

# Planning Board Meeting Minutes – July 12, 2021

---

A meeting of the Town of Yorktown Planning Board was held on **Monday, July 12, 2021 at 7:00 p.m.** at the Yorktown Town Hall Boardroom located at 363 Underhill Avenue, Yorktown Heights, NY 10598.

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

- Aaron Bock
- 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.
- Councilman Ed Lachterman, Town Board Liaison
- Dan Ciarcia, Acting Town Engineer

---

## **Correspondence/ Liaison Reports**

- Mr. Bock asked the Planning Board attorney if there has been any progress with respect to the road access issue for the proposed Hansmann subdivision. Mr. Glatthaar responded that he is currently reviewing the document submitted by the applicant and will report back to the Board. He noted that he is not convinced that the applicant has access over the privately owned strip of land either by virtue of the Town Code or common law.
- The Board reviewed all correspondence.
- There were no liaison reports.

## **Motion to Approve Meeting Minutes**

Chairman Fon abstained from this vote 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 June 28, 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**

### **Taco Bell - Crompond**

Discussion: Request for One-Year Time Extension

Location: 36.05-1-16; 3605 Crompond Road

Contact: John Meyer Consulting

Description: Approved Taco Bell site plan approved by Resolution #20-13 dated August 10, 2020.

Comments:

Paul Dumont of JMC was present. Mr. Dumont stated that the applicant is requesting a one-year time extension for the approved site plan. Since the approval, they have been working with the applicant to advance the project towards construction. They received approvals from the NYCDEP and NYSDOT. He added that the applicant is currently working on obtaining financing for this project which should be completed within the coming weeks.

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

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

### **Atlantic Appliance**

Discussion: Request for One-Year Time Extension  
Location: 37.15-1-31 & 35; 2010 Maple Hill Street  
Contact: Site Design Consultants  
Description: Approved site plan for a two-story, 25,720 sf building on 5 acres in the C-2 and C-4 zones by Resolution #20-10 dated July 13, 2020.

#### Comments:

Joseph Riina, P.E. was present. Mr. Riina stated that the applicant is requesting a one-year time extension for the approved site plan. He noted that the site plan has not changed but there were some modifications to the stormwater management plan. The NYCDEP approved the SWPPP and plans which were submitted to the Planning Department for review and final signature.

Chairman Fon asked the Board and Counsel if there were any comments. Mr. Tegeder stated that he had no issues with the extension request. The Planning Department will review the modifications to the SWPPP.

**Upon a motion by Bill LaScala and seconded by Roxanne Visconti, and with all those present voting “aye”, the Board approved the one-year time extension.**

### **Colangelo Major Subdivision aka Featherbed Properties**

Discussion: Request for First 90-Day Time Extension  
Location: 35.16-1-4; 1805 Jacob Road  
Contact: Site Design Consultants  
Description: Approved 6-lot subdivision by Resolution #18-23 dated November 19, 2018.

#### Comments:

Joseph Riina, P.E. was present. Mr. Riina stated that the applicant is requesting a first 90-day time extension for the approved subdivision. Since they were last before the Board, they have been working on the proper language for the plat with respect to the property that will be reserved for the Westchester Land Trust. Once the plat is finalized, they can move forward to the Health Department.

Chairman Fon asked the Board and Counsel if there were any comments. Mr. Tegeder had no issues with the extension request and advised Mr. Riina to submit the finalized language for the plat to the Planning Department for review.

**Upon a motion by Roxanne Visconti and seconded by Aaron Bock, and with all those present voting “aye”, the Board approved the first 90-day time extension.**

### **650 Pines Bridge Road**

Discussion: Decision Statement  
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:

Item withdrawn from the agenda.

### **Kitchawan Farm Solar Farm**

Discussion: Public Informational Hearing  
Location: 70.06-1-2 & 3; 716 Kitchawan Road  
Contact: Ecology Kitchawan Community Solar Farm, LLC  
Description: Proposed 2 MW ground mounted large-scale solar energy system.

