

Planning Board Meeting Minutes – April 7, 2025

A meeting of the Town of Yorktown Planning Board was held on Monday, April 7, 2025, 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:

Rob Garrigan
Bill Lascala
Bob Waterhouse
Judy Reardon, Alternate

Also present were:

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

Correspondence

The Board reviewed all correspondence and had no comments.

Motion to Approve Meeting Minutes of March 24, 2025

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 March 24, 2025.

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

Dorchester Glen Subdivision

Discussion: First 90-Day Time Extension
Location: 15.20-3-6; 1643 Maxwell Drive
Contact: Site Design Consultants
Description: Request for a first 90-day time extension for a 5-lot subdivision on 24.26 acres in the R1-20 zone approved by Planning Board Resolution #22-28 dated 11/14/2022.

Comments:

Joseph Riina, P.E. of Site Design Consultants was present. Riina said that they recently received verbal approval from the Health Department. They are just waiting for the plat to be finished for final signature. Fon asked the Board, Planning Department, and Counsel if there were any comments and there were none.

Upon a motion by Rob Garrigan, and seconded by Bill Lascala, and with all those present voting “aye”, the Board approved the first 90-day time extension for the Dorchester Glen Subdivision.

Home & Hearth

Discussion: Second One-Year Time Extension
Location: 15.12-1-2; 1750 East Main Street
Contact: Site Design Consultants
Description: Request for a second one-year time extension for a site plan approved by Planning Board Resolution #23-07 dated 5/22/2023.

Comments:

Joseph Riina, P.E. of Site Design Consultants was present. Riina said that they already have the signed site plans for the project but the applicant has yet to obtain the building permit as they are working on the construction drawings for the

building. Once this is complete they will file for the building permit. Fon asked the Board, Planning Department, and Counsel if there were any comments and there were none.

Upon a motion by Bob Waterhouse, and seconded by Bill Lascala, and with all those present voting “aye”, the Board approved the second one-year time extension for Home and Hearth.

Underhill Farm – Minor Subdivision

Discussion: Decision Statement

Location: 48.06-1-30; 370 Underhill Avenue

Contact: Site Design Consultants

Description: Proposed minor subdivision of the previously approved Underhill Farm Site Plan.

Comments:

Mark Blanchard, Esq.; Joseph Riina, Project Engineer of Site Design Consultants; and Michael Guillaro, property owner, were present. Blanchard said that he believes the subdivision resolution is in its final form and they have come to an agreement with the terms and their obligations that they have to follow up with the Planning Department. Fon asked Chen if the legal issues have been ironed out and Chen responded that they were. Tegeder noted the paragraph within the resolution that details the property owners association document for the Board’s information.

Upon a motion by Bill Lascala, and seconded by Rob Garrigan, and with all those present voting “aye”, the Board declared themselves Lead Agency.

Upon a motion by Bob Waterhouse, and seconded by Bill Lascala, and with all those present voting “aye”, the Board adopted the Negative Declaration.

Upon a motion by Rob Garrigan, and seconded by Bob Waterhouse, and with all those present voting “aye”, the Board approved the resolution approving the subdivision plat titled Underhill Farm.

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

Underhill Farm – Site Plan

Discussion: Site Plan Amendments

Location: 48.06-1-30; 370 Underhill Avenue

Contact: Site Design Consultants

Description: Proposed amendments to a mixed use development previously approved by Planning Board Resolution #23-13 dated 7/17/2023 and amended by Planning Board Resolution #24-13 dated 7/15/2024.

Comments:

Mark Blanchard, Esq.; Joseph Riina, Project Engineer of Site Design Consultants; and Michael Guillaro, property owner, were present. Riina said that at the last meeting it was brought to their attention by the Planning Department that the footprint for the senior center changed so the plan was amended to reflect this. The front entry point is facing Rt 118 with a drop-off area where it was as part of the originally approved site plan. The condition of shared parking as per the original approval during the hours of 8am to 5pm on the weekdays is still in play; nothing else has changed.

Reardon asked when the parking isn’t shared who else has access and the response was the residents of the apartments. Waterhouse asked if there was any associated work for the drop-off on Rt 118. Riina said that it was totally within the Beaver Ridge site just facing Rt 118. Fon noted that it was discussed previously that the NYSDOT won’t allow any more openings or a sidewalk on this stretch. Riina said that it was a non-access right-of-way. Tegeder said that his latest understanding is that the shared parking had a timeframe but that there wasn’t a stated limitation on the number or exact location. Riina said this was correct and added that other parking areas on the site are available. Tegeder noted that there is a note that says there are 20 spaces available for use by the senior center that probably has to be modified. Riina said it was to make it clear that an area is available for seniors but they can add a note to state that it is open access to the site.

