

Planning Board Meeting Minutes – April 24, 2023

A meeting of the Town of Yorktown Planning Board was held on Monday, April 24, 2023, 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

Also present were:

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

Correspondence

The Board reviewed all correspondence.

Motion to Approve Meeting Minutes of April 10, 2023 & April 12, 2023

Upon a motion by Bill LaScala, and seconded by Bob Phelan, and with all those present voting “aye”, the Board approved the meeting minutes of April 10, 2023, and April 12, 2023.

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

Village Traditions

Discussion: Request for 2nd One-Year Time Extension
Location: 15.16-1-32; 1821 East Main Street
Contact: Timothy Mallon, property owner
Description: Approved site plan by Resolutions #18-05 on May 21, 2018 and #21-08 on May 10, 2021.
Comments:

No representative was present. The Board had no issues with the extension request.

Upon a motion by Rob Garrigan, and seconded by Aaron Bock, and with all those present voting “aye”, the Board approved the 2nd one-year time extension for Village Traditions.

Tully fka Sandvoss Minor Subdivision

Discussion: Decision Statement
Location: 59.07-1-7 & 8; 1005 Hanover Street
Contact: Site Design Consultants
Description: New property owner would like to build one home on the existing parcels using the approved private road as a driveway. The Sandvoss Subdivision was previously approved, but a plat was never filed.

Comments:

Joseph Riina, P.E.; and Brendan and Kelly Tully, new property owners, were present. Mr. Riina stated that he was before the Board previously for discussion. The property was previously approved as the Sandvoss subdivision. The Tullys are the new owners of the property. The existing lot on Hanover Street still remains and they are proposing to construct one single-family home to the rear of the property for the Tullys. The width of the driveway has been reduced by 6-feet but will be the same length. A wetland permit was approved as part of the subdivision of which they are seeking to amend or renew.

Mr. Bock asked if the Board needed to do anything further now that the applicant is withdrawing the subdivision application and constructing one single-family home on the lot. Mr. Riina responded that the project never went beyond the approving resolution so no bonds or fees were ever posted and no map was filed. Mr. Tegeder stated that the draft resolution is amending the earlier approval for the 4-lot subdivision to allow for the construction of one single-family home pursuant to the environmental record that is in place and noted that the impacts are now less than what was established under the approved subdivision and corresponding SEQRA record. Mr. Glatthaar stated that they have an active resolution that they are being asked to step back from and treat this subdivision as if it never happened but still want to keep the environmental findings as there was quite a bit of work performed for this project. This is the approach that he and the Planning Department recommend. The Board agreed and had no planning objections.

Upon a motion by Aaron Bock, and seconded by Bill LaScala, and with all those present voting “aye”, the Board approved the resolution approving an amended site plan for the Sandvoss Subdivision.

IBM Battery Energy Storage

Discussion: Public Hearing
Location: 69.16-1-1; 1101 Kitchawan Road
Contact: Powerflex
Description: Proposed 1 MW AC battery energy storage system to support solar canopy.
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. Dennis Phayre of Powerflex. was present. The proposal is for the installation of a 1MW AC Battery Energy Storage System to support the solar canopy. The system is proposed to be installed to the rear of the parking lot behind the salt barn. Viewsheds from the IBM Research Center, Pinesbridge Road, neighboring property, and the battery site were shown. The battery units are proposed to be fully enclosed with a 7-ft fence. As previously discussed, they addressed the neighbor’s concerns (Kate Bolger). IBM agreed to install a new fence along the property line between the properties, and also provide some landscaping. The temporary lighting has been removed. Chairman Fon asked the public if there were any comments and there were none.

