

Planning Board Meeting Minutes – December 9, 2024

A meeting of the Town of Yorktown Planning Board was held on Monday, December 9, 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:

Aaron Bock
Rob Garrigan
Bill Lascala
Bob Waterhouse, Alternate

Also present were:

John Tegeder, Director of Planning
Robyn Steinberg, Town Planner
Ian Richey, Assistant Planner
Nancy Calicchia, Secretary
David Chen, Esq.

Correspondence

- **2025 Planning Board Meeting Dates** – The Board had no issues with the proposed 2025 meeting dates.
- **Wipe Your Paws, 2013 Crompond Road; 37.14-1-45** – Per correspondence dated 11/20/24 from the architect, David Tetro, the dog walking area was originally designed to be located on the northeast side of the existing grass peninsula area however the contractor started excavation on the southwest side due to some confusion. The applicant is now proposing to amend the approved plan to relocate the dog walking area to the southeast side. After looking at the current excavation, it appears that this area makes it possible to park adjacent to the dog walking area whereas the approved design makes parking adjacent to the dog walking area problematic. In addition, after the installation of the safety bollards the driving aisle is tight. Chairman Fon asked the Board, Planning Department and Counsel if there were any issues and there were none. Tegeder stated that the Planning Department will prepare a memo documenting the Board's acceptance of the change for the record.

Motion to Approve Meeting Minutes of November 18, 2024

Upon a motion by Bill Lascala, and seconded by Rob Garrigan, and with all those present voting “aye”, the Board approved the meeting minutes of November 18, 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

Guiding Eyes for the Blind – Crompond Road

Discussion: One Year Time Extension
Location: 36.06-2-72; 3241 Crompond Road
Contact: Site Design Consultants
Description: Approved construction of a guide dog training facility/kennel/veterinary hospital and office space on 12.24 acres in the interchange zone by Planning Board Resolution #23-21 dated 12/4/2023.

Comments:

Joseph Riina, Principal and P.E. of Site Design Consultants was present. Riina stated that the applicant is requesting a one-year time extension for the approved project and provided an update to the Board. 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 a one-year time extension.

Motion to close Regular Session and open Work Session

Upon a motion by Rob Garrigan, 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

ZBA Referral #35/24 - Poggioreale

Discussion: Special Use Permit
Location: 26.20-2-3; 2829 Crompond Road
Contact: Vincent & Christina Poggioreale
Description: Proposed Day Care Center/Preschool on a 33,403 SF lot in the R1-80 zone.
Comments:

Vincent and Christina Poggioreale, property owners, were present. The site is located at 2829 Crompond Road and is zoned R1-80. The property is currently improved with an existing residence and parking area on a 33,403SF lot. The proposal is for the construction of a 3,600SF building (slab on grade, stick frame) that will connect to the existing building. The application is scheduled for the December 12th Zoning Board of Appeals agenda for a special use permit. Christina Poggioreale stated that she currently owns an existing center, Little Learners of Westchester, Inc., that they are proposing to relocate to this site. Vincent Poggioreale showed the paper plan set to the Board and noted that they were not officially stamped but could do so if required.

Bock asked if the plan was submitted electronically to the Planning Department and Vincent Poggioreale responded that they were not. Garrigan asked about the driveway width with respect to exiting and entering at the same time. Vincent Poggioreale responded that there is a substantial existing driveway. Garrigan noted that he was concerned about the potential back-up of traffic. Vincent Poggioreale added that the Conservation Board suggested using pervious pavers instead of asphalt in the parking area which they are agreeable to; a stone wall and landscaping is also proposed. Tegeder informed the Board that at times the ZBA feels that some daycares require more review than others and they feel that this is one of those applications. They are looking for Planning Board review and approval rather than just commentary given its location and the proposed construction. The application would then return to the Board for a formal site plan review and a full application and EAF will be required. Tegeder noted that a memo was submitted to the Board and applicant on November 1st listing requested materials and site plan modifications. The Board agreed that this made sense. Vincent Poggioreale stated that he will submit the engineering plans electronically to the Planning Department.

Fon asked if the application was in a floodway. Tegeder responded that they did not have any information as yet. Garrigan asked about the number of children in attendance. Christina Poggioreale responded that they currently service between 50 and 60 families and have 51 kids in care. Bock asked about the drop-off and pick-up schedule. Christina Poggioreale responded that it was scattered as the children arrive at different times during the day. The hours of operation are anticipated to be from 6:30AM to 6:00PM; summer time hours will be from 7:00AM to 6:00PM. She noted that they usually empty out by 5:30PM. Fon questioned if the existing structure was pre-existing non-conforming. Fon asked if the rear playground area is proposed to be fenced in. Vincent Poggioreale responded that it is but is not sure what is required. Fon informed the applicant that the plans are required to be signed and sealed.

