

Planning Board Meeting Minutes – January 25, 2021

A meeting of the Town of Yorktown Planning Board was held on **Monday, January 25, 2021 at 7:00 p.m.** via Zoom video conference.

Chairman Rich 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.

Chairman’s Report/Correspondence/ Liaison Reports

Chairman Fon stated that this evening’s meeting agenda is a Work Session and there will be no public comment.

Chairman Fon stated that Underhill Farm was withdrawn from this evening’s agenda. Councilman Lachterman noted that this application will be on the agenda for the Town Board Work Session tomorrow evening. Discussion followed regarding whether the Board should review proposed projects before legislation is in place.

The Board reviewed correspondence as follows:

- Solar Farm-Foothill Street - A resolution was received from Sam Oliverio, Town of Putnam Valley Supervisor dated 1/19/2021 with respect to the proposed solar farm on Foothill Street. The Town of Putnam Valley in collaboration with the Putnam Valley School District opposes the placement of the Con Edison Clean Energy Business solar farm on the property adjacent to Foothill Street, Lockwood Road by Casey Court and Woodland Blvd. for its detrimental impact upon the environment, potential noise impact and view shed. The Board noted that they will take this into consideration during the review of the application.
- Memo from Susan Siegel, Suggestions for greater transparency – A memo was received from resident, Susan Siegel dated 12/9/2020 requesting the Board televise its Work Sessions and making the Board’s meeting packets available to the public on the Town’s website. Chairman Fon noted that this discussion was delayed until the full Board was present which they have this evening. He stated that he does not think this decision could be made by the Planning Board as it deals with setting a policy and feels this would be a Town Board decision but would defer to Counsel. The Board’s task is to review the applications as they are submitted and not to set Town policy. Discussion followed amongst the Board members.

Councilman Lachterman noted that prior to the pandemic, the Planning Board Work Sessions were held at the Albert A. Capellini building and not the Town Hall Board room. With respect to taping, it would not be that easy and thinks this is being overlooked because we have been conducting Zoom video conferences for the past year.

Mr. Glatthaar, Esq. stated that the use of the Town facilities is controlled by the Town Board and is ultimately a Town Board responsibility. The Planning Board could probably post the meeting packet on the website without an issue but spending money or using the Town’s resources is decided by the Town Board.

Chairman Fon summarized that the Board had no issues with televising the Work Sessions or posting the meeting packet to the website but felt that ultimately this was a decision to be made by the Town Board and requested that the Planning Department prepare a memo to the Town Board. Mr. Tegeder noted that the meeting packets are quite

large and it will need to be discussed with his department. He added that all information is available at all times to the public in the Planning Department.

Motion to Approve Meeting Minutes

John Kincart recused himself from this item as he was not present at the meeting. 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 January 11, 2021.

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

NY Self Storage – Jefferson Valley

Discussion: Amendments to Approved Site Plan

Location: 16.08-1-4; 621 Bank Road, Jefferson Valley

Contact: Dawn McKenzie, Insite Engineering

Description: Approved retrofit and expansion of the former Toy R Us building for a 70,435 SF self-storage facility. Proposed minor amendment to approved plan and Wetland Permit Application.

Comments:

Dawn McKenzie of Insite Engineering was present. Ms. McKenzie stated that they were last before the Board and received conditional approval for the project on 12/21/2020. The applicant is now requesting an amendment to that approval. A revised site plan was submitted to the Planning Department last week. It was noted that the plan shown this evening was revised again since that submission to the Board to include the curbed sidewalk as requested by the Planning Department. Changes to the site plan include revisions to the building, driveways and inclusion of the wetland area and 100-ft. buffer.

Ms. McKenzie stated that there is a small off-site wetland area in the southeast corner between Route 6 and the 7-11 convenience store that puts the proposed plantings requested by the Board within the 100-ft. buffer. A wetland application and fee was submitted to the Planning Department. To reduce construction costs and maintain the existing square footage, it is now proposed to keep the existing eastern entrance off of Bank Road. They were able to accomplish this change while still removing excess parking spaces and adding buffer planting as requested by the Board. The number of exterior overhead doors on the east and west side additions remains as proposed and no changes are proposed to the westerly addition. In order to maintain adequate vehicle maneuvering at the northeast corner of the building a notch was removed at this corner and plantings were added. In addition, at the front of the building the plan was revised to replace the striped path with a curbed sidewalk as required by the site plan approval. There are now 32 parking spaces instead of 27 parking spaces. The building coverage remains at 44.9% and the front yard setback is now at 55 ft. instead of 51 ft. Mr. Kincart asked if there was any increase to the impervious surface with respect to the SWPPP. Ms. McKenzie responded that previously they were over an acre of disturbance and are now under an acre of disturbance.

