

Planning Board Meeting Minutes – August 9, 2021

A meeting of the Town of Yorktown Planning Board was held on **Monday, August 9, 2021 at 7:00 p.m.** at the Yorktown Town Hall Boardroom located at 363 Underhill Avenue, Yorktown Heights, NY 10598.

Chairman Fon called the meeting to order at 7:00 p.m. with the following Board members present:

- Bill LaScala
- Roxanne Visconti, Alternate

Also present were:

- John Tegeder, Director of Planning
 - Robyn Steinberg, Town Planner
 - Nancy Calicchia, Secretary
 - James W. Glatthaar, Esq.
 - Councilman Ed Lachterman, Town Board Liaison
 - Dan Ciarcia, Acting Town Engineer
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Correspondence/ Liaison Reports

The Board reviewed all correspondence. The following was discussed:

- **Nantucket Sound Sons, LLC** - Ms. Steinberg informed the Board that the resolution was amended to change the title to approving a site plan. Chairman Fon asked the Board and Counsel if there were any issues and there were none.

Upon a motion by Bill LaScala and seconded by Roxanne Visconti and with all those present voting “aye”, the Board approved the resolution approving a site plan for Nantucket Sound Sons, LLC.

- **Atlantic Appliance** – Approval letter from NYCDEP dated July 6, 2021.

There were no liaison reports.

Motion to Approve Meeting Minutes

Upon a motion by Roxanne Visconti and seconded by Bill LaScala, and with all those present voting “aye”, the Board approved the meeting minutes of July 12, 2021.

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

Gallinelli Minor Subdivision

Discussion: Request for 2nd 90-Day Time Extension

Location: 27.13-1-49; 2777 Quinlan Street

Contact: Site Design Consultants

Description: Approved 2-lot subdivision on 1.48 acres in the R1-20 zone, by Planning Board Res #18-16, dated September 17, 2018 and reapproved by Res #20-12 on August 10, 2020.

Comments:

Joseph Riina, P.E. of Site Design Consultants was present. Mr. Riina stated that the applicant is requesting a 2nd 90-day time extension for the approved subdivision. Chairman Fon asked the Board and Counsel if there were any issues and there were none.

Upon a motion by Bill LaScala and seconded by Roxanne Visconti, and with all those present voting “aye”, the Board approved the request for a 2nd 90-day time extension.

Staples Plaza Self-Storage Expansion

Discussion: Public Hearing Special Use Permit

Location: 36.06-2-76; 3333 Crompond Road

Contact: Studio Architecture, DPC

Description: Proposed alterations to tenant space 2 (A.C. Moore) to expand the self-storage space use into approximately 16,000 SF of this space with rear entrance. Discussion of garage doors installed on the front façade without approval.

Comments:

Upon a motion by Bill LaScala and seconded by Roxanne Visconti, and with all those present voting “aye”, the Board opened the Public Hearing.

Chris Raffaelli of Studio Architecture was present. Mr. Raffaelli stated the applicant was originally seeking three different approvals that included an addition of a display unit on the building front, an expansion of Extra Space Storage to the main floor, and construction of an entrance on the rear of the property to gain access to the upper level. Since then, the applicant has removed and withdrawn the application for the display unit. They are still moving forward with the special use permit for the main floor expansion and rear yard entrance. The original proposed square footage was about 16,000 sf for additional storage space on the main floor which encompassed about two-thirds of the vacant AC Moore space. The applicant intended to lease the front portion of the store to smaller tenants but has not been able to do so. They are now proposing to increase the storage space into the entirety of the former AC Moore space which would include an additional 5,300 sf. With this addition, Extra Space Storage will now touch the façade where there is currently glass. As a result, they are proposing to change the store front glass to a tinted glass so the units can't be seen from the front of the building. He noted that the only access to the upper level would be in the rear of the property behind the mattress store area.