Tegeder asked the applicant if they received a copy of the latest draft resolution and the response was that they did not. Fon handed his copy of the draft resolution to Blanchard for review. Tegeder informed the applicant that there is

language added with respect to the senior center noting that there will be 12 times per year upon written notice from the town to use those spaces for a set number of events outside of the days and times agreed upon. Blanchard said that he doesn't recall discussing this but will review it and work with the Planning Department. Tegeder responded that this was a new addition that he wanted to point out to them.

Fon asked the Board if there were any other comments outside of the details of the senior center. Tegeder noted the additional parking in front near the mansion to accommodate the café. Tegeder informed the Board that they should look at the architectural elevations for the additions to the main house as they have been charged in ensuring that the historical character and quality is met to the greatest extent possible and that it is to the Board's liking and acceptance. Waterhouse asked if the new windows will mimic the existing windows on the main house and Guillaro responded that they will. Fon thought that the shutters should be carried throughout the building to make it look as close to the original structure as possible, otherwise, he felt that the plan looked fantastic. Lascala agreed. There were no other comments. Fon advised the applicant to review the draft resolution and work with the Planning Department for final approval by the Board.

Moundroukas

Discussion: Site Visit

Location: 16.07-1-2; 3665 Barger Street

Contact: Judson Siebert, Esq. of

Description: Proposed construction of a 2,450SF commercial building on a .32 acre parcel within the C-2 zone.

Comments:

Judson Siebert, Esq. of Keane and Beane; Carlos Sosa Streber, Architect of CMSS Design & Development, Inc.; and Dino Moundroukas, property owner, were present. Fon stated that the Planning Board conducted a site visit with the applicant and noted that the site was very flat and out of the flood zone. Siebert said that they received the Planning Department's comment letter dated 4/4/2025 and noted that it was straight forward and felt they could move forward with a site plan application. He noted the discussion from reducing the originally proposed 17 spaces to 10 spaces and asked for clarity of the term "conservation spaces." Tegeder responded that they are land banked spaces for future use. Fon asked if there was a concern that they will need the parking for future tenants. Moundroukas stated that this was his concern and would like to increase the 10 required spaces by a few more as it would be helpful and noted some potential issues such as employee parking, etc. Reardon asked about the potential of connecting with the funeral home parking lot. Moundroukas stated that the funeral home is currently under a lease but they are in the process of negotiating a new lease and noted that this could be explored. Fon noted that when adjoining properties are owned by the same owner it could help with the ease and flow of the parking with a connection if possible. Garrigan questioned if it would have to be a driveway connection and suggested a possible walking path from one lot to the other as an alternative. He thought that creating a driveway connection may create a cut-thru of some sort exiting out into the busy intersection. Siebert stated that they will look into this. The Board advised the applicant to work with the Planning and Engineering Departments.

Miraggio Restaurant

Discussion: Special Use Permit for Outdoor Seating

Location: 37.15-1-23; 90 Triangle Center

Contact: JMF Architects

Description: Request to construct a permanent outdoor dining area consisting of 114 seats.

Comments:

Jim Flandreau, Architect, was present. Flandreau said that he is present this evening to request a special use permit to construct an outdoor dining area for Miraggio restaurant. The applicant is proposing to convert the courtyard area consisting of grass, trees and paving in front of the restaurant into an outdoor dining area as shown in the renderings submitted. The existing trees and pavement are proposed to be removed and the grass area will be flattened to accommodate the dining area. A raised platform is proposed to be built over the area that will consist of composite material with planter beds around the outside of the structure for privacy and security purposes. The planter beds are proposed to be flowered seasonally. They performed the calculations per the code and the maximum amount allowed with the restroom space is 114 seats; they are willing to decrease the seating if necessary. He noted that the seating layout shown on the rendering is just to show representation of the area and leftover space. The proposal is to have free

form seating with an aisle for egress to get in and out of the spaces. A 4-ft ramp is proposed for handicapped access. The lighting will consist of a few poles with lights.

