

Planning Board Meeting Minutes – September 12, 2022

A meeting of the Town of Yorktown Planning Board was held on **Monday, September 12, 2022 at 7:00 p.m.** in the Town Hall Boardroom.

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

- Aaron Bock
- Rob Garrigan
- Bill LaScala
- Bob Phelan
- Robert Waterhouse, Alternate

Also present were:

- John Tegeder, Director of Planning
- Robyn Steinberg, Town Planner
- James Glatthaar, Esq.
- Councilman Sergio Esposito, Town Board Liaison

Correspondence

The Board reviewed all correspondence.

Motion to Approve Meeting Minutes of August 15, 2022

Upon a motion by Bill LaScala, and seconded by Rob Garrigan, and with all those present voting “aye”, the Board approved the meeting minutes of August 15, 2022.

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

ThermoDynamics Corp.

Discussion: Decision Statement

Location: 6.18-1-30; 2989 Navajo Street

Contact: Peter Helmes, The Helmes Group, LLP

Description: Proposed building renovations and Lighting Plan for an existing building on 1 acre in the I-1 zone.

Comments:

John McCormick, property owner, was present. Mr. McCormick stated that they reviewed the draft resolution and had no issues. 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 declared themselves Lead Agency.

Upon a motion by Rob Garrigan, 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 Bill LaScala, and with all those present voting “aye”, the Board approved the resolution approving a lighting plan for ThermoDynamics Corp.

Uncle Giuseppe’s Marketplace

Discussion: Decision Statement

Location: 37.18-2-56; 329 Downing Drive

Contact: Jarmel Kizel Architects and Engineers, Inc.

Description: Replacement of concrete crosswalks with asphalt within parking lot.

Comments:

No representative was present. 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 approved the resolution approving interior sidewalk alterations for the Uncle Giuseppe’s Marketplace at 335 Downing Drive.

Granite Knolls Solar Project

Discussion: Adjourned Public Hearing

Location: 26.09-1-22; 2975 Stony Street

Contact: HESP Solar LLC and Bergmann PC

Description: Proposed solar carport system at Granite Knolls Sports Complex.

Comments:

Darius Chafizadeh of Harris Beach, PLLC; and Eric Redding, P.E. of Bergmann, were present. Mr. Chafizadeh stated that after discussions with town staff, the applicant has withdrawn the ground-mounted solar array system from the application and are now proposing to move ahead with the solar carport system. The plans have been updated accordingly. The lighting and drainage have been addressed. They would like to begin working on the project in November so as not to interfere with the Parks and Recreation Department programs.

Mr. Redding stated that the major change to the original proposal was the elimination of the ground-mounted system and Battery Energy Storage System (BESS) component. He noted that they met with the Conservation Board and received their comment memo to which they have no objections. An education sign will be installed in the park and a different type of native tree will be planted as suggested.

Chairman Fon stated that at the previous meeting the Board requested for the applicant to meet with the Planning Department with respect to the screening and neighboring property for consistency with the code. Mr. Redding responded that they met with the Planning staff to review different vantage points. As a result, a few more screening trees were added along Stony Street. There is a row of screening at the crest of the hill of the park’s entrance. The renderings have been updated to reflect this. The canopy lighting will be down lit and fully shielded. Chairman Fon felt that work still needs to be done and is concerned with location #3 with respect to the overgrowth and invasives that show as screening. Mr. Redding responded that they are leaving more trees in that area now that the ground-mounted system has been eliminated. Mr. Tegeder noted that as part of the resolution, there could be a condition that they continue to work on the visual aspect of the project for both screening and lighting, to the satisfaction of the Board. He added that more screening could be added to the driveway. There can also be a condition with respect to the stormwater plan as it still needs to be reviewed by the DEP and Town Engineer for their acceptance. He noted that the applicant is proposing to pave underneath the canopy that will need to be coordinated. Since the applicant is concerned with the timeframe for ordering the equipment, the Board can move forward with a resolution noting these additional conditions.

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

1. Patrick Cumiskey, Vice Chair of the Parks & Recreation Commission – Mr. Cumiskey thanked the applicant and the Planning Board for their due diligence. First, he is concerned with the positioning of the lighting. Second, he questioned if there was discussion about facility maintenance with respect to repair of damaged panels, etc. He would like to ensure that there is an agreement so that any maintenance required will be resolved in a timely manner to avoid shutting down the facility as this is the entryway to the park. Third, he noted that on page 6 of the draft resolution, there is discussion with respect to annual inspections on vegetation, etc. that is to be done by the “site owner”. He thinks that “site owner” infers that the Parks and Recreation Department would be responsible for the maintenance and thinks it should be replaced with “site operator” or “solar system owner”.

