

Planning Board Meeting Minutes – January 10, 2022

A meeting of the Town of Yorktown Planning Board was held on **Monday, January 10, 2022 at 7:00 p.m.** via Zoom video conferencing.

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

- Aaron Bock
- Rob Garrigan
- Bill LaScala

Also present were:

- John Tegeder, Director of Planning
- Robyn Steinberg, Town Planner
- James W. Glatthaar, Esq.
- Dan Ciarcia, Town Engineer
- Councilman Sergio Esposito
- Councilwoman Luciana Haughwout
- Councilman Ed Lachterman

Correspondence

- On behalf of the Planning Board, Chairman Fon welcomed Councilwoman Luciana Haughwout and Councilman Sergio Esposito to the Town Board and wished them well in their new roles.
- The Board reviewed all correspondence.

Motion to Approve Meeting Minutes of December 20, 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 December 20, 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

Old Croton Gatehouse

Discussion: Decision Lighting Plan
Location: 58.16-1-11; Croton Dam Road
Contact: Mark DelBalzo, PE, NYCDEP
Description: Proposed lighting upgrade at Old Croton Gatehouse.
Comments:

Mark DelBalzo, P.E. was present. Mr. DelBalzo stated that they are requesting approval for the installation of exterior lights at the Old Croton Gatehouse to maintain safety and security during chemical deliveries and after hours as discussed at the previous Board meeting. They met with the ABACA and received their comment memo dated 1/6/22 stating that there were no concerns or objections.

Chairman Fon asked about shielding the fixtures and lighting intensity. Mr. DelBalzo stated that the neighboring properties are also owned and operated by the NYCDEP and they have no objections to the upgrade. The photometric plan and lighting fixture cut sheets were reviewed with the Board. Mr. Tegeder stated that the switch activated vertical floodlights (A, B) should be tilted 90 degrees toward the ground. He also noted that the type C fixture was not shielded and requested that the applicant switch to a fully shielded fixture as the lumen levels are bright. Per the code, fully shielded fixtures are required. Mr. DelBalzo responded that he had no issues with these requests. Mr. Tegeder added that the color temperatures for the lamps are high and requested for them to be softer. Mr. DelBalzo responded that the levels were high for the deliveries but this should not be an issue.

Chairman Fon noted that there was a public comment as follows:

- Robert Waterhouse, retired DEP employee – Mr. Waterhouse stated that the lights are protruding from the facility and asked the applicant if he noticed that all the lights have shielding guards above them. He stated that because the roof is slanted, all those lights have been replaced due to the ice load from the roof sliding off the building and shearing the fixtures off the building.

Mr. DelBalzo responded that the plan is not to remove or install new fixture locations. The goal is to upgrade the existing lights especially in the location where the metal shed is to be removed. The locations will be the same and will only be upgraded. However, if they have to be replaced or upgraded they will do so.

There were no other comments. The Board agreed to amend the resolution to include conditions for shielding the light fixtures; and to ensure that the color temperature of the lamps be 4,000 or below. Mr. Tegeder stated that the main concern is the shielding of the lights so that the light source is not visible. Mr. DelBalzo agreed to the amendments and noted that they will work with their lighting designer.

Upon a motion by Bill LaScala and seconded by Rob Garrigan, and with all those present voting “aye”, the Board approved the resolution approving a lighting plan for the Old Croton Gatehouse with amendments as discussed.

Foothill Street Solar

Discussion: Adjourned Public Hearing

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 and Tier 2 battery energy storage system along with associated access road, electric utility upgrades, and perimeter fencing.

Comments:

Joe Shanahan of Con Edison Clean Energy Businesses, Inc; and Websley Darbouze, Design Engineer of Bergmann Associates, were present. Mr. Shanahan stated that since they were last before the Board, they had an on-site visit with Fire Chief Greivus of the Lake Mohegan Fire Department and Fire Inspector Ed Kolisz to review the site in connection with the Fire Commission’s comment memo. As result of that meeting, the Fire Commission has approved their plans with conditions as discussed and agreed upon that includes training, the installation of Knox boxes and an additional access gate. They also provided an updated memo and report on 12/28/21 to the Planning Board and Environmental Consultant, Barton & LoGuidice (B&L), with respect to the glare analysis. The FAA issued an updated determination of no hazard to air navigation in connection with this proposal. Since this issue is now resolved, B&L has also approved this project. They also had a conference with the Town Engineer, Dan Ciarcia, a week ago and it is his understanding that Mr. Ciarcia is now satisfied with the plan. Additionally, at the previous meeting there were concerns from the Chairman with respect to the screening once the project is installed. He noted that they have gone through a detailed landscape and screening plan at a cost of \$160,000 and included photo simulations depicting the growth from Day 1 up to Year 5. However, he and Mr. Tegeder have revisited this matter based on his concerns and have agreed that in addition to what has been done and presented they would review different perspectives for the project and make suggestions on what areas they may want to revisit with the sight line illustrations. He noted that they have no issue with supplementing the existing landscape plan if it is determined that additional plantings are required and this could be a condition of the decision statement. He is pleased to indicate that after a 3-year period, he believes that all of the boxes are now checked and is requesting to close the public hearing and move forward with a decision statement.

