

Planning Board Meeting Minutes – November 8, 2021

A meeting of the Town of Yorktown Planning Board was held on **Monday, November 8, 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:

- Aaron Bock
- Rob Garrigan
- Bill LaScala

Also present were:

- John Tegeder, Director of Planning
- Robyn Steinberg, Town Planner
- Nancy Calicchia, Secretary
- James W. Glatthaar, Esq.
- Dan Ciarcia, Town Engineer

Correspondence/ Liaison Reports

- The Board reviewed all correspondence.
- There were no liaison reports.

Motion to Approve Meeting Minutes of October 18, 2021

Upon a motion by Aaron Bock and seconded by Bill LaScala, and with all those present voting “aye” the Board approved the meeting minutes of October 18, 2021. Chairman Fon abstained from this vote as he was not present at the meeting.

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

Fusco Minor Subdivision

Discussion: Request for First 90 Day Time Extension

Location: 16.14-1-10; 3477 Stony Street

Contact: Laura DiGiovanni, property owner

Description: Approved 2-lot subdivision on 2.72 acres in the R1-20 zone, by Planning Board Resolution #19-11 dated May 20, 2019, #20-03 dated May 11, 2020, and #21-07 dated May 10, 2021.

Comments:

Laura DiGiovanni, property owner, was present. Chairman Fon asked the Board and Counsel if there were any issues with the extension request and there were none.

Upon a motion by Bill LaScala and seconded by Aaron Bock, and with all those present voting “aye”, the Board approved the first 90-day time extension for the Fusco minor subdivision.

Strawberry Road Solar (Ciuffetelli) CDG Solar Project

Discussion: Public Informational Hearing

Location: 15.12-1-12, 14, & 30; 1696-1700 Route 6 and 1645 Strawberry Road

Contact: Green Street Power Partners pn

Description: Proposed 2.4 MW-DC ground mounted solar panels disturbing 9.10 acres on 21 acres in the R1-20 zone.

Comments:

Upon a motion by Rob Garrigan and seconded by Bill LaScala, and with all those present voting “aye”, the Board opened the Public Informational Hearing. Craig Dwyer and Brian Matthews of Green Street Power Partners; and Quinn Ciuffetelli, property owner, were present. Mr. Dwyer stated that the site is located at the corner of Route 6 and Strawberry Road and is a total of 22.5 acres of which only 9 acres are proposed to be disturbed. The proposal is for

a 2.4 MW-DC community solar facility. The access road is off of Route 6 and includes turn-around points for the Fire Department per the Westchester Fire Code. The proposed solar array will consist of a total of 171 tables of 450 MW modules. Per the recommendation of the Town's environmental consultant, the total array area will be fenced in. A vibernum species of shrubs is proposed to be planted along the northern and southern side of the array for shielding purposes. The vibernum will grow to be about 6 to 8 feet wide and 10 to 12 feet tall and will provide a dense vegetative buffer.

