

Planning Board Meeting Minutes – February 24, 2025

A meeting of the Town of Yorktown Planning Board was held on Monday, February 24, 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:

Aaron Bock
Bill Lascala
Bob Waterhouse
Judy Reardon, Alternate

Also present were:

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

Correspondence

The Board had no comments.

Motion to Approve Meeting Minutes of February 10, 2025

Upon a motion by Bob Waterhouse, and seconded by Bill Lascala, and with all those present voting “aye”, the Board approved the meeting minutes of February 10, 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

IBM Helipad

Discussion: Special Use Permit
Location: 69.16-1-1; 1101 Kitchawan Road
Contact: Nicole Visalli
Description: Request for renewal of a Special Use Permit for a Helipad at the IBM site on Route 134, approved by Planning Board Resolution #12-14, dated September 10, 2021.

Comments:

Don DeMouth of IBM was present. DeMouth stated that they are requesting a renewal of their special use permit for the helipad at the IBM site. Fon asked the Board, Planning Department, and Counsel if there were any comments or issues and there were none. Fon asked the public if there were any comments and there were none.

Upon a motion by Bill Lascala and seconded by Bob Waterhouse, and with all those present voting aye, the Board approved the renewal for the special use permit for a helipad at the IBM site on Route 134.

401 East Main Street

Discussion: Public 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 Bob Waterhouse and seconded by Aaron Bock, and with all those present voting aye, the Board opened the Public Hearing.

Brian Hildenbrand, P.E., was present. Hildenbrand stated that the proposal is to construct a 24'x30' office building with associated parking. The site was previously improved with a restaurant that has been demolished. They submitted a stormwater report and are proposing mitigation practices to offset their impacts. They feel that they are greatly reducing the run-off compared to what is existing. They are currently seeking approval from the Health Department for the septic system; he added that the septic was approved in this location for the previous business and was much larger. As requested, they recently submitted a photometric lighting plan and lighting fixture specifications for review. The only lighting proposed is building mounted fixtures so they don't perceive any impacts.

Fon asked about the building use. Hildenbrand responded that the business is geared towards relocation and helping people with downsizing from their homes. They provide moving vans and portable on-site storage units. The storage units will also be for sale so they are proposing to display a few to the rear of the building. The building will be used for office space with two bays for storage and vehicles inside the building. Fon asked about the landscape plan. Hildenbrand stated that five trees are proposed to be removed and they are proposing to add screening along the property lines; a rain garden and lawn are proposed between the building and the street.

Fon asked the Board, Planning Department, and Counsel if there were any comments. Tegeder stated that they will work with the applicant to ensure that the lighting fixtures are compliant with the code. Bock noted the Westchester County Planning Board (WCPB) comment letter dated 2/10/25. The primary comment is the close proximity to Osceola Lake and reducing any adverse impacts to the lake. They recommend relocating the proposed building to the eastern side of the property but noted that he is not sure that this is a good idea. They also recommend the use of pervious pavers in the parking area for additional treatment; pedestrian access from the building to the street sidewalk; if there is sufficient space to accommodate the storage needs for recyclables on the site; etc. Hildenbrand responded that they cannot switch the septic system due to the wetland buffer; pervious pavement will not work due to the required setbacks between the infiltration system and the septic. The run-off to the lake is outlined in the SWPPP. With respect to the recycling, there is no production or manufacturing proposed on site; recycling and refuse will be handled by the required bins and could be shown on the plans. Bock requested that the applicant formally respond to the comments for the record.

Fon asked the public if there were any comments and there were none.

Fon advised the applicant to work with the Planning Department with respect to the lighting and WCPB comment letter.

Upon a motion by Aaron Bock and seconded by Bob Waterhouse, and with all those present voting aye, the Board closed the Public Hearing.

Envirogreen Associates

Discussion: Decision Statement

Location: 15.16-1-30 & 31; 1833-1875 East Main Street

Contact: Site Design Consultants

Description: Proposed amendment to site plan previously approved by Planning Board Resolution #21-22 dated September 27, 2022. Applicant is proposing two smaller buildings, one being 6,284SF and the second being 4,100SF in place of the approved 13,278SF building.