Waterhouse asked how many seats in total with the restaurant and outdoor dining. Flandreau responded that it would be a total of 440 seats (326 inside and 114 outside). Waterhouse asked if the deck was raised for the entire area. Flandreau said that it will be raised according to the grade; one side will be even with the curb side and the other side will be raised a bit. Reardon asked about the enclosed area in the passageway with the playground. Flandreau said that this was not in their area. Tegeder said that this was further down along the path and is part of the daycare center.

Tegeder asked about the decking material. Flandreau said it would be composite with open joints for drainage. Waterhouse noted the area along the walkway is covered and asked if the dining area would be covered for additional usage. Flandreau responded that this was not discussed with the applicant. Tegeder said that he would like to look into the history of the site to see if there are other reasons for it to be there other than just the aesthetics with respect to handling the drainage in play, if there is then he thinks covering the area would be precluded. Flandreau stated that there are a couple of catch basins in the area, more on the outside and one on the interior of the space which is why they are raising the seating area. He noted that the catch basin is filled with garbage and not functioning properly so they are proposing to clean it out to avoid any future impacts.

Fon stated that parking is clearly not an issue for this site. Garrigan asked if they are removing all of the trees. Flandreau responded that this is the intent but they are proposing to install planters throughout the space with smaller trees to soften the area. Waterhouse asked about the handicapped access to the deck. Flandreau showed the ramp on the plan and noted that it could be widened if necessary. Garrigan asked if the main entrance was also for the service entrance for the wait staff and if so was there another way of entrance to the outdoor dining area. Flandreau responded that this was correct and noted that there is a party room to the side but after discussion with the owner it wouldn't make sense to go through that room if there is a party. Fon advised the applicant to work with the Planning Department on the code details and the original intent of the area.

ZBA Referral #04-25 - Ardolino

Location: 27.10-1-26; 2853 Hedwig Drive

Contact: Richard Ardolino, Geoffrey Ardolino

Description: Request for an area variance due to a proposed lot line adjustment altering two adjacent lots.
Lot 26 from 20,009-SF to 17,839.6-SF and lot 25 from 13,544.5-SF to 15,713.97-SF.
Both parcels are located within the R1-20 Zoning District.

Comments:

Geoffrey Ardolino, property owner, was present. Ardolino said that he filed for a lot line adjustment to transfer property from 2853 Hedwig Drive to 2845 Hedwig Drive that would bring 2853 Hedwig Drive under the R1-20 zoning requirements of 20,000SF. As a result, they filed for a variance; the certified mailings to the neighbors are complete and a copy will be submitted to the Building Department tomorrow for the ZBA.

Fon asked the Board, Planning Department, and Counsel if there were any issues and there were none. The Planning Board agreed that they had no planning objections. The Planning Department will submit a memo to the ZBA.

Town Board Referral - Chapter 300 – Accessory Dwelling Units

Description: Proposed local law to amend Section 300-38 to regulate accessory dwelling units in single-family homes by modifying several bulk requirements related to the size of accessory dwelling units and lot area on which they may be allowed.

Comments:

Tegeder informed the Board that the proposed amendment to the existing local law is to allow an accessory dwelling unit in an existing detached accessory structure. Currently the law allows for an accessory unit within the existing use (*i.e. – house or above the attached garage*) that is within an acre or more zone; not a conversion. The proposed amendment will allow any existing accessory structure on the property to potentially be converted into an accessory dwelling unit. The maximum square footage is proposed to be raised to 1,000sf from 800sf. He thought that this may be a consideration for discussion with respect to the type of units they can get with the square footage (*3 bedrooms with the 1,000sf and 2 bedrooms or smaller with the 800sf*), number of people within a neighborhood, the type of units on a

single property including half acre properties, etc. Tegeder added that per the existing law one dwelling unit has to be owner occupied but the requirement that it has to be the larger portion is proposed to be removed.

Waterhouse asked about the minimum square footage for accessory dwelling units. Tegeder said that the minimum was 400sf (*studio style apartment*) and would be limited to 1,000sf in total. Reardon asked if there was a sewer requirement. Tegeder said that they would have to meet the Health Department requirements and approval for the existing and additional bedroom counts for septic and sewer. Fon asked about the parking. Tegeder said it will remain as 1 ½ off street parking per unit and noted that it would double the required amount of parking on any given single-family lot.

Tegeder informed the Board that the accessory dwelling units are approved for a few years by special permit and there are some that don't reapply for renewal so there is an enforcement issue.

