

Planning Board Meeting Minutes – November 18, 2024

A meeting of the Town of Yorktown Planning Board was held on Monday, November 18, 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, Alternate

Also present were:

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

Correspondence

The Board reviewed all correspondence and had no comments.

Motion to Approve Meeting Minutes of November 4, 2024

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 November 4, 2024.

Motion to open Work Session

Upon a motion by Bob Waterhouse, and seconded by Bill Lascala, and with all those present voting “aye”, the Board opened the Work Session.

WORK SESSION

Underhill Farm

Discussion: Project Update
Location: 48.06-1-30; 370 Underhill Avenue
Contact: Site Design Consultants, Tim Miller Associates, Colliers Engineering, Hudson Cultural Services
Description: Project update regarding the mixed-use development approved by Resolution #24-13 dated 7/15/24.
Comments:

Joseph Riina of Site Design Consultants was present. Riina provided a project update to the Board. During the summer, the applicant proposed to relocate two townhome units from building one into the condo building. The applicant is now proposing to revert back to the originally approved plan and relocate these units back to building one. They received the Army Corp letter dated 10/22/24 determining that the site does not contain jurisdictional waters. Second, there is a wooden footbridge on the site that crosses over the brook that runs through the site into the pond. They are proposing to eliminate the footbridge and install two large culverts and continue the path across for a smooth transition. An amended wetland permit will be required and a submission will be provided to the Planning Department. Third, during the summer, the applicant proposed to relocate parking spaces in two locations that were lost in the building as a result of column spacing. The Planning Department thought it would be better served to relocate the 7 parking spaces adjacent to the pond to the area outlined in blue on the plans. Fourth, the applicant is proposing to subdivide the site between the townhomes/condo properties and apartment/commercial properties to separate the areas controlled by the HOA. The subdivision will not affect the site plan other than the dividing line; a subdivision application will be prepared for submission. Lastly, bids are out for the intersection improvements and are expected to come back in early December.

Bock asked if the parking and unit relocation was approved over the summer. Tegeder responded that they did by resolution but it was never finalized by a signed site plan so the original signed plan still reflects those townhome units. Bock questioned if they needed anything with respect to the relocation as it is reflected in the original resolution and

signed plans. Tegeder stated that the Planning Department should provide something for the record with the acceptance of the changes either by resolution to show that the project is further evolving.

Bock questioned whether the proposed subdivision would change the lot coverage of the approval or for the purposes of this approval do they treat the project as if it wasn't there. Tegeder stated that there is the issue of the access and recreation component. Bock didn't disagree but didn't think that they needed to review the site plan since it functions as approved. It seems there are no consequences from a planning perspective but there are now two lots. Riina noted that some of the parking from the apartments may be on the HOA side but could be resolved with cross easements. They could break it down and look at the coverage number per lot but at the same time this is under the overlay district. Bock understood and thought they may be able to accomplish this in different ways. Garrigan asked about the pond drainage pipe. Riina stated that the pond will continue to discharge in the same location but at a controlled rate. Fon asked the Board, Planning Department, and Counsel if there were any issues and there were none. Riina stated that they will return with a subdivision application and amended wetland permit.

RIC Development Battery Storage

Discussion: Site Visit

Location: 16.11-1-60; 3666 Old Yorktown Road

Contact: Andrew Welch

Description: Proposed 5 MW battery energy storage system on a 4.4 acre property in the C-2/R1-20 zone.

Comments:

No representative was present. The Board discussed their site visit of 11/16/24. Garrigan stated that the system is proposed to the rear of the property but being on the actual site showed the proximity to the Taconic parkway and possible concerns that may be raised. Waterhouse stated that his concern is the proximity and difference in elevation from the parkway and would like to see the installation of bollards for protection from potential runaway vehicles. Fon stated that they need further review of the wetlands and flood plains and Bock agreed. Fon also noted that there is a moratorium in place for battery storage systems.

Par 3 Golf Course

Discussion: Site Visit

Location: 16.07-1-38; 795 Route 6

Contact: Matthew Behrens Architect

Description: Proposed amendments to site plan previously approved by Resolution #21-30 dated 12/6/21.

Comments:

Item withdrawn at the request of the applicant.