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

Home & Hearth

Discussion: Public Hearing
Location: 15.12-1-2; 1750 East Main Street
Contact: Site Design Consultants
Description: Proposed demolition of two existing buildings to construct a new 5,500 SF showroom/warehouse and 4,500 SF storage building on 1.99 acres in the C-4 zone.
Comments:

Bob Phelan recused himself from this application. 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 applicant is proposing to move their existing retail business, Home and Hearth that is currently located in Cortlandt to Mohegan Lake. The proposed site is located at 1750 East Main Street and is situated between the Volkswagon dealership to the east and the BP gas station to the west. The property is currently improved with two existing buildings, parking area and driveway. To the rear of the site is the delineated NYSDEC wetlands. A majority of the project is in the wetland buffer. The proposal is to remove the two existing buildings and construct a new 5,500SF building that would include a showroom, office area, storage area and full basement; and a 4,500SF warehouse building to the rear. The parking will be utilized by the existing entry into the site with adequate parking on both sides. The driveway to the gas station cuts through the front of this property and has an easement for that access. There is no impact to the wetland, however, there is intrusion into the buffer and a mitigation plan is proposed. A stormwater management plan is proposed to capture all of the impervious area into a subsurface detention system under the parking lot. The overflow will discharge into a rain garden which will provide final polishing of the stormwater before it discharges into the wetland. The building will be served by existing public utilities. The mitigation plan was reviewed by the DEC and they are expecting a permit shortly. It was also reviewed by

the Town's environmental consultant and there were a few comments which they will satisfy. A landscape plan was prepared by Abigail Adams of A2 Land Consulting which proposes a variety of plantings throughout the site and in the stormwater rain garden. With respect to the lighting, the Planning Department noted that the spotlight off the corner of the building should be night sky compliant and not directed toward any adjacent properties which they will do. Renderings of the proposed buildings were shown. The architecture was revised to incorporate some of the ABACA's comments. The buildings are proposed to be a light to medium gray color with standing seam metal rooves.

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

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

Motion to Close Regular Session and Open Work Session

Upon a motion by Aaron Bock, 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

SDML Realty, LLC aka Dunkin Route 202

Discussion: Site Plan & Special Use Permit

Location: 35.08-1-11, 14, 15, 23; 3735 Crompond Road (Route 202)

Contact: Reuben Buck

Description: Proposed 3,069 square foot Dunkin with drive thru, parking, and associated site improvements.

Comments:

Reuben Buck, P.E.; Isaac Gadikian, Acoustics Consultants of Cerami; and Mario Sardinha, property owner were present. Mr. Buck stated that since they were last before the Board, they made some slight revisions to the site plan, line of sight drawings, and sound report to address comments that were made during the public hearing. They also met with the Conservation Board to discuss their comments some of which were incorporated into the site plan. They are hoping that the Board will feel comfortable enough to move forward with a Negative Declaration and resolution in order to move forward with their applications to the DEP and DOT.

Mr. Buck stated that the lighting plan meets the foot candle requirements at the property line. All of the proposed fixtures are fixed and downward facing. The proposed fixtures along the rear and front property lines have glare shields to prevent the light from exiting the site onto the neighboring properties. Line of sight profiles were prepared incorporating the proposed light fixtures from the neighbors point of view which demonstrates that there will be no light impact to the neighbors.

The landscape plan was revised based on comments received from the Conservation Board. The plan now includes more hardy trees, a variety of evergreens behind the site, and additional plantings in the bio-retention area on the northwestern side. He added that they opted to keep the arbovitae as the main chunk of the screening along the back face of the wall but did swap some of the evergreens on either side of the wall with different species. They were not able to include pervious pavers as the soil conditions on site are not permeable. The Conservation Board also recommended reducing the amount of disturbance in the wetland buffer area. He noted that currently the stormwater pond, a portion of the access drive, and some of the parking spaces are located in that buffer. They minimized to the greatest extent practical the amount of impervious improvements and work within this area. He noted that the stormwater pond needs to be situated on the lower part of the site so that the stormwater generated from the development itself can drain to that area. The current width of the access aisle up front is tight so the DOT may suggest reducing the aisles slightly. If this turns out to be the case, it would then reduce the impervious area in the buffer.

The current plan shows a 25% reduction in parking required by the zoning code. The initial plan presented 31 spaces which seemed to be too much. The parking was reduced and the loading area was moved to be away from the neighbors. The applicant provided parking data from their previous storefront for their peak day last year during two business shifts (5:00AM to 10:00AM; and 10:00AM to 2:00PM) During these shifts they saw 367 guests from 5:00AM to 10:00AM; and 353 guests from 10:00AM to 2:00PM. The majority of these sales, 71%, were for the drive-thru and 29% were for in store sales. Using these numbers, the peak parking calculation for the highest day last year was 22 guests per hour

from both shifts. With these numbers, they feel that the parking on site is adequate, even more so since this facility is proposed to have two drive-thru lanes and most of the traffic is drive-thru generated.

