

Planning Board Meeting Minutes – January 14, 2019

A meeting of the Planning Board, Town of Yorktown, was held on **Monday, January 14 at 7:00 p.m.** in the Albert A. Capellini Community & Cultural Center located at 1974 Commerce Street, Yorktown Heights, NY 10598 in Room 104.

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

- John Kincart
- Bill LaScala
- John Savoca

Also present were:

- John Tegeder, Director of Planning
 - Robyn Steinberg, Town Planner
 - Tom D’Agostino, Assistant Planner
 - Nancy Calicchia, Secretary
 - John Buckley, Esq. – Oxman Law Group, PLLC
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Correspondence / Liaison Reports:

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

Meeting Minutes

Upon a motion by Bill LaScala and seconded by John Kincart and with all those present voting aye, the Board approved the meeting minutes of December 17, 2018 with minor corrections.

Motion to Open Work Session:

Chairman Fon motioned to open the Work Session, and with all those present voting aye, the Board opened the Work Session. ADA-compliant assistive listening devices were available to the audience.

WORK SESSION

Fusco Subdivision

SBL: 16.14-1-10

Discussion: Minor Subdivision

Location: 3477 Stony Street

Contact: Ciarcia Engineering

Description: Proposed 2-lot subdivision on 2.72 acres in the R1-20 zone.

Comments:

Dan Ciarcia, P.E. and Laura DiGiovanni, applicant were present. Mr. Ciarcia stated that at a past Board meeting discussion regarding comments from the Town Engineer were noted. He stated that the comments were more of a procedural matter in terms of the application. The plans were shown to the Board. The proposed subdivision line has changed and the free standing garage has been removed. Mr. Ciarcia explained the changes to the subdivision from the original application again. A new EAF was submitted as the prior EAF was from 2010. There is requisite frontage for the R1-20 zone. Stormwater details were discussed referring back to the 2010

SWPPP. Mr. Ciarcia stated that there will be reduced impervious area and the proposal now must comply with the current general permit. A bio-retention area has been provided in front of the house.

Comments from the Board:

- Disturbance - Mr. Tegeder asked if the disturbance was over one acre? Mr. Ciarcia responded it was not.
- Location – Mr. Tegeder asked if consideration could be made to moving the house closer to the front (*20 feet*) now that this is a regular shaped lot. This would help to further reduce the impervious area and disturbance and still provide the applicant with a decent sized backyard. Mr. Ciarcia agreed to move the house closer to the front of the property.
- Mr. Kincart questioned what the structure shown on the plat to be removed is. Mr. Ciarcia responded that it was a swing set and was already removed. The only structures on the property currently are the residents and the garage.

Silverman Minor Subdivision

SBL: 5.17-1-18

Discussion: Approved Subdivision

Location: 1195 Williams Drive

Contact: Barbara Diehl, Esq.

Description: Approved 3-lot Subdivision by Planning Board Resolution #07-15 on September 10, 2007. The applicant is requesting to eliminate the requirement to deed land at the end of Williams Drive to the Town.

Comments:

No representative was available to attend the meeting. The Board discussed the applicant's request. As part of the approved subdivision, a small portion of land was to be deeded to the Town of Yorktown however, the deed was never completed. The land was to be utilized by the Town's Highway Department for use as a turnaround for town vehicles. The applicant is now seeking to remove the requirement as a neighbor is interested in acquiring the property for possible installation of a deck, shed or garage. The Board asked if the Highway Department was still in need of this land. Mr. Tegeder stated that Highway Superintendent Dave Paganelli has communicated that the parcel is needed and would like to accept the parcel for ownership by the town. Discussion followed regarding the parcel and possibly accommodating both parties. The Board will request more information from Dave Paganelli. However, the Board is of the mind that since this has already been approved and the parcel was to be deeded to the town, it may make more sense for the transaction to occur and then the neighbor can approach the Town Board. The Town may be able to sell the neighbor a piece of land beyond what is required by the Highway Superintendent.

