

# Planning Board Meeting Minutes – April 22, 2019

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A meeting of the Planning Board, Town of Yorktown, was held on **Monday, April 22, 2019 at 7:00 p.m.** in the Yorktown Town Hall Board Room located at 363 Underhill Avenue, Yorktown Heights, NY 10598.

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

- Bill LaScala
- Aaron Bock

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**

There were no liaison reports.

The Board reviewed all correspondence. Mr. Kincart noted the following:

- Susan Siegel correspondence regarding stormwater maintenance agreements
- Clean Energy Collective letter will be discussed during the Work Session. Mr. Tegeder stated that the Solar Law agenda item will fold into this discussion.

## **Motion to Accept Correspondence**

Upon a motion by Bill LaScala, and seconded by Aaron Bock and with all others present voting aye, the Board accepted all correspondence.

## **Motion to Approve Meeting Minutes**

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 April 8, 2019 with corrections as noted.

## **Motion to Open Regular Session**

Upon a motion by Aaron Bock and seconded by Bill LaScala and with all others present voting aye, the Board opened the Regular Session.

## **REGULAR SESSION**

### **Little Sorrento's Restaurant**

SBL: 36.05-1-15

Discussion: Renewal – Special Use Permit

Location: 3565 Crompond Road

Contact: Gina DiPaterio

Description: Approved outdoor seating Special Use Permit by Resolution #16-08, dated May 9, 2016.

Comments:

Gina and Paul DiPaterio were present. Mr. & Mrs. DiPaterio are seeking to renew the special use permit for the approved outdoor patio seating for the next 5 years. Mr. Kincart asked the Board and the public if there were any comments of which there were none.

**Upon a motion by Aaron Bock and seconded by Bill LaScala and with all those present voting aye, the Board approved the resolution renewing the special use permit for outdoor dining at Little Sorrento’s Restaurant.**

**Ricciardella Estates, LLC**

SBL: 59.14-1-18

Discussion: Public Hearing – Special Use Permit

Location: 702 Saw Mill River Road

Contact: Site Design Consultants

Description: Approved site plan by Planning Board Resolution #13-21, dated September 9, 2013. Under new ownership, the Applicant is applying for a Special Use Permit to allow Residential Dwellings in the Country Commercial Zone.

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.** Joseph Riina, P.E. was present. Mr. Riina gave an overview of the property to the Board and the public. Mr. Riina stated that this project was approved for the previous owner Mike Dubovsky under the country commercial zone for a mix use of retail and residential. That plan included two residential units totaling 1,950 sf and one commercial unit at 1,950 sf. The property has since transferred to Mr. Ricciardella and he is requesting to remove the retail portion. They are requesting a special use permit to convert to three residential units (*one bedroom each*) with the same total square footage. The site plan has not changed and the proposed footprint of the building is the same. The plans were shown to all. The main access is the same with a driveway going around the right side of the building and a parking area behind. The main building was shown which is a two- story building with the proposed three residential units. The building is in the exact location as previously approved. The rear building as shown is a garage with storage above and has not changed from the original proposal. The property is served by well and septic. The septic system has already been approved by the Westchester County Health Department and the NYC DEP to serve the proposed three residential units. Since there is no change in the layout of the site with the amount of impervious area, etc., the stormwater system will remain as to what was previously approved. Mr. Riina stated that the only change to this application is a request for a special use permit to change from two residential units and one commercial unit to three residential units.

Mr. Kincart asked the public if there were any comments. Public comments as follows:

**Francis Hagenah**, 690 Saw Mill River Road - She stated that it should be on the record from 2013 regarding her concern with the proximity of the proposed septic and her existing well. This is still a concern for her, in addition to the proposal of the trees for a sound barrier and the value of her property.

*Mr. Kincart asked Ms. Hagenah if she preferred the commercial use because the site plan was approved for mixed use commercial and residential or if she preferred the residential use or was just concerned with development in general.*

Ms. Hagenah responded she would like to stay as close to residential as possible. She said her property also has country commercial options but it has some drawbacks and doubts she would be able to pursue it commercially other than the building that she is renting currently and is permissible. Her main concerns are the well, septic system and sound barrier. She said that the wall that the town insisted be built is rather short she and doesn't know what barrier is planned.

*Mr. Kincart said that it seems that her preference would be residential over commercial.*

Ms. Hagenah responded affirmatively and also cited her concern of the well and the location of the septic.