Chairman Fon asked if there were any comments. Mr. Ciarcia responded that the revisions on the latest set of plans related to the stormwater have been addressed and has no objection to the Board moving forward. He noted that as is normally the case, they still have to do a SWPPP acceptance that would be based on a review of the final calculation of their hydrology model. Mr. Tegeder stated that with respect to Mr. Shanahan’s landscape comments, they agreed to essentially look at locations from particular vantage points to determine if the proposed screening is doing its job and will suggest modifications if necessary. Mr. Glatthaar stated that he would like to review the TCAC comment memo dated 1/10/22 with respect to the credit and Mr. Shanahan’s interpretation that he is entitled to offset for the on-site

landscaping they are proposing. He will make a recommendation to the Planning Department for the drafting of the resolution. Mr. Shanahan responded that they only received this memo today and stated that they will work with the Board and Counsel on this issue. He noted that ultimately they will be subject to an acceptable mitigation plan and will fine tune their plan pending Counsel's determination.

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

- Paul Moskowitz, resident – Mr. Moskowitz stated that he is a supporter and subscriber of community solar. He spoke in favor of the Arcadia Farm solar proposal which is in his neighborhood. However, he has a few concerns with this proposal. He cited solar law, section B.5 - “The Town in guiding the development of solar installation will prioritize their placement first on agricultural green field properties in areas presently cleared, second on commercial properties over rooves and parking areas.” He noted that this was brought up a while back and feels it was not taken seriously by the applicant. He asked if the applicant checked to see if there were any formerly used agricultural properties, parking lots or building rooves suitable for this solar proposal and doesn't believe so. Second, he learned that there was a presentation by Con Edison before the Town Board asking for a wetlands permit to allow them to install underground cables along Foothill Street and connect those with the main distribution system. It appears to him that this is what the solar project will use. It is the same company doing two projects in the same area for the same goal which is to feed back solar energy into the grid. He feels that this is a question of segmentation and that the EAF should have included this work.

Mr. Shanahan responded that this is not a situation of segmentation. He noted that this issue was brought up at the Town Board public hearing a few months ago. These two projects are separate and distinct from one another and not related. The Supervisor indicated at that hearing that the matter of power outages along that corridor has long been a problem and was pleased that Con Edison was addressing this matter by installing underground cables. He noted that if that project should not move forward or is not permitted, this project will still move forward and vice versa. There is no evidence whatsoever that this is a matter of segmentation. With regard to the by-law language, he resents the characterization that he did not take this seriously and noted that he takes all public comments seriously. They are ardent supporters of parking lot canopy solar and roof-mounted solar which they do, in addition to the ground-mounted solar. He noted that with respect to the climate change, you can cover all rooves and parking lots and it will still not be enough. Ground-mounted solars are needed to have any kind of impact on the adverse conditions going on now and in the future. He stated that the by-law provides that the particular location is zoned for this particular use and there are requirements in order to be permitted at this location. They have documents that they have fulfilled all those requirements. He noted that the Lockwood family has owned this property for over 200 years since before there was a registry of deeds and pay their property taxes. The property was farmed for many years, and the trees that are there grew after the farming stopped. The property owner is entitled to do something with his property and chose this use as the land will still remain within the family. However, if this option should fall through, they are committed to moving forward with a residential development. He feels that that they have demonstrated the benefits of this use over time and have addressed all of the Board's issue and concerns.

- Susan Siegel, resident - Ms. Siegel feels that the information submitted so far from the applicant and the environmental consultant, Barton & Loguidice (B&L) does not adequately address two key environmental issues - trees and woodlands. She thinks that the tree analysis ignores the significant impacts of removing 1,871 trees; now been reduced to 1,658. Trees serve multiple critical environmental functions from holding back stormwater run-off, recharging ground water, climate control, and much more. She feels that there is a difference between lost function and mitigation and thinks that the mitigation plan does not address the significant adverse impacts resulting from the tree loss. She feels that the B&L report is superficial with respect to the trees. The report states that destroying 16 acres of woodlands is not important because the site is not part of a core forest and thinks that the consultant should read the Town law. She is not sure about the term core forest but noted that the trees does deal with the woodlands. The B&L report makes a comparison of green house gases equivalent from alternative residential developments. She noted that she previously claimed to the Board that the 21 cluster development was not approved because it was premised on the subdivision being sewerred and the Department of Health said no to sewers. In Siegel's opinion, if a subdivision application were filed today for a ½ acre development with septic, it would be reduced in size and not allowed 21 units. She stated that the constant reference to the residential subdivision reminds her of the old Nazi adage - if you tell a lie long enough it will be believed. She feels it is time to ignore all the references to the mythical subdivisions. She thinks that the proposed mitigation plan to plant trees in order to conform to the buffering

requirements and donate money to the Tree Bank in no way addresses the impact of removing these trees. She also feels that the B&L report fails to consider the project's impact on the abutting wetland and wetland buffer. She asked the Board to consider adopting a positive declaration. She will submit her comments in writing to the Board.