Comments:

Joseph Riina, Project Engineer of Site Design Consultants, was present. Riina stated that he is here as a follow-up to the previous meeting in which a public hearing was held and closed. During the meeting there was discussion with respect to the traffic flow and possible conflicts with exiting the pickup lane for Dunkin. Since then the site plan was revised to show the changes to the traffic pattern at the site including signage at various locations and striping, etc. Discussion followed with respect to the traffic flow and improvements. The landscape plan was also enhanced to reflect the latest change; the lighting plan was also updated to reflect the two building layout.

Fon asked the Board, Planning Department, and Counsel if there were any comments. Bock felt that the revised plan met their concerns and the Board agreed. There were no other comments.

Upon a motion by Bill Lascala, and seconded by Aaron Bock, and with all those present voting "aye", the Board approved the resolution approving amended site plan, stormwater pollution prevention plan, and wetland permit for Envirogreen Associates, Inc.

Underhill Farms

Discussion: Adjourned Public Hearing

Location: 48.06-1-30; 370 Underhill Avenue

Contact: Site Design Consultants

Description: Proposed minor subdivision of site plan approved by Resolution #24-13 dated July 15, 2024.

Comments:

Mark Blanchard, Esq.; Joseph Riina, Project Engineer of Site Design Consultants; and Michael Guillaro, property owner, were present. Blanchard stated they are here this evening to provide an update to the open question relating to the subdivision as it would demonstrate how the site would be governed by the previous site plan approval. He has been working with the Town Attorney and also shared a document with John Tegeder. The draft POA still needs work but he believes they have a consensus of the language that would show how the common areas are treated; the town will also have an enforcement capability. They have agreed in concept to put the language in the POA which would supplement the language in the existing site plan approving resolution and potential subdivision resolution. They would also have a note on the final plat that gets filed and would then also be reflected in the final POA. He believes that the attorneys have agreed in concept that the language that would be referenced specifically in the POA would first appear in the approval resolution as a condition that the Town Attorney confirms that the language that they approve is in fact the POA document. Chen, Counsel for the Planning Board, stated that he agreed and noted that he spoke to Adam Rodriguez, town attorney, at length and feels that Blanchard gave a fair summary of their discussions; the language does need some tweaking but they agree on the basic points. The language is conditioned on the town attorney's final approval.

Bock stated that he would like a memo from the town attorney for the file stating that the form and substance of the documents presented satisfy the goals and objectives that they want to see in terms of the subdivision implementing the site plan that they originally approved. Blanchard stated that they are agreeing in their approval resolution that this protection is in there as a condition for the final language of the POA. Chen informed the Board that the easements that have been approved by the Town Board and Town Attorney were recorded with the County Clerk's office today.

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

1. Councilwoman Susan Siegel – Siegel stated that approvals with multiple conditions have different timeframes and asked if this condition will be prior to endorsement and will it be specified. Bock asked what condition. Siegel responded the condition of approving the POA language by the Planning Board, she feels that this should be a condition prior to endorsement. Bock stated that he is looking to have the form and substance in so far as it applies to what they are interested in set forth now at the earliest stage. Siegel stated that she had no problem with this but her understanding is that the Board would grant approval with the condition that they would have to review and approve it. She thought that they would like to see the form and substance before they even vote for the resolution. Bock stated that it was already submitted and being worked on by Counsel. Siegel thought the condition would be about the final language. Chen stated that his understanding was before signing. Siegel said that after looking at multiple approval resolutions there are different thresholds for certain conditions to be met and that some conditions are before endorsing the plat and is asking for clarification of what the threshold would be. She added that she is not objecting to what is proposed.

Blanchard clarified that their goal is to work with the staff and attorneys. The language that goes into the approving resolution will be the final language that goes into the POA. He noted that once they approve they start a 62 day clock to get the signatures. Having the final POA approved before the plat is filed may be unrealistic but there are multiple layers of protection as well as a note on the plat. Tegeder stated for clarification that he thinks they are talking about the language that Bock is interested in terms of the form and substance not the final POA. He believes that this will be a condition in the draft resolution that the final POA language is offered to the Planning Board before they endorse the plat. Blanchard agreed.

