

Planning Board Meeting Minutes – June 14, 2021

A meeting of the Town of Yorktown Planning Board was held on **Monday, June 14, 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:

- Rob Garrigan
- Bill LaScala
- Roxanne Visconti, Alternate

Also present were:

- John Tegeder, Director of Planning
- Robyn Steinberg, Town Planner
- Nancy Calicchia, Secretary
- James W. Glatthaar, Esq.
- Town Supervisor Matthew Slater
- Councilman Ed Lachterman, Town Board Liaison
- Dan Ciarcia, Acting Town Engineer

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 will be uploaded to the Town of Yorktown’s website and Yorktown’s YouTube channel after the meeting. All meetings will be broadcast on the Town of Yorktown Government Channel.

Correspondence/ Liaison Reports

The Board reviewed all correspondence. The following was discussed:

- **2013 Crompond Road aka Crompond Corner** – Letter from Howard Payson of Re/Max Town & Country. Mr. Payson is proposing a mural on the building façade showcasing specific features of Yorktown. The arborvitaes at the site are also proposed to be trimmed for visibility to the mural. Mr. Tegeder noted that the arborvitaes are a site plan requirement to screen that side of the building and were expected to mature in height. Mr. Garrigan stated that the mural represents the community spirit and the images are representative of the Town but noted that there are two logos on each end that seems to suggest it is more of a sign than a mural. He questioned if the signage law would need to be addressed. The Planning Department will review the proposal with respect to the Town Code and tree trimming. The mural will be referred to the ABACA for comments.

There were no liaison reports.

Motion to Approve Meeting Minutes

Upon a motion by Bill LaScala and seconded by Roxanne Visconti, and with all those present voting “aye”, the Board approved the meeting minutes of May 24, 2021.

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

Stahmer Subdivision Lot 1

Discussion: Decision SWPPP-Tree Permit

Location: 59.10-1-10; 600 Birdsall Drive

Contact: Insite Engineering

Description: Revised SWPPP-Tree Permit to only include proposed work for subdivision Lot 1.

Comments:

Rich Williams, Jr., P.E.; and Andrew Fiore, property owner, were present. Mr. Williams stated that he is present as a follow up to the May 24, 2021 meeting. As discussed at that meeting, the applicant is proposing to build the same site

plan for Lot 1 as part of the approved subdivision with a different houseprint. He received the draft resolution and has no issues.

Chairman Fon asked the Board and Counsel if there were any comments. Mr. Ciarcia stated that the plan is essentially the same in terms of the stormwater run-off and has no objection to the site plan as proposed for this lot.

Upon a motion by Bill LaScala, and seconded by Rob Garrigan, and with all those present voting “aye”, the Board approved the resolution approving stormwater pollution prevention and tree permit #FSWPPP-T-075-16 for Stahmer Subdivision Lot 1.

Wells Fargo Bank, Shrub Oak

Discussion: Decision Lighting Plan
Location: 16.09-2-14; 1342 East Main Street, Shrub Oak
Contact: Natalie Sell, Bureau Veritas
Description: Proposed lighting upgrades for existing sites.
Comments:

Alex Andrup, Lighting Designer was present. Mr. Andrup stated that Wells Fargo has launched a nationwide program to bring all their ATMs into compliance with state laws. Each state has their own set of statutes and laws requiring a certain amount of light levels around the ATMs during hours of darkness. The proposed design will bring the bank into compliance with the state law. The proposal is to add two wall fixtures to the building façade. The floodlight in front of the entry lobby will be removed. They have worked with the Planning Department to lower the light levels as much as possible while meeting compliance. They met with the ABACA and received their comment memo dated 6/10/21 approving the lighting fixture.

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

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

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

Upon a motion by Bill LaScala, and seconded by Roxanne Visconti, and with all those present voting “aye”, the Board approved the resolution approving amended site plan for Wells Fargo Bank located within the Shrub Oak Shopping Center.