Chairman Fon asked the public if there were any comments and there were none. Chairman Fon asked if there were any issues with violations. Mr. Tegeder responded that since the display unit was removed pursuant to the law, there are no violations. The application is essentially an interior expansion with access from the rear. He noted that the resolution will need to be amended to include the additional square footage as well as a condition to submit a plan for the building front to show what it will look like without the access.

Upon a motion by Bill LaScala and seconded by Roxanne Visconti, and with all those present voting “aye”, the Board closed the Public Hearing.

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

Upon a motion by Bill LaScala and seconded by Roxanne Visconti, and with all those present voting “aye”, the Board approved the resolution approving a amended special use permit for self-storage within a retail shopping center for the Staples Plaza Shopping Center with changes as noted.

Envirogreen Associates

Discussion: Public Hearing

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

Contact: Site Design Consultants

Description: Proposed redevelopment of the property removing 2 existing building and parking area to construct a new 13,278 SF retail building with associated parking, landscaping, lighting, and stormwater improvements.

Comments:

Upon a motion by Bill LaScala and seconded by Roxanne Visconti, and with all those present voting “aye”, the Board opened the Public Hearing.

Joseph Riina, P.E. of Site Design Consultants; Steve Marino, Environmental Consultant of Tim Miller Associates; and Rick Cipriani, property owner, were present. Mr. Riina stated that the property is a total of 8.8 acres consisting of two parcels. The site currently contains two buildings with the main entrance to the west side of the property. Most of the footprint for this proposal is within areas that are currently developed. The smaller parcel to the east once contained a

residential housing unit that was removed. To the rear of the property is a stormwater basin that was constructed for the original project. The remainder of the site is all NYSDEC wetland. The history of the application was reviewed with the Board. The original plan proposed in 2017 was for two buildings totaling 16,000 sf. and to maintain the driveway connection between the properties on both sides. The NYCDEC was not in favor of this plan as discussed at previous meetings. The current proposal is to construct a single-story commercial building under 14,000 sf. with two separate entrances. The existing main entrance and existing curb cut will remain. As part of the project, they are proposing to eliminate three other existing access points. Two sets of trash enclosures are proposed for the existing buildings on the west and the proposed new building. The proposed improvements do not encroach the wetlands. A SWPPP has been submitted for review. All the parking spaces are proposed to be porous pavement. Additional parking spaces are proposed to be land banked and will be dependant on tenant occupancy. The existing stormwater basin is proposed to be expanded to manage all the stormwater on site and to meet the current standards. A landscape plan was submitted for review. The streetscape is proposed to be re-created since the NYSDOT requires a 5 ft snow shelf off the edge of Route 6 similar to the Audi and Volkswagon dealerships along the road. A landscaped area is proposed in front of the building that is to be part of the stormwater management aspect of the project.

Mr. Marino stated that there is a NYSDEC wetland on the north side of the site which is also regulated by the Town. The proposed plan does not encroach or disturb the wetland. The entire developed area of the project is in the buffer already. The frontage on Route 6 is currently improved with two buildings, parking and access to the existing detention basin in the rear. Beyond that is the NYSDEC wetland which drains through the neighborhood to the north and ultimately to the Peekskill Hollow Brook. A mitigation plan was submitted for review which provides wetland enhancement and restoration that will include removal of debris and invasive species. Plantings of native species are proposed along the buffer and inside the wetland as well as additional landscaping at the site. The existing stormwater basin is proposed to be expanded to improve the stormwater management at the site and reduce the amount of run-off to the wetland. Historical aerials were shown to the Board.

Mr. Riina showed the architectural plans and renderings to the Board. The plan is conceptual based on tenant occupancy but will have the same look and roof line. They met with the ABACA and have received their comments. Two iterations of the building front have been prepared based on their comments and will be submitted for their next meeting agenda.

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

- John Flynn, Woods Brook Lane – Mr. Flynn asked if there have been any traffic studies conducted for this proposal. His recollection is that under the previous proposal plan there wasn't a big traffic impact but questioned if the current proposal will change the impact.