Mr. Gadikian, Acoustics Consultant, stated that since their last meeting they revised their noise study to include more detail on the drive-thru kiosk; operational vehicles (garbage trucks, delivery box trucks); and rooftop equipment. They expanded their analysis of the delivery box trucks late in the evening between midnight and 2:00AM. They also received sound data for the equipment units. With respect to the drive-thru kiosk, they meet all the criteria and in some cases approach inaudibility when assessing the two residences that are further away taking into account the barrier wall and fence. Additionally, the kiosk has an automatic volume control that adjusts to the ambient noise level. With respect to the operational vehicles, they were receiving levels meeting all the criteria with only two exceptions - the 18-wheeler during the day time hours which is 2 decibels above their stringent criteria; and the delivery box truck which was formerly exceeding the criteria by 4 decibels. Since then, they have revised their analysis based on the delivery and driving path of the box truck which stops at the vestibule near the front end of the site as opposed to the pass by at the rear side closer to the fence. With the driving path and the greater distance, noise attenuation for deliveries between midnight and 2:00AM is now well below their stringent criteria of only 3 decibels over the ambient level. With respect to the rooftop mechanical equipment, their updated analysis shows that close to the equipment was 95 decibels which is equivalent to their preliminary analysis. They performed their analysis taking into account the equipment content, various frequencies, barrier wall, fence and building elements as it is facing away from the receiving properties. Due to the distance attenuation from the receiving properties, they are in conformance with the criteria established and in some cases approaching inaudibility which is a non-distinguishable level. Additionally, the Board questioned if the proposed fence would help to mitigate noise from the neighboring commercial properties. Their general analysis is that wherever the fence is blocking the line of sight for other commercial properties as well as residences there will be a 5 decibel or more noise attenuation that is already existing outside of their own project.

Mr. Tegeder asked the applicant to explain some of the chart numbers shown with respect to the trucks in the submitted report dated 3/27/23. Mr. Gadikian responded that they calculated the noise of the trucks at each receiving point based on sound data and resources. The analysis criteria was established based on their 24-hour study that was done with the microphone at the property line. They also referenced DEC studies. The minimum ambient level is based off their noise study. Mr. Tegeder asked about the term approaching inaudibility. Mr. Gadikian responded that this is a subjective phrase they use when they are approaching a level of 10 decibels or less. Discussion followed with respect to the noise levels.

Councilman Esposito asked if the applicant was still proposing to install a barrier wall behind the fencing for the rooftop equipment. Mr. Buck responded that it was recommended not to add a solid barrier around the equipment as it would prevent air flow which is needed for the units to function properly. He added that due to the roof line and where the units are situated, the height discrepancy would add enough attenuation. Chairman Fon and Mr. Phelan both noted that it was discussed at a previous meeting that the angling of the building created a barrier. Mr. Gadikian stated that the report (table 4) shows that the sound meets the criteria levels. At the residential property line, the calculated noise level was 40 decibels in comparison to the 53 decibels analysis criteria and noted that a 13-decibel difference is very significant and at that point would be approaching inaudibility. This is based on their stringent nighttime criteria of only 3 decibels above the ambient level.

Chairman Fon asked the Board if there were any comments. Mr. Tegeder stated that they could start working on the draft resolution and will have some more conversations with the applicant to finalize the details. Mr. Buck asked about the parking reduction. Mr. Tegeder responded that it will be noted in the draft resolution.

Garden Lane Apartments *fka Hoffman*

Discussion: Site Plan

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

Contact: Dimovski Architecture, PLLC

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

Comments:

Steve Dimovski; and Dan Sherman, Landscape Architect were present. Mr. Dimovski stated that since they were last before the Board, they met with the Conservation Board, ABACA and Fire Commission and have addressed all their

comments. The revised plans and response memos were submitted to the Planning Department for review. The entrance to the building and the lighting were revised based on the ABACA's comments.

