

Planning Board Meeting Minutes – October 17, 2022

A meeting of the Town of Yorktown Planning Board was held on **Monday, October 17, 2022 at 7:00 p.m.** in the Town Hall Boardroom.

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

- Aaron Bock
- Bill LaScala
- Bob Phelan
- Robert Waterhouse, Alternate

Also present were:

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

Correspondence

Granite Knolls Park - Correspondence from Michael Grace, Esq. dated 9/27/22 questioning the Board's legal authority to approve the Granite Knolls Park solar canopy project as the Town Code does not allow for large scale solar energy systems to be permitted on parkland. Mr. Bock stated that this item was discussed at the previous meeting and deferred to this meeting for advice of Counsel before certifying the resolution. Mr. Glatthaar, Esq. informed the Board that the Building Inspector reviewed this application when the plans were referred for approval and so the Planning Board does not have the authority to interpret the zoning ordinance as that power rests solely with the Zoning Board of Appeals and the Building Inspector. At this point, they have to act as if the Building Inspector's determination was correct and approve the plan. Mr. Bock questioned if they needed to respond to Mr. Grace's letter. Mr. Glatthaar replied that it was not necessary as it should be treated like any other correspondence received which does not engender a response.

Underhill Farm - Correspondence from Protecting Yorktown's Quality of Life Foundation, Inc. The Board agreed to place this item on the following agenda for discussion.

Motion to Approve Meeting Minutes of October 3, 2022

Upon a motion by Bill LaScala and seconded by Bob Waterhouse, and with all those present voting "aye", the Board approved the meeting minutes of September 12, 2022.

Motion to Open Regular Session

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

REGULAR SESSION

Wendy's at Staples Plaza

Discussion: Public Hearing
Location: 36.06-2-76; 3399 Crompond Road
Contact: Chiesa Shahinian & Giantomasi, PC
Description: Proposed renovation of the approximately 3,500 SF Dunkin Donuts building for a Wendy's with drive-thru.

Comments:

Mr. Glatthaar was not present during this portion of the meeting. **Upon a motion by Bill LaScala, and seconded by Aaron Bock, and with all those present voting "aye", the Board opened the Public Hearing.**

Jennifer Porter, Esq. of CSG Law; Daniel Sehnal, P.E. of Dynamic Engineering; Kevin Woodside and Philip Anastos, franchisee owners were present. Ms. Porter stated they are here this evening in connection with the public hearing for

the site plan application on behalf of the applicant Wenesco Yorktown, LLC which is a Wendy's franchisee. They have appeared before the Planning Board on several occasions which included work sessions and a Public Informational Hearing. The proposal is for a Wendy's Restaurant to occupy the current Dunkin Donuts/York Pizza space in the BJs/Staples Plaza at 3339 Crompond Road. The proposed project includes a full interior demolition and renovation of the existing building; exterior site modifications to the existing drive-thru queuing lane and adjacent parking area; landscape and lighting modifications. New signage is also proposed. The application has been in front of the ABACA several times to discuss the architecture, signage, landscape and lighting plans and noted that they have received favorable responses.

Kevin Woodside stated that he is here this evening with his business partner Philip Anastos. He has been involved with the brand for over 40 years with the last 20 or so years as a franchisee owner/operator. This will be their 21st restaurant. They feel that this site is well situated for a Wendy's restaurant. They anticipate that the construction phase for the project will take about 13 to 14 weeks. With respect to the operations, the restaurant will open for breakfast and then change over to a lunch menu. Most of their restaurants are open until 1:00AM dependent upon the town's needs.

Daniel Sehnal, project engineer, stated that the building will remain and the circulation around the site will relatively stay the same. The existing drive-thru is proposed to stay in the same location and will be upgraded from one ordering point to two ordering points with one pick-up window. Concrete pads are proposed for the two order points. They are proposing to remove the existing landscaped island that separates the parking area from the drive-thru lane and reconfigure the existing head in parking spaces to angled parking spaces allowing for more backup space as well as promoting a one-way circulation around the site. It will also provide two full lanes, one for thru traffic, and the other for a drive-thru lane. As a result of this change, there is a net loss of 6 parking spaces which doesn't meet the parking requirements, however, about 60% of their orders are drive-thru customers so they do not anticipate the loss of these spaces to be an issue. With the removal of the initial landscaped island and the angling of the parking spaces they were able to provide two additional landscaped islands on each corner where striping was originally proposed resulting in a net reduction of impervious surface coverage. A new freezer/cooler is also proposed to the rear of the building that will be placed on a concrete pad. The landscape plan was revised to blend in with the site and make it more consistent for the area per comments received. Minor lighting improvements are proposed on the outside of the building. The existing building will receive a full interior demolition and renovation. The exterior of the building will be refreshed with some of the signature Wendy's elements. New signs are also proposed but will be a reduction to what is existing.

