

Planning Board Meeting Minutes – August 10, 2020

A meeting of the Planning Board, Town of Yorktown, was held on **Monday, August 10, 2020 at 7:00 p.m.** via Zoom video conference.

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

- Bill LaScala
- Aaron Bock
- Rob Garrigan, Alternate

Also present were:

- John Tegeder, Director of Planning
 - Robyn Steinberg, Town Planner
 - Tom D’Agostino, Assistant Planner
 - Nancy Calicchia, Secretary
 - James W. Glatthaar, Esq.
 - Councilman Ed Lachterman, Town Board Liaison
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In accordance with the Governor’s Executive Order 202.1, the Town of Yorktown Planning Board will not be meeting in person until further notice. All Planning Board meetings will be held via video conferencing and the regular session portion of the meetings uploaded to the Town of Yorktown’s website and Yorktown’s YouTube channel after the meeting. All regular sessions will be broadcast on the Town of Yorktown Government Channel.

Correspondence/ Liaison Reports

Mr. Kincart noted two items of correspondence for the following applications:

- 1221 Whitehorse Lane, Lot 10 – Tree Conservation Advisory Commission memo dated August 10, 2020.
- Atlantic Appliance – Tree Conservation Advisory Commission memo dated August 10, 2020.

Motion to Approve Meeting Minutes

Upon a motion by Aaron Bock and seconded by Rob Garrigan and with all those present voting “aye”, the Board approved the meeting minutes of July 13, 2020.

Motion to Open Regular Session

Upon a motion by John Kincart and with all those present voting “aye”, the Board opened the Regular Session.

REGULAR SESSION

Pied Piper Preschool Addition

SBL: 37.14-2-8

Discussion: First One-Year Time Extension

Location: 2090 Crompond Road

Contact: Site Design Consultants

Description: Approved 3,019 square foot addition to the existing 3,730 square foot preschool. The building is proposed to be a total square footage of 6,749 square feet, on 0.68 acres in the R1-10 zone, by Planning Board resolution #19-24, dated August 12, 2019.

Comments:

No representative was present. Mr. Glatthaar, Esq. stated that the Board could review and approve this request without the applicant present as this is a first one-year time extension and there would normally be no objections. Mr. Kincart asked the Board, Counsel and Planning Department if there were any issues or comments and there were none.

Upon a motion by Bill LaScala and seconded by Aaron Bock, and with all those present voting “aye”, the Board approved the first one-year time extension for the Pied Piper Preschool addition.

Gallinelli Minor Subdivision

SBL: 27.13-1-49
Discussion: Re-approval - Subdivision
Location: 2777 Quinlan Street
Contact: Site Design Consultants
Description: Approved 2-lot subdivision on 1.48 acres in the R1-20 zone, by Planning Board resolution #18-16, dated September 17, 2018.

Comments:

Joseph Riina, P.E. of Site Design Consultants was present. Mr. Riina stated that they are requesting to extend the approval because the owner is currently working on raising funds for the fees required in order to file the map. Mr. Kincart asked the Planning Department if the re-approval was for one-year. Mr. Tegeder responded that re-approvals for subdivisions are six months then two 90-day time extensions can subsequently be requested. Mr. Kincart asked the Board, Counsel and Planning Department if there were any comments and there were none.

Upon a motion by Aaron Bock and seconded by Rob Garrigan-, and with all those present voting “aye”, the Board approved the resolution re-approving subdivision plat titled Gallinelli Subdivision and full stormwater pollution prevention plan and tree permit.

Taco Bell-Crompond

SBL: 36.05-1-16
Discussion: Decision Statement
Location: 3605 Crompond Road
Contact: JMC Site Development Consultants
Description: Proposed Taco Bell restaurant and drive-thru on 1.06 acres in the C-4 zone at the former Snap Fitness location.

Comments:

Paul Dumont, EIT of JMC Site Development Consultants was present. Mr. Dumont stated that since they were last before the Board, they have worked with the Planning Department to address the remainder of the comments for the proposed project. The revised parking calculation resulted in a parking requirement of 42 parking spaces and the applicant is proposing 40 parking spaces. In order to make up the deficit, they have identified two areas on the site where the additional parking spaces could be constructed. At this time, the applicant is proposing to defer the construction of these two parking spaces with the Board’s approval. Should the Board determine that these two parking spaces are necessary in the future, the applicant will be required to construct them. In addition, they have added a “Do Not Enter” sign to the island and increased the aisle width to 17 feet as requested by the Planning Department.