Mr. Sherman reviewed the landscape plan with the Board. A tree removal and mitigation plan were provided for review. Native plantings are proposed around the perimeter of the site and foundation of the building. A row of arborvitaes is proposed on the south side to screen the neighboring properties. The existing trees on the southeast corner will remain but are proposed to be underplanted with natural shrubs. Wet tolerant plants are proposed in the northeast buffer. A row of swamp red maples is proposed along the north side which are not shown on the current plan. They are proposing to remove 100 (89 which fall in the regulated category) trees and 34,000SF of invasive plant removal. A total of 69 new trees are proposed to be planted.

Mr. Dimovski stated that the proposed lighting fixtures comply with the lighting requirements. He stated that there is slight spillage (.3) on the north side of the property but noted that this is the side of the paper road. The lighting fixtures and specifications were reviewed with the Board. Chairman Fon asked about the spillage. Mr. Tegeder stated that it is under the 1-ft candle requirement so they are compliant. Mr. Tegeder informed the applicant that the proposed fixtures should be fixed at 90-degrees and not have the ability to be tilted. Additionally, the color temperature should be under 4,000K.

Mr. Dimovski requested to move forward with a Public Hearing. The Board agreed to schedule a Public Hearing for the May 22nd meeting. The applicant was advised to work with the Planning Department.

Underhill Farm

Discussion: Historic Resources

Location: 48.06-1-30; 370 Underhill Avenue

Contact: Colliers Engineering, Site Design Consultants

Description: Proposed mixed use development of 148 residential units, 11,000 SF commercial space, and recreational amenities proposed on a 13.78 acre parcel in the R1-40 with Planned Design District Overlay Zone authorization from the Town Board. Original main structure to remain and be reused.

Comments:

Joseph Riina, P.E. of Site Design Consultants; Beth Selig of Hudson Cultural Services; and Cece Saunders and Sara Mascia of Historical Perspectives Inc. were present. Mr. Riina stated that they are here this evening to discuss the historical aspect of the project. Chairman Fon stated for the record that they received quite a bit of correspondence in their meeting packet for the proposed project.

Beth Selig, Hudson Cultural Services formerly known as Hudson Valley Cultural Resource Consultants

Ms. Selig stated that she has been working with the applicant to facilitate and coordinate the State Historic Preservation Office (SHPO) review and the cultural resources aspect of the project. A slideshow presentation detailing the history of the property was shared with the Board. A lithograph of the Flora Villa (Underhill Estate) was shown but it was noted that there has been a bit of artistic creativity as there is no record of a giant lake in front of the building. The estate was built between 1888 and 1886 by Abraham and Edward Underhill. In 1907 it was purchased from Henry and Katherine Kear by Gilbert and Anna Simonton Beaver and operated as a dairy farm prior to establishing the Gilbert Beaver conference farm in the late 1920s and early 1930s. They ran the Beaver conference farm as a religious organization focused on socio-civic activities with retreats and overseas work. The conference farm was inherited by Gilbert Beaver's second wife Jean who died in 1985. In 1989, the Soundview School took over the premises and operated their school until recently when the school foreclosed.

A 1926 aerial depicting the general layout of the buildings was shown. On the northwestern side of the property there were a number of large barns and other buildings that have been subsequently removed.

A 1979 map depicting all the buildings on the property at the time was shown. Buildings D & F (brown) were demolished quite some time ago and information was provided by the Planning Department for those permits.

Photos of the existing structures on site were shown as follows:

1. Building A, Mansion - This building will remain and is to be rehabilitated as part of the project.
2. Building B - This is the small building in the middle behind the school which was most recently used as the music school. They estimate the construction date to be early to mid-19th century although the interior has been substantially renovated. The foundation is a mix of fieldstone and brick.