Mr. Riina responded that a traffic study was conducted by Dr. Grealy of Maser Consulting in 2017. Since the size of the project is now reduced, and the number of curb cuts are identical to the original plan (*reduced by three*), the traffic load will be less.

Chairman Fon asked the Board and Counsel if there were comments. Mr. Ciarcia stated that he will review the SWPPP but had no issue with the fundamental layout. The wetland issue has been resolved to allow the application to move forward. Chairman Fon added that the Conservation Board was in favor of this proposal. Mr. Tegeder stated that the landscape plan will need to be reviewed. In addition, the hardscape plan will need to be looked at in terms of the approach to the building from the parking lot and sidewalk width. Mr. Glatthaar stated that the hearing should remain open until they have resolved the issues noted.

Upon a motion by Bill LaScala antd seconded by Roxanne Visconti, and with all those present voting “aye”, the Board adjourned the Public Hearing.

Grishaj Major Subdivision

Discussion: Public Informational Hearing
Location: 16.17-2-77; 3319 Stony Street
Contact: Site Design Consultants
Description: Proposed 10 lot subdivision on 8 acres in the R1-20 zone.
Comments:

Upon a motion by Bill LaScala and seconded by Roxanne Visconti, and with all those present voting “aye”, the Board opened the Public Informational Hearing.

Joseph Riina, P.E. of Site Design Consultants; and Steve Marino, Environmental Consultant of Tim Miller Associates, were present. Mr. Riina stated that the proposal is for a 10-lot subdivision with a cul-de-sac at 3319 Stony Street. The parcel is a total of 8 acres and zoned R1-20. The property is bound by Stony Street, North Shelly Street, Sunny Ridge Court and High Point Drive. The site was previously improved with a house and barn with the driveway access off of Stony Street. There is a local wetland on the property as shown on the plans. The property is proposed to be accessed mainly off of High Point Drive and South Shelly Street. The extension of the the two right-of-ways was intended when Highland Park was created as part of the master plan by the Planning Board to allow the roads to go through. The engineering details still need to be worked out as this is a preliminary plan. Some of the grading has been worked out for the road and around the proposed homes. There was discussion at the last meeting to reconfigure the position of the homes backing onto Stony Street. Once the stormwater testing is complete, they will work on the positioning of the homes. Stormwater areas have been identified but still need to be investigated. Each of the proposed residences will have their own stormwater management system. All the proposed lots meet the zoning requirements.

Mr. Marino showed the 2010 aerial of the site to the Board. He stated that there is a wetland on the site on the western side of the property that was flagged in September. That wetland is derived from water run-off primarily from the developed properties to the south. Since that time there have been drainage improvements in the neighborhood and much of that water is now cut off so the wetland is starting to shrink. He noted that he has been the site over the past month and there has been no standing or flowing water on the property. Due to the configuration of the proposed road, fill is proposed at the site. The proposed mitigation plan was shown to the Board. The red shaded areas are proposed to be filled and the yellow shaded areas are the areas where the wetlands could be expanded. There are a number of trees on the site particularly on the western half of the property most of which are 8 to 12 inch red maples. A number of very large trees have also been identified on the property. Once the house sites are finalized, they will do their best to preserve as many of the larger trees as possible. As the project progresses, a more detailed wetland mitigation plan will be submitted for review.