Upon a motion by Bill Lascala, and seconded by Aaron Bock, and with all those present voting "aye", the Board closed the public hearing.

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 Farms

Discussion: Amended Site Plan
Location: 48.06-1-30; 370 Underhill Avenue
Contact: Site Design Consultants
Description: Proposed amendments to previously approved mixed use development by Resolution #23-13 dated July 17, 2023.

Comments:

Mark Blanchard, Esq.; Joseph Riina, Project Engineer of Site Design Consultants; and Michael Guillaro, property owner, were present. Riina updated the Board on the proposed amendments to the site plan as previously discussed. First, they are proposing to revert back to the originally approved site plan by re-establishing the four-unit town house building at the site entry. Second, they are proposing to remove the wooden footbridge and install two culverts providing a consistent surface to match the remainder of the walking path. Third, they added and re-allocated parking spaces which ties into a proposed use (Bobo's Café) in a portion of the Underhill mansion. A floorplan was included in their recent submission to the Planning Department for the proposed use. Additional parking (7 spaces) is provided facing Underhill Avenue; they also re-allocated on-site parking spaces as shown on the plans. Overall, they meet or exceed the original approved parking count. Lastly, an 800SF addition over what was originally approved is proposed for Bobo's Café. The landscape plan was revised to provide additional screening of the seven parking spaces along Underhill Avenue. The floor plans for the café show accommodations for the HVAC units, ventilation system and trash enclosure that is proposed to be fenced in.

Fon asked if they were eliminating the outdoor seating in front of the restaurant portion. Riina responded that they were not. Fon asked if the outdoor seating was for the café and Guillaro responded that it would be shared space. Tegeder asked about the elevations and Guillaro responded they were forthcoming.

Fon asked the Board, Counsel and Planning Department if there were any comments. The Board had no concerns or issues with the proposed amendments. Tegeder noted the shared parking spaces provided for the future senior center that is to be constructed on the neighboring property but accessed from this property. He thought that this should be discussed with respect to how it will work. He also added that the senior center shown is no longer what was proposed; the plans have since been updated to show a longer single floor building so he thinks it should be reflected. Riina asked for the updated plan. Bock thought that this concern would be reflected in the easement agreement. Tegeder responded that it could be but thought it should be discussed. Fon asked about the next steps for the site plan and subdivision. Tegeder stated that they will work out the details for the site plan and will then prepare draft resolutions for the site plan and subdivision.

Curry Honda

Discussion: Site Plan
Location: 35.08-1-10; 3845 Crompond Road
Contact: Architectural Visions, PLLC
Description: Renovation of showroom, front façade, and front parking lot including the addition of vehicle display parking spaces and relocation of the pylon sign and flag pole approved by Planning Board Resolution #24-24, dated October 21, 2024.

Comments:

Joel Greenberg P.E.; and Martin Stejskal of Architectural Visions, were present. Greenberg stated that they are present this evening to update the Board with respect to the conditions of the resolution for the site. Currently, the existing light poles at the site are two feet above the code requirement with upward fixtures so they are proposing to cut them down to 14ft and ensure that all the fixtures are facing downward as per the code; a revised lighting plan was submitted for review. Stejskal added that they removed four parking spaces at the front of the lot to the left of the service entrance and that there will be a striped area for no parking. They previously removed the parallel parking along the curb in front of the building. An erosion and sediment control showing the silt fencing was provided. They also provided the note on the site plan stating that the parking lot is to be repaved.

Reardon asked if there was potential for back-up of the service line. Stejskal responded that there will be no back-up as the cars go directly into the service drive and either go into the shop or to the side lot. Fon noted that there have been issues along this strip with respect to the lighting and requested certification of the lighting at the site and possibly an

as-built. Tegeder responded that they could require this. Greenberg stated that the lighting plan will be revised to show that all the conditions have been met. Tegeder stated that they will ensure that the lighting plan is properly noted prior to signature. Greenberg stated that they could include an as-built. The Board advised the applicant to work with the Planning Department to finalize the plans.

Meeting Closed

Upon a motion by Bill Lascala, and seconded by Bob Waterhouse, and with all those present voting “aye”, the meeting closed at 7:48PM.