#### Comments:

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

Julia Magliozzo of Ecology Energy was present. Ms. Magliozzo stated that Ecology Energy is a developer, financier, owner-operator of clean energy and has been in business since 2010. The company oversees the full development cycle of their projects and partner with local firms for construction. The proposal is for a 2.5 MW DC, 2 MW AC ground mounted

community solar system to be installed at the Kitchawan Farm. The farm itself has been around since the 1700s and was originally 200 acres, however a large portion was sold to the Brooklyn Botanic Gardens and then to Westchester County which is known as the Kitchawan Preserve. The remainder of the farm is a total of 22 acres of which 8 acres is proposed to be used for the solar array. The majority of the 8 acres to be utilized is already open field but there will be some amount of tree removal to increase the size. To the north and east of the site is the Kitchawan Preserve, to the west is another area of farm and to the south is a residential area. The setbacks are 120 ft from the road and 50 ft from the other sides of the property. The wetlands on the site will not be disturbed. As part of the process, they are proposing to relocate the applicant's vegetable garden to a new area to the south where the trees are to be removed for the solar array. A landscape plan has been prepared and they are proposing to screen the solar array from the Kitchawan Preserve trails as well as the road.

Chairman Fon noted that the Planning Board conducted a site visit and feels that this site works well for this proposal and will also help to sustain the farm. Chairman Fon asked the public if there were any comments. Public comments as follows:

- Susan Siegel, resident - Ms. Siegel asked if a tree mitigation plan has been developed for this application. She stated that since there have been several solar applications before the Board dealing with a major amount of tree removal she feels that there should be more of a comprehensive way of dealing with mitigation especially invasive removal. She added that the Town recently hired two firms as environmental consultants and thinks given the amount of trees to be removed and the potential impact on the wild life, it might be a good idea to require the applicant to engage the services of the environmental consultant which, according to the Town Code, the applicant would have to pay for.
- Ed Killeen, resident - Mr. Killeen stated that there seems to be a lot of solar development and is concerned about the value of the community particularly from an aesthetic point of view. He noted that Kitchawan Road is a beautiful road and thinks the screening will help as this is a ground mounted array. However, he feels that the properties surrounding these installations will become devalued and feels that it is unfair to the residents and the community.

Chairman Fon responded that the Board is very sensitive to the screening of all solar installations. He noted that the property owners for this particular application were present during the site visit and are mindful of the neighboring properties.

- John Flynn, resident - Mr. Flynn asked the following questions:
  1. Is the application regulated by the office of renewable energy at the State level.
  2. Will the utility lines be above ground? Is it possible for them to be underground. He feels that above ground power lines will mess up the aesthetic of Kitchawan Road.
  3. Are there any service roads to the panels and will they be made out of impervious or pervious surface.
  4. Will there be anti-reflective coatings on the panels.
  5. Will the vegetation replacing the trees be attractive to pollinators.
  6. What kind of soils are on this site that will be covered up by the solar panels and will they be damaged by the 25 year life span of the system.
- Jamie Spillane of Hogan and Rossi Law Firm - Ms. Spillane is representing Centerline Stables, who is a neighboring property owner. She stated that at this time, they are trying to get more information on the project and was happy to hear that there was a presentation. She requested for the applicant to provide her with any changes to the plan going forward.

Ms. Magliozzo responded that there will be three utility poles added to the site per the requirements of Con Edison for the equipment that they need to install. One pole will be on Kitchawan Road and the other two will be leading farther into the site. A gravel access road is proposed along the power lines leading up to the solar array. A stormwater analysis report will be submitted for review. She noted that most modules have anti-reflective coatings but is not sure which one they will be using for this site. A landscape plan was submitted that shows a number of plantings around the site including along Kitchawan Road. A pollinator friendly seed mix is proposed to be planted between all of the rows of the solar arrays. The farm itself has been approved by Con Edison as a community solar system with about 300 subscribers and is governed by the New York State community solar program. Mr. Garrigan asked if the proposed new utility pole on Kitchawan Road will connect to the existing poles. Ms. Magliozzo responded that it will be in line with two existing poles.

