

Planning Board Meeting Minutes – February 8, 2021

A meeting of the Town of Yorktown Planning Board was held on **Monday, February 8, 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.

Correspondence/ Liaison Reports

The Board reviewed correspondence as follows:

- 1875 Brookdale Street (Almeida) – Conservation Board memo dated 2/4/2021. The Board noted that a site visit will be scheduled as soon as the weather permits.

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 January 25, 2021 with corrections as noted.

Motion to Open Regular Session

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

REGULAR SESSION

CVS/Pharmacy – Crompond

Discussion: Request for First One-Year Time Extension

Location: 26.18-1-23, 25, 26; 3320 Crompond Road

Contact: Lucia Chiochio, Cuddy & Feder

Description: Approved site plan for a 14,698 square foot CVS Pharmacy with drive through and associated parking, stormwater improvements, lighting, and landscaping by Res #20-02 dated 02/24/20.

Comments:

Dan Patrick, Esq. of Cuddy & Feder was present. Mr. Patrick stated that the applicant is requesting a first one-year time extension in order to continue working on the conditions of the approval. They are currently working with the NYCDEP to address the engineering comments related to the stormwater plan.

Chairman Fon asked the Board and Counsel if there were any comments and there were none.

Upon a motion by Aaron Bock and seconded by John Kincart, and with all those present voting “aye”, the Board approved the first one-year time extension for the CVS/Pharmacy.

Fiore Minor Subdivision

Discussion: Request for 2nd 90-Day Time Extension

Location: 26.15-1-69; 2797 Carr Court

Contact: Site Design Consultants

Description: A request for a 2nd 90-day time extension for a 2-lot subdivision approved by Resolution #19-10 dated May 20, 2019 and reapproved by Resolution #20-04 dated May 11, 2020.

Comments:

Joseph Riina, P.E. of Site Design Consultants was present. Mr. Riina stated that they are currently working on obtaining the Health Department approval. They are currently waiting for the easement agreement to be signed between the neighbor and Mr. Fiore with respect to the sewer connection that runs through the property.

Chairman Fon asked the Board and Counsel if there were any comments and there were none.

Upon a motion by Rob Garrigan and seconded by Aaron Bock, and with all those present voting “aye”, the Board approved the 2nd 90-day time extension for the Fiore Minor Subdivision.

Colangelo Major Subdivision

Discussion: Decision 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 Res #18-23 dated 11/19/18.

Comments:

Joseph Riina, P.E. of Site Design Consultants; and Mark Blanchard, Esq. were present. Mr. Riina stated that as discussed at the previous meeting, he submitted the plat to the Planning Department in both paper and electronic format. He noted that he received the draft resolution and submitted his comments to the Planning Department.

Mr. Tegeder stated that the plat submitted shows the proposed improvements and noted that this is not typical or necessary for filed plat maps. The Board agreed. Mr. Riina stated that he will address this with the surveyor and submit a revised plat.

The latest red lined draft resolution was reviewed. With respect to condition #5 on page 6 regarding the use of the community barn for any commercial purposes, Mr. Riina stated that it was always the applicant's intent to be able to have a local farm stand/market to sell their products and has mentioned this throughout the process. This condition seems to prohibit doing this. Mr. Kincart asked if the farm stand was part of the community barn or two separate entities. Mr. Riina responded that they were planning to designate part of the building for retail products grown on the farm. Mr. Bock asked about the zoning reference. Mr. Tegeder responded that it would fall under Section 300-21 (C)(1)(A) which limits the farm stand to 500 sf and the building exceeds this. There was additional discussion about having community events in this building (i.e. - birthdays, etc.). There is no use that he found in residential zones that allows this type of building except for this section which talks about private parks and recreational buildings. This section of code would allow the building to be used for private events of the residents, but not for commercial use. The commercial portion related to the agricultural aspect will have to be reviewed and approved by the Planning Board in the future. Mr. Riina asked if there could be a separate condition to allow for the commercial use of the farm market. The Board agreed to expand this section to include more language specific to the 500 sf commercial space noting that its location and operation needs to be brought back to the Planning Board for approval at a later date. Mr. Kincart asked if the use of the community barn will be through a Homeowner's Association or permitted by the property owner. Mr. Glatthaar responded that if the applicant chooses to have a Homeowner's Association, the Town will have some involvement with respect to the environmental and land use restrictions but can mostly be handled by a restrictive covenant if the applicant chooses to do so. Mr. Tegeder stated that the road access will need a maintenance agreement between the property owners or the Homeowners Association. Mr. Glatthaar responded that this could be included in the deed granting an interest in the right of access to the road. Mr. Blanchard informed the Board that they are in the process of drafting the restrictive covenant language and maintenance agreements. Mr. Tegeder noted that the agreements will need to be submitted prior to the filing of the plat and will be added as a condition of the resolution.