Chairman Fon noted the letters received from the DEP and Westchester County Planning Department (WCPD). Mr. Sehnal responded that the DEP requested a stormwater report of which they have completed and submitted that shows there is no change in the drainage pattern. Mr. Waterhouse asked about the refuse enclosures. Mr. Sehnal responded that there is an existing 10 x 20 masonry trash enclosure that is in good condition and will continue to be used for their recycling and trash. Mr. Waterhouse noted that there was a resident complaint about the trash at the site. Mr. Sehnal responded that there is a system in place where an employee will walk around the parking lot to clean up trash at their site and noted that curb appeal is very important to their client. Mr. Tegeder questioned if there was any concern with placing a trash maintenance schedule on the site plan. Mr. Sehnal responded that they had no issue with this. Chairman Fon noted that the WCPD letter commented about pedestrian connectivity. Mr. Sehnal responded that they can provide a location for bike parking, however, since the site is already existing and is only receiving minor improvements it would be difficult to provide additional sidewalks for pedestrian connectivity.

Chairman Fon asked the public if there were any comments and there were none.

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

Colangelo Major Subdivision

Discussion: Request for 2nd 90-Day Time Extension
Location: 35.16-1-4; 1805 Jacob Road
Contact: Site Design Consultants
Description: Approved 6-lot subdivision in the R1-160 zone by Resolution #21-01 dated February 8, 2021. Request for 2nd 90-day time extension on last reapproval.

Comments:

Joseph Riina, P.E. was present. Mr. Riina stated that the applicant is requesting a 2nd 90-day time extension. The applicant is waiting for clearance on all the legal instruments for the subdivision as noted in the letter by Geraldine Tortarella of Hocherman, Tortorella & Wekstein, LLP dated 9/30/22. Once complete, the plat can then be signed and filed. Chairman Fon asked the Board and Counsel if there were any issues and there were none.

Upon a motion by Aaron Bock, and seconded by Bill LaScala, and with all those present voting “aye”, the Board approved the 2nd 90-day time extension.

Roberta Front Street

Discussion: Request for Reapproval
Location: 48.07-2-11,13,15,17; Front Street
Contact: Site Design Consultants
Description: An approved site plan for a 2,108 SF one-story building and a 5,370 SF two-story building on 0.80 acres in the transitional zone.

Comments:

Joseph Riina, P.E. was present. Mr. Riina stated that the applicant is requesting a reapproval for the project and noted that there are no changes to the site plan. Chairman Fon asked the Board and Counsel if there were any issues and there were none.

Upon a motion by Aaron Bock, and seconded by Bill LaScala, and with all those present voting “aye”, the Board approved the resolution reapproving a stormwater pollution prevention plan, tree permit, refuse pickup times, lighting plan, and landscape plan for George Roberta Front Street.

Motion to Close Regular Session and open Work Session

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

WORK SESSION

Dorchester Glen Subdivision

Discussion: Subdivision
Location: 15.20-3-6; 1643 Maxwell Drive
Contact: Site Design Consultants
Description: Proposed 5 lot subdivision on 24.26 acres in the R1-20 zone.

Comments:

Joseph Riina, P.E.; and John Kincart, property owner were present. Mr. Riina stated that at the previous meeting the project was approved by the Board but noted that they did not have the resolution in hand at that time. The resolution noted a \$10,000 per lot recreation fee. The applicant has presented all along to donate over 11 acres of land that is delineated by a stone wall to the Town for a potential trail connection from Hanover East to the north end of the property in lieu of the recreation fee. They are here this evening to discuss this further. The overall site was shown to the Board showing the connection. Mr. Kincart shared a town street naming map with the Board where he highlighted the locations of his property, a neighboring property, the Hilltop Hanover Farm, the Hanover East Subdivision, and the Grange fairgrounds. He noted that the whole idea of donating the land in lieu of the fee is for the creation of a potential trail to provide connectivity for hikers, bikers and walkers and is why they proposed a 5-lot subdivision instead of 13-lots. He added that proposals like this have been before the Board before and cited the Featherbed aka Colangelo Major Subdivision property and its connection to the Hunterbrook linear park. He would still like to pursue donating this land,

which is almost half of the property, in lieu of the fee. The Board received a memo from the Recreation Commission stating that they would prefer the fee in lieu of the land donation, but he noted that land is forever and it is ultimately up to the Planning Board to decide. He is hoping that the Board will reconsider their decision and amend the resolution.

