

Planning Board Meeting Minutes – November 23, 2020

A meeting of the Town of Yorktown Planning Board was held on **Monday, November 23, 2020 at 7:00 p.m.** via Zoom video conference.

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

- John Kincart, Secretary
- Bill LaScala
- Aaron Bock
- Rob Garrigan

Also present were:

- John Tegeder, Director of Planning
- Robyn Steinberg, Town Planner
- Nancy Calicchia, Secretary
- James W. Glatthaar, Esq.
- Councilman Ed Lachterman, Town Board Liaison

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 will be 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

- On behalf of the Board, Chairman Fon congratulated Rob Garrigan on his appointment to the Planning Board as a Board member after serving as an alternate for many years.
- The Board reviewed all correspondence. The following was discussed:
 1. **Nestle Waters** – The Board discussed the neighbor complaints with respect to the lighting and noise issues at the site. Mr. Bock noted that the lighting issue may be under the Board’s purview, however, the noise issue is not regulated by this Board and may have to be referred to the appropriate department for compliance with the code. Mr. Garrigan stated that he visited the site and noted that the lights on Route 202 facing the neighborhood seem to be the most problematic now that the leaves have fallen off the trees and there is no vegetation cover. Mr. LaScala added that the lights should be facing downward. Mr. Kincart noted that the noise complaints seem to be geared toward the loading and unloading of the product. The Board asked the Planning Department to refer the noise issue to the Building Department.
- There were no liaison reports.

Motion to Approve Meeting Minutes

Upon a motion by Bill LaScala and seconded by Aaron Bock and with all those present voting “aye”, the Board approved the meeting minutes of November 9, 2020 with minor corrections.

Regular Session

Chairman Fon stated that there were no agenda items for the Regular Session portion of the meeting.

Motion to Open Work Session

Upon a motion by Chairman Fon, and with all those present voting “aye”, the Board opened the Work Session.

WORK SESSION

Staples Plaza – Energy Storage System

Discussion: Battery Storage Expansion

Location: SBL: 36.06-2-76

Contact: Maziar Dalaeli

Description: Potential additional Tesla battery energy storage systems.

Comments:

Maziar Dalaeli of IPP Solar was present. Mr. Dalaeli stated that he is before the Board with a preliminary proposal to install another Tesla megapack battery energy storage system at the Staples Plaza shopping center. The system is proposed to be installed at the rear of the building either up against the building or in front of the grassy area as shown in the photo. He noted that the location against the building will require 3 to 4 feet of distance from the building for safety measures and should not be an issue. The footprint of the system is to be 23' wide x 5' deep x 8' tall and will not be different from the previous installation. A trench will be dug to the transformer to connect the battery pack to the existing super chargers. He stated that they have seen quite a bit of success with the first installation and anticipate spikes in the future with the increasing number of electric cars. The additional megapack will help to mitigate the stress on the grid from these future spikes.

Mr. LaScala asked if the Tesla chargers are compatible with other models of electric cars. Mr. Dalaeli responded that they are not but noted that there is a supercharger at the front of the shopping center that was installed several years ago which would accommodate other models of electric cars. Chairman Fon asked if they could track the use of the Tesla charging stations. Mr. Dalaeli responded that they can and that the data is collected minute by minute.

Chairman Fon stated that he preferred the location against the building so as not to disturb the landscaped area. Mr. Kincart agreed that this location works better as long as it does not interfere with the traffic pattern. Mr. Bock agreed and noted that the grassy area may have been reserved as conservation parking spaces for additional parking should the need arise. Mr. Garrigan stated that he preferred the location against the building as there were residential homes behind the grassy area. Mr. LaScala preferred the location against the building as well.

Mr. Dalaeli stated that he will work with the property landlord and appropriate agencies and will return to the Board with the drawings. The Board requested that the applicant work with the Planning Department.

RPG Properties aka Mohegan Court

Discussion: Approved Site Plan

Location: SBL: 15.15-1-22 / Lexington Avenue

Contact: Brandon Zappi

Description: Proposed changes to the stormwater plan for the approved residential site plan for 8 units on 1.102 acres in the R-3 zone by Planning Board Resolution #18-22 dated August 13, 2018.

