

Planning Board Meeting Minutes – June 28, 2021

A meeting of the Town of Yorktown Planning Board was held on **Monday, June 28, 2021 at 7:00 p.m.** via Zoom video conference.

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

- Rob Garrigan
- 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

In accordance with the Governor’s Executive Order 202.1, the Town of Yorktown Planning Board will not be meeting in person until further notice. All Planning Board meetings will be held via video conferencing and will be uploaded to the Town of Yorktown’s website and Yorktown’s YouTube channel after the meeting. All meetings will be broadcast on the Town of Yorktown Government Channel.

Correspondence/ Liaison Reports

Mr. Bock stated that this will be the last Zoom meeting. All meetings going forward, beginning with the July 12th Board meeting, will be held in person.

The Board reviewed all correspondence. The following was noted:

- Hansmann Subdivision - Correspondence from resident Christine Gogola, 304 Osceola Road dated June 21, 2021
Mr. Tegeder stated that a staff level meeting will be set up early next week to discuss the issue raised in the correspondence with respect to the condition of the road.
- 650 Pines Bridge Road, Conservation Board memo dated June 17, 2021
Mr. Bock asked the Board if there were any comments and there were none. Mr. Bock noted that the memo was copied to various Town agencies.

Motion to Approve Meeting Minutes

Aaron Bock abstained from this vote as he was not present at the meeting. Upon a motion by Rob Garrigan and seconded by Roxanne Visconti, and with all those present voting “aye”, the Board approved the meeting minutes of June 14, 2021.

Motion to Open Work Session

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

WORK SESSION

Grishaj Major Subdivision

Discussion: Subdivision

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:

Joseph Riina, P.E. was present. Mr. Riina stated that a site visit was conducted with the Planning Department, Planning Board and Dan Ciarcia, Acting Town Engineer on Saturday, June 26th. He is requesting to move forward with a Public Informational Hearing and asked the Board if there were any questions.

Mr. Bock stated that there was discussion during the site visit about relocating the two rear properties on Stony Street and asked if this was addressed. Mr. Riina responded that he will look into reorienting those homes so the backyards are not directly on Stony Street. Mr. Bock noted that there is a fair grade sloping down toward Stony Street where the stormwater treatment is proposed along the back edge of those two properties and thinks there may need to be a reconfiguration. Mr. Tegeder asked if it would be possible to look into an underground stormwater system to eliminate the possibility of having a large berm at the bottom of the hill. Mr. Riina responded that a subsurface system would be their first choice for stormwater treatment if the soil conditions allow for it.

The Board agreed to schedule a Public Informational Hearing for the August 9th meeting. Mr. Ciarcia advised Mr. Riina to work on the soil testing to evaluate the feasibility of the subsurface stormwater system prior to the hearing.

Large-Scale Solar Power Generation System at Shrub Oak Plaza

Discussion: Amended Site Plan & Special Permit

Location: 16.09-2-13, 1426 East Main Street, Shrub Oak

Contact: Ecology New York

Description: Proposed installation of a 260 kW DC/233.3 kW AC Large-Scale Roof-mounted and Ground-mounted solar energy system at the existing Shrub Oak Plaza. Ground-mounted solar energy system will be three separate accessory canopy structures over existing parking.

Comments:

Julia Magliozzo was present. Ms. Magliozzo informed the Board that feedback was provided to their landscape architect with respect to the Conservation Board comment memo dated 6/17/21 regarding the wetland mitigation. In addition, they are looking into creative ways to screen the view of the canopies along New Road. The notices for the abutting properties will be sent out prior to the Public Informational Hearing scheduled for the July 12th meeting.

Mr. Bock stated that the Planning Board conducted a site visit on Saturday, June 26th and noted that there were some concerns about the locations for some of the solar canopies. Ms. Visconti stated that canopies #3, #2 and #1 are close to New Road and questioned if they could be relocated to the rear of the building between Mountain Brook Road and canopy #4. Ms. Magliozzi responded that they chose to avoid construction in that area due to the wetlands. She added that the purpose of installing the canopies in their proposed locations is to add an amenity to the parking lot that would include covered parking for vehicle protection from the elements. For these reasons, they would not want to consider relocating the canopies to the rear. Ms. Visconti stated that canopy #1 is very close to New Road and noted that there is very little room to add plantings for screening. Ms. Magliozzo responded that from their perspective, this is a favorable site as you would not see the canopies driving down New Road and there are no abutting properties that have a direct viewshed onto this property. She noted that they are working on creative solutions such as painting the posts to blend in with the surrounding trees on the property. Ms. Visconti felt that the posts should be visible and not blended so as to avoid possible vehicle collisions. Mr. LaScala agreed and noted that the canopies can also be seen from East Main Street and feels that they are not visually attractive. He is also concerned for the visibility of the tenants within that plaza. Ms. Magliozzo responded that screening will be minimal on East Main Street in order to protect the businesses and agreed that the structures will be somewhat visible but noted that they will do their best to ensure that they blend in with the surrounding area. Ms. Visconti stated that Shrub Oak is a quaint community with lots of greenery and history and is concerned about the aesthetics for the area and the community.