The Board agreed to amend the resolution to expand the language for the commercial use of the farmstand; include an additional condition with respect to the agreements; and request submission of a revised plat to remove all proposed structures and driveways. Ms. Steinberg noted that the plat should show the actual lot numbers and Mr. Riina responded that he believes the Assessors office has assigned them and will have them added.

Upon a motion by Bill LaScala and seconded by Aaron Bock, and with all those present voting “aye”, the Board approved the resolution approving final subdivision plat titled Colangelo Subdivision fka Featherbed Properties, Inc. with changes as discussed.

IBM Solar Canopy

Discussion: Public Hearing
Location: 69.16-1-1; 1101 Kitchawan Road
Contact: Ella Wynn, EnterSolar, LLC
Description: Proposed installation of a 5.5 MW solar parking canopy over existing employee parking lot located in the rear of the building.

Comments:

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

Mark Desmeulles of Entersolar; and Kimberly Fasnacht of Spott, Stevens & McCoy were present. Mr. Desmeulles stated that the proposal is for the installation of a 5.4 megawatt solar parking canopy in the main parking lot of the IBM Watson campus and will cover approximately 1,300 parking spaces. Ms. Fasnacht stated that the majority of the proposed project is over existing impervious surface. The stormwater management system will connect to the existing stormwater infrastructure on site and will be upgraded where necessary. There will be no increase of impervious surfaces. Five existing parking islands are proposed to be removed. It is proposed to enlarge some of the existing islands on the perimeter of the loop row. A color coded aerial view was shown to depict where the proposed landscaping is in relation to the property line and solar canopy. The proposal is to provide an increased landscape buffer along the southwest and northeast portions of the site as well as an additional buffer along the western portion of the site to screen views from the actual building. The project proposes to remove 41 trees and install 120 replacement trees that will vary in size from 1” to 4” caliper and consist of a mixture of native and deciduous trees.

Chairman Fon asked the public if there were any comments and there were none. Chairman Fon asked the Board and Counsel if there were any comments and there were none.

Upon a motion by John Kincart and seconded by Bill LaScala, and with all those present voting “aye”, the Board closed the Public Hearing.

The draft resolution was reviewed with the applicant and there were no issues.

Upon a motion by Bill LaScala and seconded by John Kincart, and with all those present voting “aye”, the Board approved the resolution approving an amended site plan, special use permit, stormwater pollution prevention plan, and tree permit for a solar power generation system (solar carport) at the IBM T.J. Watson Research Center.

Hansmann Major Subdivision

Discussion: Public Informational Hearing
Location: 6.13-1-10, 6.17-2-63; 280 East Main Street, Jefferson Valley
Contact: Ralph Mastromonaco, PE
Description: Proposed 5 lot subdivision on 11.43 acres in the R1-80 zone.

Comments:

Chairman Fon informed all that the applicant did not mail out the notices for the hearing and asked the Board if they still wanted to proceed with the hearing. The Board agreed to proceed and leave the hearing open.

Upon a motion by Aaron Bock and seconded by Bill LaScala, and with all those present voting “aye”, the Board opened the Public Informational Hearing.

Ralph Mastromonaco, P.E. was present. Mr. Mastromonaco stated that the plan originally proposed was for a 5-lot subdivision. After discussions with the Planning Board and Conservation Board, they have now revised their proposal to a 3-lot subdivision with driveways and a cul-de-sac at the end of Osceola Road resulting in less construction. A revised application will be submitted to the Planning Department for the March 8th meeting. He noted that the cul-de-sac would provide a turn around on Osceola Road for the vehicles in the area. The grading will be centered around the cul-de-sac. The stormwater systems are shown on the plans. The lots are zoning compliant and will be served by septic

systems. They are proposing to remove 100 less trees. The amount of cut and fill will be greatly reduced from what was previously proposed. As requested by the Board, a report was prepared by the applicant's attorney regarding the relationship of the reserve strip to this property and submitted to the Planning Board and Counsel for review. Mr. Mastromonaco stated the attorney came to the conclusion that the applicant is entitled to access the property through Osceola Road and in his opinion the cul-de-sac would be an advantage to the neighbors.

