

Planning Board Meeting Minutes – October 3, 2022

A meeting of the Town of Yorktown Planning Board was held on **Monday, October 3, 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
- Rob Garrigan
- Bill LaScala
- Bob Phelan
- Robert Waterhouse, Alternate

Also present were:

- Robin Steinberg, Town Planner
- Nancy Calicchia, Secretary
- Councilman Sergio Esposito, Town Board Liaison

Correspondence

The Board noted correspondence received 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. After discussion, the Board agreed to defer to Counsel for further discussion before certifying the resolution.

Motion to Approve Meeting Minutes of September 12, 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 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

IBM EV Charging Stations

Discussion: Decision Statement

Location: 69.16-1-1; 1101 Kitchawan Road

Contact: Michael Landler, Powerflex

Description: Proposed installation of an additional 79 electric vehicle charging stations, for a total of 85 charging stations.

Comments:

No representative was present. Chairman Fon asked the Board if there were any comments and there were none.

Upon a motion by Bill LaScala, and seconded by Rob Garrigan, and with all those present voting “aye”, the Board approved the resolution approving additional electric vehicle charging stations for the IBM T.J. Watson Research Center.

Dorchester Glen Subdivision

Discussion: Decision Statement

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. of Site Design Consultants was present. Mr. Riina stated that the plans have been revised per the Board’s comments from the previous meeting. He is here this evening to move forward with a resolution and understands

that it will be conditional. The testing is set with the DEP and he will provide the final engineering details once complete. Chairman Fon noted that the Planning Board's Counsel, Mr. Glatthaar, sent an email suggesting the addition of a condition of approval to include that the deeds for the individual lots include a provision that responsibility for maintenance, repair and replacement of the private road, street lighting and the stormwater management system will be on all homeowners in the subdivision. The applicant had no issues with the additional condition.

Upon a motion by Bill LaScala, and seconded by Aaron Bock, 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 Aaron Bock, and seconded by Rob Garrigan, and with all those present voting "aye", the Board approved the resolution approving subdivision titled Dorchester Glen Subdivision as amended.

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

Town Board Referral - MJM Development Corp

Location: 17.18-2-2; 3232 Gomer Street

Contact: Site Design Consultants

Description: Application for change of zone from R1-20 to R1-20 with flexibility standards and R-3 to allow 8 single-family homes and 34 townhomes on 12.5 acres.

Comments:

Joseph Riina, P.E. of Site Design Consultants was present. Mr. Riina stated that the site is located at 3232 Gomer Street and is also known as the Karagozian property. The property fronts Gomer Street and also has a deeded town right-of-way access on the south side of the property to London Road. The property is currently improved with several buildings that include a residence, smaller outbuildings, chicken coops, sheds and a barn. The front portion of the property is fairly open and the rear portion of the property is wooded. There are two wetland areas on the property. To the south of the property is the Ponderosa townhouse style development which was based on the cluster formula and as part of that it is still considered a half acre zone with a provision of 40% open space. This proposal matches the density but is taking a different path. The applicant is requesting a zone change to R-3 for the rear of the property and flexibility standards for the front portion of the property (Gomer Street). With this zone change, the access would come from the deeded right-of-way off of London Road into the site heading in a westerly direction towards Gomer Street. The proposal is for 8 single-family homes each on two-third acre lots for the front portion (Gomer Street) which would require subdivision and flexibility approval; and 34 units in a townhouse type development for the rear portion based on the R-3 zone. They are proposing to traverse the wetland to get to the rear of the property. Once they get into the clustered area, there is a loop consisting of 6 buildings. The idea is to be senior friendly as far as layout and construction. From a density point of view, everything is clustered towards the center of the site. If they were to do a conventional layout, it would be more spread out and would utilize the buffer and wetlands a little more as part of the lot area. Overall, the extent of disturbance may be a little less or equal to doing a conventional layout although the unit count would be less.

Mr. Garrigan questioned if the access from London Road is an existing paper road. Mr. Riina responded that it was and was left there purposely for access to this property. Mr. Garrigan questioned if there was access to Lily Court. Mr. Riina responded that there wasn't as it's a private road and there is no access off of Gomer Street. Mr. Phelan questioned if there was any possibility of a connection into the Ponderosa development for emergency access. Mr. Riina responded that it is a private road, but there would need to be cooperation with the home owner's association. Mr. Garrigan thought it would be preferable to have a second access road, even if it was for emergency access, as there are quite a number of residences. Mr. LaScala questioned if there was access from Cordial Road. Mr. Riina responded that there is a small piece fronting about 40-ft which is not wide enough for a town road, but may work for an emergency access. Chairman Fon questioned if the Ponderosa Estates was a similar use. Mr. Riina stated that it is a similar concept and layout but was developed under the cluster formula. The current proposal is for a complete rezone. Mr. Bock questioned if they

would get the same number of buildings and units with the cluster formula for the existing zone. Mr. Riina responded that they have not applied this but could do so. Mr. Bock questioned what was to the north of the project. Mr. Riina responded that it was half acre zoning.