Mr. Tegeder noted that he didn’t think the maintenance agreement was under the Planning Board’s purview. Mr. Chafizadeh stated that as part of their initial agreement, they will maintain their equipment. Mr. Tegeder stated that the Board could send a memo to the Town Board recommending that this issue is dealt with between the Town and the operator. Discussion followed with respect to the zoning and building codes.

Chairman Fon asked the Board and Counsel if there were any other comments. Mr. Tegeder stated that the three additional conditions to be resolved can be done between now and November. The Board agreed.

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

Upon a motion by Bill LaScala, and seconded by Aaron Bock, and with all those present voting “aye”, the Board approved the resolution approving a site plan, special use permit for a large-scale solar energy system, and tree permit for the Granite Knolls Solar project as amended.

Wendy’s at Staples Plaza

Discussion: Public Informational Hearing
Location: 36.06-2-76; 3399 Crompond Road
Contact: Chiesa Shahinian & Giantomasi, PC
Description: Proposed renovation of the approximately 3,500 SF Dunkin Donuts building for a Wendy’s with drive-thru.

Comments:

Jim Glatthaar, Esq. recused himself from this application. **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.**

Jennifer Porter, Esq. of CSG Law; and Daniel Sehnem, P.E. of Dynamic Engineering were present. Ms. Porter stated that the application was previously before the Board for two work sessions in addition to staff meetings and are here this evening for a Public Informational Hearing. They are scheduled for the ABACA meeting agenda next week.

Philip Anastos stated that he is one of the franchisee owners, his partner is Kevin Woodside who spoke at the previous meeting. They currently own and operate 20 different restaurant locations and this will be their 21st location. They have a strong field team with an office in Englewood Cliffs, NJ. They feel that this particular location works well for their restaurant as it is a vibrant business community. They anticipate that the construction phase will take about three months depending on the weather, etc. With respect to the operations, they expect to employ about 35 employees that will consist of full and part time positions. The restaurant will open at 6:30AM for breakfast and change over to a lunch menu at 10:30AM. The dining room will close at 10:00PM but the restaurant will stay open as late as the community allows and would expect to close no later than midnight.

Daniel Sehnem, P.E., stated that the proposal is to occupy the current Dunkin Donuts building located at the BJs/Staples Plaza with a Wendy’s Restaurant. They are proposing a modification to the drive-thru to help channelize and enhance the flow traffic. The existing drive-thru will stay in the same location and the circulation will be the same. The proposal is to remove the existing 3-ft wide landscaped island to the north of the building that separates the parking area from the drive-thru lane and reconfigure the existing parking spaces along that roadway to angled parking spaces. This would allow for more backup space. Rather than have 90-degree head in parking spaces, the spaces will be reconfigured to 60-degree angled parking spaces which will help to promote a one-way circulation around the site and will also provide two full lanes, one for thru traffic, and the other for a drive-thru lane. The parking modification will result in the loss of 7 parking spaces which creates the need for a parking variance, however, two-thirds of their customers are drive-thru so they don’t anticipate parking to be an issue. With the initial removal of the landscaped island, they were increasing the impervious surface coverage, however, when they angled the parking spaces there was an opportunity on each corner where striping was originally proposed for landscaping resulting in a net gain of landscaped area. The order point along the frontage of the building will remain. Two concrete pads are proposed, one for the existing pick-up window, and the other for the two order points. Rather than having a single order point, there will now be two allowing the employees to process two orders at once. A new freezer/cooler is also proposed to the rear of the building that will be placed on a concrete pad. The architectural and floor plans were reviewed with all. The building façade will be painted with the addition of some architectural elements. The rooftop mechanical equipment will be screened and painted to match the building. The outdoor patio area will also be screened. There is a walk-up window allowing customers to pick up their orders. The proposed signage will actually decrease from what is existing. The interior of the building is proposed to be completely renovated and will house 63 internal seats and 13 exterior seats along the patio area for a total of 76 seats.

Mr. Garrigan questioned the elimination of the landscaped island as it provides a buffer. Mr. Sehnem responded that it would make the situation better. The current driveway is 10-ft wide and by removing the island they will then have an 18-ft driveway which is standard.