Nantucket Sound, LLC

Discussion: Decision 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.; Frank Guiliano; Landscape Architect; and Patrick Murphy, were present. Mr. Riina stated that at the previous meeting there was discussion about changing the area for the proposed off-site mitigation at the trailway. Since that time, they met with Walt and Jane Daniels of the Trail Commission and have identified a new area at the trailhead by Baldwin Road for the proposed mitigation. The revised trailway mitigation plan with details was prepared by Frank Guiliano and submitted to the Planning Department. The proposed mitigation will include the removal of invasive species and a combination of plantings. He noted that a larger scale of enhancement is proposed than what was discussed during the site walk.

Chairman Fon thanked Mr. Riina and the applicant for listening to the concerns of the Board and feels that the proposed plan is great. He also noted that Mr. Daniels submitted a chat message stating that the plan looks great. Mr. Garrigan agreed and added that a huge benefit of this plan is that it will make that area of the trail look so much better. Mr. LaScala stated that he also liked this plan and complimented the landscape architect. Mr. Riina asked the Board if they were in agreement that the mitigation plan for the trailhead was appropriate. The Board agreed and had no issues.

Chairman Fon asked Mr. Riina if he reviewed the draft resolution. Mr. Riina responded that he had just received it via email and had no issues. Ms. Steinberg asked when the mitigation is to be completed. Mr. Riina responded that it could be from the time of the C/O or suggested that it could be bonded for when the weather is appropriate. He noted that they still need to go through the DEP process. Mr. Guiliano stated that ideally the invasive species removal would begin in the Summer into the Fall with the plantings in early Spring. Mr. Tegeder stated that since the building architecture was reviewed in detail, a requirement should be considered to submit the final architectural plans to the Planning Department for review prior to signing the plans. The Board agreed.

Mr. Tegeder stated that a note be added to the site plan stating that the remainder of the DOT right-of-way area is protected to ensure that there is no accidental incursion into that area.

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

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

Upon a motion by Rob Garrigan, and seconded by Bill LaScala, and with all those present voting “aye”, the Board approved the resolution approving site plan, a stormwater management plan, and a tree removal permit for Nantucket Sounds, LLC at 335 Kear Street as amended.

McDonalds Restaurant

Discussion: Public Hearing Amended Site Plan

Location: 36.05-1-10; 3481 Crompond Road

Contact: Keith Brown, Esq.

Description: Applicant proposes to amend the recently approved site plan to include an 886 square foot addition for storage space.

Comments:

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

Keith Brown, Esq.; and Joe Riccadonna, P.E. of Dynamic Engineering, were present. Mr. Brown stated that he is here this evening for an amended site plan approval for the existing McDonalds Restaurant. The site is located at 3481 Crompond Road and is zoned C-4. The site has been operating as a McDonald’s Restaurant for over three decades. All required information has been submitted to the Planning Department. In November 2019, the Planning Board approved the original site plan. Since that time, an amended site plan application was submitted to the Planning Department to include an 886 sf addition to the building with associated parking lot improvements. The revision required that the drive-thru be slightly relocated to accommodate the building addition which resulted in the elimination of 7 of the original proposed parking spaces along Old Crompond Road. A parking variance was granted by the ZBA on March 26, 2021 to allow 48 parking spaces, including 3 ADA, where 62 spaces are required per the Town Code. Prior to receiving the previous 2019 approval, the applicant addressed all comments from various agencies that included the Planning Department, Town Engineer, Fire Board and ABACA. He received the draft resolution and has no issues.

Mr. Riccadonna stated that the addition to the rear of the site is to increase the kitchen area in order for the restaurant to function better. As stated previously, the addition affected the drive-thru and parking. The comparison of the original approved plan as opposed to the amended site plan was reviewed with the Board. Mr. Brown noted that the overall site plan has not been affected dramatically.