Chairman Fon informed Mr. Mastromonaco that at the request of their Counsel, the Board will enter into an Executive Session after the Work Session to discuss the legal document submitted by the applicant's attorney. Mr. Kincart stated that he has not seen the attorney's report on the reserve strip as yet and noted that this was a concern for the Board from the beginning. He stated that he liked the 3-lot proposal with the cul-de-sac much better than the previous proposal and noted that it seems to address some of the comments submitted by the residents.

Chairman Fon asked the public if there were any comments. Public comments as follows:

- **Patricia & Tom Burke, 3906 Pike Place** - Mrs. Burke stated that they did not receive a notice regarding this application. She noted that one of the proposed homes seems to be near her property line and wants to ensure that there will be a buffer between the properties. Mr. Burke added that a gentlemen was on his property marking trees and he is concerned that some of the trees could be theirs as they are right on the property line. He noted that during the summer the trees provide a buffer from Route 6N but during the fall and winter season with the leaf off conditions, Route 6N is very noisy and this will make the situation worse.

Ms. Steinberg informed the applicant that it was noted earlier that the notices were not mailed out by the applicant but they will be on the notice list as they abut this property.

- **Peter & Daretia Bonesso, 340 Osceola Road** - Mr. Bonesso questioned the submitted short EAF, specifically part 8, question A that was checked "no" for a potential increase in traffic. He stated that there are 7 residences on Osecola Road and the EAF was submitted for the 5-lot subdivision proposal and feels that this is a substantial increase to the area and thinks it should have been checked "yes". He questioned how the responses are looked into and if any traffic or environmental reports have been submitted or completed.

Chairman Fon stated that the Public Informational Hearing acts as preliminary introduction to the public for comments and noted that all these questions will be answered by the applicant and reviewed by the appropriate agencies. Mr. Bonesso asked if a new EAF will be submitted with the revised proposal. Chairman Fon responded that it should be included in the new submission. He also noted that this hearing will continue as the notices were not sent out.

Chairman Fon noted that the Board received correspondence from multiple residents that will become part of the record. Each item of correspondence was read to all by Chairman Fon and Mr. Kincart as follows:

- **Lynn Cosenza, 313 Osceola Road** – Email dated 2/7/2021.
- **Christine Gogola, 304 Osceola Road** – Email dated 2/8/2021.
- **James Tolesco, 3871 Perry Road** – Email dated 2/8/2021.
- **Christian & Eileen Wallace, 312 Osceola Road** – Letter dated 2/7/2021.
- **Peter & Daretia Bonesso, 340 Osceola Road** – Email dated 2/8/2021.
- **Michael & Michelle Kennedy, 342 Mountain Road** – Email dated 2/8/2021

Chairman Fon asked the Board and Counsel if there were any comments. Mr. Bock thanked his neighbors for coming out this evening to voice their comments and concerns and stated that they will be considered by the Board very carefully. He noted that he has lived on Mountain Road for over 30 years and knows first-hand many of the issues discussed by the residents. Chairman Fon noted that once the weather permits, the Board will conduct a site visit.

Upon a motion by John Kincart and seconded by Aaron Bock, and with all those present voting "aye", the Board adjourned the Public Informational Hearing to the March 8th meeting.

Motion to Close Regular Session and Open Work Session

Upon a motion by John Kincart, and seconded by Rob Garrigan, and with all those present voting "aye", the Board closed the Regular Session and 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 since she last met with the Board, they have met with the Conservation Board and have received their memo dated 2/4/2021 stating that they were in favor of granting the wetland permit. Per the Board's request, a sidewalk has been added along the front of the western addition which wraps the corner and continues to the entrance of the building. Due to the location of an existing drain inlet in that location, the sidewalk must be flush for the western portion and ramps up to a raised sidewalk as shown on the plans. The northeast corner of the building has been modified to improve vehicle circulation in that area. A vehicle maneuver study was provided to show the vehicle circulation around the site by an SU-40 (tractor trailer), WB-40 (box truck), and fire truck. Mr. Bock asked if the application should be referred to the Fire Board. Ms. Steinberg responded that the Fire Board reviewed the original application and were only interested in the sprinkler connection and had no other comments regarding truck access. Ms. McKenzie showed the difference between the existing and the proposed plans. Mr. Garrigan asked about the striped spaces at the front of the building. Ms. McKenzie responded that they are the loading zone for patrons of the building.