The Board requested for the applicant to prepare an alternative plan under the cluster formula for the existing zone. They would also like to see a second access. Ms. Steinberg informed the applicant that recreational requirements for the R-3 units will also need to be considered. The Planning Department will submit a memo to the Town Board.

Dell Avenue Solar Project

Discussion: Site Plan & Special Use Permit

Location: 70.05-1-2; Dell Avenue

Contact: Zarin & Steinmetz

Description: Proposed 3,625 kWac fixed tilt ground mount solar energy system with associated gravel access roads, fence, electrical equipment, stormwater management, and landscaping on approximately 14 acres of a 62.33 acre site.

Comments:

David Steinmetz, Esq., Erick Alves de Sa, of Sol Systems; and Matt Matthews, contract vendor, were present. Mr. Steinmetz stated that since they were last before the Board they have been working on refining the project and have resubmitted plans to the Planning Department for review. The SWPPP is currently being worked on by their project engineer. Per the Planning Department's request, they updated their visual analysis report from the analysis that was done 8 years ago for the former Croton Overlook proposal. Additional viewsheds were provided based on the methodology that was used at that time. They are still working with their neighbor to the south who is represented by Counsel. This neighbor has their own visual consultant who has suggested protocols in conducting the visual analysis of which they are currently reviewing. They are here this evening to review what has been done to date and to answer any questions that the Board may have. Chairman Fon noted that their Counsel, Mr. Glathaar, sent an email noting that for the thoroughness of the SEQRA process, the applicant should answer the questions raised by the Town of New Castle. Mr. Steinmetz stated that they submitted a comment response log for the Board's information that will be addressed by Mr. Alves de Sa.

Mr. Alves de Sa stated that the plans were shared with the Town of New Castle due to the proximity of their proposal. They received their comment letter dated 8/1/22. As requested, they will share their SWPPP with the Town of New Castle's engineer when complete. They were also asked to consider adding several homes in the Random Farms development to their line of sight profiles of which they are currently working on and will incorporate into their visual analysis. Ms. Steinberg stated that they will now have three visual analysis reports which include Croton Overlook, 71 Hog Hill; and now the requested additional profiles. She thought that they should all be incorporated into one report and the applicant agreed. Mr. Alves de Sa reviewed the progress of the project with the Board thus far and noted that the site plan is essentially set. The SWPPP was submitted September 1st to the DEP and Town Engineer for comments and determination of completeness. They received a comment letter from the DEP dated 9/26/22 and are waiting to hear back from the Town Engineer. He noted that they received a total of 25 comments to date and have addressed 18 in their submission of September 21st. There are two additional items to be addressed that were received after their submission which includes the environmental consultant's report and the Random Farms request. They will address the remaining comments later on. He noted that he is not sure what the process is with Yorktown with respect to moving forward and commentary. Chairman Fon noted that on their end, the viewsheds are their main concern. The Town Engineer will review the project from his perspective. The Planning Department can compose a comment memo summarizing the issues. Chairman Fon advised the applicant to set up a meeting with the Planning and Engineering Departments to review what is needed.

Ms. Steinberg noted that a site visit was requested by the Conservation Board and asked if this was done. Mr. Steinmetz responded that it was not and requested to schedule a site visit with the applicant in conjunction with the Planning Board, Conservation Board, and Tree Commission. Mr. Steinmetz also requested to move forward with a public hearing in November. He noted that if there are comments beyond the viewshed, they would like to know what they are so they can be addressed.

Mr. Ciarcia stated that the SWPPP is under review by the DEP so if there should be another iteration, he will review it then. They will also need to hear back from the Tree Commission. Ms. Steinberg stated that the Tree Commission is scheduled to meet on October 19th and will provide their comments then. Mr. Garrigan noted that the Board's goal is to hide these systems from plain sight but the reality is they can't be 100% screened and questioned, in their opinion, which line of sight would be the most visible. Mr. Alves de Sa responded that it would be the view on Dell Avenue but feels that there are very few people and very little traffic on that road. Mr. Alves de Sa stated that the site plan, engineering, utility interconnection and incentives are in place. The construction target date would be for the end of March as this would be their tree clearing deadline. All trees need to be cleared prior to April 1st due to the Indiana bat roosting period.

Cliff Davis, Esq. and counsel for 71 Hog Hill Road stated that he wanted to ensure that the Board received his submission to the Planning Department. Mr. Bock responded that they did.

The Board agreed to schedule a site visit in early November and the Public Hearing for the November 14th Board meeting. Ms. Steinberg noted that this shouldn't be a problem as the applicant will be further along with their visual analysis report.

Meeting Closed

Upon a motion by Bill LaScala, and seconded by Rob Garrian, and with all those present voting "aye", the Board closed the meeting at 7:53 p.m.