Chairman Fon stated that the Board conducted a site visit and noted that the property has been left unattended for some time. He noted that there was an old building that seemed to be falling down and recommended that this be removed apart from the solar application as it is hazardous. Chairman Fon asked about the slope of the property. Mr. Dwyer responded that there is a light southern facing slope which bodes well for the solar production. The wetlands will not be disturbed. All the drainage will run down the southwest and into the south of the site. They are proposing to install basins in those areas as they feel this will mitigate the increased velocity of the water coming off the panels. Chairman Fon asked about the view of the panels for the residents on the upper side of the property. Mr. Dwyer responded that there will be a 100-ft buffer to the tree clearing line from the back of those properties. As you go further west, it gets a little closer to the tree clearing line but to the east they are about 200-ft. Chairman Fon asked about the distance of the panels to the closest residence. Mr. Dwyer responded that from the property line it is 100-ft. The last row of modules on the northwest corner are about 15-ft off the tree clearing line and fence line but 100-ft off the property line. A chain link fence as well as the vibernum shrubs is also proposed. Chairman Fon asked about the traffic. Mr. Dwyer responded that they will require semi-annual maintenance for routine diagnostics no more than three times a year. Additionally, a landscape contract will be in place to keep the grass below the panels which may be done quarterly. Chairman Fon asked if they met with the Conservation Board. Mr. Dwyer responded that they did but didn't go into detail. He noted that they are open to discussion on whether they want to plant a pollinator friendly seed mix or other seed mix. Over 600 trees are proposed to be removed. The proposed mitigation will include plantings of a little over 200 trees with the balance to be paid into the Tree Bank fund. Mr. Tegeder asked about the height of the panels. Mr. Matthews responded that the low side of the panel is around 3-ft depending on the topography and the highest point is no more than 9.5-ft. The plans and renderings were shown to the Board. Mr. Bock noted that the rendering of the entrance to the site appeared to show more of a gentle slope than what he recalled seeing at the site. Mr. Matthews responded that in order to meet the fire code requirements, they couldn't have more than a 10 degree slope for fire access. A conceptual plan was shown to the Board. Discussion followed with respect to the access road. Mr. Matthews stated that catch basins are proposed on the northwestern side, southwestern side and southern side closest to Route 6 to collect the rain water run-off. The basins are strategically placed based on the topography of the site. They are currently working on further mitigation plans for the vegetative species underneath the solar modules. The wetlands will not be disturbed. Mr. Garrigan asked if there was a limit to the number of subscribers. Mr. Dwyer responded that the project can hold 350 to 400 subscribers, and after that there will be a wait list. Mr. Garrigan stated that this seems to be an appropriate use for this location as there will be no additional traffic to Route 6 but noted that the visual impact to the neighboring properties needs to be addressed. Chairman Fon agreed and noted that the biggest impact would be on the resident side with the 100-ft buffer in the back. Chairman Fon noted that the Board is not in favor of chain link fences but will discuss this as they move forward.

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

- Mike Bemis, 1657 Strawberry Road – Mr. Bemis asked what impact, if any, will this project have on the immediately adjacent neighbors with respect to sounds from the cooling system, lights, etc. He also questioned the lifespan of the proposal.

Mr. Dwyer showed the location of the abutting properties. He stated that the inverters are the only piece that make noise and noted that they are located on the southern side of the project. The sound level is at 55 to 60 decibels which would be equivalent to a quiet conversation in a restaurant. He noted that the sound of the automobiles on Route 6 would be heard before the solar array. A vegetative buffer is also proposed for the visual aspect of the project and he noted that they are open to conversation with respect to size, height and density. Mr. Matthews stated that with respect to lights, unless there has to be maintenance at night which would be extremely rare, there should be no lights. Mr. Dwyer stated that the panels are warranted for 25 years but expect the project operation to last for about 40 years as this is the life of the panels.

- Jay Kopstein, resident – Mr. Kopstein stated that his comments are generalized and applicable to several projects. He stated that when you enter a rural community you often hear comments about beautiful farms, farm animals, parks, forests, lakes, green spaces, schools and even properly designed and landscaped homes. Has anyone heard positive comments about ground-mounted black glass deserts devoid of life. The communities around our community seem to be taking cognizance of these ground-mounted black glass deserts and preventing their creation. Chairman Fon stated that the Board is charged with properly screening solar proposals to basically make them invisible. He noted that there have been discussions with the Town Board with respect to the amount of solar proposals before the Town and a possible moratorium. Part of the Town’s goal is to think about the future and proper planning of the infrastructure for our area. Indian point is shut down and it seems that there are no infrastructure improvements from Con Edison. The State is talking about banning gas lawn equipment and possibly the sale of gas cars in the future will be gone as well. We will be relying on an electric infrastructure and as a Town we need to recognize this. While some applications may not be appropriate, others may be the right fit. The Board is charged with reviewing each application on its merits as each property is different. Mr. Ciuffetelli added that they are at a point where something needs to happen with this property and noted that a solar farm would be less impactful than a residential development.
- Susan Siegel, resident – Ms. Siegel stated that she supports the concept of solar energy and solar farms but it doesn’t mean that she supports every application before the Board. Her comments this evening are directed to the Board and may sound mostly procedural but actually have some critical environmental issues behind them. The first one has to do with the EAF, she feels that the Planning Department needs to revise its procedures and require at a minimum a full EAF for all large-scale solar farms. She feels that the short form submitted for this application is unacceptable. Her second issue has to do with the environmental assessment submitted by the consultant. Did the Planning Board have any input into the scope of services for the consultant? She noted that the scope of service and the report was included in the meeting packet posted to the website and thanked the Planning staff. She asked if the meeting packets could be made available earlier. She noted her concerns with respect to the environmental consultant report. She stated that community solar is a positive aspect for the Yorktown residents to sign up and save money on their electric bill but noted that she could sign up anywhere in New York to receive a credit. Whether this project is built in Yorktown has no bearing on her ability to save money on her electric bill.