*Mr. Riina responded that the well is further back in the property and they had to stay more forward with the septic system. They have all approvals and meet all separation requirements with regards to wells and septic. They are proposing evergreens for the visual and sound barrier which will be installed prior to the issuance of a certificate of occupancy. Mr. Riina said that with respect to the wall, there was a little bit of a grade difference, so the wall was installed to give the property a clean edge.*

Ms. Hagenah said that she is concerned about the well due to the elevation of his property and the trees will help with the moisture, etc. She asked if there is a guarantee that her well will not be compromised.

*Mr. Kincart responded that all the setbacks have been approved by the Health Department and would imagine that her recourse, if any, would be with the Health Department.*

Mr. Tegeder asked Mr. Riina if the Health Department has approved the septic for the three apartments. Mr. Riina replied that it was previously approved with the residential and commercial space and has been re-approved with the

three apartments. Mr. Tegeder asked if there was any change with the required size of the area or any of the flow and if there was a difference between the two. Mr. Riina responded that in this proposal, the amount of flow is less than what was necessary with the commercial space and two apartments.

Mr. Tegeder stated that pursuant to the storage building, the approval should specifically restrict living quarters being created in that building. Mr. Riina stated that he thought that was a condition of the previous approval. Mr. Tegeder asked about the storage in the garage. Mr. Riina stated that it would be used as storage by the owner. Discussion followed amongst the Board on placing a restriction for commercial use of the garage within the resolution.

It was noted that a notice was missing from the public hearing notice mailing. Mr. Riina stated this needs to be resolved with the Assessor's office as there may be an issue with the understanding that when you are abutting public property you are required to go beyond that property to comply with noticing requirements. Mr. Riina will send out the notice to the additional person prior to the May 6<sup>th</sup> Board meeting.

**Upon a motion by Aaron Bock and seconded by Bill LaScala and with all those present voting aye, the Board adjourned the Public Hearing to the next meeting to be held on May 6<sup>th</sup>.**

### **Fiore Subdivision**

SBL: 26.15-1-69

Discussion: Adjourned Public Hearing – Minor Subdivision

Location: 2797 Carr Court

Contact: Site Design Consultants

Description: Proposed 2-lot subdivision on 1.14 acres in the R1-20 zone.

Comments:

**Upon a motion by Aaron Bock and seconded by Bill LaScala, and with all those present voting aye, the Board opened the adjourned Public Hearing.** Joseph Riina, P.E. was present. Mr. Riina stated he is here as a follow up from the adjourned public hearing of March 25, 2019 to discuss the maintenance agreement for the stormwater infiltrator system which was also addressed at the Work Session of April 8, 2019. A maintenance schedule of the on-site stormwater management system was provided to the Board and discussion followed regarding the standard language for stormwater maintenance agreements. Mr. Riina said that they have received a memo from the Town Engineer dated April 10, 2019 with proposed conditions of which they have no issues. Mr. Kincart asked the public if there were any comments. Public comments as follows:

**Susan Siegel, resident** – She addressed the form that was distributed to the Board members regarding the bi-annual and annual stormwater maintenance and the citation in the SWPPP that these responsibilities will reside with the town. Her question is who would be responsible - the town or the homeowner as this is unclear. She said that in her correspondence to the Board, she raised a question about the Town's stormwater code, Section 248. She read the section on maintenance guarantee to the Board. If the first sentence talks about commercial or industrial facilities does this section apply to homeowners and homeowners associations? She is concerned that the language in this section may not include residential installations. She asked the Board to closely review this as these systems are now being installed more frequently and this issue needs to be resolved. She made additional suggestions to the Board such as adding language in the town code to charge for inspections, possibly creating a second type of stormwater inspection permit with annual or bi-annual inspections, based on size and have the homeowners pay a fee for the inspection. She feels that the homeowner has no incentive to maintain these systems especially if failure of the system will not affect their property directly. She is sorry that this discussion may delay Mr. Fiore's application but feels this needs to be resolved.

Mr. Kincart asked Mr. Bock if he had any thoughts on this. Mr. Bock stated that a lot of the work we do may not be specifically defined by statute but comes out under SEQR because they have to deal with the environmental impacts of the application and if they have an adverse impact the Board can impose conditions to mitigate those impacts. The stormwater management function, if it's not specifically enabled by legislation would fall under an application of the SEQR review process. He feels comfortable, especially if the applicant agrees, to require conditions even if the law doesn't specifically state inspections are required for properties.