Comments:

Jim Zappi, property owner, was present. Mr. Zappi stated that he is here as a follow up to the Board meeting of 10/26/2020 to review the proposed amendments to the approved site plan. He has since had a phone conversation with the Town Engineer and the Planning Department with respect to the engineering. He noted that the property is one deeded lot with two buildings that will house four townhomes each. The original approved infrastructure was for individual sewer laterals that went to a sewer main and individual water services to a water main all on private property. They are now seeking an amendment to the site plan to simplify the water and sewer main as previously discussed. They are proposing a 2-inch water service line with a backflow prevention valve to serve the two buildings. The Fire Board recommended that the additional fire hydrant at the entrance to the complex should remain. He noted that there is an existing fire hydrant across the street on Lexington Avenue as well. They are also proposing to eliminate the subsurface infiltrators and install a 4-foot deep stormwater basin. The proposed basin will increase the stormwater capacity by 25% and will fully drain in less than 2 ½ hours. They have provided a landscape plan in addition to a fence as requested by the Planning Department.

Chairman Fon asked the Board and Counsel if there were any comments. Mr. Tegeder informed the Board that he received an email this afternoon from Brian Zappi noting that the landscape treatment for the basin has changed from what the Board has seen previously. The plan will now mimic the treatment at Surrey Court on East Main Street. Mr. Zappi stated that this was correct. Mr. Tegeder stated that since the basin is in the front yard, it needs to look neat and clean in order to make it more presentable. He noted that the fence has also been changed to mimic the wrought iron fence which is already on the plans. Mr. Tegeder referenced the Town Engineer's comment memo dated 10/1/2020. The memo notes that the water service change is to be coordinated with the Town of Cortlandt and changes to the sanitary sewer service is to comply with Chapter 240 of the town code. In addition, the SWPPP should be revised to include the changes to the stormwater design and modeling calculations. Mr. Zappi responded that they are not changing the

impervious surface or catch basins, the only change would be the stormwater basin. Mr. Tegeder stated that if the Town Engineer comes to the conclusion that there are no changes required and the existing calculations are correct, the Board may decide to accept this decision. It was also noted that the original design team of record was Hahn Engineering. Now that the drawings will be amended, they will need to be signed, sealed and submitted by a professional engineer according to state law.

Chairman Fon asked about the landscape plan. Mr. Zappi showed the plans to the Board and stated that the basin will look similar to Surrey Court as previously noted. He added that the only stormwater change is the basin, all else will remain the same. They are leaving the one hydrant at the front of the property on the Yorktown side and eliminating the one in the back. As noted previously, there is an existing hydrant across the street. Chairman Fon stated that the Town Engineer's comments will need to be satisfied. He asked Mr. Zappi if the Fire Inspector was fine with the one hydrant at the site and the response was "yes". Mr. Zappi stated that they have received comments from the Cortlandt Water Department which they are in the process of addressing. Mr. Kincart stated that his biggest concern was the hydrant situation and is satisfied that there is a hydrant at the front of the site. He added that he prefers the above ground stormwater treatment as opposed to the subsurface treatment and has no issues with amending the plan.

Mr. Tegeder stated that he will send a memo to the Town Engineer asking him to report back to the Board that all issues have been satisfied in order to work toward a resolution for the next meeting. The Board agreed.

Taco Bell – Mohegan Lake

Discussion: Amended Site Plan

Location: SBL: 15.16-1-21 / 3571 Mohegan Avenue

Contact: JMC Site Development Consultants

Description: Proposed Taco Bell restaurant and drive-thru on 0.83 acres in the C-2 zone, at the corner of East Main Street and Mohegan Avenue.

Comments:

Paul Dumont, EIT of JMC Site Development Consultants, was present. Mr. Dumont stated that since they were last before the Board, they have prepared a re-submission responding to the Town Engineer's comment memo dated 9/10/2020 with respect to the existing stormwater facilities and existing sanitary sewer service on the site. Inspection reports with photos were provided to the Board which conclude that both are in good condition and suitable for re-use. He noted that they met with the ABACA and Conservation Board and have addressed their comments with respect to the landscape and lighting plans. They are now requesting to move forward with a public hearing.