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

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

**Arcadia Farm Solar Farm**

Discussion: Public Informational Hearing  
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:

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

Julia Magliozzo of Ecogy Energy; and Michael Tarzian of Croton Energy Group, were present. Ms. Magliozzo stated that the proposal is for a 993 kW DC, 800 kW AC ground mounted community solar system to be installed on a 6 acre portion of the 30 acre farm. She noted that solar modules have already been installed on the roof of one of the riding arenas at the farm. That project started operating earlier this year with much success. The Arcadia farm has been a horse farm since 1987 and is owned by Patricia Peckham and Molly Flaherty. To the south of the property is a private residence and to the west of the property is more of the Arcadia farm. The property to the north is owned by the County of Westchester and the property to the east is owned by the City of New York which is all forested. A native meadow seed mix is proposed to be planted between the solar arrays. A permeable, wildlife friendly fence is also proposed to be installed around the solar array to allow smaller animals through the area. The existing wood paddocks are proposed to be removed and repurposed on the farm. Tree removal is proposed at the site for the solar array installation and to avoid shading. They expect to accommodate between 200 to 250 subscribers for this particular project. She noted that the rooftop project that was installed earlier was filled with subscribers within a week.

Chairman Fon noted that the Planning Board conducted a site visit and feels that this site seems to be appropriate for this installation as it is not visible and will also help the farm.

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

- John Flynn, resident - Mr. Flynn’s comments are the same as mentioned for the Kitchawan Farm agenda item.
- Susan Siegel, resident - Ms. Siegel asked if a tree mitigation plan has been developed for this application. She noted that this property abutts other forested areas and feels that there may be a wildlife impact that should be looked at. On another note, she asked if the Planning Board would think about sending a memo to the Town Board with respect to making some adjustments to the solar law such as where the solar arrays should be allowed as some areas are appropriate and others are not.

Mr. Garrigan stated that one of the reasons that Yorktown is a popular location for these installations is that the farms are ideal. These proposals are also a tremendous benefit to some of the land owners who may be struggling with their businesses. He noted that this application compared to the Shrub Oak Plaza solar canopy application are very different. The Board’s role is to look at the aesthetics and locations which is exactly what they have been doing and is not sure an adjustment to the law is necessary. Chairman Fon agreed.

- Judy Reardon, resident - Ms. Reardon asked if the Planning Board will require a bond to cover the decommissioning of the system. Does the coverage set forth in the application include the existing coverage on the site. She noticed that the total size of the project was 11.67 acres and approximately 2.9 acres would be the solar farms and it looks like an additional 2 plus acres would be disturbed. What does the disturbance consist of.

Chairman Fon responded that decommissioning plans are put into place for all solar installations. Mr. Tarzian responded that they were extremely conservative when they said 3 acres and are disturbing about an acre. The disturbance area was explained to all.

Chairman Fon asked the Board and public if there were any other 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 Informational Hearing.**

## **Large-Scale Solar Power Generation System at Shrub Oak Plaza**

Discussion: Public Informational Hearing

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 four separate accessory canopy structures over existing parking.

Comments:

**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.**

Julia Magliozzo of Ecology Energy was present. Ms. Magliozzo stated that two alternate site plans were submitted based on comments received from the Board. Both iterations involve the same roof-mounted system as well as solar canopies over the parking lot. The larger system is proposed to be 271 kW DC and the smaller system with fewer canopies is proposed to be 245 kW DC. Both systems are 233 kW AC. She noted that the 245 kW DC system is the smallest that they would be able to finance successfully to get the project installed. The plans are as follows:

1. **Larger system - 271 kW DC system** – One canopy was moved to the rear of the property adjacent to the larger canopy and will cover the wetland area. Two canopies will remain toward the front of the lot.
2. **Smaller system - 245 kW DC system** - They removed the canopy that faces East Main Street and left one canopy that backs to New Road with two canopies to the rear of the property.

The proposed disturbance to the site is fairly minimal. The parking lot disturbance area will be about 650 sf of paved surface and about 200 to 300 sf of the grassy area. The canopies will cover about 7,000 sf of surface area, and the roof panels will cover about 8,000 sf. The smaller canopies will be 17 ft. in height with a 14 ft. clearance underneath. The larger canopy will be 20 ft. in height also with a 14 ft. clearance underneath. The landscape plan was included with the submission. The trees along East Main Street will remain so the current visibility to the businesses will remain the same. They are proposing to add a number of trees and shrubs along New Road to screen the canopies as much as possible. Tree removal is proposed along with some invasive species removal in the wetland area beneath canopy #1 at the request of the Conservation Board. She added that this is a community solar project that will have about 50 to 60 subscribers depending on which plan is preferred.