Mr. Kincart asked the applicant to show the parking spaces on the plan. Mr. Tegeder informed the Board that with respect to the deferment of the parking spaces, this would fall under the conservation parking space section of Chapter 195 of the code. He noted that that this is not a reduction or variance, instead it is deferring the construction of the full count of parking spaces until it is absolutely needed. Mr. Bock asked how and when it is determined that these parking spaces would be needed. Mr. Tegeder responded that the Planning Board would make the determination. If there are issues that occur at the site and the Board determines that those two additional spaces are needed, the Board would submit a letter in writing to the owner and within six months the applicant would be required to construct the spaces. Mr. Garrigan noted that the vacant retail space may have some influence on these two spaces in the future.

Mr. Kincart asked about the status of the re-establishment of the former curb cut. Mr. Dumont responded that they are addressing the final comments from the NYSDOT and hope to have an approval soon.

The amended site plan resolution was reviewed with the Board and applicant. Mr. Kincart asked if there were any issues or comments. Mr. Dumont responded that they reviewed the resolution and have no comments. Mr. Tegeder

noted that under “additional requirements”, item #6, they should add a requirement for the submission regarding the easement that will govern the 84” underground pipe at the site be to the satisfaction of the Board and the Board’s Attorney. The metes and bounds should also be to the Board’s satisfaction. The Board agreed. There were no other comments.

The special use resolution for outdoor seating was reviewed with the Board and the applicant. Mr. Kincart asked if there were any comments. Mr. Tegeder noted that this approval is for one year from the date of the resolution and is not sure when this facility will open. Mr. Bock stated that they could amend the language in the resolution for the special use permit to run for a period of one year from the issuance of the certificate of occupancy. The Board agreed. Mr. Kincart asked if the applicant is required to come back before the Board after the first year for the 5-year renewal period. Mr. Tegeder responded that this is correct and added that at that time, the Board will evaluate how the outdoor seating has worked out and would then renew the special use permit for a five year period or less. If the Board determines to go less than the five year renewal period it should be noted in this resolution. Mr. Kincart stated that the language in the resolution should be modified to reflect that the time extension period will be up to five years for renewals. The Board agreed. Mr. Kincart asked Mr. Dumont if he had any issues with the two amendments to the special use resolution. Mr. Dumont responded that he had no issues. There were no other comments.

Upon a motion by Bill LaScala and seconded by Aaron Bock, and with all those present voting “aye”, the Board declared Lead Agency.

Upon a motion by Aaron Bock and seconded by Bill LaScala, and with all those present voting “aye”, the Board adopted the Negative Declaration.

Upon a motion by Bill LaScala and seconded by Rob Garrigan , and with all those present voting “aye”, the Board approved the resolution approving amended site plan, wetland permit and stormwater management permit for Taco Bell at 3605 Crompond Road as amended.

Upon a motion by Bill LaScala and seconded by Rob Garrigan, and with all those present voting “aye”, the Board approved the resolution approving the special use permit for outdoor seating at the Taco Bell Restaurant at 3605 Crompond Road as amended.

Nantucket Sound Sons, LLC

SBL: 37.18-2-86
Discussion: Public Hearing
Location: 385 Kear Street
Contact: Site Design Consultants
Description: Proposed 3-story, 8,101 sf building with a mix of residential and retail uses on 0.36 acres in the C-2R zone.

Comments:

This item has been withdrawn from the agenda. The public hearing has been postponed to the September 14th Planning Board meeting.

Motion to Close Regular Session and Open Work Session

Upon a motion by John Kincart and with all those present voting “aye”, the Board closed the Regular Session and opened the Work Session.

WORK SESSION

Sandvoss Minor Subdivision

SBL: 59.07-1-7 & 8
Discussion: Decision Statement
Location: 1005 Hanover Street
Contact: Site Design Consultants
Description: Proposed 3-lot subdivision on 18.62 acres in the R1-80 zone. Lots to be served by private wells and septic systems.