Chairman Fon asked the Board and Counsel if there were any comments. Mr. Tegeder stated that he would like to see an alternate layout for the proposal. The original plan had a drive-thru for a bank which was a square building and didn't require the ring road that goes into the frontage on Route 6. The proposed building is long and thin so there may be a possibility of re-orienting the building to get a better part of the building to face both streets. There may be enough room to do a drive-thru without having to do the ring road which may be a better plan. In addition, there may be an opportunity to move the refuse enclosures from the center of the parking lot. Mr. Dumont responded that they did study a number of layouts when they first looked at the site but will discuss this with the applicant. He noted that there are a number of operational criteria that need to be satisfied for Taco Bell. The proposed layout provides them with more stacking and also works with the layout of the parking facility. Another constraint is the existing stormwater management facility. Mr. Kincart asked Mr. Tegeder if he was thinking of rotating the building. Mr. Tegeder responded that there may be a possibility to rotate the building to a 45 degree angle to be more parallel with Mohegan Avenue or a 90 degree angle to be more parallel with Route 6. He noted that there is a possibility to produce a layout that is more in keeping with the original approval as this is a highly visible corner on a high traffic road at a prominent intersection. Mr. Kincart asked Mr. Dumont if the deliveries to the site would be affected without having a ring road. Mr. Dumont responded that they will have to study this further to ensure that the site operates correctly. Mr. Garrigan stated that this is a very prominent corner and rotating the building will improve the overall aesthetics.

Chairman Fon advised the applicant to submit alternative layouts to the Board for their review before moving forward with a public hearing. Mr. Dumont responded that he will submit one or two alternatives prior to the next Board meeting.

McDonalds Restaurant

Discussion: Amended Site Plan

Location: SBL: 36.05-1-10 / 3481Crompond Road

Contact: Keith Brown, Esq.

Description: Approved amended site plan by Planning Board Resolution #19-32, dated November 18, 2019, new amended plan set to construct a new building addition and associated parking lot improvements at the lot containing on 1.05 acres in the C-4 zone.

Comments:

David Pernick, Esq. of Brown & Altman; and Joe Riccadonna, P.E. of Dynamic Engineering were present. Mr. Riccadonna stated that at the request of the Board, he submitted a side-by-side comparison of what was previously approved and the proposal for the amended site plan. In addition, a parking analysis prepared by Dynamic Traffic was also submitted. Mr. Riccadonna stated that the applicant is seeking a denial from the Planning Board in order to meet with the Zoning Board to request a variance for the reduced number of parking spaces. The landscape plan was revised to reflect comments from the ABACA and they are scheduled to meet with them tomorrow evening. They received the Conservation Board's memo dated 11/19/2020 and noted their comment with respect to landscaping toward the rear of the site. Mr. Riccadonna stated that the striped area referenced by the Conservation Board is to be utilized for deliveries by tractor trucks. He explained that they didn't want to install a curb that could be potentially damaged by the trailers at the site. However, they will re-visit this area to see if they can incorporate some landscaping. Mr. Kincart responded that this would help to soften the impact and provide screening to the residential neighborhood behind the facility. Mr. Riccadonna noted that they added thicker shrubs toward the rear of the site facing the residential area.

Chairman Fon asked the Board and Counsel if there were any comments and there were none. Chairman Fon asked the Board if there were any objections to making a recommendation to the Zoning Board of Appeals with respect to the parking variance. The Board had no objections. The Planning Department will submit a memo to the Zoning Board.

Yorktown Energy Storage Tier 2 Battery Storage System

Discussion: Site Plan & Special Permit

Location: SBL: 6.17-1-24 / 3901 Gomer Court, Jefferson Valley

Contact: Melissa Samaroo, PV Engineers, P.C.

Description: Proposed Tier 2 (5,000kW/15,000kWh) battery energy storage system which will be no more than 15% of the lot coverage with a maximum of five containers.