Mr. Shanahan responded that they have discussed the tree removal for the past three years. The site is a total of 34 acres of which they are proposing to clear 16 acres, not the entire site. A total of 18 acres will remain intact. Mr. Lockwood will continue to maintain and pay his taxes for the entire site. The applicant agreed to participate and pay for the Town's outside environmental consultant, Barton & Loguidice (B&L), to review this proposal. He noted that B&L is a well recognized and respected environmental consulting firm that was hired by the Town. The project was approved by them. To suggest their findings are specious you would have to look at the merits and qualification of the people who wrote the report. Ms. Siegel stated that the mitigation plan does not offset the tree removal. He noted that she was an advocate of the Tree Ordinance and is sure she knows its content. Chapter 270 specifically sets forth the manner by which you can mitigate for the removal of trees and lists the criteria requirements of which they have followed. The ordinance also proposes a formula for the Tree bank fund by which you pay \$100.00 for each tree removed and \$300.00 for every 5,000 SF of disturbed land which comes out to \$207,000. They are proposing to plant 212 trees at a cost of \$160,000 in addition to payment into the Tree Bank fund. They have asked for an offset bringing them to \$160,000 and as discussed previously this is being looked at by Counsel. They have also proposed to pay \$68,000 into the Tree Bank fund. If accepted they will be paying an additional \$21,000 bringing them to \$68,000 rather than the \$47,000 into the fund.

There were no other comments from the public or the Board.

Upon a motion by Bill LaScala, and seconded by Rob Garrigan, and with all those present voting "aye", the Board closed the adjourned Public Hearing with a 10-day written comment period.

Yorktown Energy Storage Tier 2 Battery Storage System

Discussion: Public Hearing
Location: 6.17-1-24; 3901 Gomer Court, Jefferson Valley
Contact: Greg Gibbons, PV Engineers, P.C.
Description: Proposed amendment to approved Tier 2 (5,000kW/15,000kWh) battery energy storage system which will be no more than 15% of the lot coverage with a maximum of five containers.

Comments:

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

Douglas Warden, Esq. of Snyder and Snyder Law; Corina Solis; and Greg Gibbons of PV Engineers, were present. Mr. Warden stated that in December of 2020, the application received site plan approval and special use permit for a Tier 2 Battery Energy Storage System. They are currently before the Board with a request to amend the battery components on the approved site plan. The technology has since improved and they have been able to shrink down the size of the facility. The previously approved five battery container system is now proposed to be replaced with the Fluence Gridstack battery storage system which is an improved system. The Fluence Gridstack is an isolated cube system with 24 individual cubes. Each cube has its own safety system with self-contained HVAC and fire protection systems. As a result of this change, the ground space will be reduced from 14,817 SF to 10,288 SF; the system height will be reduced from 13-ft to 9.5-ft; and the impervious surface will be reduced from 3,660 SF to 3,400 SF. The proposed amendments will lead to improved safety and emergency operations; and reduce the aesthetics and environmental impact of the facility.

Chairman Fon asked the Board and Counsel if there were any comments. Mr. Tegeder stated that as part of the earlier approval there was a requirement to produce a parking plan for the storage of the vehicles on the site that maintains an aisle to access the gate for emergency vehicles, etc. He suggested that the Board consider requiring that the applicant include the parking plan as part of the amendment to ensure that the site as a whole is operating in a safe manner. Ms. Solis responded that she has been working with the property owner and the current tenant and noted that the current tenant may be leaving the property and won't be applying for another permit. Mr. Tegeder stated that given the original approval had this requirement, the amended resolution could state that the trucks must be removed since they are leaving the property and the plan would no longer be required. He asked if this would be satisfactory to the applicant. Ms. Solis stated that since they are not taking up 100 percent of the landowner's property, she questioned if this would

prohibit a future tenant from applying for a permit. Mr. Tegeder responded that there would now be an approval that acknowledges that the trucks will be removed. If this is not the case, then the applicant can add the parking plan. If the tenant were to vacate, there would be no issue and if they were to stay they will have to adhere to the parking plan. Discussion followed. Mr. Warden and the applicant agreed that they would like to keep the language from the original approving resolution with respect to the trucks. Mr. Tegeder stated that he had no issue with this but noted that in order to move forward with the permit, the applicant still has to produce the parking plan for the vehicle storage as this is a requirement.

Mr. Ciarcia stated that the stormwater doesn't seem to be an issue since the facility is smaller. He noted that there is room on the pad and questioned if this was intended for additional modules. Mr. Gibbons responded that they are leaving space on the pad for what is called augmentation and noted that at a certain point they may need to add more cubes to supplement the power but before that would occur they would return to the Board. Mr. Ciarcia stated that the Board should consider addressing this provision now and not require the applicant to return if its just adding equipment to the pad. Mr. Warden stated that they would be in favor of adding language stating that additional equipment could be installed without any additional disturbance. Mr. Tegeder had no issue with this and added that they may need to add another resolved stating that all conditions of the earlier approval are still in effect. The Board agreed.