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

- Robert Buchanan, 3318 South Shelly Street – Mr. Buchanan stated that he has three concerns for the Board’s consideration which are traffic, wetlands, and quality of life. He feels that the extension of South Shelly Street connecting into High Point will cause a traffic flow increase into this calm, peaceful dead end and cul-de-sac. He also feels that the increased traffic to this intersection will create a dangerous situation and questioned if a traffic study was ever done. He noted that traffic has already increased in the area due to the Granite Knolls athletic fields and feels that the addition of this development will make it worse. The second point of concern is the wetlands. He noted that from his observation the grounds are always soggy and questioned if the Town has looked at the wetlands. The third point of concern is how this development will affect their quality of life. For the past 20 plus years, he and his wife have looked at the beautiful patch of trees and now their view will change to homes. He feels that their quality of life will be diminished by this development and possibly affect their property value. He asked the Board to consider a buffer area or leave some trees since he feels that this development will change the character of the neighborhood.
- Joseph Castelli, 1306 Lydia Court – Mr. Castelli had the same concerns as Mr. Buchanan. He stated that turning the dead end street into a through street will increase the traffic flow up Judy Street onto Shelly Street into a very quiet residential neighborhood. He feels that the Board should be concerned about the traffic flow in residential areas where families live and play. He stated that the wetlands are marshy and is also concerned about the wildlife. He noted that the residents chose to live in this area due to the aesthetics of the wooded area.
- Robert and Maureen Milazzo, 1316 Lydia Court – Ms. Milazzo stated that they have been residents for 40 years. Their street is a cul-de-sac that runs perpendicular into Shelly Street that will be affected by the additional traffic. She noted that they have been through many changes to this development that include the construction of the pipeline, Granite Knolls athletic fields and the Shrub Oak International School. She feels that this proposal will increase the traffic flow even more and affect their development. Mr. Milazzo stated that he had traffic safety concerns. Ms. Milazzo noted that there is a telephone pole covered with memorials of people who passed away due to accidents. They feel that this is not an area to increase the traffic load and are not in favor of this proposal.

- Tim Sullivan, 1313 Lydia Court – Mr. Sullivan had the same concerns as the previous residents. He has been living in this area for 19 years and chose this location as it is a cul-de-sac and dead end street and a great place to raise a family. He emphasized that traffic will be an issue. He feels that this proposal will create a dangerous situation and affect their property value and quality of life.

Chairman Fon asked the Board and Counsel if there were any comments and there were none.

Upon a motion by Bill LaScala and seconded by Roxanne Visconti, and with all those present voting “aye”, the Board closed the Public Informational Hearing.

Northern Westchester Executive Park

Discussion: Public Informational Hearing

Location: 26.19-1-2; 2651 Strang Boulevard

Contact: Kellard Sessions Consulting

Description: Proposed expansion of parking lot to provide flexibility for lower level tenant(s).

Comments:

Upon a motion by Bill LaScala and seconded by Roxanne Visconti, and with all those present voting “aye”, the Board opened the Public Informational Hearing.

Joseph Cermele, P.E.; and Angelo Martino of Cardarelli Design Group, were present. Mr. Cermele stated that the application is for an amended site plan approval for a parking expansion to the existing facilities. The property sits on the northwest corner of the intersection of Strang Boulevard and Route 202. Strang Boulevard bisects the parcels. Parcel #1 is to the west side of Strang Boulevard and is 18 ½ acres in size. Parcel #2 is to the east side of Strang Boulevard and is 5 ½ acres in size. The property is currently improved with two existing buildings. There are about 700 parking spaces on the site. The majority of those spaces are located on the south side of the buildings. There are only 60 parking spaces on the north side of the building. The purpose for the amendment is to help create tenant occupancy in the lower level of the northern building. The proposal is for the creation of a lower level parking lot with an access drive that would connect to the upper parking lot to provide immediate parking for the lower level tenant. The lower level parking lot would include a total of 25 parking spaces and one loading space. The existing parking spaces in the upper lot would be rearranged slightly to allow for the 24 ft driveway. There will be no net loss of parking spaces to the existing upper parking lot. A small bump out and turn around area for a loading dock is proposed to provide flexibility for a future tenant. A series of retaining walls are proposed. They meet all setback requirements. Since they are in the watershed, they are required to file with the DEC, however, they are under the threshold required for the DEP. A SWPPP has been submitted for review. The soil testing was performed and witnessed by the Engineering Department. Three trees are proposed to be removed to create the parking lot. There are no wetlands or flood plains on this parcel.

Mr. Martino showed various elevations of the proposed retaining walls to all. Evergreen trees are proposed to screen the wall and act as a buffer for the neighboring residents.