Comments:

Robert Gaudio, Esq. of Snyder and Snyder; Melissa Samaroo; and Mike Conway were present. Mr. Gaudio stated that since the Public Informational Hearing on 10/26/2020, the plans have been revised and additional information was provided to the Board. The Town Engineer's submitted a comment memo dated 11/4/2020 stating that all their comments have been addressed. The Fire Board submitted a comment memo dated 11/19/2020 and they have no issues with the comments submitted. The Conservation Board submitted a comment memo dated 11/19/2020 and they have no issues with the comments submitted. However, there was mention of a permit from the DEC that they don't think they need. Chairman Fon read the Conservation Board memo to all and noted that the herbicide use may require a permit from the DEC and should be looked into.

Mr. Gaudio reviewed the revised landscape plan with the Board. A rendering with the plantings superimposed was shown to the Board. He stated that from east to west on Route 6, it is well screened with about 7 or 8 evergreens in the berm area. They placed some trees closer to East Main Street. He noted that from west to east there is more visibility to the back of the property and will also be well screened. The proposed landscape plan will consist of a mix of evergreen trees and bushes placed strategically throughout the property. In addition, per the the Fire Board's comment memo dated 11/19/2020, the chain link fence will remain. He noted that the proposed landscaping throughout the property will provide a maximum effect for screening.

Chairman Fon noted that their biggest concern was the condition of the property and feels that the applicant was very responsive to this concern. Mr. Gaudio added that the back area will be cleaned up and the plantings will help to block access to that area. In addition, they have agreed to remove all the invasives and will check with the DEC with respect to the herbicide use. He noted that the site will be much better than what it was previously.

Mr. Tegeder asked about the bucket trucks stored at the site. Mr. Gaudioso responded that the trucks will have to be removed from the site but will defer to the Building Department. They submitted a fire access plan so they will have to be moved and expects this to be a condition of the approving resolution. Mr. Kincart asked about the zoning for this parcel. Mr. Tegeder responded that it was zoned Office. Mr. Kincart noted that if the parcel is zoned Office, the storage of the bucket trucks may not be a permitted use. Mr. Tegeder responded that he doesn't think it is a permitted use and if it was, it would fall under the exterior storage yard which would require a special permit.

Mr. Bock commended the applicant and noted that the site will be much better as they have satisfied many of the Board's concerns. He noted that the vehicle storage use will need to be addressed. He stated that he reviewed the material safety data sheet and asked again about the security of the stream from chemical contamination. He wants to make sure there is no possibility of contamination and that all the steps that need to be taken to prevent this from happening are included in the plans. Mr. Conway responded that the batteries themselves never take a liquid state and noted that they submitted supporting documentation for the fire suppression system detailing the phase changes. The fire suppression system is stored as a liquid and expelled as a gas that will go up into the air rather than down into the watercourse. Ms. Samaroo referred to their fire suppression that notes even if there was mishandling of the cylinders on site, the Novec 1230 would be released into the atmosphere as a gas. Mr. Tegeder asked how much liquid Novec material is within each container prior to its release. Ms. Samaroo responded that each container has one 38 gallon cylinder. Mr. Tegeder noted that the units could be provided with some type of containment consisting of slab work or curbing.

Councilman Vishnu Patel asked about the batteries with respect to safety issues. Mr. Gaudioso stated that they submitted a detailed report that goes through the different phases of safety related to the facility which are all dictated by the updated NYS building code and the Town code. The fire suppression system is the last line of defense. There are a number of different layers of safety that include the enclosure itself which is a sealed concrete structure.

Mr. Bock stated that he thinks Mr. Tegeder's suggestion of creating a containment around the structure to protect the watercourse from possible contamination makes sense and would like to include this on the plan as a safety measure. Mr. Gaudioso responded that he will look into it, but noted that the structures themselves are fully sealed. The facility itself was designed for infiltration for the stormwater and is not sure if a curb will help. However, they will look to see if there is space inside the containers to create some type of secondary container.

Mr. Gaudioso asked the Board if they could move forward with a public hearing. The Planning Department will schedule a public hearing for the December 21st meeting.