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

- Jay Kopstein, resident – Mr. Kopstein asked if the approving resolution should include that the potential additional battery storage units not increase the capacity of the site from what was originally approved. He feels that higher battery density could create a potential problem.

Mr. Bock questioned if this would eliminate the ability of technology to change and improve. Mr. Gibbons stated that even with additional cubes, he didn't think that the system will ever get bigger than what was contractually agreed upon with Con Edison and Ms. Solis agreed. She appreciated the intent from the suggestion of limiting the capacity and would not have any issue with this. Mr. Tegeder stated that the project is approved for a 5 MW limit and can add this to the resolution. Mr. Warden agreed.

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

Upon a motion by Aaron Bock and seconded by Bill LaScala, and with all those present voting “aye”, the Board approved the resolution approving site plan, special use permit, and wetland permit for Yorktown Energy Storage 1, LLC c/o Borrego Solar Systems, Inc. with amendments as discussed.

C3 Holdings LLC fka Generations Building

Discussion: Public Hearing
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:

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

Joseph Riina, P.E. of Site Design Consultants was present. Mr. Riina stated that the site is located at 1500 Front Street. The parcel is 2 acres in size and zoned I-2. The property is currently improved with an existing 25,920 sf building which is comprised of office/warehouse space and 23 existing parking spaces. This project was originally approved in 2009 and was formerly known as the Generations Building. The approval was for a 3,600 SF two-story building with a footprint of 1,800 SF. The proposed building consisted of a 3-bay garage on the first floor and storage on the second floor. During that time, the foundation of the building was constructed. The property then changed hands and the subsequent owner demolished what was constructed. The current owner, C3 Holdings LLC, is requesting reapproval of the original approval for the same site plan with no changes. The proposed two-story structure is to be located to the south end of the parking area. The area in front will be porous pavers and new curbing will be installed as well as a walkway and exterior steps to the storage level. The parking requirements for the site is 25 parking spaces with the

proposed building. 26 parking spaces in total are proposed. From a stormwater perspective nothing has changed and the DEP has renewed their approval. The SWPPP proposes two rain gardens and a grass swale as shown on the plans. There are no changes to what was originally approved.

Chairman Fon asked the public if there were any comments and there were none. 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 Aaron Bock, and with all those present voting “aye”, the Board closed the Public Hearing.

Upon a motion by Aaron Bock and seconded by Bill LaScala, and with all those present voting “aye”, the Board declared themselves Lead Agency.

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

Upon a motion by Aaron Bock and seconded by Rob Garrigan, and with all those present voting “aye”, the Board approved the resolution reapproving site plan and stormwater pollution prevention plan for C3 Holdings, LLC fka Generations Building.

3717 Crompond Road LLC

Discussion: Public Informational Hearing

Location: 35.08-1-13; 3717 Crompond Road

Contact: Site Design Consultants

Description: Proposed demolition of the existing building and construction of a new 20,370 SF warehouse/retail building with lofted office office space, associated parking and site improvements.

Comments:

Upon a motion by Rob Garrigan and seconded by Aaron Bock, and with all those present voting “aye”, the Board opened the Public Informational Hearing.

Joseph Riina, P.E. of Site Design Consultants was present. Mr. Riina stated that the site is located at 3717 Crompond Road and was formerly known as the Windmill Restaurant. The site is bordered to the north by Crompond Road and to the south by Old Crompond Road. The property is a total of 1.56 acres and zoned C-4. The site is served by public water and sewer. The property consists of two elevations. The proposal is for the construction of a 1½ story 20,370 sf building which will be comprised of retail and warehouse use. The existing building is proposed to be demolished with the exception of the windmill structure that is to be incorporated into the design of the new building. The access to the site will be from Crompond Road. A new entrance will be created further west to be in line with the access way and the two existing entrances are proposed to be closed. There may be some lane widening required to accommodate the turning lanes. A traffic analysis is currently being prepared. The operation on the site will be conducted from the Crompond Road side which sits lower than the Old Crompond Road side. This elevation helps with the commercial noise on the front side of the building. Up to 4,000 SF of the retail space will be in the front portion of the building and depending on the tenant they may use some of the warehouse space. The remaining warehouse space is intended to be divided into smaller warehouse units with oversize garage doors. The targeted users for those spaces are intended for small trade contractors for parking and storage of materials. Each unit will have a loft for office or storage. No materials will be stored outside the building. The rear parking area is located off of Old Crompond Road and is proposed to be a gravel lot with 12 parking spaces that are intended for the employees only. A natural buffer of about 30-ft will remain to provide a visual and sound barrier and no fencing is proposed. The rear parking area will be connected to the main building through a staircase on the outside of the building along the west side. There will be no storage of heavy equipment or overnight parking proposed for the gravel lot. The entire site will have minimal lighting and the security lighting will comply with the Town code. The expected hours of operation will be 7:00AM to 6:00PM. The retail use may have some later hours. Construction is not expected for a while as they need to receive all their approvals. Construction activities typically take place between 7:00AM and 5:00PM Monday thru Saturday. More details will be provided for the public hearing.