Mr. Bock stated that he agreed with Mr. Kincart's argument and noted that the issue here is whether you are looking at a project from the immediate point of view or projecting long term with the hope of creating other opportunities. He cited Legacy Fields on Strang Blvd where it dead-ended off of Rt 132. This was a town purchase made without consideration as to what they may use it for. The Town Board, at that time, authorized the purchase of that property without having any vision of what it might be but just knowing that it might provide an opportunity in the future for something. It turned out to be a viable asset to the Town after the way it was finally developed. He noted that the purchase of that open space had value at the time. Given the fact that this property is surrounded by other open space, it also has value. He personally likes the idea of balancing the recreational needs of the town in such a way that they are not exclusively going into active recreation but are also going into passive recreation. Preserving open space and accomplishing those objectives in this setting provides an opportunity for the future. He would support a modification to the resolution to take the land as it not a small amount of space and also noted that it is a benefit to the environment.

Chairman Fon asked Susan Siegel, member of the Yorktown Trailtown Committee, if she had any comment. Ms. Siegel stated that she worked with the Planning Board, Trailtown Committee, and the Open Space Committee on the Featherbed project and she thinks this proposal is interesting but is not familiar with the area and requested to have the Trailtown Committee and the Open Space Committee review the plans.

Mr. LaScala stated that he would support the amended resolution and feels that the donation of land will be an asset to the town. Mr. Waterhouse stated that he also had no issues with the proposal. Mr. Tegeder informed the Board that the resolution will need to be amended to include language for the land donation which could be drafted for the next meeting agenda. In the meantime, the application will be referred to the Open Space Committee for their comments. Mr. Riina stated that he will send the plan discussed this evening to the Planning Department.

Amawalk Friends Meeting House/CAPA Space

Location: 27.19-1-44 & 45; 2467 Quaker Church Road

Contact: Tim Hartung, Elise Graham

Description: An education and exhibition center dedicated to continuing the legacy of photographers Robert and Cornell Capa in the existing nursery school building.

Comments:

Elise Graham was present. Ms. Graham stated that she is one of the co-founders of the CAPA space and recently formed non-profit organization. They are proposing to rent an existing 935SF building on the grounds of the Amawalk Friends Meeting House located at 2467 Quaker Church Road for use as an education and cultural space dedicated to the mission of continuing the legacy of photographers Robert and Cornell Capa who are buried at the Amawalk Friends cemetery on the site. The Friends have been charged with the maintenance of the CAPA graves in perpetuity. Their mission intersects with the community in terms of learning about the power of photography. They expect the space to be open Thursday-Monday from noon until 6:00PM.

Mr. Tegeder informed the Board that this application was referred to the Planning Board by the Building Inspector for review. He noted that religious institutions are approved by special use permit under Section 300-54 of the Town Code. Under that same section of code is language for charitable, educational, social and cultural uses. There is an old parking plan and access that was created for this building which was used previously as a daycare. He feels that since the infrastructure is existing and will not be changed it does not warrant additional site planning.

Mr. Bock asked if the amount of people visiting the site would increase over what was there previously. Ms. Graham responded that she wasn't sure how many vehicles were at the site when it was used as a daycare. For their use, she didn't anticipate many cars and noted that it could be a continuous flow of visitors throughout the day as there may be some events but should not exceed 8 to 10 visitors per hour. They expect that the average time in the space would be about 20 minutes. They estimate that small gatherings should not exceed 25 people. Mr. Waterhouse asked if a large crowd could be anticipated for a gallery opening. Ms. Graham responded that it was possible. She noted that they were able to use the grounds for an event this past summer for a free outdoor film screening and about 40 people showed up and there was no issue with the parking.

Mr. Tegeder stated that he had no issue with the use since the site has been operating previously as a daycare which is a fairly intense use in the mornings and evenings. 8 to 10 people maximum rotating at the site is conservative and feels that it will not overwhelm the site. The discussion of events seems that it will not exceed what they would expect on a holiday at the church. He noted that there have not been any complaints or concerns about the operation of the site. Mr. Tegeder asked the applicant if leasing the site will provide money to the cemetery association for maintenance. Ms. Graham responded that it will and noted that they are looking forward to this collaboration. Mr. Phelan asked if the facility is to promote an interest in photography, showcase photographers or provide historical education. Ms. Graham responded that it was for all those items. Mr. Phelan stated that if they were to have a visiting photographer of interest, they would most likely have a larger crowd which would then need to be held offsite. Ms. Graham responded that it would but at this point it is unknown as people come and go.

After discussion, the Board had no issues with the proposed use. The Planning Department will submit a memo to the Building Department stating that the site as constructed can handle the use which is an allowed use under the section of the code that it is operating.

Meeting Closed

Upon a motion by Bill LaScala, and seconded by Aaron Bock, and with all those present voting “aye”, the Board closed the meeting at 8:00 p.m.