Mr. Tegeder asked if there was a truck turning radius report as it would be good to know what type of trucks can utilize the site. His concern is tractor trailer maneuverability. Ms. McKenzie responded that she would submit a report for the next meeting. Mr. Garrigan asked about maneuverability with respect to the Fire Department apparatus. Ms. McKenzie responded that she did not think this would be a problem, but will report back to the Board at the next meeting. Mr. Kincart asked about the northeast corner and if it could be adjusted to provide a better radius and movement around that turn. Ms. McKenzie responded that they are proposing to keep the existing driveway but replacing part of the curb and widening the driveway to accommodate maneuverability on that side. Discussion followed.

Mr. Kincart stated that he does not have any issues with planting the trees in the buffer as he would prefer that portion of the site to be screened. He discussed that there was probably little quality or function of the wetland between the gas station and Route 6. The screening would provide a higher function for this particular application. Chairman Fon agreed and thought that the wetland was probably created when the roadwork was done. Mr. Tegeder stated that the Planning Department will refer the wetland permit application to the Conservation Board.

Chairman Fon asked if there were any changes to the interior of the building and its use. Ms. McKenzie responded that there are no changes to the building interior, the access to the building and number of exterior units remain the same. Most of the change is centered on the site itself as discussed.

Mr. Tegeder asked Ms. McKenzie to provide the difference in impervious surface between the approved and proposed plan, and an explanation with larger scale plans that show the difference of the corner of the building between the approved and proposed plan. He also requested that the applicant continue the curbed sidewalk in front of the building to the front door so this path is not blocked by patron's cars; and to also show the turning radius of trucks up to tractor-trailer size.

Stahmer Subdivision Lot 2

Discussion: Amended Site Plan & Special Use Permit for Large-Scale Solar System

Location: 59.10-1-10.1; 535 Jerome Road

Contact: P.W. Scott Engineering & Architecture, P.C.

Description: Proposed amended site plan for Lot 2 of an approved subdivision. Proposed residence is to be a Tesla showhouse that includes a 24 kWh solar roof, which exceeds the small-scale solar permit.

Comments:

Peder Scott of P.W. Scott Engineering & Architecture was present. Mr. Scott stated that he was last before the Board on 1/11/21. Since that time, they have made a submission to the Planning Department. The proposal is for an amended site plan for Lot 2 which is a total of 4.3 acres of the approved Stahmer subdivision. The proposed house will remain in the same location as was originally approved but will now be larger in size. The proposal is for a 5,900 sf. one-story home with a walk out lower level and home office above the garage. In addition, they are proposing a pool and patio area which increases the impervious area to 4,300 sf. The septic system has been approved by the Westchester County Health Department for a five bedroom residence. A tree buffer along the driveway is proposed to screen the neighboring property to the north. The applicant also owns Lot 3, which remains undeveloped at this time.

Mr. Scott stated that the applicant/owner is a consultant for the Tesla Corporation. The proposed home will act as a Tesla showhouse and will be equipped with all the the components that Tesla has to offer which includes a solar roof system, heat pumps, battery systems, special windows, window films, etc. A special use application for a large-scale solar power generation system, a power panel location plan for the four outside battery systems, and a Tesla solar power outline was submitted for review. The calculated solar power generation from the Tesla roof is 25 kW where the threshold is 20 kW to require a permit from the Planning Board. The solar roof is comprised of a textured glass shingle system that is similar in appearance to a normal roof. The solar panels are maintenance free and will only have to be cleaned once or twice a year with a garden hose and soap.