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

- Frank & Laurie Melagrano, 2689 Strang Blvd – Ms. Melagrano stated that they live adjacent to the office park and parking lot. She feels that there is alot of parking at the site currently with the two lots and hopes that the intent for this expansion is not due to the laziness of the patrons. She added that the smaller lot is never full. Her concern is the view from her backyard and the additional traffic. She hopes that the applicant will provide ample screening for coverage. She noted that there are trees there currently but most are covered in vines and some are dying. Mr. Melagrano suggested that they clean up the wooded area down to Strang Blvd. He asked about the height of the proposed evergreens in conjunction with the height of the retaining wall. He thinks that the tree heights should be between 10 to 12 feet at installation. He stated that the current road for construction at the site does not seem to meet the setbacks. He also noted that they may want to install a silt fence around the stock pile of soil that is at the site currently as there is none.

Mr. Cermele responded that the road at the site is a temporary road in order to gain access to the lower level. The current work at the site is permitted for the interior retrofit that is currently underway. He noted that they were not involved in that particular aspect of the project but will inspect the site to ensure that the proper erosion control measures are in place and report back to the Board. The applicant is proposing to plant a screening buffer of green giant arbovitae with a planting height of 6 to 8 feet along the full length of the proposed driveway. He noted that the wooded buffer between

the property and the residences are largely deciduous trees which will be supplemented by the arbovites. With respect to the parking, he feels that laziness is a part of human nature but in reality it is a long walk from the southern side of the building to the northern end. The smaller parking lot has been empty due to low vacancy as a result of the access. Mr. Martino added that they are also achieving ADA accessibility with the ramp and parking on that side of the building.

Chairman Fon asked the Board and Counsel if there were any comments and there were none. The Board advised the applicant to report back with respect to the current work at the site.

Upon a motion by Roxanne Visconti and seconded by Bill LaScala, and with all those present voting “aye”, the Board closed the Public Informational Hearing.

Motion to Close Regular Session and Open Work Session

Upon a motion by Bill LaScala and seconded by Roxanne Visconti, and with all those present voting “aye”, the Board closed the Regular Session and opened the Work Session.

WORK SESSION

3666 Old Yorktown Road

Discussion: Fence
Location: 16.11-1-60; 3666 Old Yorktown Road
Contact: Carmella Pervizzi
Description: Proposed 6 ft fence across the front yard of the property in the residential existing development located in the C-2 zone.

Comments:
No representative was present.

McTaggart Residence (Spano Subdivision Lot 1)

Discussion: Site Plan
Location: 37.11-1-46.1; 2241 Saw Mill River Road
Contact: Fusion Engineering, P.C.
Description: Proposed changed to the approved subdivision improvement plan as a result of sewer being available.

Comments:
Paul Berte of ARQ Architecture P.C. was present. Mr. Berte stated that the proposal is for the development of lot 1 of the Spano subdivision that was previously approved in 2002. When he was last before the Board on May 10, 2021 there was discussion about a sewer easement to allow for a sewer extension to service the uphill properties. The owner had no issues and the plan was modified to show the easement to allow for an 8 inch sewer main connection. He met with the Town Engineer who agreed that the sewer main connection would make sense. The finished floor elevation changed as the proposed house was relocated higher on the lot and further away from the wetland setback since the septic system is no longer necessary.

Chairman Fon asked the Board and Counsel if there were any comments. Mr. Tegeder stated that the proposed plan is an overall improvement and had no issues.

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

Upon a motion by Roxanne Visconti and seconded by Bill LaScala, and with all those present voting “aye”, the Board approved the resolution approving a site plan, change in finished floor elevation and stormwater pollution prevention permit for the McTaggart residence.