Chairman Fon stated that this is their first experience with the environmental consultant that was hired by the Town Board for the benefit of the residents. The applicants pay the consultant fee and not the town. He noted that the Town has qualified professional staff including the environmental and traffic consultants and feels confident that they do their best to review the projects as they come in.

- Bernadette O’Campis (Perone), 1646 Strawberry Road - Ms. O’Campis stated that she is concerned about how the power is transmitted and does not want to find out five years from now that she will get cancer from these panels. How will this affect her house value. She noted that the street is already congested with traffic. She also noted that there is a water problem on that street and they are always flooded.

Mr. Dwyer responded that all the power is direct wired to Con Edison’s main feeder on the south side of the property off of Route 6 which will be the inter-connection point. He noted that solar has far less electromagnetic frequencies than for example anyone that lives under or near a large overhead transmission line. The EMF is extremely low. With regards to home value it’s always a question of where the projects are sited. The area is congested with traffic already. If they were to look at a residential development they would be looking at increased traffic and two access points which would suppress property values. If they screen this solar farm appropriately they are in a better position than having traffic and housing development in this area. The solar array would be less impactful to the area.

- John Hamilton, 1654 Strawberry Road. Mr. Hamilton stated that it was noted that there will be less noise generated from the system than the traffic on Route 6. Unfortunately, they can hear the traffic as it is now and he is concerned about the removal of the buffer trees. How will they mitigate the noise? How deep is the foliage buffer on Strawberry Road? He heard about another solar proposal on the Cortlandt side on Lexington Avenue at the end of Strawberry Road. There are now two proposals in a close proximity that will remove hundreds of trees and he is concerned about the environmental impact. He is also curious as to what the sound on the panels will be during a heavy rain storm.

Mr. Dwyer responded that there wouldn’t be any noise from the panels during a rainstorm as they are glass and on an angle. With respect to the noise on Route 6, the hillside is shielding the noise. Between the hillside, vegetative buffer and fencing on the northern side it should not be visible. Mr. Hamilton asked about the fence. Mr. Dwyer responded that it is 100-ft from the property line, the foliage starts immediately on the opposite side of the fence.

Mr. Dwyer stated that he is not familiar with the other solar farm proposal. Chairman Fon stated that there are quite a number of solar farm applications and noted that it may be helpful if the Planning Department could create a map of all the proposals.

- Jay Kopstein, resident - Mr. Kopstein stated that he believes the short EAF, question 18 seems to be answered incorrectly. The site plan shows two retention ponds.
- Joseph DeMaria, 1603 Strawberry – Mr. DeMaria stated that he has lived in the area for 35 years and understands that the land would be eventually be developed. With respect to the traffic impact, he likes this proposal as it will not increase the traffic flow. He asked about the foliage. He noted that his property is the closest to the panels and questioned if they could cut back the panels by a few to make it an equal setback. He asked about the height of the proposed fence as three houses are a bit higher and he doesn't want to see the panels. He questioned the safety of the equipment with respect to the children in the area. Another concern is that the property has been abandoned for years and trees have fallen into his yard that he has been maintaining for years and there is an easement. Should this property be maintained by the applicant in the future. He asked about the work schedule if the proposal was to be approved.

Chairman Fon stated that it would be the property owner's responsibility for trees fallen past their property line. He noted that the Board will look at all of the site details to ensure that the area is cleaned up of dead materials and sufficiently screened so that there is no visual impact to the surrounding residences. With respect to the work schedule he noted that there is a noise ordinance that the applicant will have to follow. Mr. Matthews added that the viburnum shrubs proposed to be installed at the site are year-round foliage.

