

Planning Board Meeting Minutes – July 11 2022

A meeting of the Town of Yorktown Planning Board was held on **Monday, July 11, 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
- Rob Garrigan
- Bob Phelan
- Bob Waterhouse, Alternate

Also present were:

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

Correspondence

The Board reviewed all correspondence.

Motion to Approve Meeting Minutes of June 27, 2022

Upon a motion by Aaron Bock, and seconded by Rob Garrigan, and with all those present voting “aye”, the Board approved the meeting minutes of June 27, 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

Lakeview Estates Lot 6

Discussion: Decision Statement

Location: 47.11-1-15; 1102 Gambelli Drive

Contact: Gregg Chappell

Description: Proposed residence on the last subdivision lot in the Lakeview Estates subdivision.

Comments:

No representative was present. Mr. Bock asked Mr. Glatthaar about his perception of the hardship presented by the applicant. Mr. Glatthaar responded that he thought that the hardship was locating the house on the site that would impinge the rock out cropping and the wetland buffer and noted that it is a difficult site. Mr. Bock stated that with respect to the zoning law, the hardship is imposed upon the applicant, and sometimes the applicant knows what the site issues are and was wondering if this meets the criteria. Mr. Glatthaar responded that it is hard to say but he feels that the applicant offered a good rationale as to why they sited the house where they did and the steps taken to minimize the impact. He thinks that the prior approvals within the subdivision shows a pattern of working with those applicants for approval with minimal impacts on the original intent of the subdivision. He felt that what this applicant is asking for is consistent with that intent. Chairman Fon asked the Board if there were any other comments. Mr. Bock stated that after consideration, he was not in favor of the proposal. There were no other comments.

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

Upon a motion by Bill LaScala, and seconded by Rob Garrigan, and with all those present voting “aye”, the Board adopted the Negative Declaration.

Upon a motion by Rob Garrigan, and seconded by Bill LaScala, and with all those present voting “aye”, with the exception of Aaron Bock voting “nay”, the Board approved the resolution approving site plan, stormwater pollution prevention plan, and tree permit for Lot 6 within the Lakeview Estates Subdivision.

Boniello Equities Subdivision

Discussion: Decision Statement

Location: 37.09-1-67, 70, 71; 2012-2016 Crompond Road

Contact: Gus Boniello, Boniello Equities

Description: Proposed resubdivision of three lots to create 4 lots and construct two new two-family residences.

Comments:

Jared Boniello was present. Mr. Boniello stated that he received the Town Engineer’s memo dated 7/11/2022 and will conform with the comments received. Chairman Fon asked the Board and Counsel if there were any comments or issues and there were none.

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

Upon a motion by Bill LaScala, and seconded by Aaron Bock, and with all those present voting “aye”, the Board adopted the Negative Declaration.

Upon a motion by Aaron Bock, and seconded by Bill LaScala, and with all those present voting “aye”, the Board approved the resolution approving subdivision plat and stormwater pollution prevention plan permit for the Boniello subdivision as amended to include the Town Engineer’s comments as noted in the July 11, 2022 memo.

Colangelo Major Subdivision

Discussion: Request for First 90-Day Time Extension

Location: 35.16-1-4; 1805 Jacob Road

Contact: Hocherman Tortorella & Wekstein, LLP

Description: Approved 6-lot subdivision in the R1-160 zone by Resolution #21-01 dated February 8, 2021.
Request for first 90-day time extension on last reapproval.

Comments:

Joseph Riina, P.E. of Site Design Consultants was present. Mr. Riina stated that he is here this evening to request a first 90-day time extension. He noted that the applicant is working on finalizing the legal aspect of the project. Chairman Fon asked the Board and Counsel if there were any comments or 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 first 90-day time extension for the Colangelo Major Subdivision.

Motion to Closed 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

Discussion

Location: 48.06-1-30; 370 Underhill Avenue

Contact: Site Design Consultants

Description: Proposed mixed use development of 148 residential units, 11,000 SF additional commercial retail space, and recreational amenities. Original main structure to remain and be reused. Development is proposed on a 13.78 acre parcel in the R1-40 with Planned Design District Overlay Zone authorization from the Town Board.

Comments:

Chairman Fon stated that the applicant was unable to attend the meeting this evening. He noted that the Board agreed to hold a special meeting to discuss comments raised, both positive and negative, following the Public Informational

Hearing for the application. Mr. Bock thanked the Planning Department for preparing a summary memo and supplying associated materials for the Board's review. He stated that he, Chairman Fon, John Tegeder, and some representatives of the applicant met for an informal discussion following the hearing. They discussed the traffic improvements and possibly building the entirety of the proposed improvements in return for a tax abatement over a period of time. He added that traffic was an issue that was raised repeatedly during the hearing. The work proposed in the stream and wetland area was also discussed and it was suggested for the applicant to consider eliminating two of the buildings closer to Underhill Avenue to preserve that space. He noted that he is not suggesting that the project go down in unit count but instead be distributed elsewhere on the site in such a way to preserve the sensitive environmental areas.