Comments:

Mr. Kincart recused himself from this agenda item. Joseph Riina, P.E. of Site Design Consultants was present. Mr. Riina stated that the proposal is for a 3-lot subdivision of one lot. There is an existing additional lot that fronts Hanover Street which provides access to the back three lots through an easement. They have obtained all outside agency approvals - Health Department, NYSDEC, NYCDEP and Army Corp. All conditions necessary have been met with the exception of the requisite fees and legal descriptions required for the easement and maintenance part of the project. The applicant is now requesting to move forward with a resolution for final approval from the Planning Board.

Mr. Bock asked the Board if there were any comments with respect to the draft resolution. Mr. Riina responded that he did not receive the draft resolution. Mr. Tegeder noted that the resolution was circulated to the Board only for discussion purposes prior to the decision. The Planning Department will send the draft resolution prior to the next meeting to Mr. Riina.

Mr. Tegeder asked Mr. Riina if they have the final NYCDEP approval and SWPPP. Mr. Riina responded affirmatively and noted that it was sent to the Planning Department. Mr. Tegeder asked if there were any trees proposed to be removed outside of the wetland buffer. Mr. Riina responded that there are trees proposed to be removed for all the building sites which were discussed during the process. A tree survey is included in the plan set and the trees to be removed are shown on the plan. Mr. D'Agostino noted that the SWPPP application fee needs to be paid. Mr. Tegeder asked about the mitigation plan for the trees and wetland. Mr. Riina responded that with respect to the wetland mitigation they are proposing a conservation easement over the entire wetland and buffer area. The impact to the wetland is minor and not to the actual wetland itself, it is more of a buffer impact. With respect to the tree mitigation, they are proposing to plant trees along the access road, stormwater areas and the individual lots as they are developed as depicted on the plans with the exception of the individual landscaping.

Mr. Bock asked the Board if there were any comments and there were none. The Planning Board will review the resolution with the applicant at the September 14th Board meeting.

Hilltop Hanover Subdivision - Lot #10

SBL: 48.19-1-27
Discussion: Finish Floor Elevation and Stormwater Permit
Location: 1220 White Horse Lane
Contact: Site Design Consultants
Description: Proposed change in finished floor elevation and requested approval of a Stormwater Permit for Lot #10 in the Hilltop Hanover Farm Subdivision approved by Planning Board Resolution #04-09, dated May 10, 2004.

Comments:

Joseph Riina, P.E. of Site Design Consultants was present. Mr. Riina stated that this is a 7.84 acre lot located at 1220 Whitehorse Lane that was approved as part of the Hilltop Hanover subdivision. The property owner, Carlos Pires, is proposing to construct a single-family residence on the property. The southern perimeter of the property and a portion of the eastern perimeter of the property are wooded. There is a seasonal watercourse that runs through the property that flows when the wetland area overflows. When this occurs, the water will run through the property, discharge off the site and make its way into the reservoir system. Currently, a portion of the site is all clear at this time. At some point last Fall, the property owner unknowingly cleared out the wetland and buffer area and is now under mandate by the Town and the DEP to restore the area. A mitigation plan has been prepared based on meetings and discussions with the Town Engineer and the DEP. As part of the original approval, there is a conservation easement set over the property with a wetland management area and woodland management area that are protected areas meant to be kept "as is" other than the maintenance prescribed in the conservation easement language. The wetland buffer, and the 100 ft wetland setback is shown on the plan as it is depicted on the subdivision plat. The red dots shown on the plan depict the stakes that are in the ground for the buffer area. Per the subdivision plat, the original location of the house is higher up on the site, however, the property owner decided to slide the house further south. Two tiers of 4 ft high retaining walls are proposed at the house site. The stormwater will run down along the driveway into a catch basin out into a level spreader and into a vegetated filter strip that was part of the subdivision

approval for stormwater treatment at the site. The area to the south of the house site and driveway is the proposed septic area. The property is served by Town water. A rendering of the proposed home was shown to all.

Mr. Kincart asked about the elevation of the house. Mr. Riina responded that by sliding the house further south, the elevation has changed and will now require site plan approval by the Planning Board. With respect to the stormwater, the SWPP has been amended and is currently before the DEP. The approved septic system location was shown on the plans with the expansion fields. They will request a waiver from the Health Department to not disturb the expansion area. Mr. Kincart asked if the expansion area for the septic system was currently wooded and the response was yes.

