

# Planning Board Meeting Minutes – December 23, 2024

---

A meeting of the Town of Yorktown Planning Board was held on Monday, December 23, 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  
Judy Reardon, Alternate

Also present were:

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

---

Chairman Fon welcomed Judy Reardon to the Board as an alternate member.

## **Correspondence**

The Board had no comments.

## **Motion to Approve Meeting Minutes of December 9, 2024**

Upon a motion by Aaron Bock, and seconded by Bill Lascala, and with all those present voting “aye”, the Board approved the meeting minutes of December 9, 2024.

## **Motion to open Work Session**

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

## **WORK SESSION**

### **Savannah’s Restaurant**

Discussion: Site Plan  
Location: 25.20-1-3; 3901 Crompond Road  
Contact: Gina & Paul DiPaterio  
Description: Discussion of field changes to site plan approved by Resolution #24-22 dated October 7, 2024.  
Comments:

Gina DiPaterio, business owner was present. Per correspondence dated 12/9/24 from the architect, David Tetro, the plans were revised to remove the stone seat/bench around the perimeter of the patio and replaced with a fence. An additional revision was provided that indicated “existing asphalt” at the location of the parking area. Per DiPaterio, the asphalt will be changed to pavers to provide better drainage. As discussed at previous meetings, the applicant is seeking approval for an amended site plan to enclose the front porch for indoor dining, a new rear patio for outdoor dining, and to provide drainage mitigation for some of the parking areas behind the building.

The Board had no issues with the proposed revisions. Tegeder stated that the plans will need to be submitted for signature.

## **Guiding Eyes for the Blind**

Discussion: Approved Site Plan

Location: 36.06-2-72; 3241 Crompond Road

Contact: Site Design Consultants

Description: Approved 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:**

Jody Cross, Esq.; Joseph Riina, P.E. of Site Design Consultants; and Bill Ma of Guiding Eyes, were present. Cross stated that Guiding Eyes has fulfilled all the conditions of the approving resolution with the exception of two items. They are still waiting on the Army Corp permit for the stream crossing and the DOT permit. They have been diligently pursuing all their approvals and expect to receive both permits. The Army Corp permit has been pending for 140 days when they are typically supposed to respond within 45 days. Guiding Eyes is a non-profit organization and need to start construction. They are here this evening to request signature of the site plan so that they can move forward with phase 2 of the construction to begin the site preparation but nothing that would implicate the Army Corp or the DOT permits. Riina stated that this past August the Board granted them the ability to remove trees from the site that is now complete. They were expecting the Army Corp permit to follow shortly after. As mentioned earlier, other than the two permits everything else is in place. They received the DEC water quality certification. Guiding Eyes would like to proceed with all other work related to and up to construction of the building itself other than what falls under the purview of the Army Corp which is the culvert replacement at the driveway entrance and the mitigation work along the stream. The proposed work will include capping of the landfill, installation of the stormwater management system; and the cut and fill operation to get the site to the building pad elevation. The site contractor estimates it will take about 3 to 4 months which would be at the point of the building permit to be issued so they could start working on the foundation for the building. Fon asked if there was any correspondence with the Army Corp. Riina said they had a phone call meeting with the Army Corp last week. The Army Corp is all set but since the application is in the NYC watershed it was referred out to the DEP as part of their protocol and they have two weeks to respond with any comments. He added that the application was made in July and is a minor permit. Tegeder's stated that his understanding is that they would like to proceed with the work discussed and once they are complete they will expect to have the Army Corp permit in hand. Bock questioned how the plan will be affected should they not get the permit. Riina stated that the Army Corp permit only covers the culvert replacement and the stream mitigation and doesn't affect what they are asking for this evening. Riina said they expect to receive the permit based on their conservations. Bock asked if there was anything in writing. Riina said no but they had emails. Waterhouse asked if they would have to change the stormwater management if they don't receive the permit. Riina responded no, it would strictly be the stream crossing. Fon noted that they were way beyond the 45 day response period. Cross responded that this was correct and seemed to be an administrative delay. Bock asked about the forest management. Riina said it was submitted for the record in a formalized version of what was presented and discussed all along. Tegeder added it was already reviewed and discussed and is for the record.

Fon asked Counsel and Tegeder for their thoughts on how to proceed. Tegeder suggested preparing an excavation permit that details the requested phase 2 work and when the Army Corp permit comes through they will expand to the normal permit under the approval. Tegeder asked Riina to provide any correspondence to date with the Army Corp. Garrigan asked if they would want to see language with respect to the site should the permit be denied. Cross responded that should this happen, as an alternative, they would come back with another design for a site plan revision or amendment to the Board's approval.