The architectural renderings, floor plans, and material palette were shown. Mr. Scott stated that they were before the ABACA and received their approval. The applicant is also proposing a small home office to be constructed above the garage. He noted that they meet all the criteria for the home office in terms of size and have made application to the Zoning Board for this permit. The home office will be occupied by two employees plus a part time bookkeeper/assistant. They do not anticipate more than five visitors a month from Tesla or Tesla clients.

Mr. Tegeder asked Mr. Scott if the additional landscaping to the north was a request of the neighbor. Mr. Scott responded no, but they anticipated that they may want privacy. There is a large bamboo area between the neighbor and their property. They are proposing to install a 5 ft. deep plastic lined trench to prevent the bamboo from migrating further onto the applicant's property. He noted that there is a thick buffer currently, but are proposing to plant arbovitae. Mr. Tegeder stated that the species and spacing should be indicated on the plans.

Mr. Bock asked Mr. Scott to explain the relationship between the home office and the residential use. Mr. Scott responded that the applicant/owner will manage and work at the office with one Tesla representative and secretary and will control all visitors to the site. The applicant is part of the Tesla expansion group for creating additional residential homes in the metropolitan area. Per the Town ordinance, you can have up to 3 employees including yourself in a home office. The square footage has to be less than 25% of the building and 18% is proposed. 5 parking spaces are being provided at the site in addition to the 4 garages. Clients are by appointments only and they do not anticipate more than five visits a

month. Mr. Scott informed the Board that a facility similar to this proposal has been completed in Long Island and could provide the Board with an opportunity to view what a Tesla showhouse looks like and how it is occupied.

Chairman Fon asked Mr. Scott if they were scheduled to meet with the ZBA. Mr. Scott responded that they are scheduled to first meet with the Zoning Board on 1/28/21. Chairman Fon stated that the Board doesn't seem to have any objections but there is the possibility that the Zoning Board may have some comments and it may be prudent to receive their feedback. Chairman Fon asked the Planning Department and Counsel if there were any comments. Mr. Tegeder responded that is fairly typical to wait for the Zoning Board's response. Currently, they are reviewing the amended site plan from the earlier approval and not the home office. Mr. Scott stated that their biggest issue for this project is getting the solar power approved and noted that the applicant will not move forward if all parts of the project are not approved. He stated that they are fully compliant with the office use in terms of regulations but on the large-scale solar system they are seeking the Planning Board's approval and asked if they could continue with the review of this application. Mr. Kincart asked if there were any transformers to be replaced or upgraded within the area. Mr. Scott responded that they will need to upgrade one transformer on Jerome Road. Ms. Steinberg informed the Board that the professional office special use permit is for the same permit that a chiropractor or dentist would obtain for an existing residential structure. Since the lot is currently vacant, they may have to wait until the building is constructed. Mr. Tegeder stated that the Zoning Board would make this determination. Mr. Scott stated that he intends to ask for a waiver of this requirement.

After discussion, the Board agreed to review the amended site plan and solar application simultaneously with the Zoning Board application. The Board requested that the Planning Department schedule a Public Hearing for the February 22nd meeting.

Bellamy Subdivision

Discussion: Minor Subdivision

Location: 37.10-1-38; 379 Hallocks Mill Road

Contact: Burns Engineering Services, P.C.

Description: Proposed 2-lot Subdivision on 1.417 acres in the R1-20 zone.

Comments:

Steve Burns, P.E. was present. Chairman Fon informed the applicant that some of the members of the Board conducted a site visit and they all felt that the existing driveway was extremely hazardous therefore adding another one next to it would be more hazardous. Mr. Burns showed the driveway profiles. The current driveway for Lot 1 is off the road and goes straight up. The second driveway is just off the side of the existing driveway where the trees are and shoots up really steep at the edge of the pavement probably about 5 or 6 ft. He noted that the Lot 2 driveway location is essentially a steep bank that comes down to the edge of the pavement with no shoulder and no white line and blocks the site distance not only for the existing driveway but also for the traffic on the road. There is actually a sign just before the driveway stating that there is a hidden drive. It is proposed to clear and cut the bank back (about 40 ft. along the frontage) to remove the trees along the road which will help to clear up the site line in this direction. In addition, there will be clearing required with the grading of the driveway that will also help to improve the site line. It is proposed to remove four major trees and a few more in that area.