Upon a motion by Bill LaScala and seconded by Aaron Bock, and with all those present voting "aye", the Board closed the Public Informational Hearing.

Arcadia Farm Solar Farm

Discussion: Adjourned Public Hearing
Location: 47.11-1-4; 1300 Baptist Church Road
Contact: Croton Energy Group
Description: Proposed 800 kW ground mounted large-scale solar energy system disturbing approximately 6 acres of a 28.85 acre horse farm in the R1-80 zone.

Comments:

Julia Magliozzo of Ecogy Energy; and Michael Tarzian of Croton Energy Group, were present. Ms. Magliozzo stated that since they were last before the Board they submitted a full EAF. They also completed a site walk with the DEC on 10/21/21 for the watercourse delineation and to begin the process. The DEC didn't identify any particular concerns with the site. They received the TCAC memo dated 11/8/21 today and the only comment they didn't address is that they asked to provide a greater variety in the shrubs to be planted to avoid a monoculture of which they are happy to provide. A letter was submitted to the Board dated 11/8/21 with respect to the mitigation plan and tree removal for the record. They are proposing to remove a total of 87 trees; plant 20 trees and 44 shrubs; and pay \$100.00 for each tree to be removed totaling \$8,700 into the Tree Bank fund for a complete comprehensive mitigation plan. Once the process is complete with the Planning Board, they can formally move forward with the DEC.

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

- Paul Moskowitz, resident - Mr. Moskowitz stated that he is speaking on behalf of the Huntersville Association which is a voluntary community association in the Huntersville area that includes residents on Hunterbrook Road, Baptist Church Road, Baldwin Road, Old Logging Road and a few others. They currently have a facebook page with about 160 members. The directors of the association were invited by the property owner, Ms. Peckham, to tour the property. They observed that most of the area to be occupied by the solar panels has already been cleared. There are some trees but they represent a minority part of the property. They feel that this is the right place for a solar farm as there is very little tree loss and he noted that using already cleared land is prioritized in the Solar Law. They did not see any visual impacts on Baptist Church Road or the neighboring properties. In general, they support solar farms and feel that this is an appropriate space for a solar farm. They are in favor of this proposal and have no objections.

Upon a motion by Aaron Bock and seconded by Bill LaScala, and with all those present voting "aye", the Board closed the adjourned Public Hearing.

Kitchawan Farm Solar Farm

Discussion: Adjourned Public Hearing
Location: 70.06-1-2 & 3; 716 Kitchawan Road
Contact: Ecology Kitchawan Community Solar Farm, LLC
Description: Proposed 2 MW ground mounted large-scale solar energy system disturbing approximately 8 acres of a 23.13 acre farm in the R1-200 zone.

Comments:

Julia Magliozzo and Michael Tarzian of Ecology Energy was present. Ms. Magliozzo stated that since they were last before the Board they submitted a full EAF for the record. They met with the Conservation Board on 11/4/21 and received their comment memo noting that they will wait to comment until after the DEC has given their recommendations. They met with the DEC at the site on 10/21/21. The DEC did not have any concerns including the wetland setback. They consider solar panels to be an enhancement project, they consider gravel to be an impervious surface, and they consider the fencing to also be impervious as long as the posts are installed below grade which they will be. Once the process is complete with the Planning Board, they can formally move forward with the DEC. A letter was submitted to the Board dated 11/8/21 with respect to the mitigation plan and tree removal for the record. They are proposing to remove a maximum of 168 trees; plant 123 trees and over 400 shrubs; and pay \$100.00 for each tree removed totaling \$16,800 into the Tree Bank fund as part of the mitigation plan. Per the request of the Planning Department, renderings were prepared showing the line of site view with and without plantings. An updated landscape plan was submitted with a breakdown of the growth rate over the years.