Chairman Fon asked the applicant if he knew how long the existing building has been vacant. Mr. Riina responded at least 8 to 10 years if not more. Chairman Fon felt that this is a desirable and highly needed use for small contractors and is thinking outside of the box. Small contractors cannot park their commercial vehicles on their own properties and

small spaces are not available for rent so this creates a great opportunity for a local electrician, plumber, etc. to have their own space. He noted that so many applications have come before the Board to try and legalize storage space that was not allowed. Councilman Esposito asked about the retail space. Mr. Riina responded that it could be along the lines of a Best Plumbing, or kitchen cabinet store but they are not closed to other discussions. Mr. Tegeder stated that they will need to pay attention to the rear entrance off of Old Crompond Road since it is in a residential area. Mr. Riina responded that they received the neighbor's comment and tried to address them in the presentation. Mr. LaScala questioned if the original windmill structure could be duplicated and if there were any photos. Mr. Tegeder responded that he thought it was built prior to the construction of 202 when Old Crompond Road was the main road and then when 202 was built he believes it may have been moved to its current location.

Chairman Fon asked the Board and Counsel if there were any comments and there were none. Chairman Fon asked the public if there were any comments. Public comments as follows:

- George Campolo, resident - Mr. Campolo stated that when he looked at the site plan he noticed there was no indication of loading docks. He is concerned about increased traffic on the road and also setting a precedent by having a driveway onto their road that could make McDonald's and Nissan follow suit. Grandmas Restaurant is for sale and who knows what will go there. He thought it might be better if the side of the building that protrudes to the west could be shortened and have all the access come in from 202 and not have any vehicles coming out onto Old Crompond Road as he is concerned about the traffic. There was mention of individual contractors and this concerns him. These contractors could be coming and going all hours of the night. He noted that the natural buffer of trees are more likely seasonal and will be barren six months of the year.

Chairman Fon stated that all comments will be addressed as they move forward with the project.

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.

Boniello Equities Subdivision

Discussion: Public Informational Hearing

Location: 37.09-1-67, 70, 71; 2012-2016 Crompond Road

Contact: Gus Boniello

Description: Proposed resubdivision of three lots to create 4 lots and construct two new two-family residences.

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.

Gus Boniello, property owner, was present. Mr. Boniello stated that the site is located on Crompond Road and is zoned R-2. The site is currently improved with three existing two-family homes. The proposal is to subdivide the three existing lots to create a 4th lot and construct two additional two-family homes. The property is serviced off the existing private road. There are no wetlands, buffers or steep slopes affected for this proposal. The additional drainage is proposed to be handled subsurface.

Chairman Fon asked when the existing homes were built and noted that they were nicely done. Mr. Boniello responded that they were built about 10 years ago with the most recent about 3 years ago. Mr. Boniello responded that the new structures will have the same look and he will work with the ABACA. Mr. Tegeder stated that they will need to ensure that the access road is done properly to ensure safe passage. Mr. Ciarcia stated that they will review the stormwater. He noted that from a historical perspective that this lot was originally rezoned for multi-family. Mr. Boniello responded that it was approved for 14 units but got caught up in the extended sewer moratorium. As a result, they decided to construct the two-family homes and now have two units remaining. Mr. Boniello stated that he received the emails with the neighbors' concerns about the stormwater. He is happy to meet with the neighbors and the Town Engineer on site to address their concerns. Chairman Fon noted that a video was sent with an email that showed the stormwater run-off. Mr. Boniello responded that the run-off shown occurred during the construction of the last building during one of the hurricanes and the situation was taken care of by the completion of the unit. Chairman Fon agreed that it would be a good idea to schedule a site visit with the Town Engineer, Planning Department and neighbors to discuss the stormwater.

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

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

Bellamy Subdivision

Discussion: Public Informational Hearing
Location: 37.10-1-38; 379 Hallocks Mill Road
Contact: Burns Engineering Services, P.C.
Description: Proposed 2-lot Subdivision on 1.42 acres in the R1-20 zone.
Comments:

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

Steve Burns, P.E. was present. Mr. Burns stated that the parcel is located at 379 Hallocks Mill Road on 1.42 acres in the R1-20 zone. The proposal is for the subdivision of an existing residential parcel into 2 residential parcels. The existing dwelling is to remain. The second lot will be for the new construction. He noted that he received correspondence from one of the neighbors with respect to the existing driveway location and drainage and he feels that they have addressed these concerns at the previous meeting. The new driveway will increase the sight distance not only for the cars travelling along Hallocks Mill Road but will also increase the sight distance for the cars entering and leaving the proposed and existing driveway. The driveway location is the same as the existing location but does extend a little more toward the east. The existing driveway is quite steep at the edge of the pavement at the road so grading is proposed. With the proposed grading they will remove the steep slope down to the road and are proposing to install a trench drain to pick up the run-off into a culic system to the catch basins as shown on the plans. Six trees are proposed to be removed for the new lot. He noted that the existing present condition of the driveway is unsafe and would never be built that way according to present standards. With this subdivision, the existing driveway would be reconstructed to create a safer environment.