Mr. Kincart stated that the stormwater discussion is part of the record and part of the SEQR process. The stormwater system proposed for the site to be developed will exceed conditions that are currently on the site. With respect to this specific application, as well as many other applications in the town, part of the process is to make sure that no thresholds are exceeded by law and the conditions post-development are not worse, and in many cases, and in this particular case, are better than what is existing now. If the town wants to impose inspection requirements on residential and commercial property owners and charge a fee that is something the Town Board should determine.

Mr. Kincart asked Mr. Riina if what is being proposed with the use of these systems is going to improve the conditions on the site post development. Mr. Riina stated that this application does not meet any of the thresholds for managing stormwater, therefore, no stormwater management is required. The applicant proposed stormwater management measures to be sensitive to the neighboring properties. Typically, if this met any thresholds, the applicant would only be required to do an analysis based on the difference in run-off between existing conditions for a 100 year storm and the proposed conditions for the 100 year storm. This plan is proposing 3x what would be required if they met those thresholds. This property is managing run-off from a town catch basin in the right-of-way. The applicant doesn't have any issue with the stormwater maintenance agreement and town imposed annual inspections and reports. However, Mr. Riina recommends that the requirements should be changed in the town code so the requirements apply equally to all projects.

**Susan Siegel, resident** – She is concerned about the language on a form she received which states the responsibilities will reside with the town. In addition, she said that we are talking about two lots and knows that there were problems with the existing lot. The new lot that is being subdivided with the new system will require its own maintenance agreement as there will be a new home owner. She doesn't know if you can go back retroactively for Mr. Fiore's lot but the new lot will require one and the future homeowner needs to be aware of this system and what goes along with it. Also, what is the mechanism that the town is going to use when the homeowner does not inspect? What is the town going to do and how are they going recoup the funds expended? She said it should be made clear what the maintenance agreement will apply to – the new lot or both lots as they are separate. The mechanism of how the town enforces this has to be clarified as this system does not yet exist. She understands that this burden is on the Town Board but asked why the Planning Board can't wait until the system is set up and then make the maintenance agreement. She also stated that the comments about SEQR from Mr. Bock should be part of the Board's resolution.

Mr. Riina responded that the line in the Fiore SWPPP referred to can be re-worded. The intent was that the town was responsible to enforce the maintenance agreement. The Board agreed and Mr. Kincart noted the change. Mr. Riina stated that there are two town catch basins that need to be maintained by the town that are tied into these systems and questioned how to enforce maintenance by the town on those two catch basins. Mr. Kincart stated that the town is responsible for this and this needs to be worked out. Mr. Kincart asked if there were any other comments from the public and the Board of which there were none. The Board will discuss the maintenance agreement at the next Work Session.

**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.**

### **Fusco Subdivision**

SBL: 16.14-1-10  
Discussion: Public Hearing – Minor Subdivision  
Location: 3477 Stony Street  
Contact: Ciarcia Engineering, P.C.  
Description: Proposed 2-lot subdivision on 2.72 acres in the R1-20 zone.  
Comments:

**Upon a motion Aaron Bock seconded by Bill LaScala, and with all those present voting aye, the Board opened the Public Hearing.** Dan Ciarcia, P.E. and Laura DiGiovanni, applicant were present. Mr. Ciarcia stated the property is located in the Shrub Oak area and is 2.7 acres in size. The site fronts on Stony Street and is located between East Main Street and Ivy Road. The property is mostly clear with a couple of trees towards the front. The rear of the property, where the house is proposed, is mostly open and is bordered by trees. This application had been before the Board in

2010-2011. A public hearing was held and closed in 2011. During that time, the subdivision was somewhat different than what is being proposed currently. One lot was much smaller. In this configuration, there are two lots almost the same size - one with the existing house on it which is 1.3 acres in size (*lot 10*) and the new lot (*lot 10.1*) which is approximately 1.4 acres in size. At the time of the initial proposal, in order to reduce the disturbance at the site, the driveway was proposed at 14% of which they were granted a variance from the Town Board. Per the Planning Board's request, the only adjustments currently are that the driveway is shorter and the residence is 20 feet closer. The driveway drawing has been corrected to reflect a 3% grade at the connection to Stony Street. The original application had a detached garage behind the proposed home, which has been eliminated.