Colangelo Major Subdivision

Discussion: Final Subdivision

Location: 35.16-1-4; 1805 Jacob Road

Contact: Site Design Consultants

Description: Approved 6-lot subdivision in the R1-160 zone by Resolution #18-23 dated November 19, 2018.

Comments:

Joseph Riina, P.E. of Site Design Consultants; Mark Blanchard, Esq.; and John Colangelo, property owner, were present. Mr. Blanchard stated that at the Board meeting of 10/26/2020 most of the discussion centered on the donation of land to the Westchester Land Trust (WLT) and the potential tax benefit to the applicant. The applicant has now removed this option and is no longer seeking a tax benefit from the value of the donation. They now have clearance from the WLT and their counsel to continue negotiations for the donation of the conservation easement. He noted that this process will take about 4 to 6 months and they do not anticipate any obstacles moving forward. However, in conversations with the Planning Department, should an event occur that the WLT and the applicant are unable to make this donation, the applicant will then pay the required recreation fee to the town. Both options could be included in the resolution.

Mr. Kincart asked if the tax benefit is no longer an option what would be the benefit to the applicant in moving forward with the donation to the WLT. Mr. Tegeder stated that the WLT is interested in this donation because the trust owns adjacent land along the Hunterbrook corridor. In addition, they also have very good stewardship programs which Yorktown does not have and this is what makes this donation attractive. The WLT and the Town of Yorktown would be co-grantees. He noted that the WLT has procedures to follow for taking an easement and thinks it will take 6 to 8 months to finalize. There could also be a third option which would be a donation to the Town of Yorktown if the Westchester Land Trust does not work out. Discussion followed with respect to the recreation requirements.

Lori Ensinger, President of the WLT stated that they were not able to continue discussions with the applicant as long as there were expectations of a charitable tax deduction as they could not sign the 8283 form that Mr. Colangelo required in order to get his tax deduction. She noted that they never said they didn't want the project, it was just that they could not meet the expectations for a charitable contribution. She agrees with Mr. Tegeder that the value that the WLT provides not only as a neighbor to this property but also the endowment that ensures the permanent stewardship of the property by the land owner. She noted that if a future owner violated the terms of the conservation easement and damaged the property, WLT would be obligated to legally defend the property against impairment of the conservation values which would be a benefit to the town.

Mr. Blanchard stated that he liked the third option of donating the conservation easement to the Town of Yorktown as it may be more efficient to have the Town be the grantee and then they can fulfill the requirements of the site plan approval and work with the town and the WLT for the future. He stated they see no obstacle in fulfilling the condition to offer the conservation easement. Councilman Lachterman stated that the Town Board would prefer not to be the steward of the land as they have quite a bit of property to take care of already. The WLT would be a better option and would like to see this move forward. He asked Mr. Blanchard about the water draw. Mr. Blanchard responded that the applicant has withdrawn the water draw from his proposal so this is no longer an issue.

Lori Ensinger stated that she would like to clear up the use of the word stewardship. She noted that the owner of the property will continue to be Mr. Colangelo, the conservation easement grantee will be the Town of Yorktown and/or Westchester Land Trust. With respect to the stewardship component, they do not manage the land and do not have authority to go on the land except for one purpose and that would be to monitor the compliance of the terms of the easement. WLT would have no maintenance or management responsibility on the land. The alternative would be to donate the 5 acre property outright to WLT in which case they would be the owner and have the management obligation.

Mr. Bock noted that if the applicant is no longer seeking a tax deduction, can this be placed in the resolution that the conservation easement be established as a condition. Mr. Tegeder responded that it could and will now make it easier. Discussion followed with respect to the conditions of the resolution.

Jeffrey Cohen spoke on behalf of his son Yonatan Cohen who resides at 1827 Jacob Road. Mr. Cohen expressed his concern with respect to the location of the trailway as it is close to his son's home. He is requesting that the applicant make an effort to screen his son's property with a berm or mature trees. Chairman Fon noted that this is a work session for discussion with the applicant, engineer, and counsel. Mr. Tegeder informed Mr. Cohen that the trail location has now moved back to its original approved location and is not very close to his son's property. Mr. Riina showed the trail location and noted the trail is about 75 to 100 feet from the property line.