Mr. D'Agostino informed the Board that the application is part of the Hilltop Hanover subdivision that the Planning Board approved in 2004. Each lot is to come back to the Planning Board for the erosion and sediment control plan and elevation changes, if any, for approval. He noted that lot #9 was before the Board last November for approval of a change in the finish floor elevation and the erosion and sediment control plan.

Mr. Riina stated that he submitted a letter to the Planning Department with responses to comments from the Planning Department, Town Engineer and Tree Advisory Commission dated August 10, 2020. The responses were reviewed with the Board as follows:

Town Engineer comment responses to memo dated August 5, 2020:

1. Survey was provided.
2. The EAF was revised to show all approvals – Planning Board, Town Engineer, DEP and Health Department.
3. An amended SWPPP was submitted to the DEP for approval based on their discussions.
4. The plan shows a detention pond and drainage easement on the property. There is a common detention pond for the project which is on the site but within an easement and discharges to a pipe. Mr. Kincart stated that the Town Engineer noted that it was not being maintained. Mr. Riina responded that his client has nothing to do with this detention pond. He noted that it may be part of the homeowner's association or the original homeowners responsibility. Mr. Bock asked about the unauthorized work that was done in this area. Mr. Riina responded that he is not familiar with that work and will look into it.
5. The driveway location has changed so they are proposing to create a new curb cut. As required by the Highway Department they will restore the original curb cut and replace with solid curbing if necessary.
6. The only modification to the proposed stone wall will be for the sewer line from the septic tank to the septic fields which crosses the wall.
7. If required by the Planning Board, the applicant has no issue with installing a split rail fence as a marker to delineate the conservation area and requests that it be a condition of the certificate of occupancy.

Planning Department comment responses to memo dated August 7, 2020:

1. The wetland mitigation will be done under the supervision of the Town and DEP as explained earlier.
2. The wetland and buffer area will be reestablished and restored. The conservation easement will remain in place, as well as the woodland and wetland management areas as noted on the filed plat.
3. The woodlands and wetlands management areas were imposed on the property as part of the original subdivision approval and noted on the filed plat.
4. They are proposing to install a split rail fence as a physical delineation for the wetland buffer as noted earlier. Mr. Kincart noted that earlier it was mentioned that the fence would delineate the conservation easement not the wetland buffer area and asked if they were the same line. Mr. Riina responded they are not, the conservation easement is further, however, he would prefer to put it on the conservation easement just because it's a buffer area which doesn't mean they can't use it, it just cannot be disturbed.
5. Will speak to the Planning Department for clarification.
6. The only trees proposed to be removed are within the septic area. Under chapter 270, Section 270-5 a permit is not required for removal of trees within 10 feet of any component of an existing or approved septic system as required by the Westchester County Health Department or within 10 feet of any subsurface sewer structure. Therefore, a tree survey should not be required. Mr. Tegeder asked how many trees are to be removed. Mr. Riina responded his guess is about 30. Mr. Tegeder stated that they need to look at this in the context of the law to ensure that the tree ordinance is followed.
7. The existing on-site soils will remain in place. The area will only be revegetated.
8. The lot's house was approved at an FFE of 573.5 and they are proposing a change to 568.

Tree Advisory Commission comment response to memo dated August 10, 2020:

1. Same response submitted to the Planning Department with respect to Chapter 270. Mr. Riina will review this further with the Planning Department.

Mr. Kincart stated that the Board would need to know who is responsible for the detention facility area. The current owner may need to talk to the prior owner or whoever is in charge of it such as the homeowner's association. Mr. Riina responded that he would have to look at the original resolution. The detention pond was already in place prior to this lot being developed. The burden of the run-off from Whitehorse Lane should not be the responsibility of the this property owner. Mr. Kincart noted that he assumes if it was part of the original subdivision it was probably offered as part of a dedication along with Whitehorse Lane when it becomes finalized. Mr. Tegeder responded that the Planning Department will look into it and report back to the Board at the next meeting. Mr. Kincart stated that it is probably included in the language in an offering to the town along with the road itself.

Mr. Kincart stated that he had no issue with the elevation change but it appears there may be a bit more discussion with the whole site. Mr. Riina responded that there is the concern with the stormwater basin and they are waiting for the NYCDEP approvals for the wetland disturbance mitigation plan and amended SWPPP. They already have the Health Department approval. He will review the tree ordinance and how it relates to the septic area with the Planning Department. Mr. Tegeder asked if he had any idea as to when the NYCDEP will get through their review. Mr. Riina responded that they are anticipating for something to be in place by the end of the month. The plan is to do the mitigation work in September so they can be assured that whatever plantings are done will be successful.