Chairman Fon noted that when the Board first looked at this application they were concerned with the sight distance and dangerous nature of the curb. However, after subsequent meetings, discussions and review of this application it was determined that this will improve the situation not only for the driveway but for travelers along Hallocks Mill Road. Mr. Ciarcia agreed and stated that the proposed grading will improve the sight distance all around. Mr. Ciarcia stated that they will ensure that there is no increase in run-off and that the water from the driveway is properly conveyed down Hallocks Mill Road. Chairman Fon asked about the driveway. Mr. Burns responded that it is a common driveway and once it is 8 to 10 ft from the edge of the pavement it will split.

Chairman Fon noted that there was a chat from Anthony Giordano stating that he lives across the street from the proposed subdivision and is concerned about the drainage. Chairman Fon asked the public if there were any comments. Public comments as follows:

- Mara Ziedens, resident - Ms. Ziedens feels that this is a horrible idea for the driveway location She thinks that the engineer could have projected the driveway closer to Laurel Court. She has lived there for 53 years and knew all the owners of the property. The curb has always been an issue. Her house sits across from Gerard Court and noted that there have been many crashes at that location. She is concerned about the drainage and traffic increase. She is also concerned about the potential for school children and a potential bus stop. She doesn't feel that a double driveway is a good proposition. She talked to her neighbors and they agree that there should be a better solution to what is being proposed. She would like to see another configuration for the driveway with more visible sight. She is not against the development but feels that the configuration should be looked at and would be happy to meet with the engineer.
- Anthony Giordano, resident - Mr. Giordano stated that Ms. Zeiden's concerns were the same as his. He lives directly across the street from this proposal and has 5 grandchildren. He will not allow them in front of the house as it is dangerous. He is not against the development, but noted that it is a very busy street and thinks that the driveway should be addressed in some other manner.

There were no other comments.

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

Motion to Close Regular Session and Open Work Session

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

WORK SESSION

Uncle Giuseppe's

Discussion: Site Plan
Location: 37.18-2-56; 329 Downing Drive
Contact: Mario R Vergara Architects, PC
Description: Proposed modifications to existing approved site plan for the Yorktown Green Shopping Center approved by Resolution #00-12 dated July 10, 2000.

Comments:

Gerard Gesario, P.E. of Jarmel Kizel Architects and Engineers Inc., was present. The site is located at 329 Downing Drive in the K-Mart shopping center also known as the Yorktown Green Shopping Center. The existing site is proposed to be modified for the new tenant, Uncle Guisseppe's. Mr. Gesario stated that their firm was retained to prepare a plan for the rear of the building to construct a concrete pad to hold the new freezers and coolers and to also get a new sewer line and two new grease traps out to the sewer line that runs behind the building. Additionally, they were also asked to look at the front of the building to comply with the Americans with Disability act. They surveyed the area and found that a portion of the front needs to be repaved as it was not in compliance. Mr. Tegeder asked why it was not compliant. Mr. Gesario responded that the slopes of the pavement and accessible route to the doorways were not compliant as well as some of the signage. They are proposing to install the new signage and rework the grade to be in compliance. Mr. Tegeder stated that on the existing plan he didn't see any striping and questioned if it were to be striped in the same manner as it was previously. Mr. Gesario responded that this was correct and they are not changing the locations of the ADA spots they are just bringing them into conformance. Chairman Fon asked if any variances are required. Mr. Gesario responded that none were required as it is all paved currently and will remain that way. Mr. Tegeder asked about the treatment for the freezers and coolers. Mr. Gesario responded that the existing loading dock on that side of the building will be removed and a raised pad will be installed for the freezers and coolers that will match the finished floor of the existing building. There will be doors on the existing building to access the freezers and coolers. The structure will be installed against the building and be enclosed with a corrugated metal roof. The roof drainage will tie into the existing stormwater. Mr. Tegeder stated that the treatment of the structure should match the existing building. Mr. Gesario responded that it will.

Mr. Bock asked how this upgrade will integrate into plans seen previously encompassing the rest of the site under the Overlay Zone; will it be independent of that project. Mr. Gesario responded that his firm is in the process of preparing the plans for the vacant Kmart building which is still in progress. There are some leasing issues with Kmart that they are trying to resolve. At this time, this project stands on its own. Mr. Bock stated that he has no issue with redeveloping this site but questioned if they should look at the overall picture in dealing with the rest of the site. Mr. Gesario responded that the design of the redevelopment of the Kmart building, this building and the building to the east were considered in the overall plan and it was anticipated to be this market and believes it fits into the overall plan.