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

- Jamie Spillane, Hogan & Ross Law Firm for Centerline Stables - Ms. Spillane stated that the parcel is located in what is shown as area 4 on the Croton Highland Biodiversity Plan and is aware that there will be fencing associated with the solar panels. Pursuant to the plan, she noted that there are a number of sensitive species in the area, not necessarily endangered, including certain snakes. She questioned if this plan was considered when determining the environmental sensitivity of the area in reviewing the plan put forward. She asked for a copy of the revised landscaping plan from the applicant. With respect to the new plantings, has a water study been done to ensure the growth and potential of all the additional plants. And if there has been a water study, has an irrigation plan been put forward. If the project is approved, what will the timeline be for the construction schedule and is there a note on the hours that the construction will take place. In regards to the energy generated from the project, will it go to local businesses and homes or is it open to others in the state and would it still be considered community solar. She noted the Conservation Board's comment with respect to the manmade pond. The EAF notes that there would be no impoundment of liquids on the property. She questioned what the purpose of the manmade pond is. She noted the TCAC memo requesting native species and asked if this will be complied with. She noted that a number of solar applications have been before the Board and questioned if any have been constructed as of yet and if so would they have showings or pictures to show the neighboring property owners what the project would look like as well as the potential future impacts.

Ms. Magliozzo responded that with respect to the Croton Highlands Biodiversity Plan and the sensitive species, they provided a side view of what the fencing will look like for this project with a previous plan set. The fence will be raised off the ground to allow small animals to pass underneath so they will still have full access to the area. She will provide the updated landscape plan and renderings to Ms. Spillane. They have not completed a water study or irrigation plan. They do include maintenance of vegetative buffers and plantings as part of their ongoing operations and maintenance plan. With respect to the construction timeline, construction is estimated to be around 3 months but would not be active loud work. Construction hours would be limited between 8:00AM and 4:00PM. With respect to the noise, they recently conducted pole testing at the site and have a video showing the horses are totally undisturbed by the noise. With respect to community solar, they emphasize local subscribers and reach out to low- and middle-income subscribers and local businesses. They would like to subscribe the system 100% to Yorktown and if they are not able to do so they would expand to the larger Westchester area. They do not anticipate any issues as their existing subscriptions are filled with a waiting list. There will be no added impoundment, the existing manmade pond has been there for a number of years. As noted, they will only use native species for the plantings. They do not have fully constructed systems in this area but would be happy to share photos of other sites. Ms. Spillane asked how many employees will be on site after construction. Ms. Magliozzo responded that post

construction, there will be none. Maintenance will be performed twice annually which involves one or two people to ensure that the panels are clean and running properly.

Chairman Fon asked the Board and Counsel if there were any comments. Mr. Tegeder stated that he would like to review the viewshed from the roadway and the neighboring properties.

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

Fiore Minor Subdivision

Discussion: Request for First 90 Day Time Extension
Location: 26.15-1-69; 2797 Carr Court
Contact: Site Design Consultants
Description: Approved 2-lot subdivision on 1.14 acres in the R1-20 zone, by Planning Board Resolutions #19-10 dated May 20, 2019, #20-04 dated May 11, 2020, and #21-11 dated May 24, 2021.

Comments:

Joseph Riina, P.E. of Site Design Consultants was present. Mr. Riina stated that the family has been dealing with estate issues since the passing of Mr. Fiore. The plat is ready to be signed and filed. Chairman Fon asked the Board and Counsel if there were any issues and there were none.

Upon a motion by Aaron Bock and seconded by Rob Garrigan, and with all those present voting “aye”, the Board approved the first 90-day time extension for the Fiore minor subdivision.

Ricciardella Estates LLC

Discussion: Request for First One-Year Time Extension
Location: 59.14-1-18; 702 Saw Mill River Road
Contact: Site Design Consultants
Description: Site Plan approved by Planning Board Resolution #19-09 dated May 20, 2019 and #20-22 dated October 26, 2020.

Comments:

Joseph Riina, P.E. of Site Design Consultants was present. Mr. Riina stated that they are at the final stage for the plans to be signed and are waiting to resolve the inspection fees with the Town Engineer. Chairman Fon asked the Board and Counsel if there were any issues and there were none.

Upon a motion by Aaron Bock and seconded by Bill LaScala, and with all those present voting “aye”, the Board approved the request for a first one-year time extension.

