light will be facing the wetland property; the noise will be entering the building. Any noise into the building or past would be going onto currently a commercial property. The residential homes in Somers are north and above a hill.

Mr. Lascala would like to know the amount of trips per day to the facility. Mr. Cooper stated that Kimley Horn has been retained for a traffic study that will be submitted shortly for review. Mr. Cooper also informed the Board that the DEC regulations was included with their latest submission but could provide another copy.

Chairman Fon asked about the Somers facility site visit. Cartelemy suggested visting other facilities that are more up to date with the Section 360 regulations such as the facility in Elmsford as it is what their facility would look like and is fairly new. The Board requested that the Planning Department schedule a site visit with the Elmsford facility.

Mr. Phelan stated that the Board has a legal question with respect the setback interpretation and do not have a recommendation for the siting of the building.

Mr. Cooper again noted that the traffic report is forthcoming and asked the Board if there was any other documentation requested. Chairman Fon stated that their biggest concern is the impact with the loads, trips, noise, lighting, visual impacts, etc. and felt that they needed more details. The first question is the answer to the setback interpretation.

Mr. Cooper stated that they are scheduled for a site visit with the ZBA on July 20<sup>th</sup> and invited the Board to participate. The Board noted that they already performed a site visit. Mr. Cooper asked to be notified if there were any other questions.

#### **Town Board Referral - Amending Chapter 300 - Zoning**

Description: Proposed local law amending Chapter 300 of the Code of the Town of Yorktown entitled “Zoning” to allow Pet Care Facilities in the C-3, C-4, and OB Zoning Districts.

Comments:

The Board had no issues with the proposed amendment.

#### **Meeting Closed**

Upon a motion by Aaron Bock, and seconded by Bob Phelan, and with all those present voting “aye”, the meeting closed at 9:30PM.