Mr. Waterhouse noted that there was a resident concern with respect to the trash. Mr. Sehnem responded that Wendy’s will utilize the same trash enclosures as the previous tenant and are happy to work with the Board to condition pick-up

hours. Ms. Porter stated that their staff will address the trash situation to make it better. Mr. Anastos added that they have a system in place for cleanliness and curb appeal. Their trash is typically picked up 3x a week and their units are replaced every six months. Chairman Fon stated that the issue is to ensure that the screening is appropriate and the area is well maintained. Mr. Phelan requested for the applicant to include the trash enclosure on the drawings and to also note how it will be treated and /or modified.

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 other comments. Mr. Tegeder asked about the rooftop screening material. Mr. Anastos responded that they are proposing cityscape knot wood horizontal panels for the screening.

Ms. Porter stated that they previously determined that there would be no need for this application to go the Zoning Board because the signage and parking variance was within the threshold of what the Planning Board could allow. Other than going to ABACA, they would welcome the discussion for the next steps. The Board advised the applicant to work with the Planning Department in order to move forward with a Public Hearing.

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 Chairman Fon, and with all those present voting “aye”, the Board closed the Regular Session and opened the Work Session.

WORK SESSION

Staples Plaza Battery Energy Storage System Expansion

Discussion: Special Use Permit
Location: 36.06-2-76; 3333 Crompond Road
Contact: Mayflower Energy Engineering
Description: Proposed installation of 2 additional Tesla megapack units with a total energy capacity of 6,160 kWh, to be connected to the main utility grid and assist with electrical demand. Installation would remove 3 parking spaces.

Comments:

Maziar Dalaeli was present. Mr. Dalaeli stated that the plans have been revised since they were last before the Board. The proposal is for the installation of two additional Tesla megapack units to the rear of the building. Based on the Board’s previous comments, the new units are now proposed to be placed next to the original existing installation on the south end portion of the site.

Chairman Fon asked the Board and Counsel if there were any comments. Mr. Tegeder stated that with respect to safety and emergency procedures, he preferred this location better. They will need to modify the original emergency plan to include the new units and their specifications as well as the site plan before moving forward with a resolution. Mr. Dalaeli agreed and noted that the Fire Department has already been trained for the existing units.

Dorchester Glen Subdivision

Discussion: Subdivision
Location: 15.20-3-6; 1643 Maxwell Drive
Contact: Site Design Consultants
Description: Proposed 5 lot subdivision on 24.26 acres in the R1-20 zone.

Comments:

Joseph Riina, P.E. of Site Design Consultants was present. Mr. Riina stated that there was previous discussion about creating an alternate plan repositioning some of the homes to reduce disturbance. An overlay of the alternate plan with the homes outlined in red over the original proposed plan was shown to the Board. He noted that their preference is to have the flexibility to keep the homes further back as originally proposed since it is less dense and more open.

Chairman Fon asked the Board and Counsel if there were any comments. Mr. Tegeder stated that the suggestion was made to reduce the environmental impacts and also give a nicer rear yard to one or two of the lots. Mr. Garrigan thought that given the lot sizes, leveraging the space would be to the benefit of the homeowners and questioned if they could

incorporate the best of both plans. Mr. Riina stated that he agreed with the modification to the two lower lots by reorienting one house to create a nicer rear yard and flipping the driveway on the other house. He noted that with respect to the two upper lots, there is all lawn area to the rear of one of the homes and some tree disturbance to the other. Discussion followed with respect to the elevation changes. The Board agreed to combining both plans to incorporate the layout of the two lower lots (red outline) from the alternate plan and leave the two upper lots as is from the original plan. Chairman Fon advised the applicant to work with the Planning Department to move forward with the resolution of approval.

Guiding Eyes for the Blind

Discussion: Proposed Fence

Location: 27.13-3-17; 611 Granite Springs Road

Contact: Studio Architecture, DPC

Description: Proposed fencing around the front of the property to completely enclose the site.

Comments:

Chris Raffaelli of Studio Architecture was present. Mr. Raffaelli stated that the applicant is proposing to extend the existing fence to completely enclose the property for the safety and containment of the dogs during drills and potential evacuations. There is an existing fence along the west side of the property that extends from the front of the existing building to the back corner of the property. Two motorized driveway gates are proposed at the front. The proposal is to install a white aluminum 4-ft high fence across the front, ascot gates and around the sides either cyclone or white vinyl to match the existing fence. The renderings were shown to the Board. Chairman Fon questioned if there were any issues with the site. Mr. Tegeder responded that there were none. Mr. Tegeder noted that the front fence was the original issue but the proposed fence is much nicer. The Board had no planning objections. The Planning Department will prepare a memo for the Building Department.

Town Board Referral - Gulf Gas Station (Gulf)

Location: 3451 Crompond Road; 36.06-1-25

Contact: Kristen Schawalder, Sevan Solutions

Description: Proposed renovation of exiting gas station for new tanks, pumps, canopy, and 7-Eleven convenience store.