Mr. Bock asked the Planning Department to review the history of the project to see what the wetland management area means. Mr. Tegeder responded that he suspects it is a term that they used for the wetland buffer control area but will look into it. Mr. Kincart asked the Board and Counsel if there were any other comments and there were none.

CVS-Commerce Street

SBL: 37.14-2-52
Discussion: Amended Site Plan
Location: 1990 Commerce Street
Contact: Insite Engineering, P.C.
Description: Proposed to install curbed plant beds and bollards along the front of the current CVS Plaza in the C-3 zone.

Comments:

Dawn McKenzie of Insite Engineering and Chuck DeMilo, property owner were present. Ms. McKenzie stated that the site is located at 1990 Commerce Street and consists of 3 acres in the C-3 zone. The applicant is seeking an amended site plan approval to provide safety improvements in front of the existing CVS store and retail shops at the easterly side of the CVS Plaza. The proposed improvements would consist of the installation of curbed plant beds with bollards. Mr. DeMilo, property owner, stated that the proposed project is in response to a request from CVS to improve traffic safety on the property. Over the last several years, there have been quite a few auto accidents where vehicles have driven through the exterior brick wall of the CVS and have partially entered the store. As a result, CVS has requested corrective action to prevent this from happening in the future and to protect the employees and customers. The proposed plan presented this evening is for safety improvement not only for CVS but for the adjoining retail shops as well.

Ms. McKenzie stated that currently there is a roof overhang with a concrete sidewalk that runs along the front of the building which provides access to the shops and strategically placed bollards. There is no curb from the sidewalk to the driveway and no other physical barriers. They are proposing to remove portions of the asphalt and sidewalk that extends beyond the roof overhang of the covered sidewalk along the front of the building and install curbed plant beds with strategically located decorative bollards to provide additional protection. As part of the proposed project, the drive aisle along the front of the CVS building will be shifted 6 feet to the west and the plant beds along the easterly end of the existing parking lot islands will be shifted and expanded to improve vehicle movement. They are not reducing the width of the drive aisle and will not lose any parking spaces. Everything else will remain the

same. In summary, they are proposing to provide safety improvements, aesthetic improvements and a reduction to the impervious surface.

Mr. Bock stated that the plan is an improvement to the site and addresses the safety issues. He asked about the cut of the parking space next to the handicapped space in the parking area to the north and if it was significant in any way. Ms. McKenzie explained that there is a stormwater drain in that area which is existing.

Mr. Tegeder asked if all the existing bollards are to be removed. Ms. McKenzie responded that they are proposed to be removed and replaced with larger decorative bollards which are shown in the detail sheet of the site plan set. They are scheduled to meet with ABACA next week for their feedback. She noted that the bollards are shaped as diamonds on the plan and set among the shrubs. The proposed planters are to be 6" high concrete curb islands along the front of the building and will provide most of the protection. Mr. LaScala expressed his concern with respect to the spacing of the bollards and thought that they should be spaced 6 ft apart (*narrower in the width*) so a car could not get through and noted that some additional bollards may be necessary. Discussion followed.

Mr. Tegeder asked the applicant if they will repour the sidewalk in front of the building. Ms. MacKenzie responded that they are unsure at this time. The owner would like to repave the portions of the parking lot that were not done during the PCSB construction in the Fall. In terms of a schedule, they would like to install the landscape islands and bollards before they pave the parking lot.

Mr. LaScala added that the Board should address the new pole lights that were approved by the Planning Board recently. He noted that when you drive through that parking lot at night, the lights produce a glare onto the windshields which may be due to the fact that they are not tilted correctly. Mr. DeMilo responded that this is the first time he is hearing that there is an issue. Mr. Tegeder stated that they are hinged downward facing lights but were installed tilted up. As part of the lighting plan, they will have to adjust the lighting to be set in the 90 degree position so that they are facing downward and fully shielded as they were intended to be. As part of this application, the Board could include an amendment to the lighting to reflect this.