Chairman Fon noted that the Board has struggled with this application from the beginning with respect to the visibility, the neighborhood and its impact to the businesses. Mr. Bock stated that the alternate plans are very different than what was first submitted and seems to show more sensitivity to the Board’s concerns for the Shrub Oak area.

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

- Ed Killeen, resident - Mr. Killeen stated that this is the entrance way to the community and noted that in the master plan Shrub Oak is pointed out as a historic district. He does not feel that this proposal ties in with the historic look of the community. He noted that he has received phone calls from neighbors within the community that are upset about this proposal.
- Susan Siegel, resident - Ms. Siegel stated that she supports solar energy and thinks it’s a great use where appropriate but feels that this is not an appropriate site. She has participated in Zoom meetings and has heard the struggles of the Board with respect to the aesthetics and quality of life in Shrub Oak. She noted that preserving farmland by allowing solar is important to the quality of Yorktown but shopping centers are different. The plan was changed but the New Road side doesn’t work and added that it was mentioned that there is a vacant 5 acre residentially zoned parcel across from New Road that this plan would affect. The other suggestion to relocate the canopy from New Road into the wetlands is disturbing. From a community standpoint, preserving the aesthetics of Shrub Oak should be a primary concern and noted that this installation will not make a big impact on the available electricity for New York State. She added that this installation is not essential for the continued viability of the shopping center and urged the Board to put the historic nature of Shrub Oak as their primary concern. She suggested that maybe the applicant could move forward with the solar roof portion but not the carport.

Ms. Magliozzo stated that none of the posts will be in the actual wetland. There will be some shading to a small area of the wetland and they plan to work with a wetland specialist to develop a mitigation plan. The stormwater run-off in this area should not cause a significant impact as any rainfall will run off into the parking lot.

Chairman Fon asked the Board if there were any comments. Mr. Garrigan stated that they want to maintain the character of the Shrub Oak area and noted that this is a well maintained shopping center. He noted that the applicant did a commendable job in relocating the canopies to another area that could possibly work but agrees with the Board that the aesthetics is a concern. He suggested for the applicant to provide elevations and the landscape plan for further review. Mr. LaScala stated that he did not feel that this proposal would benefit the surrounding Shrub Oak community. Ms. Visconti stated that this particular location may not be appropriate for this proposal and feels that it would open the doors for more opportunities along East Main Street.

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

### **Motion to Close Regular Session and Open Work Session**

Upon a motion by Aaron Bock, 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**

### **3666 Old Yorktown Road**

Discussion: Fence  
Location: 16.11-1-60; 3666 Old Yorktown Road  
Contact: Carmella Pervizzi  
Description: Proposed 6 ft fence across the front yard of the property in the residential existing development located in the C-2 zone.

#### Comments:

No representative was present. Ms. Steinberg stated that the Building Department received an application to install a fence along the property line. The lot is located in two zones C-2 and R1-20 with the frontage in the C-2 zone. The applicant is requesting to install a 6 ft vinyl fence and decorative iron gate about 8 ft in height along the property frontage for safety and litter concerns. There is a 4½ ft. height restriction on fences in the front yard for residential properties. There is no height restriction on fences for commercial properties.

Chairman Fon was concerned about the site distance and visual aspect. Mr. Garrigan noted that on Route 132 there are a number of 6 ft. fences and in some cases they may be rear or side yards that are maintained. He noted that the mechanical gates may be an issue when swinging open and may need to be moved back. Mr. Bock asked about the setbacks and suggested some vegetative screening in front of the fence to soften the appearance. After discussion, the Board agreed to schedule a site visit. Mr. Tegeder noted that the Planning Department could prepare a memo with the points as discussed. The application will be placed on the August 9<sup>th</sup> meeting agenda.

### **Yorktown Rehabilitation and Nursing Center Solar**

Discussion: Site Plan & Special Use Permit  
Location: 35.12-1-3; 2300 Catherine Street  
Contact: Ecogy New York X, LLC  
Description: Proposed installation of a 698 kW DC/467 kW AC solar canopy system over existing parking, a 284 kW DC/260 kW AC ground mounted solar array, and 548 kWh Tier 1 Battery Energy Storage System.