After discussion, the Board and Counsel had no issue with proceeding but requested that language be put in place for the scope of work to be done and that the applicant is proceeding at their own risk. Cross agreed and stated that she would have no objection to language stating that they acknowledge that they are proceeding their own risk. The Board advised Cross to work with Counsel and the Planning Department.

### **Underhill Farms**

Discussion: Minor Subdivision

Location: 48.06-1-30; 370 Underhill Avenue

Contact: Site Design Consultants

Description: Proposed minor subdivision of site plan approved by Resolution #24-13 dated July 15, 2024.

Comments:

Mark Blanchard, Esq.; Joseph Riina, P.E. of Site Design Consultants; Paul Guillaro, property owner; were present. Blanchard stated that the proposal is for a minor subdivision approval to divide the property into two lots. He noted that they talked about this conceptually during the course of the site plan and are now back with a formal plat. The plat now contains the zoning table that was requested at a previous meeting. The applicant is requesting to move forward with a public hearing in January if the Board is satisfied with the plan and the revisions that have happened thus far.

Bock requested that the applicant show the subdivision superimposed on the approved plan. Bock asked if there were any changes to the original site plan resolution that would flow into the proposed two-lot subdivision as opposed to the one lot such as easements and public access. He assumes it will not change conceptually but it may internally now that there are two lots. Blanchard stated that he has worked through all of the easements with the Town Attorney, Adam Rodriguez, and they have the open space easement around the pond; the Beaver Ridge emergency access easement; and a restrictive covenant, not landmark, on the house. These three documents are approved and the recording process is underway. Tegeder asked about the cross access easement between the two lots. Blanchard stated that this would be a fourth easement that would be part of this resolution and still needs to be worked on.

Riina stated that the changes to the site plan include relocating the two townhome units back to the originally approved site plan; relocation of 9 parking spaces from the apartment building as a result of column spacing; removal of the existing wooden footbridge and installation of culverts to allow the water to flow through with a consistent gravel surface. Bock asked if the Board needs to take action on these items formally; should they be addressed with the subdivision or separately. Blanchard thought that it could be a separate action as an amendment to the site plan. Tegeder stated that this could be done as a resolution as the amendments are minor and may not need a hearing but is a matter of keeping the record. The Board agreed to do it all at once.

Blanchard clarified that his statement about a fourth easement with respect to the cross easement was incorrect and noted that it is complete as part of the offering plan for the condominium.

Fon asked who will handle the maintenance for the recreational portion. Guillaro said it would be the property owner's association. Tegeder questioned if the language is in the current approved easements as it has to follow the two properties. Blanchard responded that it was. Tegeder felt that the subdivision language should be referenced in the easements and on the plat so that they are followed by both lot owners.

Blanchard clarified that they presented the easements to the Town Board Attorney and Town Supervisor and are approved for presentation to the Town Board; they are approved in substance but haven't been signed. Bock asked to see the documents. Blanchard stated that he will submit the easements with an explanation for the Board's review.

After discussion, the Board agreed to waive the public informational hearing. A public hearing will be scheduled for the January 27<sup>th</sup> agenda.

### **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:

Odalis Urvina, property owner, was present. Fon stated that the site visit scheduled for this past weekend was canceled due to the weather. Tegeder asked Urvina to update the Board with respect to the application. Urvina stated that when they submitted the permit for the deck they were referred to the DEC as they are next to Mohegan Lake. The DEC scheduled a site visit in February. They then attended a meeting and were told that the permit for the deck was approved. In September, they received a letter from the DEC stating that they had a notice of violation due to the fill. She believes that this is where all the confusion started.

Ciarcia, Town Engineer, informed the Board that the applicant applied for a deck on the house but the deck was in the DEC wetlands buffer. They went before the Town Board and the resolution was approved contingent upon receiving DEC approval. A local wetlands permit was issued but the DEC had overlapping jurisdiction. Subsequent to this, they received a report that there was additional fill beyond the deck and the lake that would require a permit and this is when the DEC issued their notice of violation. They had a resolution approving the sonotubes to install the deck and then amended it once the fill issue came to light; now they have the added complexity with the DEC violation that needs to be resolved. Hopefully, the DEC will issue a permit but they may require some type of wetlands remediation.