Chairman Fon stated that he has major concerns with this application and noted that Hallocks Mill Road acts as a cut-through and that is why the Town installed speed bumps. Mr. Kincart stated that they were a little overwhelmed during their site visit. Mr. Burns agreed that currently it is an unsafe condition but he feels that by cutting back the bank and removing the trees to install the driveways, it will help to make the situation much better. Chairman Fon noted that resident, Jay Kopstein submitted a chat message stating that a discussion on Hallocks Mill traffic will be on the Town Board Work Session agenda tomorrow evening.

Chairman Fon stated that he is not sure how this application can mitigate the existing hazardous conditions. Mr. Kincart added that even if it is made better for the short distance as discussed, immediately to the east, that steep bank continues. He noted that it was quite impressive in a negative fashion while they were there. He is concerned with the construction phase on that road not only with the existing road condition but how it will affect the traffic pattern. It may be better with the visibility to the existing driveway but by adding another home to the area doesn't seem like a good idea. Mr. Garrigan asked if the Highway Superintendent had any comments. Mr. Burns responded that he had a site visit with the Highway Superintendent and the Town Engineer and noted that the Highway Superintendent agreed site line clearing

would be required. This proposal will remove a hidden driveway and resolve a potentially dangerous situation that is marked and documented. He noted that the Highway Superintendent talked about possibly making Hallocks Mill Road a one-way road. Mr. Tegeder informed the Board that they requested a report from the Highway Superintendent.

Chairman Fon stated again that he was concerned with this subdivision application because of the extremely dangerous conditions and would be interested to see if the Town is planning any improvements for this road. Mr. Kincart agreed and stated that if there is a traffic study being done it should be made available to the Planning Board. He asked Mr. Burns if there are stone walls or just trees holding up the hill. Mr. Burns responded that it is mainly trees but there is a section of stone wall as well and noted that he will submit a profile of the actual site line to the Board.

After discussion, the Board agreed to schedule another site visit with the Highway Superintendent. The Board also requested that the applicant stake out the distance along the road, the depth of the intended cut and what is to be cleared and regraded.

Town Board Referral - 2060 Allan Avenue

Location: 37.18-2-30; 2060 Allan Avenue

Contact: Panbar Realty

Description: Stormwater and Tree permit application to construct a residence on an existing lot.

Comments:

John Barile and Lou Panny of Panbar Realty were present. Mr. Barile stated that they received an area variance for a 10,000 sf. lot at 2060 Allan Avenue last month. The proposal is to construct a 1½ story cape style home with an 11 ft. basement. The property is served by municipal water and sewer. They met with the Conservation Board on 1/20/21 and received their comments. They have made a few changes to the plan but noted that the plans shown this evening have not been updated as yet. Mr. Panny stated that they are proposing a swale behind the wall to direct the water into the stormwater management area. In addition, there are a few trees that need to be added to the plan.

Chairman Fon asked the Board and Counsel if there were any comments. Mr. Bock stated that he went by the site and didn't see any issues. Mr. Tegeder asked the applicant how many trees are proposed to be removed and if a mitigation plan is in place. Mr. Panny responded that they are proposing to remove about 21 trees. Mr. Barile added that they are proposing to plant trees on the berm (about 6 or 7) in addition to plantings requested by the Conservation Board. Mr. Kincart stated that it appears that the proposal will conform with the existing neighborhood but they need to be careful with the residents downhill in the rear of the property. Mr. Panny responded that the Town Engineer requested that they install a berm in the rear of the property to address this issue. Mr. Garrigan asked about the grade of the driveway from the roadway to the parking area. Mr. Panny responded that they are staying within the guidelines of the Town Code.

The Board had no planning issues and requested that the Planning Department submit a memo to the Town Board.