Motion to close Work Session and open Regular Session

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

REGULAR SESSION

401 East Main Street

Discussion: Public Informational Hearing

Location: 6.17-1-42 & 44; 401 East Main Street

Contact: Hildenbrand Engineering, PLLC, Rich McHale

Description: Proposed 24'x30' office building with associated parking, septic, and stormwater system on a 0.38 acre site in the Country Commercial zone.

Comments:

Upon a motion by Bill Lascala, and seconded by Rob Garrigan, and with all those present voting "aye", the Board opened the Public Informational Hearing.

Rich Mchale, property owner, was present. Mchale stated that the plans were revised based on comments received. The parking was reduced in the front to avoid the need for a variance. The storage units will be displayed behind the building. The outdoor lighting was added to the plan. The wetland buffer is now shown on the plan; and a rain garden was added to treat the stormwater. The stream will be cleaned up reasonably as needed. The proposed building will be used for

office space on the top floor with two bays below for equipment storage. They are a move management company geared towards helping seniors downsize to independent and assisted living.

Fon asked about the purpose of the storage units behind the building. Mchale responded that they are also selling the units so they are proposing to have a few up for display purposes. He added that he has another facility in Poughkeepsie where most of the units are stored. Waterhouse asked if they were for display only and not storage. McHale responded that they may use them for storage if needed but will be cleared if they are bought. They also have two bays in the building where they are hoping to keep their equipment.

Fon asked if the property is served by septic and Mchale responded it was. Fon asked if the entrance to the project is changing. Mchale responded that the existing curb cut will remain but they are proposing to remove the existing fence for sight distance and to make the site nicer.

Bock asked about the drainage. Mchale responded that per comments received, they re-routed the drainage around the septic system; the septic system was shrunk as the proposed building is smaller. Bock asked if there was a watercourse or drainage on the left side of the property. Mchale responded that the stormwater drains off the property that empties into a swale and goes into the lake. Bock stated that he would like to see this shown on the plan. Tegeder stated that the swale is off the property but should be shown on the plan. Tegeder noted that with respect to drainage on the property there is a manhole and piping that empties there now. McHale stated that they are not changing the drainage but they are repairing the broken pipe in the middle of the parking lot. Bock asked where the paved area of the property drains. Tegeder stated that parking lot drains into the two inlets that infiltrate underground behind the building; the left is just a re-routing of the pipe to the existing swale.

Tegeder stated that if the Board is satisfied with the Conservation Board's comments then that would be the recommendation. Bock asked about the recommendation of pervious pavers for the parking area. McHale responded that this wouldn't work because it is too close to the septic system and could potentially saturate the system.

Fon asked the public if there were any comments. Public comments as follows:

1. Juan Russe, 439 E. Main Street and access to 399 E. Main Street – He is concerned about the drainage, stream and increase of flooding. He is concerned about the left side of the site as it comes from a wide open drain from Wood Street that is not being maintained. They will now be adding more drainage that will seep into the stream. He thinks if the drain was maintained there wouldn't be a problem. The applicant's property will also be affected. He noted that he is also concerned about run-off onto his property as there is a difference in elevation between his property and the applicant's property; the applicant's property is about 4ft higher. He added that even with the current drought Lake Osceola has not dried up.

Fon stated that the applicant cannot increase the net run-off from from their property and will have to maintain the stormwater. The stormwater system was explained to the resident. Fon noted that during the Board's site visit they looked at the opening and could see how this could be an issue if it were clogged upstream. He believes that it was never determined who owns the culvert for maintenance purposes; Tegeder confirmed this. Fon noted that the homes upstream are older and the stormwater control was very different back then but as homes are improved the situations are made better. Bock explained that in order to offset the impacts from this property, the applicant is proposing to clear the debris within the stream next to the property as part of the mitigation for the application. The biggest problem is the siltation on the other end from the restricted outlet.

Mchale stated that they are not adding more moisture and it will now be more controlled. He has owned this property since 2010 and noted that he never saw it get very wet except for two summers ago when the channel under the road was blocked. The pipe may be big enough but the clogging may be the issue.

Upon a motion by Bill Lascala, and seconded by Rob Garrigan, and with all those present voting "aye", the Board closed the Public Informational Hearing.

Meeting Closed

Motion by Bill Lascala, and seconded by Rob Garrigan, and with all those present voting "aye", the meeting closed at 7:36PM.