Mr. Ciarcia stated that with respect to the current application, a memo from the Town Engineer dated 3-26-2019 was received and all comments have been addressed. However, the comment relating to submission of the house plans needs to be noted. His client is not building the proposed residence. The actual house plans will be submitted by a future developer. The footprint of the house shown is 2,600 sf of living space with a 2 car garage which they feel is appropriate for the site and the neighborhood. The applicant received comments from the Conservation Board. Mr. Ciarcia stated that there are no wetlands on the site. There are not many trees to remove simply because there aren't many trees on the site. Some trees will need to come down near the front of the property to facilitate the grading that is required for the driveway. The Planning Department memo has been addressed. The site has public sewer and water and no easements are needed to make those improvements. A stormwater plan, with various improvements to facilitate the development of this lot, is proposed.

Mr. Kincart stated that they have received correspondence from various Boards. He noted that the Conservation Board's memo of 3-21-2019 stated that they see no adverse environmental impacts; the Fire Inspector memo dated 3-22-2019 stated that they have no further comments or concerns; and the Tree Commission memo dated 4-17-2019 stated that they are requesting the size, number, location and species of trees to be cut. Mr. Ciarcia stated that with respect to the Tree Commission memo, he would assume this would be limited to the trees they are proposing to remove.

Mr. Kincart asked the public if there were any comments of which there were none. Mr. Tegeder asked Mr. Ciarcia about his responses to the Town Engineer regarding the SWPPP and if he anticipates completing this at a later date. Mr. Ciarcia replied that it will be done in advance of the next public meeting in order for a resolution to be considered. Mr. Tegeder responded that he would like the SWPPP as complete as possible at the time of the approval so there is not some extended period of design work after the approval. Mr. Kincart asked Mr. D'Agostino if the notices were complete and the response was yes.

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

**Motion to close Regular Session and Open Work Session:**

Upon a motion by Bill LaScala and seconded by Aaron Bock , and with all those present voting aye, the Board closed the Regular Session and opened the Work Session.

**WORK SESSION**

**Anderson Subdivision**

SBL: 58.09-1-20

Discussion: Minor Subdivision

Location: 1695 Croton Lake Road

Contact: Ciarcia Engineering, P.C.

Description: Proposed 2-Lot subdivision of 15.72 acres in the R1-80 zone, where one residence currently exists.

Comments:

Dan Ciarcia, P.E. and the applicants Mr. & Mrs. Anderson were present. Mr. Ciarcia stated that they are here as a follow up from the 3-25-2019 Board meeting. Mr. Ciarcia showed the plans to the Board. The driveway will be graded at 10%. He stated that this driveway layout reflects a few geometric adjustments and was tweaked away from specimen

trees. The significant change that occurred since the last meeting is with the fire truck access as per the Fire Inspector's comments. The Town Engineer's memo was addressed and the SWPPP needs to be finalized. The plat is done, they just have to place the septic schedule on it. The Conservation Board will be addressed separately by Dave Sessions of Kellard Sessions. The size of the proposed plants changed from 3 gallon shrubs to 5 gallon shrubs.

Mr. Anderson reviewed the plans and the planting scheme with the Board. Mr. Tegeder asked Mr. Anderson to explain the tree mitigation plan. Mr. Anderson stated that they will perform wetland buffer mitigation and not all plantings are in the biofilters. Mr. Ciarcia said that they have made every effort to avoid trees of significance. Tree mitigation will not be limited to tree replacement only, and will include invasives removal and wetland mitigation. Mr. Anderson said that with respect to the planting of trees, they are removing vines to a certain level until they cut the driveway to see what the canopy level will be as a result of the sunlight. Mr. Tegeder asked if they will produce open ground areas in which trees will be planted. Mr. Anderson replied no. Mr. Tegeder suggested that they look at alternate types of tree mitigation such as invasive removal as these are two fairly large properties where a host of invasive removals can be done. This should be on the mitigation plan. He suggested that Mr. Anderson put the invasive removals on the plan as tree mitigation for both properties. Mr. Anderson stated that they will have Dave Sessions respond to the Conservation Board with a color coded plan identifying the invasive removals as part of the mitigation, identifying plantings for the 3<sup>rd</sup> biofilter and adding trees where they can.