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

C3 Holdings LLC fka Generations Building

Discussion: Approved Site Plan
Location: 48.11-1-51; 1500 Front Street
Contact: Site Design Consultants
Description: Proposed two-story 3,600 SF building to be used as a 3-bay parking garage on the first floor, material storage on the second floor for one of the existing businesses within the building. This site plan was previously approved by Planning Board Resolution #09-08 on March 9, 2009.

Comments:

Joseph Riina, P.E. of Site Design Consultants was present. Mr. Riina stated that this project was originally approved in 2009 and was formerly known as the Generations Building. At that time, the previous owner, Anthony DeVito, began construction. In the midst of construction, the property was then sold and the foundation of the building was demolished. The current owner would like to re-establish the approval for the same building footprint to make it current. There are

no changes to the approved plan other than the ownership information. From a stormwater perspective nothing has changed and no tree removal is required. They are working on renewing the DEP approval.

Chairman Fon asked the Board and Counsel if there were any comments. Mr. Tegeder stated that they need to review the details but does not feel that there will be too much to bring forward. Mr. Glatthaar stated that a hearing will need to be held. The Board agreed to schedule a Public Informational Hearing for the December 6th Board meeting.

Yorktown Rehabilitation and Nursing Center Solar Projects

Discussion: Site Plan & Special Use Permit

Location: 35.12-1-3; 2300 Catherine Street

Contact: Ecogy New York

Description: Proposed installation of a 698 kW DC/467 kW AC solar canopy system over existing parking with a 548 kWh Tier 1 Battery Energy Storage System and installation of a 284 kW DC/260 kW AC ground mounted solar array on a 12.84 acre parcel in the RSP-3 zone with existing skilled nursing facility.

Comments:

Julia Magliozzo of Ecogy Energy was present. Ms. Magliozzo stated that the proposal is for two separate solar projects at the same location that includes a solar canopy system with a Tier 1 Battery Energy Storage System to be installed over the existing parking lot; and a ground-mounted solar array system behind the building. Each project will have its own interconnection points. Since they were last before the Board, they met with the Conservation Board on 10/20/21. They received the TCAC comment memo dated 11/5/21 today and will address all comments formally. The total area for tree removal is 11,000 sf for the solar canopy and 20,000 sf for the ground-mounted array. The area of disturbance for the actual arrays are around 3,000 sf for each. The Conservation Board was pleased with the screening provided for the solar canopy along Catherine Street. All trees proposed are to be native species. Ms. Magliozzo asked the Board if a full EAF was required although they do not believe it is warranted since they are not disturbing more than 10 acres and not in an agricultural area. Chairman Fon stated that they performed a site walk and the area is already disturbed. Mr. Glatthaar stated that the disturbance of land is what triggers the full EAF and feels that a short EAF is sufficient. Chairman Fon noted that there was a concern with the ground-mounted solar array with respect to the view for the building residents. Mr. Garrigan stated that this is one of those areas that is hidden in plain sight and feels it is an appropriate area for this installation as deemed by the property owner. Councilman Lachterman noted that there is a project coming in with some of the property as part of the Fieldhome foundation but is not sure where it sits on the property and may need to be looked at. Mr. Tegeder stated that he didn't think there would be a visual impact as it would be down slope but will look into it. Chairman Fon asked if the solar would benefit the center. Ms. Magliozzo responded that this will be a community solar farm and the home will be a subscriber. Between the lease payments for the space and the subscription they would be offsetting about 90% of their annual electrical costs. Mr. Tegeder asked about the canopy heights and noted that one has a maximum height of 22-ft and noted that per the solar law the maximum canopy height allowable is 20-ft. He asked for the dimensions for the canopies to be placed on the plan. Ms. Magliozzo questioned if exceeding the height limit would require a variance or do they need to remain at 20-ft. Mr. Tegeder responded that zoning would be involved. Mr. Glatthaar stated that he would look into this. Mr. Bock noted the Conservation Board and TCAC memos. Ms. Magliozzo stated that the primary concern was the visual impact for the ground-mounted system. In terms of environmental impacts, they will submit a stormwater analysis report for the rear of the property. She noted that a letter was submitted from one of the administrators of the facility in support of the project. They will do everything they would normally in terms of planting to beautify the area. In terms of the mitigation for the viewshed of the ground-mounted system, there is not much they can do given the height of the building. Mr. Garrigan noted that there are no neighboring properties that would be impacted by this. Mr. Tegeder noted that there is also a 10-ft drop perpendicular from the site line within the building from one end of the array to the other. Mr. Bock stated that the drainage needs to be addressed in order to ensure that nothing is exacerbated. The applicant was advised to work with the Planning Department. The Board agreed to schedule a Public Informational Hearing for the December 6th Board meeting.