Waterhouse felt that they are essentially converting a single-family lot into a multi-family lot and he is not sure how the neighbors would feel about this. Tegeder said that the size is an important consideration and noted that it has to be an existing detached structure so they could not purposely build new structures for accessory dwelling units.

Waterhouse asked about the minimum acreage size. Tegeder said that it is being expanded from one-acre and above to all single-family residential zones which will include half-acre zones of R1-20, and R1-10 that currently have a minimum lot size of half acre. He added that there are many R1-10 properties that are less than the minimum.

Waterhouse asked if the units had to be sewer and if they could still be on septic. Tegeder said they could still be on septic but would need the appropriate infrastructure and Health Department approval. Lascala asked if this would be allowed on a ¼ acre zone and the response was yes.

Garrigan thought that there may be some merits with keeping families together. Lascala and Waterhouse were concerned about changing the character of the neighborhood.

Fon asked about the process if, for example, someone were to convert their detached garage into an apartment. Tegeder said it would go to the ZBA for a special permit and reviewed per the code for compliance. Fon asked what would happen if the applicant doesn't reapply for their permit upon expiration. Tegeder thought that theoretically it would then be illegal and they wouldn't have the right to occupy the unit if the approval is not maintained; the Building Department would be responsible for the enforcement. Tegeder noted that there are quite a few accessory dwelling units in existing homes currently (about 170). Councilman Esposito said that the number fluctuated between 150 and 250. Fon noted that the law is currently in place for in-home accessory dwelling units on larger parcels. Councilman Esposito said that this was correct and said that Ken Belfer and the Housing Committee brought up their housing concerns to the Town Board with respect to affordability and housing options and noted that there is grant money available for potential conversions.

Councilwoman Siegel informed the Board that there is a special grant available that the Town participated in with habitat seeking. Siegel stated that Habitat for Humanity works in conjunction with Pace University and also the housing action counsel which vets the owners and noted that there are all types of restrictions. The \$125,000 grant would be for everything from design costs to the actual construction. She said that two Yorktown homeowners have already qualified for the program; one has no cost to the homeowner but the other does have a cost. She added that the ADU law has been in existence for many years and now they are proposing two key changes. The current law states that the property owner has to live in the larger portion and the proposed amendment would change this by allowing the owner to live in one dwelling unit no matter the size. For example, if a senior couple were looking to downsize they could rent the larger unit and occupy the smaller unit. Additionally, the way the grant is written it would have to be 1,000sf for the size of the ADU unit and not the 800sf.

Councilman Esposito noted that the major changes are the tax component, lowering of acreage, raising the square footage, and removing the condition of the owner occupying the larger portion by allowing them to live in the smaller portion if they so choose.

Waterhouse asked about the infrastructure with respect to potentially doubling neighborhood capacity into the local sewer treatment plant; and who would defray the upgrade cost for the sewer treatment plant. Councilwoman Siegel responded that a special permit is required from the ZBA and there are multiple sections per the code where the impacts have to be considered and added that the request could be denied if the ZBA thought there were negative impacts to the neighborhood and abutting property owners. The ZBA could also require additional on-site parking and landscaping in terms of neighborhood character. They can also take into consideration how many ADUs are in the area. Councilman

Esposito noted that this was a concern with respect to clustering and noted that this was Tegeder's concern from 800sf to 1,000sf as you could potentially have 3-bedrooms.

Councilwoman Siegel said that with respect to the sewer, her thought was that one more household in a neighborhood would not cause an impact. Waterhouse said his concern was not one more household but the potential for multiple single-family houses within a neighborhood community turning into two-family households (*i.e. – 10 single-family houses turning into 20*). Councilwoman Siegel said that the ZBA would look at this and turn it down. Waterhouse was concerned how the rulings would work.

Councilwoman Siegel informed the Board that the Town Board will hold a public hearing on May 6th. She noted that there needs to be better enforcement with the special permit renewals but didn't think there have been any issues with ADUs over the years. Waterhouse noted that the amount was currently under 250.

Tegeder asked Councilwoman Siegel if she was aware of the exact restrictions of the granting mechanism related to the 1,000sf. Councilwoman Siegel said that she was told that when someone applies to habitat, habitat then works with the housing action counsel to go through the details. She noted that there are certain municipalities signed up with habitat to be part of this program. Tegeder asked about the potential 1,000sf municipality requirement with respect to the grants and how it will work. Councilman Esposito said that the grants are available currently for ADUs up to 800sf and doesn't think the grant regulates or requires it to be 1,000sf. The new ADU law would be a town requirement that that they are proposing to expand and is not something required by the grant process.