After discussion, the Board requested that the Planning Department schedule a site visit with the applicant and if possible to include the Conservation Board and Zoning Board. The Planning Department will prepare a memo for the ZBA.

Town Board Referral - 841 & 851 Kipling Drive

Location: 26.08-1-60 & 26.07-1-8; 841 & 851 Kipling Drive
Contact: Petrona Santucci
Description: Request to enter the Hallocks Mill Sewer District.
Comments:

No representative was present. Dan Ciarcia, Town Engineer, informed the Board that the applicant is requesting to enter the property located at 841 Kipling Drive into the Hallocks Mill sewer district. For background purposes, there were two parcels, one vacant and another with two structures on it. At some point, the applicant moved the lot line to place one of the structures on the vacant parcel making it bigger and the other smaller. Presently both properties are connected to the sewer but share a sewer lateral which is not legal so they need to fix it. There is no change in the flow. This

application came to them from the Zoning Board as a violation from the Building Department and is part of a multi-prong cleanup. Tegeder asked how the lot line was moved as he doesn't recall seeing it. Ciarcia was not sure and thought that it may have been done by deed a while back and may have gone through the Assessor's office. Fon stated that his understanding is that the two structures are connected to the sewer and Ciarcia responded that this is correct but the lot line was moved so one of the structures sits on a lot that is not in the sewer district. Tegeder asked if there were two separate laterals. Ciarcia stated that there is only one lateral currently and if they are allowed in they would have to modify the connection.

After discussion, the Board requested that more information be provided on the history of the lot line adjustment and any violations. Tegeder stated that the Planning Department will look into this.

Town Board Referral - 3167 Lincoln Drive

Location: 25.08-2-20; 3167 Lincoln Drive

Contact: Gabrielle Salman Architect

Description: SWPPP and Wetland Permit Application for a rear deck and approval to construct a stone wall, fence, and sewer connection.

Comments:

Gabrielle Salman, Architect; and Odalis Urvina, property owner, were present. Salman stated that they received approval for the construction of a rear deck a while back. Since then the owner added other items and didn't realize that they needed to go through the same approval process. They are now requesting approval for the construction of a stone wall, installation of a 6-ft fence around the property, sewer connection, and driveway repaving (eliminating half of the driveway and installing grass on the other half). She noted that the survey shows an existing stone wall but there was a claim that alterations were made to the wall. The property owner would like to abandon their current septic system and connect to the the sewer.

Fon stated that it seems that the applicant is back for alterations and asked about the sewer hookup. Dan Ciarcia, Town Engineer, stated that the property is in the sewer district. Ciarcia informed the Board that the reason the application is before the Town Board is because it is adjacent to a state wetland. The applicant came in for the deck which was in the buffer area. Subsequent to that they received a complaint and was provided with photos. They looked through the aerial photo history to see if there were any modifications to the site and it appeared as if fill was brought in. They are now amending their application to consider this as the activity that would have taken place in the wetland buffer. Fon asked for the location of the septic and the owner responded that it was in front of the house. Fon asked if they were legalizing the fill and Ciarcia responded that they were. Fon asked how much fill was imported to the site. Salman responded that she didn't know. Ciarcia stated that there were photos of dump trucks in that vicinity and you could see that there was some activity from the aerial photos. Fon stated that this is in a wetland buffer and questioned if it was in a floodplain. Ciarcia responded that there is no defined flood elevation for Mohegan Lake. Fon asked what is was under FEMA. Ciarcia said it probably shows as Zone A but there isn't an actual FEMA defined flood elevation. Garrigan asked if it was a property line issue and if the neighbor thought that the rock wall was moved. Ciarcia responded that the issue was the proximity to the state regulated wetlands; the original permit was contingent upon the DEC approval for the activity. Ciarcia asked the property owner, Urvina, if they received anything from the DEC. Urvina responded that they did come to the property but never received anything in writing; they just assumed they received the approval and was not aware they needed anything else. Fon stated that his understanding is that the deck was built with a permit that was contingent upon the DEC and fill was transported to the site into the wetland buffer. A stone wall, fence and sewer hook-up is also proposed. Salmon stated that they are also proposing to repave the driveway. Tegeder asked how far from the lake they were as he was looking at the aerial and couldn't reconcile the plan to the aerial. Salmon said the blue area is the water and is from the survey.

After discussion, the Board requested that the Planning Department schedule a site visit with the applicant.

Meeting Closed

Upon a motion by Bill Lascala, and seconded by Aaron Bock, and with all those present voting "aye", the meeting closed at 7:26PM.