Chairman Fon asked if the building is under construction currently. Mr. Gesario responded that it was. Mr. Tegeder stated that the facades are being upgraded and the only modification to the building structure is the addition of the structure for the freezers and coolers. With respect to the front, there is no real amendment in terms of the number of spaces, locations, etc. as it really is an enhancement to comply with the ADA requirements. Most of the changes are minor providing that the structure for the freezer and coolers are treated in the same manner as the existing building to be visually appealing. He has no objection to the modifications and recommends that the treatment of the new structure be referred to the ABACA for review. Mr. Garrigan asked if the intent was for Giuseppe's to occupy the entire building and Mr. Gesario responded that it was. Mr. Garrigan asked if the existing entrances and exits will remain as they are existing. Mr. Gesario responded that they will stay the same. The Board agreed for the Planning Department to issue a memo with no planning objections with the caveat that the architecture of the new structure is to be reviewed by the ABACA.

Common Grounds

Discussion: New Tenant
Location: Hill Boulevard, Jefferson Valley
Contact: Architectural Visions, PLLC
Description: Proposed food service tenant in the approved PEG Realty shopping center approved by Resolution #09-30 dated December 14, 2009.

Comments:

Martin Stejskal, P.E. of Architectural Visions, PLLC was present. Mr. Stejskal stated that the site is located on Hill Boulevard behind the Jefferson Valley Bowling Lanes. The end unit of the existing building is currently vacant and a coffee house tenant is proposed. He is here this evening to discuss the parking count for the building. When the site plan (PEG Realty) was originally approved, there were 23 shared parking spaces between the building and the bowling center. There is sufficient parking in the front according to the parking calculations for the bowling center. The 23 spaces in the back were to be shared between the two properties.

Mr. Tegeder informed the Board that many times they will see a dining use come into an existing strip mall and the Board will look at the parking to determine that there are enough spaces to meet the demand. The parking requirements for dining uses are 50 SF for parking space for patron areas and 100 SF for each parking space for prep areas. In this case, this site was approved and built at the 5 spaces per 1,000 and now the code requires 4 spaces per 1,000. After performing the calculations for the patron and prep area on the coffee shop, it appears that the parking is still compliant and they do not have to make any determinations in regards to altering times of usage, etc. If another dining use were to occupy the other spaces, then it would need to be reviewed again. He suggested issuing a memo that memorializes the parking by the current code and noting that the existing uses and this additional proposed use are compliant. The Board agreed and had no issues.

Old Hill Farm Solar Farm

Discussion: Site Plan & Special Permit
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 acre property in the R1-20 zone.

Comments:

Kathryn Hoenig, property owner; and Websley Darbouze, Design Engineer of Bergmann Associates, were present. Ms. Hoenig stated that since the 12/6/21 meeting they received a comment memo from the Fire Inspector dated 12/17/21 and TCAC dated 12/21/21. They responded to both memos separately on 12/29/21 and feel all their comments have been addressed. They met with Fire Chief Grevius of the Lake Mohegan Fire Department and Fire Inspector Ed Kolisz on the site. The access road has been extended to the back of the site. Bollards are also proposed at the end of the road to make it clear where the road ends and for safety purposes. Four additional access gates and Knox boxes have also been included on the revised plan that was submitted. Fire training will be provided as discussed and a maintenance plan for the grass and snow will also be provided and maintained. The material for the access road is a pervious gravel driveway that has the capacity to handle 75,000 pounds which is more than what the Fire Department requested. The details for this material were provided. A memo was also received from the TCAC revising the calculation for the Tree Bank fund. Ms. Hoenig stated she agrees with this calculation and withdrew their request for credit on the mitigation of the invasive vines. In response to the TCAC comments, Colorado Spruce will be replaced with Eastern White Pines or another species if the Commission feels this is not acceptable. They are still waiting to schedule some time with the Town Engineer to discuss the SWPPP.

Chairman Fon asked the Board and Counsel if there were any comments. Mr. Ciarcia stated that the issue for the stormwater is the same as the Foothill project which has to do with the orientation of the panels and the DEC relaxation on the stormwater requirements. When the panels are aligned with the topography there is no issue. The topography and the southern exposure do not align here so they will need to make some modifications such as adding level spreaders and infiltrator spaces along the contours to get the benefit of treating this like a meadow. He noted that the engineer for this project is aware of this. The design will need to be updated in the SWPPP and site plan to reflect this change. Mr. Darbouze responded that he will address this situation and update the SWPPP and plans accordingly. Mr. Glatthaar

questioned why the TCAC did not like the Colorado Spruces. Ms. Hoenig responded that it may be that they don't do well and grow in a non-attractive way. Mr. Tegeder stated that the Planning Department and Counsel should review the discussion in terms of the mitigation package similar to the Foothill Street proposal. The stormwater will need to be updated and some sight line sections will need to be prepared for the visual impact.

Granite Knolls Park Solar Project

Discussion: Site Plan & Special Permits

Location: 26.09-1-22; 2975 Stony Street

Contact: HESP Solar LLC and Bergmann PC

Description: Proposed 1.3 MW-AC community solar project including ground mounted solar panels, solar carport system, and a battery storage system at Granite Knolls Park.