Mr. Kincart asked the Board and Counsel if there were any other comments and there were none. The Board requested that the applicant submit elevations and details of the planters including the proposed shrubs to be planted in addition to the locations, dimensions and spacing of the bollards prior to the next meeting. The Planning Department will submit a memo to the applicant with items to be addressed. The Board asked the Planning Department to schedule a public hearing for the September 14th meeting.

Par 3 Golf Course

SBL: 16.07-1-38

Discussion: Site Plan

Location: 795 Route 6

Contact: James Martorano Jr.

Description: Proposed Par 3 golf course on Town owned Parkland.

Comments:

Parks & Recreation Superintendent James Martorano, Jr., Frank DiPeri, Project Manager, and Joseph Falcone, Parks & Recreation Commission were present. Mr. Martorano stated that they received a violation from the NYSDEC on March 3, 2020. They have since received the SPDES general permit for stormwater discharges from construction activity and the cease and desist directive has been lifted. In addition, the SWPPP is complete. The parking plan has been provided to the Planning Department. He noted that the plan shown this evening has 51 spaces of which the three angled spaces are to be removed in order to open up the traffic aisle per the Board's request. The revised plan would then show a total of 48 spaces where a minimum of 45 are required (*5 spaces x 9 holes*). The requirements per the code for a Par 3 golf course is 5 parking spaces per hole. There is additional parking on the auxiliary road for overflow to meet other needs. Mr. D'Agostino noted that the revised parking plan is in the office.

Mr. Kincart asked if the parking area is to be gravel. Mr. Martorano responded that it will be paved. Discussion followed with respect to the parking requirements. Mr. D'Agostino stated that the parking requirement is in the special permit section for the Par 3 golf courses. The parking requirements are 5 spaces per hole plus 1 space for

every two employees according to this section. Mr. Tegeder noted that they are following this regulation although this is not a special permit because it is Town owned property. Mr. Martorano noted that there are 32 additional spaces on the road. Mr. Bock stated that the resolution should note that the parking is shown on the plan plus the overflow parking on the auxiliary road is sufficient to meet the needs of this project.

Mr. Garrigan asked if this was a walking course with no carts. Mr. Martorano responded that it was and there was discussion about caddies for an “old school” feel. He noted that there also was discussion about obtaining carts for the disabled veterans in the future but not at the present time.

Mr. Martorano reviewed the Planning Department comment memo dated August 7, 2020 with the Board as follows:

- The applicant will submit a Planning Board application as requested.
- They provided a digital submission of the hard scale drawings for the proposed clubhouse and will provide the stamped hard copy to the Planning Department.
- The parking spaces were discussed during this work session.
- The EAF will be revised and submitted accordingly.

Mr. Kincart asked the Board and Counsel if there were any comments. Mr. Tegeder informed the applicant that during the Public Hearing they will need to present the entire golf course and not just the parking area. The Town cannot separate the two as there is one single Lead Agency, which is the Planning Board. The applicant should be prepared to discuss the golf course, clubhouse, and parking. They will need to describe the project in every facet in terms of the design, the benefits, the impacts and how they are being addressed, the stormwater treatment and parking requirements. He advised the applicant to have a professional engineer provide a detailed presentation of the application. Mr. Glatthaar stated that he had no issues but agreed that a professional engineer should conduct the presentation. The Board asked the Planning Department to schedule a Public Hearing for the September 14th meeting.

Ryder Subdivision

SBL: 48.06-1-12

Discussion: Minor Subdivision

Location: 532 Underhill Avenue

Contact: Ciarcia Engineering, P.C.

Description: Proposed 2-lot subdivision on 6.09 acres in the R1-40 zone, where there is one existing residence.

Comments:

Dan Ciarcia, PE was present. Mr. Ciarcia noted that this application was last before the Board in 2015 at which there was a Public Informational Hearing. At that time, they talked about the placement of the houses, driveway alignment, working around the existing house and trying to utilize areas that had previously been disturbed. They are now before the Board to get the project back on track and have submitted revised plans to the Planning Department. There was a memo from the Planning Department dated July 27, 2016 listing items to be addressed of which they are currently working on to the extent that they can. They will provide a SWPPP, new survey and tree survey. They are under the NYCDEP threshold and he believes that they have no authority over the SWPPP. There is a letter in the file dated March 31, 2016 from the NYCDEP which raises an issue about watercourses. He noted that there really isn't any watercourse and would characterize the water issues on the property to basically seasonal seeps that come out from the bottom of French Hill but he will revisit this issue. He noted that the wetlands on the property were surveyed in 2015 so the flagging may be old at this point. He could not find any record that they were verified by the Town. He is now looking for direction from the Board in order to get back on track and move forward to a public hearing.