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 Consultant; Mark Blanchard, Esq.; John Colangelo and Maria Constanzo were present. Mr. Riina stated that they were last before the Board on 12/7/20 to discuss the donation of the 5 acres to the Westchester Land Trust in addition to a minor site plan changes. Since then, the site plan has been revised to extend the trail location over to the parking area. 4 public parking spaces on grass pavers are proposed to be dedicated for the trail use. Mr. Tegeder asked if the community parking lot would be available for trail users if the four spaces were full. Mr. Colangelo stated he would not be inclined to open this lot up to public parking as it is designated for the community barn and their guests. Mr. Tegeder asked how many spaces were in the community lot and Mr. Riina responded that there were 56 spaces. Mr. Kincart asked if one additional trail space would fit. Mr. Riina stated an additional spot might fit. Mr. Kincart noted they did not realize there would be a prohibition for trail users from parking in the community lot. Mr. Colangelo responded that there is no prohibition, but that the lot is to be primarily used for the community barn and their guests. If there is overflow from the trail, it should be fine but he doesn't want it to become known as a parking lot for the trail. He is also concerned about the liability and noted that there was discussion about snow plowing and who is responsible

and that is why they dedicated the 4 parking spaces. Mr. Tegeder stated that he didn't recall that the previous discussions of the parking for the trail was limited to the 4 parking spaces.

Mr. Blanchard stated that on January 14th, the Westchester Land Trust voted to approve the acceptance of the conservation easement from this project and have authorized their attorney to share the documents with him. They are now in a position to finalize the recording documents over the course of the next few months. He feels that the Board is now able to require the conservation easement as a condition of the approving resolution. Chairman Fon asked the Board and Counsel if there were any issues. Mr. Glatthaar, Esq. stated that he was satisfied and had no concerns. Mr. Tegeder stated that he has no issue with respect to the easement.

Chairman Fon asked about the additional parking space for the trail. Mr. Riina stated that it seems that the applicant won't prohibit the use of the community parking lot but also won't advertise its use. Mr. Kincart stated that he understands the concerns with respect to the liability aspect and asked the applicant if they would consider fitting in a fifth parking space as discussed earlier. His concern is people parking on Jacob Road. Mr. Colangelo stated that leading to the gates into the subdivision, there is a small mailbox area to accommodate the residents and noted that he doesn't mind providing the fifth space but has gone through this rendition many times and noted that it is an expense. Ms. Steinberg asked the applicant if they spoke to the Post Office with respect to the location of the mailbox area. Mr. Colangelo responded that they had not. Ms. Steinberg informed the applicant that the Post Office will not deliver to private roads. Mr. Blanchard stated that he will work this out with the Post Office and noted that this could be a condition of the resolution stating that the mailbox area is to be approved by the Post Office. The Board requested that the Planning Department prepare a resolution for the next meeting. Mr. Riina stated that he will submit the plat to the Planning Department.

Underhill Farm fka Soundview School

Discussion: Proposed Development
Location: 48.06-1-30; 370 Underhill Avenue, Yorktown Heights
Contact: Site Design Consultants
Description: Proposed mixed-use development of commercial and residential uses on 13.8 acres in the R1-40 zone.
Comments:

This item was withdrawn from the agenda.

Nantucket Sound, LLC

Discussion: Site Plan
Location: 37.18-2-86; 385 Kear Street
Contact: Site Design Consultants
Description: Proposed three story, 8,100 sf building consisting of 2,500 square foot retail use on the first floor and two upper floors of 2,800 square foot and 3 apartments each on 0.36 acres in the C-2R zone.

Comments:

Joseph Riina, P.E. of Site Design Consultants was present. Mr. Riina stated that they were last before the Board on 9/14/2020 to discuss an alternate layout for the site from what was originally proposed. Since that time, the applicant has reverted back to the original proposal and is now requesting to move forward with a Public Hearing. The site plan, elevations, and renderings were shown. The applicant is proposing to construct a three-story building consisting of retail use on the first floor, residential units on the upper two floors, and two parking lots with patio areas. The proposed plan conforms with the parking requirements to serve the two different uses in the building.

Chairman Fon asked the Board and Counsel if there were any issues or comments and there were none. The Board requested that the Planning Department schedule a Public Hearing for the next available meeting agenda.

Augie's Prime Cut

Discussion: Amended Site Plan & Special Permit for Outdoor Seating
Location: 15.19-1-25; 3436 Lexington Avenue
Contact: Site Design Consultants
Description: Proposed amended site plan to legalize existing parking and outdoor seating. Last site plan approved for this site by Resolution #12-03 on February 27, 2012.