Comments:

Eric Redding, P.E. of Bergmann; and Susan Brodie of HESP Solar was present. Mr. Redding stated that since they were last before the Board a response letter and revised materials were provided for review based on comments from the Planning Board and Recreation Commission. Photo simulations and line of sight profiles were prepared for the site. A red balloon test was also conducted at the site. The photos were shown to the Board depicting various view perspectives (7 locations) to the solar carport system and ground-mounted array system from different locations on the site. Mr. Tegeder asked if it would be possible to locate the array access from the interior of the site. Mr. Bergman responded that it would not be possible due to the steep grade. Discussion followed. The Board was concerned with the visibility of the solar arrays and felt that screening is required. It was noted that the last two applications made an effort to screen the solar systems and this application should be no different.

Mr. Redding showed two line of sight profiles to the Board. The ground-mounted array panels are 7-ft high on the high end and 2-ft high on the low end. The solar canopies are 22-ft high on the high end and just over 14-ft high on the low end. Mr. Garrigan asked if the line of sight profiles take into account any trees or bushes along Stony Street. Mr. Redding responded that there is no large vegetation for this specific profile along the alignment. The existing vegetation is mainly in the area to the south and southeast of the ground-mounted array. Around the parking lot and athletic fields there are some trees that were planted for the park but there are no large trees or wooded areas. Mr. Bock asked about the existing trail through that location. Mr. Redding stated that the existing trail comes off of the entrance drive. They are proposing to re-route the trail around the fence. Mr. Bock asked how the ground-mounted system will be separated from the rest of the site. Mr. Redding responded that they are proposing an agricultural style fence. Mr. Bock stated that he is concerned with the views from the trail and park to the array and the fencing and questioned how this will be screened. He also had concerns in the adequacy of the fencing. Discussion followed with respect to the vegetation and screening. Mr. Redding stated that they also performed a balloon test using 24" red balloons that were placed 22-ft in height and located at four corners of the parking lot.

Mr. Redding addressed the Recreation Commission's comments to which they will respond. One of the comments noted was about the construction schedule. Construction is intended to begin for the full project during the Summer so the energy can be produced by December. Any delays in that schedule would add to the cost of project. Mr. Bock asked if the park would need to be closed during construction. Susan Brodie of HESP Solar stated that the way they responded to the RFP for Yorktown was to maximize the lease payment to the Town. If they make changes, there will be an impact to the model which will impact the benefit to the Town. Ultimately it will be the Town's choice if they want to delay construction or add weekend construction so they can shorten the length of time but this will cost the town money. Mr. Bock questioned if the facility would have to be closed during construction. Ms. Brodie responded that the construction would not close the facility. A construction fence for the the installation of the footings would be in place and the rest of the park would still be open for use. The contractor will work with the Town to determine if they could close off half the parking lot and build each side accordingly. Mr. Tegeder stated that the issue is to have an understanding as to how the construction phasing will work out and requested for the applicant to produce a construction phasing plan as part of the approval process. Ms. Brodie stated that she wants to be clear that this is a finite amount of money and they are happy to work with the Town but the way they bid the project is the way it was modeled with the lease payment. Councilwoman Haughwout stated that she respects Ms. Brodie's comments but the Board is concerned with the construction schedule since this is a very active park that is used daily by the community. She would also need to understand what the cost benefits are. Ms. Brodie responded that the construction is intended to begin at the end of May and be completed by

November and would be phased in timing so that the park would still be accessible to the Town. They will prepare a construction phasing plan to share with the Board as soon as possible.

Patrick Cumisky, Vice Chair of the Recreation Commission, stated that parking at the facility is a major issue. In order to run this facility, shutting down any parking will be a problem. They already have a problem when all the fields are occupied with events. He feels that the staging plan and schedule needs to be reviewed with respect to the facility and the public. He noted that they had to shut down the Legacy facility during construction for safety purposes. They are currently in the process of preparing the sports schedules and need to know by March as to the field use. This is a major problem for the Commission. He doesn't see how this facility can still be active and noted that shutting it down for six months will have a huge impact on the sports. Mr. Tegeder stated that the first step is to get the construction phasing, staging plan and work schedule. Mr. Garrigan asked if there was a scheduled downtime for when the facility is not used. Mr. Cumisky responded that there is and it would be mid-November to the beginning of April but noted that the applicant modeled their application a certain way to start getting revenue by December. Mr. Bock asked if the Town Board discussed this. Mr. Tegeder responded that the start time is not before this Board and thinks that this is a discussion with the Town Board, applicant and Recreation Commission. The Planning Board can solicit and develop the information and pass it on to the Town Board. Mr. Cumisky stated that he was also concerned about the drainage. The intent is to pave the parking lot when this is complete and he feels that this has to be taken into account by the applicant or the Town in understanding the SWPPP once the paving is installed. Chairman Fon stated that it appears that the plan stills need work especially with the screening and advised the applicant to work with the Planning Department.

Town Board Referral - Proposed Local Law to amend Chapter 108 Alcoholic Beverages.

Comments:

The Board reviewed the proposed amendment and had no planning issues.

Motion to Close Meeting

Upon a motion by Bill LaScala and seconded by Rob Garrigan, and with all those present voting "aye", the Board closed the meeting at 10:22 p.m.