Mr. Kincart stated that this is a 2-lot subdivision fronting on Underhill Avenue and asked if those wet areas were in the front right corner. Mr. Ciarcia responded that they were and noted that there is an existing driveway that is improved but the whole area is mowed. The wetland area meets the Town's criteria but its certainly not a swampy area as it can be mowed. Mr. Kincart asked the Board and Counsel if there were any comments. Mr. D'Agostino stated that an engineering application needs to be submitted and the tree and woodland law will need to be looked at in relation to this project. He noted that the new EAF shows the wetlands are only regulated by the town on this

property and questioned if this is correct. Mr. Ciarcia responded that it was and stated that he used the EAF mapper which automatically checks the map but he noted on the EAF that it's local only.

Mr. Tegeder asked if the application was refreshed. Mr. Ciarcia stated that it was not and that they are working on the previous application that was advanced to the point of the PIH. Mr. Tegeder advised the applicant to place a notification sign on the property and submit a new application. Mr. Ciarcia noted that they paid a fee to engineering (\$300 - #055-11) and would like to have this money credited toward the new application. He added that the only change since they were last before the Board is that the house has been demolished. Mr. Tegeder stated that they will need an inventory of trees to be removed and tree survey. The Planning Department will review the application and submit a comment memo to the applicant.

Hemlock Hills Solar Farm

SBL: 46.08-1-1 (Yorktown) & 45.12-1-4 (Cortlandt)
Discussion: Preliminary Site Plan
Location: 500 Croton Avenue
Contact: Badey and Watson Surveying and Engineering, P.C.
Description: Proposed solar farm on a portion of the Hemlock Hill Farm property.
Comments:
Item withdrawn from the agenda at the applicant's request.

Additional discussion not on agenda:

Broad Pines (Prebeck) - Approved Subdivision

SBL: 27.14-1-7 & 8
Location: 309-311 Granite Springs Road
Description: Proposed buildout of lots 5 and 6 of the Broad Pines/Prebeck Subdivision approved by Planning Board resolution #90-10, dated April 2, 1990.

Comments:

Mr. Glatthaar, Esq. updated the Board with respect to this application. There were conditions imposed in the Planning Board's original resolution that the applicant never complied with. Specifically they were supposed to deed Lot 7 and some widening strips (*mostly Granite Springs Road*) in addition to an easement for the access road so the Town could access the open space parcel that it was taking. The former owner did deliver a deed for lot 7 to the Town but for reasons which are not clear, it was never recorded and is not something that could be recorded now. The applicant, Enzo Letizia, wants to purchase lots 5 & 6 in this subdivision to build out the houses. Mr. Glatthaar and Mr. Tegeder have been working with Mr. Letizia to clear up some of the conditions from the original subdivision approval. The buyer has agreed to take some of the responsibility but asked if we would take the road widening strips by resolution of the Town Board accepting them for dedication rather than getting deeds from the property owners who the applicant has no contractual status with. Mr. Glatthaar noted that because these are narrow strips, he would have no problem with the Town taking those strips by dedication. They would give notice to the owners that they are going to do so but it would require that the Planning Board amend its original approval from 1990. Mr. Tegeder asked if they still have to get the easement and Mr. Glatthaar responded affirmatively. The buyer is willing to get the easement and properly deed lot 7 to the town. His recommendation is to place this item on the next agenda for an amendment to the subdivision resolution to remove the condition that the applicant must deed those widening strips to the town.

Mr. Tegeder asked if it would be better to do a new resolution that modifies those requirements but also imposes some of these conditions on the new owner. Mr. Glatthaar agreed that this would be fair and reasonable and noted that the applicant is willing to work this out to the extent that we can. He will contact the applicant and advise him to work with the Planning Department and requested that this item be placed on the September 14th meeting agenda.

Motion to Close Meeting

Upon a motion by John Kincart, seconded by Aaron Bock and with all those present voting "aye", the Board closed the meeting at 10:00 p.m.