Chairman Fon asked the Board and Counsel if there were any comments and there were none. The Board requested that the Planning Department place this item on the February 22nd meeting agenda to review the draft of the amended resolution and wetland permit.

Taco Bell – Mohegan Lake

Discussion: Amended Site Plan
Location: 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 this project was last before the Board on 11/23/2020. At that meeting, the Board requested for the applicant provide alternate layouts for the site. Specifically, they were asked to provide a layout that would eliminate the drive-thru lane around the front of the property and place the building in a different position. The originally approved plan was for a 4,000 sf bank building with two drive-thru lanes. Working with the applicant and the Planning Department, two alternatives were submitted. He noted that the property has a unique shape and the needs for a fast-food use are different than the needs of a bank use. Alternative "A" places the building up against the site's Route 6 frontage closer to the street with the drive thru-lane behind. This layout is consistent with the originally approved plan but it doesn't work well for Taco Bell. The building's main entrance is in a challenging location on the property and is not approximate to the parking spaces provided. This layout reduces the overall queuing length at the drive-thru by 40 feet, or about two car lengths. Alternative "B" is basically the original site plan slightly rotated. This layout eliminates some of the parking directly in front of the building. It does maintain the queuing length but results in an awkward site plan. It pushes the layout closer to the side property line and closer to the church next door. It also presents some grading issues in that area in particular. The buffering and screening of that area was also discussed at length with the ABACA.

Mr. Dumont stated that after discussion with their client, they feel that the alternate layouts do not work operationally for them. They are confident that the originally proposed layout will work well and feel that with landscaping, they could meet the intent to create a prominent corner in the town. Chairman Fon noted the traffic associated with the most recent addition of Popeyes on Route 202 and stated that due to the pandemic, drive-thru lanes are currently being used more frequently. He questioned where the stacking will end up in this location and how it will be dealt with should this occur.

Mr. Dumont responded that there is always initial excitement upon an opening, but it does slow down eventually. He noted that the preferred layout benefits from having the cars queue up in the parking area and additional queuing could be accommodated within the site.

Chairman Fon asked about the landscaping. Mr. Dumont responded that the proposal will increase the plantings along the drive-thru lane with hedges, trees and shrubs to soften the view. Mr. Bock asked about the sidewalks and the corner. Mr. Dumont stated that the sidewalk was built as part of the original subdivision and site plan approvals. The corner is an existing decorative feature with seating and landscaping that was built when the road was widened as part of the DOT improvements. Mr. Garrigan asked about the stair access to the left. Mr. Dumont responded that the stairs were built for the bank pad and are partially complete.

Mr. Tegeder stated that if the applicant continues with the original layout, additional landscape design will need to be proposed, including the unfinished stairs; and line of site diagrams from the road. The Board advised the applicant to return with the landscape architect to give a detailed presentation of the proposal.

Large-Scale Solar Power Generation System at Shrub Oak Plaza

Discussion: Special Permit
Location: 16.09-2-13, 1426 East Main Street, Shrub Oak
Contact: Ecology New York
Description: Proposed installation of a 260 kW DC/233.3 kW AC Large-Scale Roof-mounted and Ground-mounted solar energy system at the existing Shrub Oak Plaza. Ground-mounted solar energy system will be three separate accessory canopy structures over existing parking.

Comments:

Julia Magliozzo of Ecology New York was present. Ms. Magliozzo stated that Ecology has entered into a lease agreement with the property owner for the installation of multiple solar canopy structures and a roof-mounted system. The proposed system will be a community solar system open for subscription for community solar credits by local businesses in Shrub Oak, Yorktown and beyond. The roof-mounted system will not be visible from the street level because it will be surrounded by a parapet wall which on the shortest side will be 4 feet in height. The roof-mounted panels will be about 9 inches off the surface of the roof. The proposed canopy structures are slightly tilted awnings all facing in the same direction with the solar panels mounted on top. The canopies have been designed to not interfere with the existing parking spaces. The posts will be along the parking stripes so they will not be eliminating any parking spaces. The canopies will also act as a shade structure to the Shrub Oak Shopping Center.