Chairman Fon asked the Planning Department to work with Counsel and the applicant on the conditions for the resolution with respect to the donation and trail location for the Board's review.

Hemlock Hills Farm Solar Farm

Discussion: Site Plan & Special Permit

Location: SBL: 46.08-1-1 (Yorktown) & 45.12-1-4 (Cortlandt) / 500 Croton Avenue, Cortlandt Manor

Contact: Badey and Watson Surveying and Engineering, P.C.

Description: Proposed 1.69 MW solar farm on a portion of the 50 acre Hemlock Hill Farm property.

Comments:

Margaret McManus, P.E. of Badey and Watson was present. Ms. McManus stated that they were last before the Board on 10/26/2020 for a preliminary discussion. Since then they have submitted a complete package to the Board for review. Chairman Fon noted that they have reviewed the easement and the letter from Westchester County dated 6/12/2019 and asked Mr. Glatthaar, Esq. if he had any thoughts with respect to this. Mr. Glatthaar responded that he did not see anything that would prohibit the County from authorizing a use of the property. Mr. Bock stated that he looked at the Westchester County approval letter, but noted that the map attached to their letter showed a different location for the solar farm than the one they are considering and was wondering if this would have an impact on the approval. Mr. Tegeder noted that the Planning Department will request clarification. Ms. McManus stated that she will follow up with the County. Mr. Glatthaar stated that he believes that the County has a right to allow the use of the property for this purpose and it seems from their letter they have given thought to the impact and find that because it is so scarcely used it will not interfere

with anyone else's property rights. Chairman Fon noted the Open Space comment memo dated 11/22/2020 and their concern about a possible view of the solar panels from the trail in the adjacent park.

Ms. McManus reviewed the plans with the Board. She stated that the entire site is a total of 118 acres between the Town of Cortlandt and Yorktown. The Yorktown parcel is about 50 acres. The proposed solar farm will be a total of 4 acres and located on the Yorktown parcel. There is a trail about 200 feet from the solar arrays and she does not think visibility would be an issue. However, they could plant evergreens along the property line for screening purposes if necessary. She noted that they would have to be careful with any plantings near the solar arrays as they do not want to shield them from the sun. They are scheduled to meet with the ABACA tomorrow evening. The topography was shown to the Board. Discussion followed with respect to the gulying noted in the Open Space memo. Lori Ensinger, of the Westchester Land Trust stated that she would be happy to walk the property line with the applicant as there is significant gulying on the preserve. Ms. McManus responded that the Watershed Agricultural Council is working to widen the stream on the south side to slow down the water. She noted that the water run-off from the panels will go directly into the fields, there is no impervious surface as the arrays just sit on the grass. She will look to see if there is any impact from the development that would cause additional gulying. Chairman Fon stated that during the site visit he did not notice any significant issues and Mr. Bock agreed.

Chairman Fon asked the Board and Counsel if there were any comments. Mr. Tegeder stated that the Planning Department will continue to review the application with respect to the visual aspects per the law. Ms. McManus stated that she could place balloons where the solar arrays are to be located in order for the Board to get an idea of the visibility from the trail. The Board agreed that this would be a good idea and asked the Planning Department to schedule another site visit with the balloons in place.

Ms. McManus stated that the client is requesting to move forward with a Public Informational Hearing. She asked the Board if this application was considered a Type 2 action or if it would need to be circulated for Lead Agency. Mr. Tegeder responded that it is unlisted and has already been circulated for Lead Agency.

The Board asked the Planning Department to schedule a Public Informational Hearing for the December 21st meeting. The Board advised the applicant to work with the Planning Department

Home & Hearth

Discussion: Site Plan

Location: SBL: 15.12-1-2 / 1750 East Main Street

Contact: Ciarcia Engineering

Description: Proposed demolition of two existing buildings to construct a new warehouse/showroom building and storage shed on 1.99 acres in the C-4 zone.