Town Board Referral- Apollonio T-WP-SWPPP Permit

Location: 37.17-1-54; 1780 Baldwin Road
Contact: Ralph Mastromonacco, P.E.
Description: Proposed construction of new single-family dwelling and pool on 1.88 acres in the R1-40 zone.
Comments:

Steve Marino, Environmental Consultant of Tim Miller Associates; and Mr. & Mrs. Appollonio, property owners, were present. Mr. Marino stated that the site was previously improved with a residence that burned down a few years ago. The history of the site was reviewed with the Board. The applicant is now proposing to construct a new single-family home and pool on the site. The new house will be located further down the hill as shown on the plans. The existing pool is in the process of being renovated. The driveways will remain the same. The wetland has been flagged and will remain. A small water basin is located adjacent to the wetland. As mitigation, a planting plan is proposed for the basin. In addition, the applicants have agreed to install a force-main sewer line on Baldwin Road that will extend 2,500 feet to the nearest sewer manhole at their own expense. This installation would allow 11 property owners along that stretch the option of connecting to the sewer.

Chairman Fon asked the Board and Counsel if there were any comments. Mr. Tegeder stated that a mitigation plan needs to be prepared for the wetland permit and tree removal. Most of the tree removal is within the wetland or wetland buffer which was already disturbed from the previous home. He suggested for the applicant to submit a written mitigation plan that could be accepted at staff level for the record and approved by the Town Board. Chairman Fon noted that the installation of the force-main is clearly an environmental benefit and could be part of the mitigation plan. The Board agreed and had no issues. The Planning Department will prepare a memo to the Town Board.

Home & Hearth

Discussion: Site Plan

Location: 15.12-1-2; 1750 East Main Street

Contact: Site Design Consultants

Description: Proposed demolition of two existing buildings to construct a new 5,500 SF showroom/warehouse and 4,500 SF storage building on 1.99 acres in the C-4 zone.

Comments:

Joseph Riina, P.E. of Site Design Consultants; and Steve Marino, Environmental Consultant of Tim Miller Associates were present. Mr. Riina stated that the applicant is proposing to move their existing retail business, Home and Hearth, that is currently located in Cortlandt to Yorktown. The site is located at 1750 East Main Street between the Volkswagon Dealership and the BP Gas station. It is currently improved with two buildings – an old frame house and storage building. The applicant is working with St. Mary’s to donate and move the house to their property. The majority of the site is already developed and disturbed. There is a DEC wetland in the rear of the property and the disturbance touches the boundary. The proposal is for the construction of a single story 5,500 sf showroom with a basement and a 4,500 sf storage building. They are trying to work with the current footprint of what has already been disturbed. They comply with the zoning and parking. The stormwater will consist of two green gardens – one will handle the majority of the site which is the building and the parking and the other will handle the roof run-off for the storage building.

Mr. Marino stated that the northern part of the site is flagged DEC wetlands and was delineated last year. He noted that it is a wooded wetland beginning about 8 to 10 ft off the existing wetland boundary. The first 8 or 10 feet has been disturbed in the past so there is debris and invasive species. Beyond that it is a healthy wooded wetland system. All the development will occur in areas that are already impervious surface and doesn’t really represent a change in impervious surface in the buffer. They are proposing two stormwater managements systems and providing stormwater management to the wetland which doesn’t currently exist. Historical aerals were shown to the Board. They are currently working on the final grading and mitigation concept for the wetland.

Mr. Riina stated that they will work on the details and requested for the Board to consider scheduling a Public Informational Hearing. Chairman Fon asked the Board and Counsel if there were any comments. Mr. Tegeder asked Mr. Riina to show a map of the neighbors for the hearing. The Board agreed to schedule a Public Informational Hearing for the September 13th meeting.

Shrub Oak International School

Discussion: Amended Phasing Plan

Location: 26.05-1-4 & 26.06-1-2; 3151 Stony Street

Contact: Divney Tung Schwalbe LLP

Description: Proposed amendments to the site plan approval for Phase 2 site improvements.