Old Hill Farm Solar Farm

Discussion: Solar Project

Location: 16.08-1-4 & 17; 571 East Main Street, Jefferson Valley

Contact: Hillside Solar LLC

Description: Proposed 3.75 MW ground mounted solar panels disturbing 15 acres on a 19.4 acres in the R1-20 zone.

Comments:

Kathryn Hoenig, property owner; Ben Reisman of Powerflex; and Websley Darbouv of Bergmann Associates, were present. Ms. Hoenig stated that her family owns the property located at 571 E. Main Street known as the Old Hill farm and has been in the family for over 180 years. Up until 35 years ago, the property was used primarily used for grazing cows and growing vegetables and is now categorized as abandoned farmland with secondary growth and invasive vines and trees. Since they were last before the Board, they have been working to ensure that the proposal meets the Town's solar and tree ordinances as well as minimizing the visual impacts to those in the area. All documents have been submitted for review. The parcel is bordered primarily by commercial and industrial properties with multi-family along East Main to the north and a few single-family homes to the west. The proposal is to convert the property into a community solar farm which will provide an opportunity for 630 residents to subscribe for renewable energy at a discounted rate. There is also an opportunity for commercial property owners, local businesses, schools and nursing homes to subscribe as well. They feel that the property is an ideal site for a community solar farm as it is abandoned farmland with limited sight lines into the property. They are proposing to install 262 plantings of 7 to 8-ft various evergreens that will have a mature growth rate of 60 to 80-ft. A 7-ft chain link privacy fence with green slats is also proposed. The solar array is proposed to be at least 50-ft from each border on the property and on Route 6 about 150-ft. The site has received full Con Edison inter-connection approval. They completed and submitted a comprehensive tree survey, landscape and tree plan, full EAF, SWPPP and updated visual renderings with a key map. They met with the Conservation Board on 10/20/21 and held a site visit on 10/16/21. A red balloon test was conducted at the site to test the visibility from various points at higher elevations.

Mr. Reisman stated that the parcel is a total of 19.4 acres of which 4.75 acres (25%) will remain untouched and all healthy bordering trees will remain. In addition to the 19.4 acre parcel there is an additional adjacent parcel owned by the same family which totals about 6 acres that contains an easement with Con Edison for the transmission lines and property along Route 6. This parcel will remain untouched and will act as a buffer to the commercial properties located to the east and south of the proposed project. They are proposing total 50-ft side and rear yard setbacks from the property line to the solar modules with 30-ft from the property line to the 7-ft privacy fence and an additional 20-ft from the fence line to the solar modules. With respect to the landscape and tree mitigation plan, 262 trees are proposed to be planted and will consist of a variety of 4 different evergreen species planted at 7 to 8-ft with selective locations receiving 12-ft trees. All the plantings are expected to be about 60 to 80-ft at full growth. The site fence will be a 7-ft chain link privacy fence with green slatting per the Town code. The fence will have a 6 inch gap at the bottom in the eastern (adjacent to the wetland area) and southern boundaries of the property to allow for smaller animals to move through. They are proposing to prune the existing trees along East Main Street, remove invasive vines and improve the aesthetics of the existing stonewall. A pollinator friendly seed mix is also proposed at the site. The southern border includes double row plantings along the southeast corner for the site bordering Route 6. There is a significant elevation gain of 60-11 feet at this side of the property reducing visibility to the site. The northern border also includes double row plantings. Site renderings from various locations depicting the plant growth over the years was shown to the Board. A red balloon test was conducted on 10/27/21 to test the visibility of the site from seven strategic locations throughout the site. A total of fifteen, 24 inch red balloons were flown at 10-ft and it was noted that the actual maximum height of the solar modules are 9-ft. Photos of each location were shown to the Board and it was noted that the conclusion was that there was no visual impact from any of the locations. A SWPPP was prepared and submitted to the Board. The plan shows no impact to the site hydrology as a result of the proposed project. The site plan was shown to the Board. Mr. Reisman requested to schedule a Public Informational Hearing.

