

Planning Board Meeting Minutes – November 28, 2022

A meeting of the Town of Yorktown Planning Board was held on **Monday, November 28, 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:

- Rob Garrigan
- Bill LaScala
- Bob Phelan

Also present were:

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

Correspondence

The Board reviewed all correspondence.

Motion to Approve Meeting Minutes of November 14, 2022

Upon a motion by Bill LaScala and seconded by Bob Phelan, and with all those present voting “aye”, the Board approved the meeting minutes of November 14, 2022.

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

Town Board Referral - 800 East Main Yorktown Development AMC, LLC

Location: 5.19-1-15; 800 East Main Street, Jefferson Valley (Contractors Register property)

Contact: DelBello Donnellan Weingarten Wise & Wiederkehr, LLP

Description: Petition for a rezone from OB to RSP-2 for a active adult residential community consisting of 250 units including a mix of rental and for-sale townhomes, together with amenities, parking, and related infrastructure.

Comments:

Janet Giris, Esq., Ryan Sutherland of AMC, LLC; and Stuart Lachs, Architect of Perkins Eastman; were present. Ms. Giris stated that they are before the Planning Board as a referral from the Town Board in connection with their petition to rezone the 35-acre parcel located at 800 E. Main Street. The applicant is proposing to change the site’s zoning from OB to RSP-2; and a text amendment to increase density on sites on parcels greater than 25-acres in the RSP-2 District. The project site is currently improved with two office buildings and related infrastructure. The proposal is to redevelop the property with an active senior residential community (age 55+) consisting of a total of 250 dwelling units which includes 200 rental units and 50 for sale units depending on the market. Ms. Giris stated that they are seeking a positive recommendation for the rezoning petition to the Town Board to allow the project to move forward. If the rezoning is adopted by the Town Board, they will then return to the Planning Board with a site plan application.

Mr. Sutherland of AMC, LLC reviewed the company’s project history with the Board. AMC was formed in 2012 mostly focusing on development in Manhattan with smaller properties eventually working their way up to larger developments. They are currently going through a rezoning for a residential development consisting of 3,500 units and 9 residential towers in Yonkers with an anticipated approval for early next year. Other notable projects include a 250 unit development in Bayonne, NJ and a 75 unit development in Sayerville, NJ. They feel that repurposing this site to an active senior residential community will be a great asset to the community. He added that with respect to the construction

aspect, AMC started a general contractor entity so they will actually build their projects from start to finish in order to streamline the process.

Mr. Lachs showed the conceptual renderings and zoning summary to the Board. A total of 250 dwelling units are proposed with a number of amenities that include a pool, athletic facilities, and clubhouse. At the northern end of the site, there is more than 6 acres of open space. Ms. Giris stated that they recognize that the Taconic parkway is a scenic byway and have taken this into account by designing the property to maintain that buffer. Additionally, the design of the buildings have been worked into the topography to result in the least amount of disturbance to slopes and other natural features.

Chairman Fon noted that this is a referral for rezoning only and asked the Board and Counsel if there were any comments. Mr. Tegeder stated that the issue is whether it is supported in the comprehensive plan in terms of the rezoning and whether they think the use itself makes sense for this particular property. Chairman Fon noted that with respect to the housing market, there seems to be a need for these types of communities as noted by residents in other applications before the Board. Mr. LaScala agreed and noted that the seniors are in favor of this type of housing. Ms. Giris added that they expect this to be a luxurious development geared toward the active adult community. Chairman Fon asked how long the site has been vacant. Mr. Giris responded that they are the contract vendee for the property but thinks it may have been vacant for several years. Mr. Garrigan questioned if the site was ever full. Mr. Tegeder responded that at one point it was but only for a short period of time. Mr. Garrigan thought that the traffic impact beyond the property out to Route 6 will need to be studied. Ms. Giris responded that a traffic study will be done in connection with the proposal. She noted that typically with office use, there is an AM and PM peak which is much more intense than a residential use where times are staggered. Ms. Giris added that the comprehensive plan is fairly old as it is from 2010. She noted that they are finding that these types of campuses are in less demand for office space in general, not only in Westchester but all over, and are relocating closer to public transportation. There is a need for this type of development and repurposing this property will benefit the community, taxpayers and property owner. They feel that is is an appropriate reuse for this property and hope that the Board agrees. Mr. Glatthaar questioned if there will be a shuttle bus to local shopping centers for the campus residents. Mr. Sutherland responded that they have not gotten that far with the plan as yet but noted that this demographic may benefit from it. Councilman Esposito questioned if the community will be managed by AMS. Mr. Sutherland responded that they look at all their sites differently, some they sell and others they hold. They consider this to be a blue chip asset due to its location and would like to stay in on it. Mr. Phelan stated that he would like to applicant to consider a secondary means of egress for emergency use should the main access be blocked. After discussion, the Board and Counsel had no issues with the proposed rezoning. The Planning Department will prepare a memo for the Town Board.