3. Building C – This is an early 20th century residential cottage structure located in the northeastern corner.
4. Building E – Carriage House/Horse Barn. In 2016, this structure was fully renovated for use by the Soundview school. The windows and siding were also updated.
5. Building G, Storage Barn – It was noted that this structure has changed over time.
6. Building H, Chapel - The chapel is located on the northern side of the pond. They believe that it was constructed around 1920 or 1930 in relation to the Beaver conference farm.
7. Building I – Early 20th century building that has been renovated in the mid to late 20th century. This structure was most recently used by the school as a playhouse.
8. Building J – Early 20th century building that has been renovated in the mid to late 20th century This residential type structure appears to have been used as apartments.

Ms. Selig stated that they have not made much progress with respect to the draft Letter of Resolution (LOR) that has been submitted to the state for review. Nancy Herter (OPRHP) indicated that it would be executed after the completion of the SEQRA process and the public comment process. Since the LOR features mitigation measures which the Planning Board would have comment and oversight on Ms. Herter wanted to make sure that public comments considered and changes made were brought into the final LOR so that the mitigation strategies are fully incorporated into the SEQRA process. The project proposes to preserve the setting around the mansion. The removal of trees will be reviewed by the local advisory commission and the goal is to maintain as many trees as possible. The applicant is proposing to maintain and restore the pond and surrounding landscape. The paths and stone wall around the mansion will be retained as will the entry gates and stone pillars along the roadside. The goal is to integrate the mansion and property into the Yorktown community through adaptive reuse. The mansion and park grounds will remain as a monument to the property's local history and in recognition of the contribution of the Underhill family. The park property will be accessible to the Yorktown community and by retaining the mansion, parklike setting and the pond, this piece of Yorktown history will be preserved.

Sara Mascia and Cece Saunders of Historical Perspectives, Inc. (Town Consultant)

Ms. Mascia stated that they reviewed the material for the property in categories – archeology, architecture, historical aspect, and the next steps with the LOR. A report was submitted to the Planning Department/Board on April 12, 2023, with their comments.

Ms. Mascia stated that the Phase 1 report has already been accepted by OPRHP on 4/27/21. There were some concerns from the public as to whether the archeology was complete. Some concerns were whether there were any domestic shaft features present. She noted that the applicant conducted multiple shovel tests at the site; and has responded to many of the questions with respect to archeology and historic research in the form of multiple letters, EAF and the expanded EAF. It is their recommendation that all responses prepared by Ms. Selig be put together into one document and submitted as an addendum to the report that will then become part of the public record. She added that the information is available but is currently in pieces. It was also recommended to prepare a complete report for each existing ancillary structure with as much data possible before removal. This would include photographs and architectural details (*HABS/HAER Level 2*) which should be part of the LOR. She informed the Board that the LOR is the final result which will put the mitigation measures in place so that the loss of this property will be softened. The documentation of this information into a report will then become part of local history that can be shared with the community. This part of the mitigation can have a structural engineer assess the buildings to see if they can be reused off the property as a possibility.

To summarize their comments, they recommend the following additional steps:

- The investigation of additional judgmental shovel testing or archaeological monitoring for historic shaft features as the landscaping and construction activities are initiated in the vicinity of the main house and possibly one or two buildings closer to the house where there may have been a cistern associated with them at one point in time.
- Update the field map for the site to include notations where testing could not be completed including directly around the house, in areas that were sloped, etc.
- Combine all the responses by Ms. Selig (HCS) to questions from the public on historic research along with any additional data collected into an addendum for the Phase 1 report.
- Prepare a report of the existing ancillary structures with specific information which includes basic historical data and the documentation of the structures as recommended by OPRHP.
- The relocation of the parking lot in front of the main house will help to maintain the appearance and setting of the historic building from the road.

- The reduction of the eastern wing of the proposed residential/commercial structure will help to maintain the appearance of the historic building.
- They also recommend input from the public on the final dispersal or donation of any salvageable buildings or architectural elements.
- Confirm that the final LOR represents what OPRHP and all parties involved have agreed upon as the project moves forward.