Fon asked if the deck was already built and Urvina responded that it was. Ciarcia stated that essentially it is a Town Board jurisdiction but was referred to the Planning Board for input but ultimately the DEC will provide a resolution.

After discussion, the Board agreed that there were no planning issues for this application and that it should be left to the Engineering Department and the DEC to work out the details. The applicant was advised to work with the Town Engineer and the DEC. The Planning Department will prepare a memo for the Town Board.

### **Garden Lane Apartments**

Discussion: Approved Site Plan

Location: 35.08-1-27; Old Crompond Road

Contact: Garden Lane Development LLC

Description: Discussion to begin clearing pursuant to approved site plan by Resolution #23-16 dated 8/14/23.

Comments:

Gino LaVerghetta, principal of Garden Lane Development was present. LaVerghetta stated that they received site plan approval on August 14, 2023. He is here this evening to request for the Board to consider allowing them to pull a permit to begin clearing the land and pouring the foundation as they await for the sign-off from the Westchester County Board of Legislators to connect to the Peekskill Sewer District. The sign-off is through the Health Department and in simultaneous review by the Law and Planning Departments. His understanding is that this is all a formality. They submitted the application a year ago and it was acknowledged that they are in receipt. They are prepared to assume any liability associated with this request.

Bock asked if the property was currently in the district or is it that they want to be included. LaVerghetta wasn't sure. Ciarcia, Town Engineer, stated that they are in our district and out of the county district. Applications for the county district takes about a year. Waterhouse was concerned that if they give them permission to move forward and the county denies the application they would then have no ability to do septic. Fon was concerned with the sewer infrastructure. Ciarcia stated that if they were allowed to move forward with the clearing, erosion control and site preparation and all were to unravel the parcel would still be developed in some fashion. He noted, however, that he had no reason to believe that the county wouldn't approve it and is comfortable with allowing the clearing to proceed if the Board feels the same way. Garrigan asked how many trees are to be removed. LaVerghetta replied that the land was vacant and it's not a couple of trees. Tegeder stated that his recollection of the property was that it was formerly developed so there is an area with remnants of an old driveway and a cleared area of where the house used to be. It hasn't been there for decades but it's not what you would expect as raw forested land that has 50 years of second growth on it. Garrigan's concern is if the application is denied the tree removal will change the attributes of the property for another type of development such as single-family homes that may want more of a wooded lot. Tegeder stated that the plan in the packet shows about a 100 trees to be removed.

Fon asked if they reached out to the County. LaVerghetta responded that they did on numerous occasions and they now have an expeditor on the case. Bock asked how much work could be done general. LaVerghetta responded that before this weekend they could have done a lot more; his understanding is that it is presumed to be a warmer than expected winter. He added that they have done all that was required with the Planning and Building Departments and are ready to go. As mentioned previously, they are prepared to assume any liability associated with this request. Fon asked Counsel for this thoughts. Chen thought that language could be put in place for the assumption of risk with respect to the sewer connection if they were to move forward. The Board advised the applicant to work with Counsel and the Planning Department.

**SDML Realty, LLC aka Dunkin Route 202**

Discussion: Approved Site Plan

Location: 35.08-1-11, 14, 15, 23; 3735 Crompond Road (Route 202)

Contact: Engineering & Surveying Properties, PC

Description: Discussion to remove two additional trees.

Comments:

No representative was present. Per correspondence dated 12/18/24 from the project engineer, Reuben Buck, the applicant is requesting to remove two additional trees not previously identified during the initial tree survey conducted for the site. The removal of these trees are required to facilitate the installation of the outlet pipe for the proposed stormwater pond that was reviewed and approved by the Planning Board as part of the overall stormwater management plan. The two trees are located within the alignment of the approved outlet pipe in the road right-of way and are noted as tree #28, 10" dbh and tree #29, 34" dbh. A photo of the trees were submitted with the letter.

Fon stated that it seems they approved the pipe locaton under the tree. Ciarcia responded that their tree survey didn't extend into the right-of-way. The Board questioned whose right-of-way it was and the response what the town.

After discussion, the Board had no issues with the proposed tree removal but as a condition of the approval they requested that the applicant line the existing channel with riprap to the satisfaction of the Town Engineer. The Planning Department will prepare a memo documenting the changes.

**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:

After further review, the Board agreed that they had no planning objections to the proposed request. The Planning Department will prepare a memo for the Town Board.

**Meeting Closed**

Upon a motion by Aaron Bock, and seconded by Rob Garrigan, and with all those present voting "aye", the meeting closed at 7:53PM.