Comments:

Joseph Riina, P.E. of Site Design Consultants was present. Mr. Riina stated that the application is for an amended site

plan to legalize existing parking and outdoor seating for Augie's Prime Cut located at 3436 Lexington Avenue. The application involves three properties due to a shared parking situation. The center parcel is occupied by Michael Roberts Salon and Spa with rental units above and is located at 3432 Lexington Avenue. In 2012, when the site plan was approved for Augie's Prime Cut, there was a shared parking agreement between these two properties. The owner of Augie's Prime Cut also owns the parcel at 3426 Lexington Avenue where there is additional parking. The three sites work in conjunction with each other to provide adequate parking for the multiple uses on the three sites.

The approved site plan for the restaurant use has patron use on the first, second, and third floors. An area that was designated for parking on the approved plan was used for an outdoor covered bar a few years ago. Photos of the restaurant were shown. Mr. Tegeder asked if this was done without a permit. Mr. Riina responded that this was correct and they are now in the process of legalizing the parking and outdoor seating in order to obtain the permit. He noted that the applicant filed for a permit with the Building Department but cannot move forward until the amended site plan is approved as the Building Department issued a violation notice to the restaurant. Chairman Fon asked if the Building Department had any issues with code compliance. Mr. Riina responded that they did not indicate anything but halted their review and requested an approved amended site plan showing the rear addition and adequate parking. Chairman Fon asked if there were originally five parking spaces where the outdoor dining is currently and Mr. Riina responded that this was correct.

Chairman Fon asked if the parking lot at 3426 Lexington needs to be legalized as well. Mr. Riina stated that they may have to as part of the application. Mr. Kincart asked about the status of "Southern Road" shown on the parcel and who owns it. Mr. Riina responded that this was unclear. Mr. Kincart noted that the Board can't approve an application with a trash enclosure and parking on a tax lot that may or may not be owned by the applicant without a license agreement or proof of the ability to use it. Mr. Glatthaar stated that they need to figure out if Southern Road is a mapped street and its status. If it is a paper road, it could be discontinued and noted that it doesn't appear to serve any purpose unless there was a plan to widen Old Farm Lane and that didn't make any sense. There will also need to be an agreement or obligation going forward that the 3426 lot will be providing parking to the restaurant. Mr. Riina noted that the tax map is different from what was submitted by the surveyor and showed the survey to the Board. The surveyor labeled it as one bounded property. Mr. Glatthaar noted that they may be using the zoning definition of the lot or using the metes and bounds. Mr. Tegeder requested that the applicant submit a stamped survey to the Board.

Mr. Tegeder noted that any tax lots that remain on the 3426 lot should be merged to create one lot and if Southern Road exists in some way, the Planning Board should abandon it officially. Ms. Steinberg showed aerial photos of the site from 2010, 2016 and 2018. She noted that her concern is that all the newer parking on this parcel is in view of the adjacent condos and is not sure if the tree buffer still exists. Mr. Tegeder added that there may also be stormwater issues that were never dealt with. He noted that the aerials shown seem to reflect that there was paving in that location very recently. Chairman Fon asked if paving a parking lot on a residential parcel is permitted. Mr. Tegeder responded that it was not. Mr. Glatthaar stated that it may not be permitted to use residential land for parking for a commercial use. Ms. Steinberg stated that it is zoned R-3. Mr. Tegeder noted that if this lot was to be sold in the future, the restaurant will no longer comply with parking. Mr. Glatthaar stated not unless it was tied together by a recorded agreement. Discussion followed. Mr. Riina stated that he will review the plans and report back to the Board.

Chairman Fon noted that the Board has been talking about shared parking and working with neighboring properties and thinks this is a good example, however, it needs to be done appropriately. The Board requested that the Planning Department schedule a site visit with the Building Department.

Town Board Referral - 1875 Brookdale Street

Location: 37.19-2-23; 1875 Brookdale Street

Contact: Site Design Consultants

Description: Stormwater and Wetland permit application to remedy an approved tree permit and subsequent stop work order.