Chairman Fon asked if there were any renderings. Ms. Magliozzo responded that she did not have any but would provide visuals for the next Board meeting. Mr. Tegeder cited the most recent IBM solar canopy installation and noted that it is tucked away inside the curved building and far from the neighbors. He noted that while canopies over parking lots seem appropriate, the Board needs to carefully consider the implications of the visual impacts to the neighborhood. He noted that one of the structures appears to be very close to the street. Chairman Fon stated that along East Main Street there is a church, school, and older more historic looking type homes and this may change the character of the area. Mr. Garrigan asked the applicant if the proposal could stand alone with just the roof-mounted system. Ms. Magliozzo responded that it could not and noted that the proposal would not be pursued separately. Mr. Garrigan asked why the structures were in their particular locations. Ms. Magliozzo responded that the property owner did not want to block the visibility to the storefronts. Chairman Fon asked about the vegetation along that corner. Ms. Magliozzo stated tree removal and trimming would be required.

The Planning Department requested that the applicant submit details for the solar systems; ground level renderings; and more information with respect to the proposed tree removal.

650 Pines Bridge Road

Discussion: Subdivision
Location: 70.10-1-29; 650 Pines Bridge Road
Contact: Ciarcia Engineering, P.C.
Description: Proposed 3-lot subdivision on 8.06 acres in the R1-80 zone with one existing residence.

Comments:

Dan Ciarcia, P.E.; and Alex Cochran, property owner were present. Mr. Ciarcia stated this project was last before the Board on 1/11/2021. Since that time, he has submitted a plat, SWPPP, and letter dated 2/4/2021 outlining the tree mitigation plan. The applicant would like to schedule a Public Hearing in order to move forward with the application.

Mr. Bock asked if the application was reviewed by the Tree Commission. Ms. Steinberg noted that the Tree Commission issued a memo today but they did not look at the plan. Mr. Ciarcia added that the Tree Commission has not seen his most recent letter as he just sent it to them today. Mr. Ciarcia stated that the mitigation could include the addition of trees, invasive removal, deer fencing and a possible contribution to the fund. He noted that Mr. Cochran has already cleared the property of some invasives as noted in his letter. Mr. Cochran stated that the clearing was done in order for the tree surveyor to gain access to the property. Mr. Tegeder advised the applicant to hold off on clearing anything else as it needs to be verifiable for the mitigation. He noted that there may be potential for mitigation on the lot held in common which fronts on Route 134. Discussion followed with respect to the tree mitigation.

The Planning Department requested that the applicant submit a subdivision layout plan that shows the improvements which includes the homes, driveways and trees that are to remain; aerials with leaf on and leaf off conditions; and a mitigation plan. Mr. Ciarcia noted that as discussed, he will provide an additional sheet showing the adjacent property identifying areas for invasive removal as part of the mitigation plan.

The Board requested that the Planning Department schedule a public hearing for the March 8th meeting.

Croton Overlook

Discussion: Proposed Rezone

Location: 70.15-1-2 & 70.11-1-16; Dell Avenue & Saw Mill River Road (Route 100)

Contact: Zarin & Steinmetz

Description: Application for change of zone from R1-160 to RSP-1 as previously granted by the Town Board in 2011. The proposed development is for 31 residential duplex buildings, for a total of 62 units, for active adult housing, with ±45 acres of deed-restricted open space.

Comments:

David Steinmetz, Esq. of Zarin & Steinmetz; and Matt Matthews of B&M Management Company, Inc. were present. Mr. Steinmetz stated that this project was before the Town Board in 2011 for essentially the same project. The application went through the SEQRA process and received a positive declaration. They did secure the rezoning but there was a clause allowing it to be valid for only 5 years. During that period, their client, T.J. Muldoon passed away and the zoning approval period lapsed. The new owner, Matt Matthews, is seeking to restore the property to an RSP-1 zoning district to accommodate an age restricted (55 and over) high-end townhome community. The proposal is similar to what was previously proposed by the applicant's predecessor except that the units have now been reduced. It is now proposed to construct 31 duplex building for a total of 62 units. The reduction is due to a cell tower that exists on the property that his client does not own. The project is situated on a 65-acre site located on Route 100. The area of disturbance is proposed to be about 20 to 25 acres. It is also proposed to dedicate about 40 to 45 acres of deed-restricted open space. They have shared information with the neighbor to the east who had some concerns about the size of the project. He noted that there were proposed walking trails to a meditation area toward this particular neighbor which has now been eliminated. The renderings of the proposed townhomes were shown. The proposal is for two-pack units, each with a garage similar in appearance to a single-family home. Since this is an age-restricted community it has the capability of being a net benefit to the Town and school district. The water connection will be to the south to the New Castle water line and they are also proposing geothermal heating.