Mr. Anderson stated that they have a buyer for the current residence and need to close on the property. Discussion followed regarding what outstanding items could be made as conditions of the approval. Mr. Tegeder stated that once they hear back from the Conservation Board that the mitigation plan is satisfactory, the SWPPP will need to be finalized and then the Board can move toward a resolution. The Board requested that the applicant respond to the Conservation Board's memo and submit a mitigation plan as per the discussion this evening and work on finalizing the SWPPP prior to the next Work Session.

#### **Town Board Referral – The Weyant**

SBL: 37.14-2-32

Location: 2040 Crompond Road

Contact: Site Design Consultants

Description: Petition to rezone the 2.62 acre property from the R1-10 Zone to the Transition Zone to construct 23 rental apartments in 4 one and two-story buildings.

#### **Comments:**

Joseph Riina, P.E. and the applicants John Devito and Kyle Devito were present. Aaron Bock recused himself from this item. Mr. Riina stated that they are here as a follow up from the Board meeting of 4-8-2019 to review the landscaping plan and elevation perspective from Route 202. The DOT design was shown. Some of the units will have walk out basements. The top of the wall was shown on the plans and it was noted that the view of the wall is deceptive as when it is closer to the Roma building it's a retaining wall but at Hamblyn Street its free standing. The trees will be removed along the property line. Along Route 202, there will be an open rail fence with stone pillars and in between each pillar there will be 3 6x6 posts which are not shown in the rendering. The continuation of the streetscape up along the front of the property was shown. Discussion regarding the trees followed, northern cedars and Norway spruces will be used. The arborvitaes and cedars will produce effective screening. The screening will be a lot denser. The landscape architect, Frank Giuliani, created a seating area with benches and tables and will have landscaping around it. A 6 ft. solid white fence is proposed along the rear of the property.

Mr. Tegeder asked if any part of the existing wall will remain. Mr. Riina responded that the wall and the existing trees will all be removed. Mr. Tegeder suggested incorporating the old with the new and utilizing some of the stone from the wall into the new seating area. He also suggested utilizing the existing stone gate post, possibly as part of the signage for the development.

Mr. Riina reviewed the entrance and exit with all. He stated that the widening of the road may take up to two years. He had meetings and discussed details on the dedication of the right-of-way, and it's not a question of if but when. Mr. Devito will do the widening of the road. He said they still have to go through the DEP process before it's all signed off.

This will be a temporary situation that we have to deal with. Mr. Riina asked if the Board was going to make a recommendation with regards to making a perpendicular connection to Hamblyn Street. Mr. Devito stated that they are constructing the 202 entrance. Mr. Tegeder responded that it would be safer to have the perpendicular connection. The proposed configuration will make it more difficult for emergency vehicles to enter from the northerly direction on Hamblyn. With the reduction from the original unit count and the additional fact that this will be an emergency access, it is wasteful to construct more than what is necessary. Mr. Riina asked the Board if they were ready to make a formal recommendation to the Town Board for this application.

**Town Board Referral – Summit Hill Farm Property**

SBL: 16.08-1-4 & 17  
Location: 571 East Main Street, Jefferson Valley  
Contact: Zarin & Steinmetz  
Description: Petition to rezone the 19.3 acre property from the R1-20 to the R-3 zoning district to construct 150 two-story rental units, as shown on a proposed conceptual site plan.

Comments:

David Steinmetz, Esq. and Matthew Acocella, Esq. of Zarin & Steinmetz; Nick Minoia and Chuck Tint of Diversified Properties, LLC; Dr. Phil Grealy of Maser Consulting, and Diego Villareale, P.E. of JMC Consulting were present. Mr. Steinmetz stated that he is here this evening as the representative for DP Yorktown, LLC for the Hill Property. The property is a total of 19.3 acres and is located at the intersection of Hill Boulevard and East Main Street. They have been before the Town Board and the Planning Board on 10-15-2018 for this application regarding a request to re-zone the site from R1-20 to R-3. They have conducted an analysis on critical issues primarily traffic, parking and connectivity. There was an article in a newspaper with some mis-information that they hope to clear up with this discussion. The proposal is for the construction of a 150 unit residential development. This will be high-end luxury units for rental only. The units are designed to look like townhomes. There will be 66 one bedroom units and 84 two bedroom units. There are no affordable units currently proposed. This is not a low income project. There is a need in the marketplace for rental units which is especially appealing to millennials, empty nesters and people not interested in owning homes. The project is designed and proposed by an extremely high end team led by Nick Minoia of Diversified Properties, LLC. The Hill property has considerable history and the client went through a rather long comprehensive review process. The R-3 zone would allow for attached multi-family dwellings. A comprehensive analysis of the site was performed by Dr. Phil Grealy, traffic consultant which will be discussed. Mr. Steinmetz feels that this project will provide the town with an excellent opportunity for this area. The comprehensive plan was discussed. He said that they have filed a petition with request to rezoning with a conceptual site plan to the Board. Diego Villareale, P.E. will talk about the viability of parking. Vehicular and pedestrian connectivity was addressed. They have spent several meetings with the owners of the neighboring properties to address connectivity. He stated that combined with the mitigation measures, they think they can improve traffic and flow and speed conditions. They feel that this is a product that is needed in the town and has been successfully built in other towns. They have received the memo from the Town Engineer dated 4-17-2019 and will address all comments.