Comments:

David Steinmetz of Zarin & Steinmetz; Donna Maiello of Divney, Tung and Schwalbe; and Michael and Brian Koffler of Shrub Oak International School were present. Mr. Steinmetz stated that there were items in the original site plan that were contemplated to be constructed in Phase 1 of the initial building of the school. The Kopplers would like to defer those items which include the helipad, animal barn, landscaping, dumpster pad, generator pad and pathway to the second phase of the project. He noted that there are no new impacts to the project. The school is doing well with over 50 students currently enrolled. He is not sure whether a public hearing is required but will defer to the Board and Counsel. They received the draft resolution and had no issues.

Chairman Fon stated that the Board conducted a site visit and were impressed with the site and had no issues. Mr. Tegeder asked if there were any added uses or expansion of uses. Mr. Steinmetz responded that there were none. Mr. Tegeder stated that since they are just moving the uses from Phase 1 that have already been reviewed by the Board to Phase 2, a public hearing may not be necessary but deferred to Counsel. Mr. Glatthaar stated under the land development regulations any amendment to a site plan has to follow the same procedure so a hearing will be required. He recommended that the Town Board look at this section as it doesn't distinguish between minor, ministerial and major amendments. Mr. Steinmetz stated that this is not an amendment to the site plan as they are not adding anything new but rather a construction phasing plan and questioned if a letter notifying the Town of the sequence of construction would be appropriate. Mr. Glatthaar responded that if a phasing plan was approved as part of the site plan, the resolution would have to be amended. Mr. Tegeder stated that there was a Phase 1 approval. The Board agreed to schedule a Public Hearing for the September 13th Board meeting.

Foothill Street Solar

Discussion: Public Informational Hearing Site Plan & Special Permit
Location: 15.07-1-5; 3849 Foothill Street
Contact: Con Edison Clean Energy Businesses, Inc.
Description: Proposed installation of a 1.875 MW ground mounted solar panel system with associated access road, electric utility upgrades, and perimeter fencing.

Comments:

Joe Shanahan of Con Edison Clean Energy Businesses, Inc. was present. Mr. Shanahan stated that he has been before the Board for a little over three years in connection with this proposal. As a result, he feels that the proposed plan is in a much better place than when it was first introduced to the Board. They have substantially enhanced the landscape screening plan to supplement the natural screening that will be left around the proposed project. The proposal is to plant 200 trees primarily along Foothill Street to eliminate any potential visual impact along the roadway in addition to plantings around the site. All the plantings will be installed between 6 to 8 ft in height with a cost estimate of a little over \$150,000. A mitigation plan for the tree removal at the site was submitted for review. A Public Informational Hearing was held on 4/12/21. Since that time, they have been asked to follow up on a few items. A battery energy storage system was included in the site plan but under the new Battery Energy Storage System (BESS) ordinance, a separate application is required which has been submitted. He noted that there is a provision in the BESS by-law with regard to noise level limitations within certain distances from the facility. While it is not required by law, the Town has the right to ask for evidence that they are compliant with the noise standard. They engaged a firm (HMMH) to perform a noise study and it was found the the proposed system does comply with the local law as noted in their letter dated 6/25/21. A tree inventory and assessment report prepared by a state certified arborist was submitted to the Board for review. A decommissioning plan has been prepared and submitted with a detailed cost estimate for removal and restoration of the proposed project. He feels that they have done all that was asked of them and requested to move forward with a Public Hearing.

Chairman Fon stated that after the Public Informational Hearing, they had an opportunity to meet with members of the Town of Putnam Valley and the School District and heard their concerns. He noted the Conservation Board memo dated 7/22/21. He suggested engaging the use of the Town's environmental consultant for this application and the Board agreed. Mr. Tegeder explained the procedure to the applicant. Mr. Shanahan responded that he had no issue with this but respectfully requested for the Board to consider scheduling a Public Hearing in conjunction with the Town's environmental review. The Board agreed to schedule a Public Hearing for the September 13th Board meeting.

Motion to Close Meeting

Upon a motion by Bill LaScala and seconded by Roxanne Visconti, and with all those present voting "aye", the Board closed the meeting at 9:10 p.m.