Battery Storage Facility for Rooftop Solar System (Staples Plaza)

SBL: 36.06-2-76

Discussion: Amended Site Plan

Location: 3333 Crompond Road

Contact: Maziar Dalaeli, IPP Solar, LLC

Description: The applicant is proposing a battery storage facility to support the rooftop solar energy system installation. The facility would take up two parking spaces along the west side of the Staples Plaza.

Comments:

Maziar Dalaeli was present. Mr. Dalaeli stated that he was before the Board a few months prior with respect to the Tesla charging stations of which are now 70% complete and invited the Board to take a look at the site. He is here this evening to propose an additional phase to the project which would include adding a battery storage system to the station. The grid in its current condition can handle the load, but there is a general intent from NYSERDA

to provide and support growth of battery storage. This would help to reduce the load and congestion on the grid. The system would connect to the rooftop solar energy system at Staples Plaza and would consist of 6 pieces of equipment. The equipment would be placed in close proximity to the superchargers utilizing two additional parking spaces. No noise will be generated from the units. The batteries have a 10 year warranty. The plans were shown to the Board.

Comments from the Board:

- The Board asked why the battery storage was not part of the original application? Mr. Dalaeli responded that an application was to be submitted to NYSERDA as part of a new incentive program. NYSERDA would need some sort of indication from the Planning Board that it has been reviewed and whatever changes are deemed necessary.
- The Board asked if the application was denied, would it change anything in regards to the Tesla or Solar projects? Mr. Dalaeli responded it would not.
- The Board asked if the battery storage was prone to fire. Mr. Dalaeli responded that it was UL certified for battery storage and this has not been an issue. Tesla batteries have been installed in enormous quantity in California and safety has never been an issue. In addition, the project will be financed by a bank which will have requirements for safety in order for the money to be reimburseable.
- The Board questioned the location and configuration of the equipment shown on the plan provided. The location will be behind the Urgent Care, next to the Tesla charging switchgear. The current configuration proposed seems to be hazardous as the equipment sticks out. The distance between the units and the bollards need to be provided as well as the screening for the neighbors. It was mentioned that the conservation spaces could be utilized for the equipment. In addition, it appears that three parking spaces may be necessary and not two as Mr. Dalaeli mentioned. If the equipment is to remain in the parking spaces as shown on the plan, the configuration should be turned 90 degrees so the batteries are located against the curb. Mr. Dalaeli responded that the equipment can be moved and the configuration can be changed.
- The Board requested that Mr. Dalaeli perform his due diligence for the application (*smaller site plan, distance between units, show bollards and screening for neighbors*).

Jay Kopstein, resident, inquired if there will be a public hearing for this application as he feels this could be a hazardous situation. Chairman Fon responded that once the application is received, it will be referred out appropriately.

Town Board Referral – Quinlan Telecommunications Tower

SBL: 27.05-1-16
Location: 3101 Quinlan Street
Contact: Saratoga Associates Landscape Architects, Architects, Engineers, and Planners, P.C.
Description: Proposed lease for a wireless telecommunications facility. The facility is designed to replace two existing guyed towers at the property and support the collocation of the Town emergency services facilities and wireless carriers.

Comments:

Klaus Wimmer was present. Mr. Wimmer stated that changes were made to the plans after meetings with the Planning Board, Police Department, Fire Department, Water Department and other agencies as a result of their comments. Plans were shown to the Board. The initial proposal was to move two guyed towers. The north guyed tower will remain and the south guyed tower will be removed by Homeland. The antenna list was reviewed with the Board for the new 135' pole and the north tower. The existing shed will be replaced with a new shelter and a new 10 x 12 shelter will be installed at the new compound. The blacktop parking area at the compound will be enlarged to allow for access to the rear. Chairman Fon asked if the fees go to the Water District. Mr. Wimmer responded yes.

Discussion followed regarding the proposed screening as shown on the plans. Mr. Tegeder questioned the 8 giant arborvitaes and if they will be sufficient to screen the total length as shown on the plan. He recommends specifying the spacing of the arborvitaes and the number to be required. The Planning Department will prepare a memo with their comments for the Town Board.

Motion to Close Meeting

Upon a motion by Bill LaScala and seconded by John Kincart, and with all those present voting aye, the Board voted to **close the meeting at 8:00 p.m.**