Mr. Steinmetz noted that they were formally before the Town Board during a Work Session on 1/26/2021 to reintroduce the project and recently submitted a full re-zoning application. During that meeting, he also shared with the Board that the applicant has received interest from one of the nation's largest solar companies to install a ground-mounted solar array on this property. The solar company concluded that it would be well hidden in the 65 acres and that they could use the identical development footprint of about 20 to 25 acres. The applicant is interested in feedback from the Town with respect to the solar project and if they think it would be suited for this property. He noted that the exact same footprint in terms of tree removal would be utilized by the solar company.

The Board had no issues with the re-zoning of the property. Discussion followed with respect to the two uses and possibly reviewing them concurrently. Mr. Matthews stated that there is a timeframe associated with the solar company as there are incentives involved. Mr. Steinmetz showed a simplified solar array layout in the area of development to the Board to gain a better understanding of what is proposed. Mr. Tegeder asked for a comparison of the impacts for the Board to review. Mr. Matthews noted that the solar proposal is a low impact use, creates sustainable clean energy and meets the Town's green agenda. It will also have less impervious surface and the tree removal will be the same as proposed with

the residential development. The water will drip onto the panel and into the ground below and the ground will be stabilized with a pollinator mix. The residential development provides a better tax base, and housing for an age restricted community which is much needed. It does have more impervious surfaces. They would be providing a state-of-the-art sewer and drainage system and incorporating green building techniques. The footprint is the same for both uses with respect to tree removal. Mr. Steinmetz stated that from a policy standpoint, they can pursue the solar on the site and don't need Town Board intervention on this but the applicant is willing to go either way. Mr. Steinmetz stated that they will share more information with respect to the solar company's interest.

Mr. Bock stated that he would be more interested in the solar aspect of the project as it would have a greater long term benefit to the community as part of the Governor's plan in shifting energy sources. Mr. Glatthaar stated that the solar would not be a permanent use of the land. Mr. Matthews responded that the lease would be for 25 years with two 5-year extensions. Mr. Garrigan stated that either way it works for the Town as we are in need of housing but the solar also provides benefits. Mr. Steinmetz noted that they will continue to proceed with the re-zoning for the residential proposal and pursue the solar as a backup as there seems to be no definitive answer. Mr. Kincart asked what the cost of the townhomes would be. Mr. Matthews responded that it would be around \$600,000. Mr. Kincart stated that he felt the solar may be a better option for the Town as long as it is adequately screened and the residential could be pursued as an alternate. Mr. Garrigan asked if there would be any direct benefits to the Town from the solar application. Mr. Steinmetz responded that he would look into this.

Mr. Steinmetz asked about the declaration of intent with respect to the Lead Agency for the re-zone. Mr. Glatthaar responded that he had no objection to starting the process and stated that the Planning Board could make a motion this evening to declare their intent to be Lead Agency and circulate a notice to all involved agencies.

Upon a motion by Bill LaScala, and seconded by Aaron Bock, and with all those present voting "aye", the Planning Board declared their intent to circulate a notice to all involved agencies to be Lead Agency for the re-zoning of the Croton Overlook proposal.

Town Board Referral - Chapter 135-13 – Yorktown Zombie Properties Law

Description: Proposed local law amendment to Chapter 135 of the Town Code of the Town of Yorktown entitled "Buildings, Unsafe" by adding a new section 135-13 – "Yorktown Zombie Properties Law"

Comments:

Mr. Glatthaar stated that he submitted a memo with respect to the Zombie Properties law for the Board's review and comment. After discussion, the Board had no issues and requested that the Planning Department release the memo to the Town Board.

Motion to Close Work Session and Open Executive Session to consult with Counsel

Upon a motion by Bill LaScala and seconded by Aaron Bock, and with all those present voting "aye", the Board closed the Work Session and opened an Executive Session to consult with Counsel on potential litigation regarding the Hansmann Subdivision.

Motion to Close Executive Session

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

Motion to Close Meeting

Upon a motion by Bill LaScala, and seconded by Rob Garrigan, and with all those present voting "aye", the Board closed the meeting at 10:33 p.m.