Fon questioned if this could affect potential new single-family home subdivisions with respect to potential garage conversions. Tegeder thought that there is a potential for this in the law and should be a consideration of the Board. Councilwoman Siegel said that she believes that the way the existing law is written is that the house has to be in existence for two years; a new house cannot be converted into a two-family house suddenly.

Councilman Esposito said that in response to Fon's question, under the existing law if the acreage is met and the units have attached garages they would be eligible for an ADU, they are now proposing to add the component of a detached accessory unit so they would have the same consideration. Reardon thought that a new subdivision would have an HOA that would address this issue in an offering plan.

Councilwoman Siegel informed the Board that she is the Housing Board liaison. She said that the Housing Board met with the ZBA and went through the issues raised including increasing the square footage from 800sf to 1,000sf before they met with the Town Board on the suggested changes. She thinks they were told by the ZBA that sometimes residents will ask for a variance of the 800sf limit and the ZBA will grant it if appropriate.

Reardon noted the merits which include keeping parents and family members in their homes, potential help with childcare, affordability, and an efficient way to run their property as an ADU. She added that childcare is an essential component of a family neighborhood. Waterhouse felt that this is a simplistic way of looking at it because it cannot be assumed that it will be family to family and they also don't know what the future holds. Lascala objected to the 1,000sf and felt that an accessory apartment should be limited to 800sf. He also questioned the grant eligibility and why the taxpayer should be responsible for the construction of the apartment.

Councilwoman Siegel again noted that a hearing will be held on May 6th and informed the Board that a Housing Board representative could attend their next meeting to answer any questions.

Fon asked if the ZBA had any comments. Tegeder said it was an informal discussion and doesn't think they issued any official comments as yet.

Councilman Esposito said that that Town Board is seeking feedback for consideration of the acreage, detached component, square footage increase, modifying the owner's living portion, and character. Lascala felt that the effect on the neighborhood, parking, and sewers should be considered. Fon noted the merits with allowing senior citizens to remain in their homes. Fon was concerned about the parking and questioned the 1/2 space in the 1 and 1/2 space requirement. He noted that in today's environment many people have their own cars and questioned how this would affect a neighborhood; parking on the streets would change the character of a neighborhood. Lascala thought that less square footage may help with the parking. Waterhouse noted a possible occupancy requirement.

Fon noted that there may be engineering issues and asked Ciarcia, Town Engineer, about the code with respect to the potential conversions. Ciarcia said that it would depend on the property. For example, if it were on septic it would require Health Department review and approval. There are also setback requirements that need to be considered. This

would affect old infrastructures. Historically, some detached accessory structures follow the structure setback and there may be an existing garage that is 10ft off the property line that could potentially turn into an apartment. He thought that if this was a potential that they didn't like they could codify it. The question is do they just enforce all the other setbacks of the zone. Tegeder said that the law still requires the 40,000sf minimum limit but will check into this.

Tegeder said that in terms of the neighborhood character, they often see lots that are below the 20,000sf minimum requirement because they are in an older neighborhood and felt that this is difficult to review and base a decision on for neighborhood character. Discussion followed with respect to housing and the community. Councilman Esposito noted that the ADU law is currently in place and they are now proposing to tweak the parameters as discussed. Waterhouse said that he is aware of the existing law but they are now adding options to the program in place and his concern is how this could potentially transform a neighborhood should many residents consider ADUs. He feels that there is a potential for this to happen and they need to plan for it. Councilman Esposito said that the acreage would help with this concern. Reardon asked if it was one-acre for a detached accessory apartment and Tegeder said yes.

Fon requested that they place this item on the next meeting agenda for further discussion and noted that he would like to hear from Bock who was not present this evening. He felt that the proposed amendment needs to be well thought out and looked at thoroughly. The Board agreed. Fon advised the Board and Planning Department to gather their thoughts for discussion at the next meeting. The Planning Department will submit a memo to the Town Board requesting more time for review.

Meeting Closed

Upon a motion by Bill Lascala, and seconded by Bob Waterhouse, and with all those present voting "aye", the meeting closed at 8:10PM.