

Planning Board Meeting Minutes – July 8, 2019

A special meeting of the Planning Board, Town of Yorktown, was held on **Monday, July 8, 2019 at 7:00 p.m.** in the Albert A. Capellini Community & Cultural Center located at 1974 Commerce Street, Yorktown Heights, NY 10598.

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

- John Savoca, Vice Chairman
- John Kincart, Secretary
- Bill LaScala
- Aaron Bock
- Rob Garrigan

Also present were:

- John Tegeder, Director of Planning
 - Robyn Steinberg, Town Planner
 - Tom D’Agostino, Assistant Planner
 - Nancy Calicchia, Secretary
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Motion to Open Work Session

Upon a motion by John Savoca and seconded by Aaron Bock and with all those present voting aye, the Board opened the Work Session.

WORK SESSION

Town Board Referral – Tree Ordinance

Description: Proposed Town legislation to amend the current Town Tree Ordinance, Town Code Chapter 270.

Comments:

As a follow up to the June 24th meeting, the Board continued their discussion regarding the proposed revision of the current Tree Law. Chairman Fon asked Mr. Tegeder to explain what the mission is for the proposed Tree Law and how this came to be. Mr. Tegeder responded that about a year ago the Town Board proposed to replace the 2016 Town law that repealed the prior 2010 law with the current proposed law. A Committee was formed to work on the revised Tree Law to make it clear, remove inconsistencies, interpret thresholds, etc. to protect certain trees and woodlands. The Town Board asked them to review the 2016 law with the goal of making it more efficient. The Committee consisted of John Tegeder, Robyn Steinberg, Rich Fon, William Batista (*Engineering Department*), Phyllis Bock (*Conservation Board*), Bill Kellner (*Tree Advisory Board*) and Linda Miller (*Advocates for a Better Yorktown*).

Discussion followed regarding approval authority, mitigation measures, thresholds, permitting process, and protected woodlands, etc. Mr. Kincart stated that the Town law already covers this area and questioned why this new law was necessary and how it will be enforced. He stated that we need to be careful with preserving property owner’s rights with the community at large and does not see the balance as it seems to be all take and no give. Mr. LaScala stated that he thought the proposed law is onerous to the small property owner. The Board reviewed the letter from Zarin & Steinmetz dated 7/8/19 to the Town Board.

Chairman Fon reviewed the Planning Board’s memo dated October 5, 2018 to the Town Board with all in order to compose an updated memo to the Town Board. The Board noted revisions and made additions to the memo as follows:

- Comment #1 – The Board stated that this comment will remain with the addition that one acre or less lots (*not including buffer*) should **not** be subjected to this law.

- Comment #2 – The Board, *with the exception of Mr. Aaron Bock*, stated that this comment will remain with no changes.
- Comment #3 – The Board stated that this comment will remain with no changes.
- Comment #4 – The Board stated that this comment will remain and requested to add some commentary regarding the Forest Management Plan.
- Additional comments –
 - Request removal of the supersession section of the proposed Tree Law.
 - Request clarification of the rights to appeal.
 - Request clarification and confirmation that 20,000 sf is the Planning Board’s authority.
 - Request removal of the single tree in a 15% slope requirement.
 - Request that an education session be available for the public,
 - The current law is satisfactory except that it should state that Town owned and public land is to be subject to the same criteria as designed in this law.
 - Request clarification of mitigation case by case.
 - The definition of a woodland should be made clear.

Mr. Kincart requested that Chairman Fon represent the Planning Board at the public hearing and read their memo to the Town Board.

Upon a motion by Chairman Fon, and with all those present voting aye, *with the exception of Aaron Bock who was not in favor of comment #2*, the Board approved to release the memo regarding the proposed tree law as amended to the Town Board.

Town Board Referral – Solar Power Generations and Facilities

Description: Proposed Town legislation to allow the use of harnessing solar power 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:

As a follow up to the June 24th meeting, the Board continued their discussion regarding the proposed Solar Law. It was noted that the Town Board will hold a public hearing on July 9th. Discussion followed regarding commercial and residential installation. Chairman Fon distributed photos of a commercial installation to all as an example. Aesthetics and tree removal are still concerns for the Board. Another item of concern is that the proposed law talks about restoring the land back to its original state, however, they do not feel that this would be feasible and most likely these properties would be sub-divided. Ms. Haake replied that the land would revert back to what it was (*i.e. – agricultural land to agricultural land, etc.*) The Planning Board agreed that this proposed law needs to be further reviewed and investigated.

The Board reviewed their comments for submission to the Town Board as follows:

- The Town Board should construct the law so that it contains adequate tools and measures for the Planning Board to be able to approve solar arrays with appropriate conditions to protect the Town’s residents from negative impacts.
- The minimum acreage requirement should be increased from 2 to 10 acre with a lot coverage requirement of 60% in residential zones.
- There should be a preference for already disturbed sites.
- All solar arrays should be appropriately screened to the satisfaction of the approving authority.
- Visual impacts on roof installations are important and the Town Board should include adequate protection for this issue.
- Accessory use on residences can be allowed.
- Projects that are considered under the proposed law in commercial zones should only be allowed as accessory to a main use. The Board does not believe these large scale solar projects should be located within commercial hamlet areas.
- Clarify the language regarding the de-commissioning procedure in that the site must be restored to a useful non-hazardous condition before the site is used for another purpose.

- The Town Board should be clear that the Town's environmental laws, (*i.e.* – *tree, wetland, stormwater*) are required to be complied with for solar arrays.

Upon a motion by Chairman Fon, and with all those present voting aye, the Board approved to release the memo regarding the proposed solar law as discussed to the Town Board.

Motion to Close Meeting

Upon a motion by John Savoca and seconded by John Kincart and with all those present voting aye, the Board closed the meeting at 9:30 p.m.