Chairman Fon stated that they are criticized for removal of older buildings and asked Ms. Mascia what tools they have to protect these buildings for the knowledge of the public. Ms. Mascia responded that the first is to create a local landmark law and to then identify these properties as local landmarks. Chairman Fon asked if this didn't exist, would there be any control in preventing an older house from destruction. Ms. Mascia responded that SHPO can provide recommendations but it most likely would not prevent demolition and noted that local laws are the best. Ms. Mascia stated that history evolves and is not static so they do their best to preserve it with the feeling or setting of the past and possibly preserving the main body of the property. Chairman Fon asked if the renovated buildings have lost their historical integrity. Ms. Saunders responded that the interior is not as critical as preserving the setting and noted that you can't save everything. She suggested installing a gazebo near the pond incorporating some elements from the structures.

Chairman Fon stated that there were comments that this was part of an underground railroad. Ms. Mascia responded that this parcel is a small remnant of a larger property and noted that the Underhills were a large family with several residences. She is not familiar with their connection to the underground railroad but it is something to be cognizant of. She added that to make those connections is very difficult and doesn't know if the ancillary structures or if the main house had anything to do with it. There was discussion about the use of the root cellars and tunnels for this movement but they don't even know if there is a date for those tunnels. She believes there was a family member that was an abolitionist. Ms. Saunders stated that they would not want to put this in writing until it is proven and noted that the connection is often touted and very difficult to prove. Ms. Mascia agreed and added that it would take much work to tie the family to the movement.

Chairman Fon stated that there was a question about GIS coordinates for potential encampments at the site. Ms. Mascia stated that she and Ms. Selig performed additional research and spoke to a Rochambeau camp expert. While it is likely that they were on the larger piece of the Underhill property, they can't prove 100% that it was on this section of the property. The testing performed covered almost all the areas except for the areas that were steep slopes and those steep slopes are unlikely to be the location for these camp sites. Without 100% excavation, which is impossible, you will never know. Chairman Fon stated that it sounds like it would be hard to prove. Ms. Mascia and Ms. Saunders agreed. Ms. Saunders noted that there is a lot of research but there is nothing specific that ties it to this section of the property at this time. Chairman Fon stated that it sounds like this is more speculative. Ms. Mascia and Ms. Saunders stated that it is more caution as there are a lot of people still performing research, however, no evidence was found. This is a question that was asked and is why they recommended to put as much information into the addendum as possible to share with the public.

Chairman Fon asked about the building reports. Ms. Mascia responded that the reports are more along the line of the HABS/HAER guideline which is documentation on historic buildings with different levels of study. They are asking for a similar level with photographs of the interior and exterior of the buildings, building plans, and identification of any unique architectural features to gather and document as much historical information as possible before it disappears. Chairman Fon stated that when they discussed preserving the site's feeling, setting and view from Underhill Avenue, it sounds like the most important feature is the preservation of the main building, pond and parklike setting. Ms. Mascia and Ms. Saunders agreed as this is what you see first. Ms. Saunders noted that with respect to the laws, if federal money was involved, there would be more power. They noted that even national registered houses can be torn down unless federal money or permitting is involved in the new construction so local laws are the best. Mr. Tegeger stated that the Town of Yorktown has a local landmark law and this building has not been landmarked locally.

Mr. Bock asked how SHPO and the LOR fits into the Board's review of the project. Ms. Saunders stated that it is due to the DEC application which triggered the SEQRA process (section 14.09 of the state law). Chuck Vandrie of the DEC referred this application to SHPO as they deal with historic properties. The DEC will not sign off on the permit until SHPO is complete. Mr. Bock asked if this was binding on the Board. Ms. Selig stated that the process is a bit confusing

as normally section 14.09 operates at the state level when the Planning Board oversees SEQRA. Due to the public outreach and all who went directly to Nancy Herter at SHPO she did not close out 14.09 until the SEQRA process is closed to ensure that the public comments and concerns were heard and those concerns could be brought into the LOR. She noted that in a normal process, the LOR is executed and signed outside of the SEQRA process. Chairman Fon asked if people went directly to the state. Ms. Selig responded that they did both to the state and town. As a result, Nancy Herter felt compelled to leave the LOR open until the Board closes the comment process.