Town Board Referral - 79 Somerston Road - #WP-BSWPPP-038-22

Location: 17.10-1-3; 79 Somerston Road

Contact: Pisa Construction

Description: Application for a wetland permit and stormwater management permit to install an in-ground swimming pool and related stormwater management system in a wetland buffer.

Comments:

No representative was present. Mr. Ciarcia, Town Engineer, stated that the application is before the Board on a referral from the Town Board. The application proposes to install an in-ground pool and stormwater management system in a wetland buffer for both local and state wetlands. Mr. Tegeder questioned if any soil testing had been completed. Mr. Ciarcia responded he did not think there wasn't any testing performed as yet. Chairman Fon asked if there were any engineering concerns. Mr. Ciarcia stated that if they are able to get their permits from the DEC, he will then review the stormwater. Discussion followed with respect to deep holes and stormwater treatment. Chairman Fon noted that the plans included with the application show three different scenarios which includes an in-ground pool; a one-story attached garage; and a garage with pool. The side yard setbacks and a potential variance for the garage addition were discussed. Mr. Ciarcia stated that the garage addition would require a variance. Mr. Tegeder stated that in the Planning Board process, typically the procedure is to review the project to see if it is viable and then refer it to the Zoning Board for a variance. Once granted, they would return for approval and noted that the Town Board should do the same. After discussion, the Board agreed that more information was required and requested for the applicant to be present in order to review the application properly. Mr. Ciarcia stated that he will reach out to the applicant.

Town Board Referral - Gardena Hotel

Location: 37.14-2-54; 1952 Commerce Street

Contact: Michael Grace, Esq. & Site Design Consultants

Description: Request for authorization to process application in the Yorktown Heights Overlay Zone for construction of an 18-room boutique hotel with rooftop bar/grill, parking, and landscaping.

Comments:

Michael Grace, Esq.; and Joseph Riina, P.E. of Site Design Consultants were present. Mr. Grace stated that he was unclear as to the referral and questioned if it was a referral to the Planning Board for the approval process or if it was a referral as to whether it should be referred. Mr. Glatthaar responded that it was a referral as to whether it should be referred and reviewed under the Overlay District. Mr. Grace responded that this use is only allowed in the Overlay District and noted that the applicant just went through the process of creating the legislation to set the area and bulk requirements for this use within the Overlay District with the Town Board. He noted that when the proposal was first introduced to the Planning Board there seemed to be a favorable response and asked the Board if there were any concerns.

Mr. Garrigan questioned if the result for this application was a memo to the Town Board stating that they agree with processing this application under the Overlay District. Mr. Tegeder responded that it was, and noted that there are 8 criteria in the town law that need to be considered by the Town Board in making a decision. If the Planning Board agrees that these criteria are met, they can state this in their memo and/or note that the project is what the Overlay District envisioned and is a worthy project to be reviewed under the law. Mr. Grace stated that a letter was submitted to the Town Board noting that the proposal is consistent with the intent of the Overlay District. Chairman Fon reviewed the submitted responses for each of the criteria with the Board. Mr. Tegeder stated that it is a decent looking business that will bring a unique use as a boutique hotel to the community. Another point of discussion is the size of the proposed building in relation to the site and noted that on either side they have two large businesses one of which is maxed to the existing code. He noted that this building would be slightly taller and is a question that the Board might ask themselves if they thought it was outside of what should happen in terms of bulk and mass. Chairman Fon noted that when the Kear Street building was built, it changed the site tremendously and fits in very well. Mr. Tegeder stated that the Kear Street project raised a similar question and noted that there was much discussion on whether it was too much for that site and agreed that in the end it turned out well. He feels that the building transitioned that street and is an improvement to the area. It was also well done architecturally. Councilman Esposito thought that this proposal would also transition Commerce Street. Chairman Fon stated that the project and parking was discussed when the application was last before the Board and it was noted that there is quite a bit of parking in that area along the street and at the community center.

Chairman Fon asked the Board and Counsel if there were any issues or concerns and there were none. The Planning Department will prepare a memo for the Town Board.

Meeting Closed

Upon a motion by Bill LaScala, and seconded by Rob Garrigan, and with all those present voting “aye”, the Board closed the meeting at 7:55PM.