Comments:

Dan Ciarcia, PE of Ciarcia Engineering was present. Mr. Ciarcia stated that the site is located on East Main Street between the BP Gas Station and the Volkswagon dealership. The applicant is proposing to move their business, Home and Hearth, which is currently located in Cortlandt, to this location. The parcel is 1.9 acres, and zoned C-4. It is presently improved with a single-family home that was converted to office use, a storage building, and shelter on the side. There is an easement in the front yard of the property that provides access to the gas station site to the west. The wetlands have been flagged by Steve Marino and will be placed on the plan by the surveyor. The proposal is for the construction of two buildings. The main building is proposed to be 5,500 sf and will house the showroom and warehouse. The second building is proposed to be 5,600 sf and will store the pellets. The parking area shows 32 spaces. They met with the Conservation Board and received their comment memo dated 11/19/2020.

Chairman Fon asked the Board and Counsel if there were any comments. Mr. Glatthaar asked about the dotted line on the plan. Mr. Ciarcia responded that it was the zoning setback and noted that in this zone it is either 10' or 0'. He stated that given the constraints on the property, they chose the 0' setback and pushed the site toward the western boundary of the property. Mr. Glatthaar asked if this will interfere with the easement and Mr. Ciarcia responded that it would not. Chairman Fon asked if there were any environmental boundaries. Mr. Ciarcia responded that the main issue on the property will be the wetland delineation.

Mr. Kincart noted that if the rear building will only be used for storage, there may not be a need for 32 parking spaces and suggested moving the building forward into the parking area. Mr. Ciarcia responded that it may be a possibility but will wait to see where the wetlands boundary is on the site. Mr. Glatthaar suggested sliding the building to left to create more of a separation between the wetland and the pellet storage building and keep the parking as it may be needed for zoning compliance. Discussion followed. Mr. Ciarcia stated that once the wetland is confirmed and placed on the plan they will review the options discussed and return to the Board with more details.

Exxon Mobil Gas Station - Town Board Referral

Location: SBL: 36.07-1-13 / 3205 Crompond Road

Contact: Kara Kennedy, GTY NY Leasing, Inc.

Description: Proposed amended Special Use permit application for a proposed sign change and canopy refacing.

Comments:

John LeClerc was present for the application. Mr. LeClerc stated that the proposal is for a sign change with price checker, direction apertures above the fuel pumps, and re-facing of the canopy. The photos and details were reviewed with the Board. Chairman Fon asked if there were any zoning issues or variances. Mr. Kincart asked if this would affect the sign formula. Mr. Tegeder noted that this is a Town Board referral and could be modified by them but will look into it. Mr. Tegeder explained that the Board has been successful in converting most single pole gas station signs to monument signs with the LED pricer incorporated to be more aesthetically pleasing. Mr. LeClerc responded that this should not be an issue and will look into it. The Board had no other issues. The Planning Department will draft a memo to the Town Board for the Board's review.

BP Gasoline to Xtra Fuels - Town Board Referral

Location: SBL: 36.07-1-13 / 1917 Commerce Street

Contact: Albert Whiting, Ready Imaging, Inc.

Description: Proposed amended Special Use permit application for a proposed sign change to convert from BP Gasoline to Xtra Fuels.

Comments:

No representative was present. The proposal is for a sign change to convert BP Gasoline to Xtra Fuels located at 1917 Commerce Street. Mr. Tegeder stated that there is much less site area for the applicant to produce a monument sign. After discussion, the Board agreed that a lower pole sign with a planter at the base may look better aesthetically. The Board also noted that the existing building is green and will not match the new brand colors of red, white, and blue. In addition, the building itself is littered with signs and should be addressed with respect to the sign ordinance. Councilman Lachterman noted that there are clothes collection boxes at the site and is not sure if they are licensed to be there. The removal of these boxes may help with the parking situation. The Planning Department will draft a memo to the Town Board for the Board's review.

Motion to Close Work Session to discuss matters of Counsel

Upon a motion by Chairman Fon, and with all those present voting "aye", the Board closed the Work Session.

Motion to Close the Executive Session

Upon a motion by John Kincart, seconded by Chairman Fon, and with all those present voting "aya", the Board closed the Executive Session.

Motion to Close Meeting

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