Chairman Fon asked about the normal process. Ms. Selig responded that normally they operate independent of each other so when an LOR gets reviewed, the Lead Agency for SEQRA is not a signatory and not involved. It is usually agreed upon between the SHPO, DEC and applicant. Mr. Tegeder stated that it operates outside of the SEQRA process because in this case the state, although they are making a determination and entering into an agreement, are not an involved agency under SEQRA and really don't have any approval authority over the project. Ms. Selig stated that it does only in the sense that the application needs a permit from the DEC. Mr. Garrigan asked what was accepted by the SHPO as the LOR is still pending. Ms. Saunders responded that the archeology report, alternatives analysis, and initial building reports were all accepted by SHPO.

Mr. Phelan stated that there has been public comment about this being done early on. The applicant signed the LOR with a list of stipulations that was agreed upon and it seems as if it was just waiting for a signature from the other side. The way he understands it is that once the SEQRA process is completed all of the comments are going to be amended to the other side of the agreement that hasn't been signed. Ms. Mascia responded that the LOR doesn't need to address all of the comments or be totally rewritten. The applicant would work with the Planning Department/Board to determine if any of those comments could be addressed such as interpretive panels to read about the history that could be placed near the pond, etc. Mr. Phelan noted that it was signed in 2021 and asked if this was out of order. Ms. Saunders noted that they have worked with other projects where LORs are written prior and noted that it could take months to go through the process. Ms. Selig informed the Board that she and the applicant had numerous conversations with Derek Rhode at SHPO regarding the mitigation measures that were included in the LOR. They exchanged emails and he gave them the indication that the agreement was acceptable. It was then signed and sent to SHPO. It was after that point that Nancy Herter, Derek Rhode's supervisor, stated that they will wait to sign the document until they are certain that the mitigation measures will not be changed based on the review by the Planning Board. She noted that it has been a convoluted and complicated process. When it was signed by the applicant they were under the impression that it was accepted.

Mr. Bock stated that one of the recommendations that he heard this evening was that the viewshed of the mansion should be preserved with discussion of not overwhelming it, etc. If this were to happen will it go back to SHPO. Ms. Saunders responded that this was their recommendation not SHPO's. Mr. Bock stated, from what he understands, the mitigation measures have to do with signage and documentation. Ms. Saunders noted that since this is an adverse effect, the LOR has stipulations that will be accepted as mitigation such as signage, ensuring that all artifacts are given to the local historical society, historical documentation, public access to the pond, etc. Mr. Bock asked if these were good mitigation measures. Ms. Mascia and Ms. Saunders stated that they were and added that access to the property was a positive aspect and maintaining and preserving the mansion is huge. Ms. Saunders noted that there are not many people who want to preserve structures such as this and the community is lucky to have someone willing to do it. Ms. Saunders added that they should try to preserve as many mature trees as possible.

Chairman Fon noted that the 1926 aerial really tells a story for the site and how it was an agricultural field. Ms. Mascia noted that there were a line trees on the west and north side of the building. Mr. Garrigan stated that those trees don't seem to exist any longer.

Ms. Saunders responded there may be a few. Chairman Fon asked if the stone walls on the opposite side of the street were from the same era. Ms. Mascia responded that Underhill Avenue was an old road and stones were used as property boundaries. Chairman Fon questioned the age of the road. Ms. Mascia stated that it was most likely a Native American trail that turned into a cart path which then evolved into a road. Discussion followed with respect to the French army maps and encampments for the area. Mr. Tegeder noted that when you look at the maps, you can understand where the bulk of the camps were. Basically, the foot of French Hill did not show any encampments and this property is at the foot of French Hill. Underhill Avenue goes between what becomes the Turkey Mountain complex of hills and French Hill which can be seen on the maps.

Ms. Mascia stated that there is a lot of history to this property that goes into the 20th century. The Kear family was also important to the history of Yorktown and should be documented as part of the local history.

Mr. Garrigan stated that it is clear that the mansion is to be preserved and that a number of the ancillary structures are inhabitable and dangerous. He questioned the integrity and value of a historic building that has been revised over the years. Ms. Mascia responded that it depended on what type of local history they were looking at. If they were talking about National Register eligibility, SHPO identified a period of time from the 1820s to the 1880s that was of significance for eligibility. The 20th century buildings would not be of interest but when you are looking at this property you would start with the three outbuildings to determine if they could be reused in another location. The chapel is the cutest building and could possibly be reused in another location, however, it is not from the significant time period. The carriage house looks great but is not structurally sound. Ms. Saunders noted that they worked on other sites in Westchester County where they advertised outbuildings to historical societies in the area per SHPO but there was no interest.