Chairman Fon asked the Board and Counsel if there were any comments. Mr. Tegeder asked about modifying the free standing pylon sign to make it look more attractive and noted that the Town’s sign manual recommends monument signs. Mr. Brown responded that they are not proposing to change any of the signage from what was previously approved. Mr. Tegeder stated that since there will be construction at the site, he wondered if there was the ability to change the sign to make it more attractive and deferred to the Planning Board for their comments. Chairman Fon agreed that the site is being redone and changing the sign could bring it into conformance. Mr. Brown responded that the pylon sign is grandfathered and does have a C/O. He does not want to change the appearance of the sign, however, he could look into

it in terms of sprucing it up with a masonry base and landscaping and will work with the Planning Department. Mr. Tegeder stated that it could be a condition of the resolution. The Board agreed.

Mr. Ciarcia asked about the difference in impervious surface between the existing and proposed plan. Mr. Riccadonna responded that currently 82% of the site is impervious surface (37,556 sf) and they are now proposing 77.7% of the site to be impervious surface (35,592 sf) which is about a 2,000 sf reduction in impervious surface. He noted that they are still under review with the NYCDEP and have addressed all their comments.

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

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

The draft resolution was reviewed with the applicant. Mr. Ciarcia stated that he had no issues with advancing this application. Mr. Brown stated that he had no issue amending the resolution to include language with respect to the pylon sign improvement and beautification to the base subject to the satisfaction of the Planning Department and applicant. He noted that he will send sample language for this addition to the resolution. Ms. Steinberg noted that it will be added to the resolution as a requirement prior to signature. Mr. Glatthaar agreed.

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

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

Upon a motion by Rob Garrigan, and seconded by Bill LaScala, and with all those present voting “aye”, the Board approved the resolution approving amended site plan, MS4 Stormwater Management Permit and Wetland Permit for McDonalds as amended.

Motion to Close Regular Session and Open Work Session

Upon a motion by Rob Garrigan, and seconded by Bill LaScala, and with all those present voting “aye”, the Board closed the Regular Session and opened the Work Session.

WORK SESSION

Town Board Referral - Lajqi Stormwater Permit

Location: 47.16-1-29; 1039 Underhill Avenue

Contact: Site Design Consultants

Description: Proposed renovation of existing residence with associated grading, reconstruction of the driveway, and construction of a rain garden for stormwater management.

Comments:

Joseph Riina, P.E. was present. Mr. Riina stated the applicant is seeking a stormwater permit and excavation permit. The proposal is to renovate and expand the existing house. The driveway access is off of Underhill Avenue. The aerial of the property was shown to the Board. The applicant is currently in the process of requesting a lot line change from the Assessors office for land to be deeded over from the applicant’s brother to increase the minimum lot area. The surveyor is making the adjustments to the map. Most of the expansion will be toward the front and side of the driveway. Grading is proposed around the house to soften the look. The amount of asphalt is proposed to be reduced. A rain garden is proposed for the entire roof area of the residence. No trees are proposed to be removed as they are within the currently disturbed areas of the property. The application was also referred to the Conservation Board and the ABACA.

Chairman Fon asked the Board and Counsel if there were any issues. Mr. Ciarcia stated that since the application exceeded the threshold of being handled administratively it was referred out for review and comments. He noted that it is a redevelopment of an existing site and will need a final review of the stormwater but there doesn’t appear to be any issues with this application. Mr. Ciarcia asked if there was any work proposed within the buffer of the watercourse. Mr. Riina responded that there is no disturbance proposed within the 100 ft buffer at this time. Mr. Tegeder asked if there was a reduction in the impervious surface. Mr. Riina responded that there was and is noted on the plan. The Board had no planning issues.

Nadine's Restaurant

Discussion: Special Use Permit for Outdoor Seating

Location: 59.14-1-23 & 24; 715 Saw Mill River Road

Contact: Cronin Engineering

Description: Applicant request to make permanent the 70 seat outdoor seating area created in response to the pandemic.

Comments:

No representative was present. The Planning Department will schedule a site visit.

650 Pines Bridge Road

Discussion: Subdivision

Location: 70.10-1-29; 650 Pines Bridge Road

Contact: Alex Cochran

Description: Proposed 3-lot subdivision on 8.06 acres in the R1-80 zone with one existing residence.