Mr. Garrigan asked about the canopy elevations. Ms. Magliozzo showed the elevation to the Board. She noted that the distance covers about 20 ft. for canopies #1, #2 and #3. Canopy #4 is double wide but the space for parking is just under 20 ft. as well. It is proposed to remove a few trees behind canopy #3, #1 and #4. Mr. Garrigan asked if there were any safety plans in place for the canopy posts such as a bollard or raised curb. Ms. Magliozzo responded that the posts are designed to fall on the stripe between the parking spaces and will not occupy a parking space. In general, the posts are typically based in concrete, however, if it were a post with wires, they may add an extra layer of protection such as a bollard. She noted that they are exploring other solutions such as encasing the posts as seen in tight corners in underground parking so as not to take up a parking space. Mr. Garrigan asked about the canopy height. Ms. Magliozzo responded that they are about 15 ft. in height and would be shorter than the building parapet but probably eye level with the tenant signage. Mr. Bock asked about the setback requirements. Ms. Magliozzo showed the property line on the plan and noted that canopy #1 is 3 ft. from the line, canopy #3 is 10 ft. from the line, and canopy #2 is more than 10 ft. from

the line. Mr. Bock asked about the screening requirements for canopy structures. Mr. Tegeder responded that screening is required to soften the visual impact to the Planning Board's satisfaction. Ms. Magliozzo stated that the landscape plan shows a few trees along New Road. She noted that based on the Board's feedback, the landscape plan is currently being revised to balance the screening of the canopies and building tenants. Mr. Bock asked about the vacant land opposite New Road. Mr. Tegeder responded that it is a 5 acre parcel that is zoned residential which has been looked at in the past.

Mr. Bock asked the Board for comments about moving forward with the plan as portrayed. The Board had strong concerns with respect to the visual impacts to the surrounding community, building tenants and potential development of the vacant parcel across from New Road. Mr. Bock asked the applicant if the canopies could be reconfigured to the rear of the property as there is more land to work with. He noted that if this were proposed, it would still be under the Planning Board's purview to issue a wetland permit and the applicant would also be required to submit a mitigation plan. Mr. Tegeder stated that canopy #3 could be relocated to the grass strip directly behind the eastern portion of the building and canopy #1 and #2 could be relocated to the wetland. Discussion followed regarding alternate configurations for the canopies. Mr. Garrigan stated that the goal is to keep the canopies out of sight and the challenge is that Shrub Oak is a quaint, beautiful area with the library and historic homes and he is not sure that this proposal is in keeping with the aesthetics and appearance of the community. The solar proposal on its own merit is a good one but the visual aspect is a concern and it may help if the applicant explored the rear portion of the property as it may be more amenable. The Board agreed. Ms. Visconti added that this installation will open up the gates to future proposals along East Main Street that could also change the aesthetic of the entire area. Ms. Magliozzo stated that she will speak with their engineering team about relocating the canopies to the rear but noted that the soils will need to be checked to confirm that the canopies could be supported. She added that she is curious to hear the public comments during the hearing as they may or may not feel as strongly about the visual impacts.

The Board agreed to schedule the Public Informational Hearing for the July 12th meeting. Mr. Tegeder advised the applicant to work on the landscape plan from New Road to satisfy the Board's concerns.

Old Hill Farm Solar Farm

Discussion: Site Plan & Special Permit

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

Contact: Bergmann

Description: Proposed 15.5 acre community solar farm on 19.40 acres in the R1-20 zone including tree removal, installation of ground mounted photovoltaic panels, an access road, electric utility upgrades, and perimeter fencing.

Comments:

Eric Bergmann of Bergmann Associates and Hannah Steffans of EnterSolar, were present. Ms. Steffans gave a presentation to the Board. EnterSolar has been in business since 2006 and is a national provider of commercial solar. Their company is headquartered in New York City. The proposal is for a 3.75MW AC ground-mounted community solar project to be installed at the Old Hill Farm located at 571 East Main Street. They feel that this location is an excellent candidate for this proposal and will provide significant environmental benefits to the surrounding community. A preliminary plan was shown to the Board. The proposed solar array will have a minimal impact to the surrounding environment. A significant amount of land will be left to buffer the system and provide screening to the surrounding properties and streets. It is proposed to protect the trees on East Main Street as well as along the border, especially on the southern end of the solar array. Additional landscaping is proposed for the northern end of the solar array to provide screening for the areas that are not covered by the existing natural environment. Pollinator friendly seed mixes are proposed to be utilized within the landscape of the solar project. A responsible de-commissioning plan will be put into place and all the equipment and materials will be disposed of safely at the end of the life cycle. The community solar allows for individual homeowners to participate even if they cannot or prefer not to install solar on their own properties. This project will allow for 1,000 residential subscribers and will provide almost \$200 in savings to the subscribers yearly. The benefits of the grid will allow for upgrades to the local distribution infrastructure, reduce line losses, reduce load stressors during peak periods and reduce grid congestion. There will also be potential to add battery storage in the future to provide greater grid resiliency benefits.