Dr. Phil Grealy, Traffic Consultant and 35 year resident – Dr. Grealy stated that the traffic study was prepared for this property and submitted to the town last month. They focused on the existing conditions, volume, speed and traffic signals. They have identified improvements that need to be done with or without this project. Some improvements are possible traffic signals at Hill Boulevard and East Main Street. Access to the property is off East Main Street, west of the Hill Blvd intersection. Traffic and speed issues were discussed. There are some sidewalks in the area. The project is laid out to have a vehicular and pedestrian connection in the future to Bank Road. The traffic study assumes no connection. Under current conditions, a traffic signal is warranted. Proper signalization, upgrades to striping and signing are all noted within the report. There is an existing bus stop that will be serviced by new sidewalks. The proposed sight lines will meet 85% speed existing in the area.

Diego Villarealle, P.E., JMC Consulting – Mr. Villareale stated that they have received the Town Engineer’s memo dated 4-17-2019 and are in the process of reviewing all comments made. He stated that they were before the Planning Board previously and gave an overview of the plan at that time. The site layout and connectivity was discussed. He

has spent a lot of time working with the applicant to come up with a process that works with the topography. The project is located on East Main Street and will have a single point of access. It is set up as two plateaus as shown. There will be a total of 11 residential buildings (10 and 14 unit buildings) within this development. The lower plateau will have 4 large buildings, 1 small building and clubhouse space. Supplemental parking spaces will be provided for the residential development. The zoning requirement is 1.5 parking spaces per unit and they will be providing 2 per unit. They constructed, own and operate many other developments and two parking spaces per unit is adequate for the developments. Mr. Steinmetz stated that as they submit their analysis, they will share other developments they own and their parking data.

Mr. Villareale discussed the inter-connectivity out to Bank Road and the driveway design. The connectivity was looked at and they can connect out to Bank Road as needed in the future. The topography, grade and power lines of the Con Ed property were looked at in reference to a connection to Hill Boulevard. A highly graded meandering driveway would be necessary and it would have a direct impact to the wetlands. They have designed the project to avoid impacts to the wetland. Any type of connectivity through that area will require DEP approval. The connection to Bank Road is feasible and requires re-working certain drive aisles. Mr. Steinmetz stated that the Hill property has no easements. Mr. Tegeder stated that there is a public access easement through the southern drive of the new building on Hill Boulevard (Peg Realty). Mr. Steinmetz stated that they do not have the right to go through Con Ed. Mr. Villareale stated that they have done some preliminary testing on the property, one on the northern side and two on the southern portion of the property all in accordance with DEC and their strict requirements. They will provide a detailed SWPPP with a full application.

Nick Minoia gave an overview of the Hill property history. The property has been in the Hill family for 125 years and a lot of thought went into the project for the legacy of the Hill family. They are creating a sense of community and architectural setting for the family and certainly welcome all comments. Mr. Steinmetz stated that Nick Minoia and Chuck Tint of Diversified Properties would be delighted to conduct a neighborhood information session for all concerned as the process this evening does not allow the public to speak as this is a Work Session. He asked the audience to give their e-mails to his associate Matthew Acocella as they would be more than willing to answer any questions. There were residents from the Jefferson Village Community Association in the audience. Mr. Steinmetz stated that their plan is to respond to the Planning Department and Town Engineer memos and continue with the SEQR process. He asked the Board if they had any questions.