Comments:

Stephen Tyree was present. Mr. Tyree stated that he is representing 7-Eleven but noted that there is no work proposed for the building at this time as was discussed previously. Since this application was last before the Board, he met with the Conservation Board and the ABACA and have received their comments. There are no open violations at the site. The proposal is to remove and replace the existing underground storage tanks, pumps and piping; replacement of the fuel dispensers; and the installation of a new canopy. He noted that the existing tanks are over 30 years old. There is some contamination at the site, so all the soil will be properly disposed of to a recycling facility. Contaminated ground water at the site will also be treated and removed from the site. The plan details were submitted to the Board for review.

Chairman Fon asked if there was a site plan for this property. Mr. Tegeder responded that plans exist but is not sure if they are officially approved. He stated that some of the previous violations had to do with truck storage at the site and noted that there has always been discussion about the rear of the property with respect to the fence and maintenance. Mr. Tegeder asked about the pylon sign. Mr. Tyree responded that the existing pylon sign will be updated per the brand book. Mr. Tegeder informed the Board that since the applicant is proposing to do a site plan with 7-Eleven, these issues can be addressed at that time and noted that the tanks are a high priority.

Chairman Fon stated that the Board had major issues with the appearance and use of this site and noted that it is a gateway to a residential community. He is concerned about the installation of the canopy without a site plan for the entire site. Mr. Glatthaar stated that it is ultimately the Town Board's decision as there is an urgency with the storage tanks. After discussion, the Board had no objections to the removal and replacement of the underground storage tanks. However, the Board felt strongly that the installation of the canopy should be done as part of one site plan and will suggest to the Town Board that the applicant install only the footings at this time.

Town Board Referral - Volta Charging Stations at the Jefferson Valley Mall

Location: 650 Lee Boulevard; 16.12-1-24 & 25

Contact: Cuddy & Feder

Description: Proposed electric vehicle charging stations at four existing parking spaces.

Comments:

Trent Suddeth of Kimley-Horn & Associates, Inc. was present. Mr. Suddeth stated that the proposal is for four (4) EV level 2 charging stations at the Jefferson Valley Mall similar to the most recent installation at the Staples Plaza. The charging stations will be equipped with a media screen which allows Volta to offer a subsidized charging cost to the consumer. The content for the media screen will be on a rotating basis every 8 seconds with no flashing or auditory components. Each station will be mounted on a 4x4 concrete pad. The conduit will run from the building itself so there will be existing power and no new utility service. Two stations are proposed in the northern parking lot and two others are proposed in the southern parking lot. The proposed stations on the northern side will be located in the existing curbed islands adjacent to the parking spaces. The proposed stations on the southern side will be located in the existing striped island with bollards adjacent to the parking spaces.

Chairman Fon stated that he was concerned with the striped island and the potential of the stations getting hit by cars. Mr. Suddeth responded that they are proposing bollards on all four sides and noted that there haven't been any incidents reported. Chairman Fon questioned if there would be an issue with curbing the striped island since they will be removing asphalt. Mr. Suddeth responded that they would like to keep it as existing as possible. Mr. Waterhouse questioned the maintenance during the winter snowfalls. Mr. Suddeth responded that they have to be careful but the site will manage this. Mr. Tegeder agreed that this location was in a vulnerable position. Chairman Fon noted that this may be an opportunity to improve this area to make it safer and noted that he would prefer to see an island with a curb. Mr. Bock thought that if they moved the stations over one parking space it could then be adequately shielded by using the other space as a barrier. Mr. Suddeth responded that if the stations were moved toward the center with full bollards they would then be encapsulated within the striped island. Mr. Tegeder stated that the stations could be moved toward the center as suggested and could be mounted on a larger raised concrete pad that could act as a curb. This would also help simplify the construction and cost. Mr. Phelan stated that his concern is that whoever is using these stations will be standing next to traffic and feels that moving the stations further into the aisle would be better for safety purposes. The Planning Department will prepare a memo for the Town Board with their concerns.

IBM Battery Storage and EV Charging Stations

Discussion: Site Plan & Special Permit

Location: 1101 Kitchawan Road; 69.16-1-1

Contact: Michael Landler, Powerflex

Description: Proposed 1 MW AC battery energy storage system and installation of additional electric vehicle charging stations.