Mr. Bergmann stated that the proposed community solar project will be located on East Main Street just north of Route 6. The existing site generally slopes to the north and to the east. The site is currently improved with a few existing houses and garages that are proposed to be removed. There are wetlands to the northeast of the site and it was noted that they will stay out of the 100-ft buffer. The proposed solar panels will sit on 12 acres and be fully enclosed with a 7-ft. high chain link fence per the National Electric Code. Access to the site will be provided by a 20-ft. wide limited use pervious gravel driveway that will be approximately 1,100 linear feet long. A double swing gate is proposed to be installed at the driveway entrance. There will be a knock box for Fire Department access. The stormwater system is not fully developed at this time. They are proposing a vegetative swale along the driveway that will run from the south end of the site towards the north and envision one or two detention ponds at the low points of the site to manage stormwater run-off. The existing vegetation around the entire site is to remain which will provide screening of the solar array. They feel that the biggest visual impact is to the north where there are some residential uses across the street. The existing vegetation along East Main Street will remain and additional screening will be provided on the back side to fully screen the project from the road and residences. To the west of the site are commercial buildings and noted that the existing vegetation along that edge will remain. Due to the elevation change, the site sits approximately 40 feet above the buildings to the west. To the south along Route 6, the site is about 60 feet above the roadway. They will leave about 100 ft. of trees in the area so it will be completely screened from Route 6. Visual simulations will be provided to the Planning Department with the full application.

Mr. Bock asked the Board if there were any comments. Mr. Garrigan stated that it was mentioned that the vegetation around the perimeter of the site will remain and asked if everything else will be clear cut. Mr. Bergmann responded that the internal portion would be clear cut and maintained as a meadow. Mr. Tegeder noted that this area is not a forested site but mostly old field with some very light second growth. Mr. Bergmann agreed and added that the site is patchy with some trees toward the very southern tip of the array that would be cleared. Mr. Garrigan asked about the chain link fence setback from East Main Street. Mr. Bergman responded it would be about 60 feet off the edge of the pavement and 20 feet from the fence line. Mr. Garrigan asked about the existing vegetation outside the chain link fence. Mr. Bergmann responded that the existing vegetation up to the edge of the pavement would remain. The stone wall along the road will also remain. Mr. Garrigan asked if they owned the property. Mr. Bergmann responded that the property will be leased.

The Planning Department will work with the applicant with respect to the screening and stormwater locations.

2013 Crompond Road aka Acme Realty/Crompond Corner

Discussion: Proposed Mural

Location: 37.14-1-45

Contact: Howard Payson

Description: Proposed mural on the eastern wall of the existing building.

Comments:

Mr. Tegeder stated that the applicant, Mr. Payson, had to leave the meeting earlier. Mr. Payson asked him to let the Board know that he is open to revisions and believes he may need to go the Zoning Board for a variance as the mural may be considered a sign. He is also working on design revisions pursuant to some of the ABACA recommendations.

Mr. Tegeder stated that he looked at the site with respect to the proposed tree trimming as discussed at the prior meeting. He feels that if the row of arbovitae were pruned 2 to 2 ½ ft at the top it would bring the height down to about 6 ½ to 7 ½ feet which would still provide adequate screening for the cars and lower part of the building and also allow visibility to the proposed mural. A draft resolution was prepared for the Board's review and consideration. With respect to the mural itself, the Building Department will determine if it's a sign or not. If the logos were to remain within the mural, then it would definitely be considered a sign.

Mr. Bock asked about the Planning Board's role for this proposal. Mr. Tegeder responded that it was to review the proposed tree trimming for visibility to the proposed mural in connection with the screening of the parking lot and building per the original site plan. He noted that the original approval required screening but did not state a particular height. Mr. Garrigan stated that he was not in favor of the tree trimming especially since they do not grow quickly enough. He also feels that the proposed mural is not befitting of the Town's character. While he appreciates the historic representation in the mural, he feels that it is more of an urban type of artwork and not sure if it would be the right direction for the Town or this corner. Ms. Visconti agreed and added that the trees are there for a purpose and doesn't

feel that they should be trimmed until they see what happens with the mural. Mr. Bock also agreed. The Board agreed to hold off on the approval for the tree pruning at the site pending the final determination for the mural.

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 8:02 p.m.