Mr. Bock asked where they are with the Town Board at this point. Supervisor Gilbert responded it is an application for re-zoning. Mr. Tegeder stated that they are before the Planning Board as a referral from the Town Board. Mr. Bock stated that he would like to see good integration between this project and the rest of the community and questioned if this was the best use for this site in terms of the community as 150 units seem to be a lot. The comprehensive plan was cited. Mr. Steinmetz said that the comprehensive plan talks about creating something we don't have, the integration of residential and commercial. If this site was a major transportation corridor, they would be here with a very different product. Mr. Bock stated that another concern was the fact that they only have one entry way on to the property.

The Board noted that the property faces inward from the community and asked if they would consider turning the buildings around and put the driveway closer to the road. Mr. Villareale responded that they are trying to minimize and consolidate the impervious area and that is why they are facing inward. The view from East Main Street was shown to all. Mr. Steinmetz stated that the architecture and design efforts are reflected in the renderings. Mr. Tegeder stated that the architecture that faces the street is well developed and appreciates the effort and product. Mr. Tegeder stated that the visual connection to the sidewalk is weak and suggested a landscape design between the buildings and the street to create a strong connection.

Mr. Kincart questioned the rental strategy. Mr. Steinmetz responded that the Clubhouse on the property not only serves the amenities for the community but will also act as a leasing center on site. All properties will be managed as they are leased. The surface parking spots will be spread out in front of the buildings. Mr. Steinmetz noted that 10% of the parking spaces are characterized as visitor parking spaces. Mr. Bock requested a copy of the traffic study to review.



## **Town Board Referral – Solar Power Generations and Facilities**

Description: Proposed Town legislation to allow the use of solar power arrays for both residential and commercial properties. It is proposed that projects under this legislation would go through a Special Use Permit and/or the Site Plan application process.

### Comments:

Kathy Haake of Clean Energy Collective and Joseph Riina, P.E. were present. Aaron Bock stated that Alan Rothman, Underhill property owner is a client of his firm and will recuse himself from this portion of discussion, however, he can participate in the solar law discussion. Ms. Haake stated that she is here to discuss the recent site visit of April 14<sup>th</sup> and her subsequent letter to the Planning Board dated 4-16-2019.

Ms. Haake made comments with respect to the solar law. She stated that total megawatts would be more appropriate as opposed to kilowatts per hour. She also asked if the law could allow the Planning Board to waive certain setback requirements if site conditions warranted.

Mr. Bock stated that he went to the Assessor's office to obtain a list of how many properties are actually affected by this law but none was available. He said that when the town enacts this legislature it will affect all properties not just these two properties. Mr. Tegeder stated that all R zones would apply, but the R2 and R3 would be a minimal amount of eligible properties. The property would have to be vacant and solar would be a principal use. Ms. Haake stated that generally only between 2 and 20 acre parcels are viable for this use.

Mr. Kincart questioned if there should be a provision that allows it as an accessory use in commercial zones. He is concerned about the view of an array of solar panels and installation in parking lots.

Foothill Site - Mr. Tegeder noted that a single family development on this site would have permanent impacts while the solar farm would have a very low impact to the site, would be using less of the property, and is more temporary in nature. They would be saving 1/2 to 1/3 of this site from development. Mr. Bock stated that it would be an opportunity to conserve in terms of mitigation and sees it as progressive not destructive. Ms. Haake will provide a visual assessment of site sections as discussed (*Gashi property and Anna Court*).

Underhill Site – Ms. Haake asked if it would be possible to consider in the law the amount the Planning Board could waive regarding the dimensional requirements. They shifted the array to the north and west corner away from the power lines and closer to the residential. Mr. Kincart stated that a recommendation could be made to the Zoning Board. Flexibility was discussed. Ms. Haake will provide a visual assessment of site sections as discussed (*Eleanor Street, Hudson View and Briar Hill*).

Mr. LaScala asked Ms. Haake for maps of solar farms they have developed. Mr. Haake responded that the sites are not completed within New York. Mr. LaScala asked Ms. Haake if there have been any neighborhood concerns. Ms. Haake responded that she has not heard of any objections but all will be addressed at the public hearing.

Ms. Haake asked the Board what their preference would be regarding plantings for mitigation. Mr. Tegeder stated that screening will need to be provided as they do not want the solar array to be visible. The Conservation Board will be involved in this aspect.

The Board decided that a decision will be made at the next Board meeting with the entire Board present.

### **Motion to Close Meeting**

Upon a motion by Aaron Bock and seconded by Bill LaScala, and with all those present voting aye, the Board voted to **close the meeting at 10:30 p.m.**