Comments:

Alex Cochran, property owner was present. Mr. Cochran stated that a proposed mitigation plan was submitted to the Planning Department for review. The proposed mitigation will include invasive removal and the planting of 56 new trees at the site as shown on the plan. The plant list was reviewed with the Board. A total of 82 trees are proposed to be removed, 5 of which are in poor condition. An additional 6 trees along the side of the road are proposed to be removed at the request of the neighbor for safety purposes. He previously cleared an area of the property of invasive species as noted in his letter of 6/2/2021. He noted that once the subdivision is approved, the lots will be sold. He is scheduled to meet with the Conservation Board on Wednesday.

Chairman Fon asked the Board and Counsel if there were any comments. Mr. Tegeder stated that the Tree Commission submitted a positive comment memo for the application today. A resolution could be drafted for the next meeting. Ms. Steinberg suggested that the resolution include language to require site plans for the three lots. Mr. Tegeder stated that a tree permit would be required for the invasive removal and advised the applicant to stop any work until the permit is in effect to create a record of what is being done. He noted that the invasive removal is considered acceptable mitigation for tree removal as it is enhancing the quality and function of the woodland. The Planning Department will work with the applicant on the mitigation plan.

Kitchawan Farm Solar Farm

Discussion: Site Plan & Special Use Permit

Location: 70.06-1-2 & 3; 716 Kitchawan Road

Contact: Ecogy Kitchawan Community Solar Farm, LLC

Description: Proposed 2 MW ground mounted large-scale solar energy system.

Comments:

Julia Magliozzo of Ecogy Energy; and Alexander Cochran, property owner were present. Ms. Magliozzi stated that a site visit was held with the Board members on 6/12/2021. During that site visit some questions were raised and the property owner is now requesting to install the solar arrays closer to the manmade pond as shown on the plans. The existing proposed setback is 25 ft from the closest southern tip of the pond and the new setbacks (marked with a red x) would be smaller. In terms of engineering, they need to look into this option to ensure that the soil in this area could support the arrays the way the rest of the field can. The landscape plan is finalized and most of the plantings were developed with the owner. The southern most area of the property is considered to be a priority area for plantings. After walking the Kitchawan trails it was determined that the arrays may be visible from the northeast corner so they are proposing additional screening as a precautionary measure. At this point, they need to complete the stormwater analysis and submit an MS4 application for the stormwater and tree removal.

Chairman Fon thanked the applicant for the informative site visit and noted that this property has been in the family for over 100 years with lots of history. He feels that this site is perfectly suited for this proposal and has no issue moving the solar arrays closer to the manmade pond. Mr. LaScala agreed and thought that this was a good use for the site. Ms. Visconti agreed and noted that there was a minimal amount of trees to be removed. Mr. Tegeder stated that he had no issues. The Planning Department will work with the applicant on the screening of the solar arrays. The Board agreed to

schedule a Public Informational Hearing. Mr. Cochran stated that this was a big decision for his family and will help with the preservation of the farm.

Arcadia Farm Solar Farm

Discussion: Site Plan & Special Use Permit
Location: 47.11-1-4; 1300 Baptist Church Road
Contact: Croton Energy Group
Description: Proposed 800 kW ground mounted large-scale solar energy system.
Comments:

Julia Magliozzo of Ecogy Energy; and Michael Tarzian of Croton Energy Group, were present. Ms. Magliozzi stated that the proposal is for an 800 kW ground mounted solar system. They were last before the Board on 5/10/2021. Since that time, they prepared a complete tree inventory. They were previously proposing to remove a total of 155 trees with the previous layout. The new layout now proposes to remove a total of 87 trees (*28 are considered non-viable, and the remaining 59 are viable but need to be removed for the solar arrays*). The landscape plan was discussed. The trees to remain are shown in larger circles on the plan. The smaller circles are the trees and shrubs proposed to be planted on the southern, northern and western sides of the solar array. There is a small area at the entrance to the property where they are proposing to plant a pear and apple orchard at the request of the owner. At this point, they need to complete the stormwater analysis and submit an MS4 application for the stormwater and tree removal.