Councilman Esposito asked the consultants to identify the buildings from the significant period. Ms. Mascia responded that it would be the main house and three outbuildings that are identified in blue on the structure list. Discussion followed with respect to the integrity of the existing structures.

Chairman Fon asked the consultants, in their professional opinion, if the mitigation proposed is adequate by preserving and restoring the mansion; maintaining the pond and parklike setting, maintaining the stone walls and creating public access, etc. Ms. Mascia stated that in their opinion, it is and noted that it is a big plus for the local community. As discussed earlier, documenting and sharing the history of the site in the form of reports and an exhibit will be a bonus for the local community. Mr. Tegeder noted that certain historical connections should not be made to any property without evidence of those connections. Ms. Mascia and Ms. Saunders stated that the connections could be made to the family but not the site.

Chairman Fon noted that they received a memo from Lynn Briggs of the YHPC noting that they will be submitting their comments to the Board identifying unaddressed and unresolved SEQRA issues. Ms. Mascia noted that a lot of the items have been addressed.

Mr. Phelan stated that throughout this entire process he was surprised to see that there hasn't been much historical documentation to date. It seems like this effort started with the application and now the applicant will be required to document this information and create an educational aspect. He asked the consultants if they could speak as to why there was so little previous activity as this is supposedly a significant property from a historical point of view. He added that when you walk through the site, there are vinyl windows in some of the buildings that were installed without any interference from a historical society or anyone else. Ms. Mascia responded that this is not uncommon and cited a building in Tarrytown that housed Alexander Hamilton and George Washington during the American Revolution which was torn down in the 1900s and all they have to show is one picture. There are lots of hidden gems that are never recorded and lost. For this reason, the town is lucky as they are not losing everything on this property.

Mr. Garrigan asked if there was anything inappropriate done during the SHPO process. Ms. Mascia responded that everyone has the right to express their opinion and this is why SHPO put the brakes on.

Ms. Selig stated the following:

- The field map will be updated to include the annotations.
- An addendum document will be compiled to include all the various pieces of history.
- With respect to the additional shovel testing in the back of the house, they recently learned that there is a septic system back there. When they were at the site for their shovel testing, they found a lot of disturbed soil. A plan was shown depicting the position over the septic field behind the house. She noted that she did not have a chance to discuss this with the consultants. They feel that the construction and implementation of the septic system would have dug up anything that was there.
- The applicant is working on the relocation of parking in front of the house as well as reducing the eastern wing of the proposed building which will be shown in the revised set of plans.
- With respect to the documentation of the ancillary buildings, she noted that this is already included as a stipulation and mitigation in the draft LOR. A structure documentation packet will be provided. She noted that the SHPO has certain standards and request that they follow the Historic American Buildings Survey (HABS) Level 2 standard which will be done by the applicant as part of the LOR.

- The applicant will retain a structural engineer to look at the buildings to see what can be offered as either salvageable or possibly relocated. As part of the stipulations in the LOR, they are required to offer architectural features of the buildings to be removed to historic salvage companies. She noted that there are companies that specialize in historic preservation and rehabilitation of buildings and as part of this process, they will invite them to look at the buildings to take whatever they want which will then be documented for the historic record.
- The LOR also stipulates that the applicant provide an exhibit of some sort which could be in the form of a kiosk with a historic timeline and photos to be situated in a public location; or a pamphlet for distribution.

Ms. Saunders suggested that the applicant consider offering the ancillary buildings to the local community before going to the salvage companies. Ms. Selig responded that she thought SHPO would agree to this.

Mr. Riina requested to schedule a special meeting to finalize the environmental review of the project. The Board agreed to schedule a special meeting for Wednesday, May 3rd.

Meeting closed

Upon a motion by Aaron Bock, and seconded by Bill LaScala, and with all those present voting “aye”, the Board closed the meeting at 9:07PM.