Chairman Fon asked the Board and Counsel if there were any comments. Mr. Bock asked if the new tree mitigation plan was in response to the October TCAC memo. Mr. Reisman responded that it was in response to the TCAC and Planning Department. Mr. Bock stated that it will be need to be referred again to the TCAC again for further review. Chairman

Fon stated that there are two components with respect to the solar proposals which are the visual and environmental impacts and noted that this proposal seems to have a nice handle on the landscape plan as the visual impact is most important. He noted that a plan will need to be put in place with respect to landscape maintenance and advised the applicant to work with the Planning Department and Tree Commission. Mr. Tegeder stated that he would like to review some of the vantage points for the balloon test to get a better sense of direction and height. The Board agreed to schedule a Public Informational Hearing for the December 6th Board meeting.

Maryel School of New York at St. Andrew’s Lutheran Church

Discussion: Proposed Use
Location: 37.09-1-24; 2405 Crompond Road
Contact: Celi Cacho & Pastor Dave Dockweiler
Description: Proposed reuse of the former Montessori School classrooms within the church for a private bilingual elementary school on 5 acres in the R1-40 zone.

Comments:

Pastor Dave Dockweiler of St. Andrew’s Lutheran Church; and Juan and Celi Cacho of the Maryel School were present. Pastor Dockweiler stated that for the past 40 years St. Andrew’s has rented their church to the Montessori School which is now closed. Juan and Celi Cacho approached them with a request to rent half of the space in the church building that was formerly occupied by the Montessori School for the Maryel School.

Mr. Tegeder informed the Board that the special permit is old and there have been a few site plans. The original school started in the late 1960’s. The Town has performed periodic inspections for a variety of reasons. With the new school coming in, he thought it would be a good idea for the Board to review the plan and possibly create a short resolution acknowledging the new owner, new school, spaces that they will occupy and proper licensing requirements. He noted that the special permit runs with the land in this case so its not a re-approval but rather acknowledging the change for record keeping purposes. Mr. LaScala asked about the type of school. Ms. Cacho responded that it is a private bilingual elementary school. Mr. Bock asked if there were any changes to the facility. Ms. Cacho stated that there would only be cosmetic changes. Chairman Fon asked about the parking. Pastor Dockweiler responded that the parking usage would be the same as the Montessori School. There will be some cosmetic upgrades in the interior but nothing substantial structurally or outside. Discussion followed. Mr. Glatthaar stated that he had no issues as it is not changing the use. The Board had no planning objections. The Planning Department will prepare a resolution for the next meeting.

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Location: 27.14-1-17; 2678 Gregory Street
Contact: Jon Farrell
Description: An application for a Full Stormwater Pollution Prevention Plan and Tree Permit to construct a single-family house on 0.479 acres in the R1-20 zone.

Comments:

Mr. Tegeder stated that the application was before the Board a while back and there were no planning objections. The application is before the Board for a stormwater pollution prevention plan and tree permit. There was a report that trees were removed without a permit and was reviewed by Town staff. The Engineering Department worked with the applicant. The planning conditions have not changed other than dealing with the tree removal. They worked with the applicant through two Town Board meetings and they are on track with their mitigation plan which includes a number of tree plantings and monetary payment into the Tree Bank fund. They have also been asked to correct their drawings with respect to the trees. The Board had no planning objections. The Planning Department will submit a memo to the Town Board.

Motion to Close Meeting

Upon a motion by Rob Garrigan and seconded by Bill LaScala, and with all those present voting “aye”, the Board closed the meeting at 9:52 p.m.