Chairman Fon thanked the applicant for the site visit and the history of the farm. He feels that this is a perfect use for this site and will also help to preserve the farm. The Board agreed. The Planning Department will work with the applicant on the screening of the solar arrays. The Board agreed to schedule a Public Informational Hearing.

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: Ecogy 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.

Comments:

Julia Magliozzo of Ecogy Energy was present. Ms. Magliozzi stated that a response letter dated 6/1/2021 with associated materials was submitted to the Planning Department addressing the concerns and comments raised by the Board at previous meetings. The proposal is for the installation of 4 parking lot solar canopies and rooftop solar system. The proposed system is slightly larger for the canopies than the roof. The foundations for Canopies 1, 2 and 3 will be within the impervious parking lot areas. The foundations for Canopy 4 will be in the grassy area outside of the parking lot in order to maintain the parking lot spaces. The total disturbance is relatively minimal. The disturbance to the grassy area is about 200 sf. Based on the current site plan, the canopy foundation and posts closest to the property line along New Road is under Canopy 3. The post is 3 ft. from the property line and will require a setback variance. The light post behind Canopy 2 will remain in place since its height is shorter than the canopy structure. The illumination will not be hindered. All the existing light posts will remain on site as they are shorter than the canopy structures.

The elevations were shown to the Board. Canopies 1, 2 and 3 will all have the same shape with a clearance area of about 14 ft. Canopy 4 will look slightly different – the high end will have a clearance area of about 17 ft and the low end will have a clearance area of about 13.5 ft. The rooftop system will be screened by the existing parapet walls around the entire building that are about 3 ft in height. The modules will be about 10 to 12 inches off the rooftop and will not be seen from the ground level.

The landscape plan proposes plantings of 7 trees to provide screening in some areas. A total of 20 trees were inventoried, of which 10 will remain and 10 are proposed to be removed. They received the Tree Commission comment memo dated 6/10/2021 and will replace the proposed trees with dogwoods and serviceberry trees. With respect to the shading beneath Canopy 4, they did an analysis and noted that the area is fairly well shaded certain hours of the day and will be for most of the year. They are proposing to plant shade-tolerant and low-water plants to maintain the vegetative support underneath the canopy.

Chairman Fon stated that he was concerned about the site plan and how it will affect the character of this historic area. He noted that the reconfiguration of the canopies helps but they are still tall and very commercial looking. He is concerned about the visibility and thinks more could be done with the landscaping and screening. Ms. Visconti stated that she was concerned that more screening will block the view to the businesses and take away from their advertising and feels that they would want to be visible in order to thrive. She feels that this application will change the climate of the area but did appreciate the renderings. Mr. LaScala agreed and felt that the businesses would be adversely affected. Mr. Garrigan asked if there were any existing canopy structures nearby for the Board to get an idea of what they actually look like. Ms. Magliozzo responded that the racking for this site is fairly minimal as the posts are small but there is a site in Ossining at the Mary Knolls Fathers and Brothers that has larger structures with more steel and more invasive to the space but it is the only project nearby that could be used for a comparison. Chairman Fon stated that Manhattanville College has solar canopies as well. Mr. LaScala asked if there were any incidences of cars hitting the posts. Ms. Magliozzo responded that this is a valid concern but noted they are designed to be in parking lots. The foundations with wiring or electrical components would be more protected with a bollard or extra encasing around the foundation posts. She noted that this is considered in the engineering aspect and factored into the calculations. Mr. Glatthaar stated that he think it is dubious that these structures can actually be screened or effectively mitigated, canopies 2 and 3 seem to be the problem and need to be worked on. Mr. Tegeder stated that given the comments from the Board, it may make sense to schedule another site visit and thinks that the application could move forward with a Public Informational Hearing for further input.

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 9:07 p.m.