Comments:

Michael Landler, P.E. was present. Mr. Landler stated that the proposal is for the installation of a 1MW AC Battery Energy Storage System; and the addition of EV charging stations, which includes the existing 6 stations, for a total of 85 charging stations. The additional EV chargers will be incorporated into the solar carport structure and will be contained entirely within the footprint of the solar carport. The approved solar canopy is currently under construction and will allow the current proposal to occur efficiently without creating additional disturbance to the site. The Battery Energy Storage System will help to increase local grid resiliency. They have secured the interconnection approval from Con Edison for both the battery system and EV chargers as well as all the associated incentives from Con Edison and New York State. A sound study was performed that showed there will be no impacts to points of interest. The sound level does not exceed 10 dBA at the residential property line. The plans, elevations, and battery specifications were shown to the Board. Mr. Landler stated that IBM is eager to move forward with the EV charging station portion of the proposal as they will own this system directly and have committed funds from their Corporation which needs to be utilized during the 2022 budget year. Mr. Waterhouse questioned if there would be any changes to the footprint. Mr. Landler responded that the solar canopy is under construction currently and the battery portion of the project is proposed to be lower which would be the only addition to the site. He added that the entire project was envisioned this way initially but wasn't economically viable a few years back. Mr. Tegeder questioned if the EV chargers were dependent

on the BESS system. Mr. Landler responded that the EV chargers are entirely independent and will be associated with the current IBM infrastructure.

Chairman Fon asked the Board and Counsel if there were any comments. Mr. Tegeder stated that the EV charging stations could move forward with a resolution as it's not dependent upon the battery system so there are no SEQRA issue. The Board agreed. The applicant was advised to work with the Planning Department.

Garden Lane Development fka Hoffman Property

Discussion: Residential Site Plan

Location: Old Crompond Road & Garden Lane; 35.08-1-27

Contact: Dimovski Architecture, PLLC

Description: Proposed 20 unit apartment units with associated parking and site improvements pursuant to a 1990 rezone of 1.56 acres to the R-3 zone.

Comments:

Steve Dimovski, P.E. was present. Mr. Dimovski stated that the proposal is for a two-story building (with basement) consisting of 20 residential units and on-site parking on a 69,000SF property located on Garden Lane near Old Crompond Road and Arthur Avenue. No subdivision is required for this property. He informed the Board that there was a proposal for this site presented to the Town Board in 1986 for a similar proposal which was ultimately approved (Hoffman Decision). He noted that over the years the zoning requirements have changed. As a result, the plans have been modified. The setbacks are now further away from the property line with a smaller buildable area. The proposed building is 1,000SF larger than the previously approved building and will include a basement, community room, and some offices that can be used by the tenants. Additional parking is also proposed to meet the 1.5 parking space requirement. They are required to have 30 parking spaces and are proposing 44 which exceeds the amount required. They are proposing to utilize the same ingress/egress. On the northwest side, they will enter the property off the paper street. The main entrance to the building is on the south side. The site circulation was reviewed with the Board. The trash containers will be located to the rear of the building. Exterior access to the basement is proposed to the rear of the building which will house maintenance equipment and storage. The units will consist of 12 one-bedroom units and 8 two-bedroom units and will range from 750SF for the one-bedroom units and 1,052SF for the two-bedroom units. This averages out to be about 875SF per unit and he noted that the Hoffman proposal was about 880SF per unit. He added that they are trying to incorporate the merits of the Hoffman proposal into their proposal. The plans and elevations were shown to the Board. All the proposed units will have balconies.

Mr. Waterhouse asked about the viewshed in relation to the neighboring properties. Mr. Dimovski responded that they will see the building. The parking situation was reviewed with the Board. Mr. Bock questioned if the units were rental or market. Mr. Dimovski responded that they are rental units. Mr. Bock felt that the plan needs additional detail with respect to the site's access, driveways, and emergency access. He feels that the driveways are narrow. Discussion followed with respect to the utilization of the paper road for access to the site. Mr. Dimovski stated that the ingress would be on the north side and the egress would be on the southwest side of the site promoting a one-way circulation. Mr. Bock questioned the previous density bonus and how it would apply to this application as they don't have an affordable housing program for the additional density. Mr. Tegeder informed the Board that the Town Board just removed a clause in the section that governs the management of affordable housing units to allow new units into that program that are to be managed by our housing board or other entities.

The Board advised the applicant to work with an engineer for the site plan. The Board agreed to perform individual site visits. The Planning Department will look into the private road ownership. Mr. Ciarcia stated that with respect to the sewer there is a force main. The applicant will need to perform their analysis as part of the engineering details.

Upon a motion by Bill LaScala, and seconded by Aaron Bock, and with all those present voting "aye", the Board closed the meeting at 9:05 p.m.