Comments:

Joseph Riina, P.E. of Site Design Consultants and owner were present. Chairman Fon noted that the Board received correspondence with respect to this application. Mr. Riina recounted the history of development on this parcel. In 2016, this was a vacant parcel that received approvals for a wetland permit, tree permit, and excavation permit to construct a new home. The lot was then sold and a house was constructed on the site in conformity with the approved site plan. The

limit of disturbance on the approved plan was shown. The wetland is shown as a green line on the plan. As part of the original plan, the wetland permit included constructing the home and all other improvements in the buffer as well as some filling of the wetland. The orange line on the plan is the original permitted limit of disturbance. The applicant had proposed wetland enhancement and plantings in this area. However, the Town Board and the Highway Superintendent were in favor of making drainage improvements along Brookdale Street which included the riprap swale, catch basins, and pipe system to the existing catch basin to control stormwater discharge from running across the road. In lieu of doing wetland enhancement, the approved mitigation was to install the drainage system and this was done as part of the original construction. Mr. Almeida then purchased the home and applied for a tree permit to remove 71 trees outside of the buffer. The tree permit was issued and the trees were supposed to be cut flushed to the ground and not stumped. This did not happen. There was some grading done but the applicant was stopped during the disturbance, so the area was seeded and hayed. Mr. Almeida also went into the wetland and removed dead and fallen trees, tree limbs, and garbage. He cut up the dead and fallen trees and piled them into two areas on the site. The applicant is now proposing to complete the work on his property and remedy the stop work order.

Mr. Riina stated that the adjacent lots along the rear of the property discharge onto Mr. Almeida's property. It was originally proposed to construct a swale to a level spreader and allow that water to continue to feed the wetland. They are proposing to install a pipe system and connect those pipes to this system that will go to a level spreader and discharge into the wetland. In addition, all the tree symbols noted on the plan are new trees that the owner is proposing to plant. The applicant is also proposing to construct a retaining wall along the front of the property and regrade the area. The material for the retaining wall has already been purchased and is located at the property. Mr. Tegeder asked if there was a lot of associated grading with the wall. Mr. Riina responded that there was. Mr. Tegeder asked if they expected to import fill to the site. Mr. Almeida responded that they will use the dirt from the land and does not foresee the need for more but in case they should need more fill he will notify the town. Mr. Tegeder asked to quantify the amount of the fill. Mr. Riina stated that they have 175 yards of excavated material and could assume that it will be fill. Mr. Riina stated that the applicant is also proposing to expand the driveway by 9 ft. and install additional recharger units to pick up the stormwater. In addition, a split rail fence and plantings are proposed to delineate the wetland area. The additional disturbance in the wetland is about 715 sf. A wetland seed mix is proposed in the disturbed areas. The applicant is also proposing a shed outside of the wetland, but in the buffer.

Mr. Bock questioned the justification to go beyond the original limit of disturbance for extending the yard area to the fence. Mr. Riina responded that the deck, patio and play area for Mr. Almeida's child are in this location and he would like to increase the available area. Mr. Bock asked about the mitigation for extending the wetland disturbance. Mr. Riina stated that it is difficult to quantify this additional area. There was no true disturbance from the sense that there was no machinery or excavation. It was a matter of cutting trees and dragging them to their current location. Mr. Tegeder stated that whatever information is available pursuant to the tree permit should be brought forth to figure out what happened between 2016 and today. His recollection is that there was more undergrowth throughout that wetland area than there is today and it appears as though there was some disturbance, whether it was dragging trees or not.

Mr. Almeida stated that some of the debris is a result of fallen trees due to a storm last year and he has photos. With respect to the permit, he cut several trees around the house because they were dead or leaning toward the house. He noted that most of the trees were cut on the left side to allow him to build solar which helps with the carbon footprint. He stated that the property was abused before, especially in the wetland area and noted that he cleaned it up by removing debris including an engine block. The main reason for the increase in disturbance on the right side of the property is to provide a play area for his daughter and to be able to watch her safely from the house. In addition, he is proposing to provide screening to the neighboring property.

Chairman Fon requested that the the Planning Board schedule a site visit with the Building Department and Town Engineer. The Board requested that the Planning Department submit a memo to the Town Board stating that the application needs further investigation.

Motion to Close Meeting

Upon a motion by Bill LaScala, and seconded by Aaron Bock, and with all those present voting "aye", the Board closed the meeting at 10:05 p.m.