Discussion followed amongst the board members with respect to the project's impacts. Mr. Tegeder stated that the Board is the agency that will determine if there is a significant adverse impact, the threshold for a positive declaration. He reviewed the traffic plan as an example with the proposed mitigation. He noted that they have received quite a bit of information with respect to this project already. The Board has gone through EAFs and expanded EAFs to study certain aspects of a project in depth in order to produce mitigative measures or produce some other findings in many past projects. Chairman Fon noted that the traffic issue has been reviewed by the applicant's consultant and feels that it will be improved with this proposal. It is also being reviewed by the Town's outside traffic consultant. He noted that on the historical piece of the project, there seemed to be a procedural question with respect to the NYS OPRHP and the Letter of Resolution (LOR). Mr. Tegeder responded that the applicant's consultant stated that the procedure for the LOR is usually done within the SEQRA process, but in this case the State is waiting to ensure that the public has adequate input. He stated that he is not sure what has given rise to that change of procedure. The LOR has been drafted and to his knowledge it is still valid as it responds to the current proposal, which has not changed since they have reviewed it. Chairman Fon spoke about the historic structures on the site. Mr. Tegeder responded that the State, in their determination, has stated that the site and the outbuildings are eligible for landmarking. In their process, demolition of some of those outbuildings and development of the site is an "adverse effect" under Section 14.09 of the state historic regulations. The "adverse effect" is terminology that the State uses to describe historic impacts under that law. It is up to the Planning Board, as Lead Agency, to determine whether removing those structures rises to the level of a "significant adverse impact" under the SEQRA regulations and if so, what that implication would hold. He added that the historic consultant's report talks about the structural and architectural integrity of the buildings and how they are dated, etc. For example, three of the buildings are claimed to have been built in the 1920s or early 1900s which is outside of the time that the State has said is significant. If they were built to support the Beaver Conference farm and not the Underhill farming operation then it is possible that it is not contributing to the cited historically important period. The 1828 main building is claimed to be a federal style building and the 1881 building is an Italianate style. He noted that there are no federal style details left on the 1828 building as they have been converted to the Italianate style, so it isn't a building that holds its architectural integrity. The massing of the building and the particular arrangement of the windows, but not the windows themselves, could possibly tie back to the federal style. Under this proposal this main building is offered to be saved and restored. In terms of national landmarking, there are some questions as to the level of eligibility as some of the structures weren't built at the time of the historically important period for the site. Mr. Garrigan questioned if any of the structures were listed on a historic registry or under the purview of any entity. Mr. Tegeder responded that private property cannot be listed on a registry without the owner's consent. He noted that the state has deemed them eligible for national and state landmarking. He added that for the Comprehensive Plan, a historical consultant went through different areas and noted that the Beaver Conference Farm was recommended for state and local landmarking but not for national landmarking. A few of the buildings still hold some historical quality, such as the barn and the chapel, and may be old enough to be considered. The rest have been modified quite a bit and there are a few that cannot be adequately dated and may have been built for a different purpose. Most of the structures on the site are a collection of varied styles that happened over many decades, with much of it outside of the 1820-1888 historically important period. Mr. Phelan questioned what time period (Federal or Italianate style) would be used to refurbish the main building back to its true historical style and who would have the authority over the design. Chairman Fon noted that the applicant is proposing to invest a million dollars toward the restoration of the main building.

Chairman Fon noted the comments with respect to the public use of the park and questioned how it would work. Mr. Tegeder responded that the ice pond has historic attributes to it and is an important feature. In particular, what most people know of this property is the ice pond and the main house. Most of the other structures cannot be seen from the

street. All projects that come before the Board are looked at in terms of the balance of open space to the developed area. This (the area around the ice pond) is part of the open space on this project, whether there is public access to it or not. He stated that he believes it is a necessary component with regards to the viewshed to and from the site, how it informs the historical and architectural feeling of the site, and for the residents living there to enjoy. It is important just on those points alone, regardless as to whether or not we need another public park. He added that to have the general public be able to directly experience the area speaks to the importance of the property along with allowing the public to enter the main historical building to gain a full experience rather than just drive by the property. Councilman Esposito stated that the park portion will be a private/public partnership but the applicant will maintain it.

Mr. Glatthaar discussed the public comments and the procedure for a positive declaration should the Board consider it. Discussion followed. Mr. Phelan suggested that the Board create their own list of priorities for review as opposed to limiting themselves based on the positive declaration process. This will then allow the Board flexibility in reviewing the project. Mr. Bock agreed. Mr. Garrigan agreed and stated that this would benefit the applicant and feels that there is much information already but there are still questions to be answered. Mr. Glatthaar stated that the applicant should address the Town's housing needs and how this project will fit into it.

The Board agreed to continue to deepen the review of the application based on a list of issues for the applicant to address. The Planning Department will draft an outline for the Board's review.

Motion to Close Meeting

Upon a motion by Aaron Bock, and seconded by Rob Garrigan, and with all those present voting "aye", the Board closed the meeting at 8:30 p.m.