#### Comments:

Julia Magliozzo of Ecogy Energy was present. Ms. Magliozzo stated that the submission is for two separate solar proposals at 2300 Catherine Street which is the site of the Yorktown Rehabilitation and Nursing Center. Both proposals are interconnected to the utility grid. If one of the proposals were to be approved over the other, they will still move forward with the project. The proposals are as follows:

1. **System #1 – Solar Canopy System with Tier 1 Battery Energy Storage System** - The proposal is for a 698 kW DC, 467 kW AC canopy system paired with a 548 kWh Tier 1 battery. This system is proposed to be installed over the existing parking lot at 2300 Catherine Street. The battery will be located adjacent to the western most canopy structure. The tallest canopy is 22 ft. tall with a 14 ft. clearance on the low end. They are proposing to remove some trees that are on the parking islands in the middle of the parking area. The trees along Catherine Street will remain. The area of entry along the driveway will be the primary focus for screening.

- System #2 – Ground Mounted Solar System** - The proposal is for a 284 kW DC, 260 kW AC ground mounted system. This system is proposed to be installed within the green field to the east of the existing building on the site. A minimal amount of trees are proposed to be removed to the east and south of the array to avoid shading. There are no trees within the designated canopy area as it is open field. They meet all the setback requirements. The height for a typical ground mounted system is 7 ½ feet. The elevations were reviewed with the Board.

Ms. Magliozzo noted that they initially looked at installing solar on the roof of the building but a structural analysis revealed that the roof could not support the weight of the solar panels. As a result, they looked into alternative options as discussed this evening.

Chairman Fon noted the Tree Advisory Commission memo dated 7/12/21. Chairman Fon asked the Board and Counsel if there were any comments. Mr. LaScala asked for the applicant to submit renderings of the proposals. Ms. Visconti stated that the open field behind the building would be replaced with ground mounted solars and was concerned about the change of scenery for the residents of the building. Ms. Magliozzo responded that she will submit a visual comparison from another project (Longwood Gardens) as the look of that ground mounted system is similar to this proposal. Mr. Tegeder noted that this proposal is in a residential zone with surrounding residential properties and will need to be fully screened as part of the requirements. The Board agreed to schedule a site visit.

### **Northern Westchester Executive Park**

Discussion: Amended Site Plan

Location: 26.19-1-2; 2651 Strang Boulevard

Contact: Kellard Sessions Consulting

Description: Proposed expansion of parking lot to provide flexibility for lower level tenant(s).

Comments:

Joseph Cermele, P.E. and Angelo Martino were present. Mr. Cermele stated that the site is currently improved with two large office spaces on an 18 ½ acre parcel in the OB District. The application is for an amended site plan to provide aesthetic improvements to the existing north building for perspective tenants. He noted that the property owner is having difficulty renting the lower space to the rear of the existing north building. The owner is proposing to improve the existing north building entrance and expand the existing parking facilities to serve the lower office portion of the building. There are about 695 existing parking spaces on the site. The majority of those spaces are located on the south side of the building with very limited parking on the north side. The proposal is to provide a lower level parking lot with an access drive that would connect to the upper lot. The lower level parking would include 25 parking spaces and one loading space to entice tenant occupancy. There are some existing ADA spaces located in the area of the proposed driveway connection that will be relocated. There would be no net loss of parking to the upper parking lot with this proposal. They are compliant with all the setbacks. The driveway is proposed to be screened with evergreens as shown on the plans. The stormwater testing was performed and witnessed by the Town Engineer. An infiltration system is proposed to mitigate the increased run-off generated by the project. The project is under an acre of disturbance and is not in a DEP main stream designated area. A SWPPP will be provided to the Planning Department. A total of three trees are proposed to be removed. Grading is proposed at the site and the retaining wall along the driveway will be about 6 ft in height in some areas along the property side. In the parking lot itself, the corner nearest the building would be cut into the hillside.

Mr. Martino reviewed the architectural plans with the Board. They are proposing a small lobby next to the loading dock that will match the existing building. A red canopy is also proposed.

Chairman Fon asked the Board and Counsel if there were any comments. Mr. Tegeder advised the applicant to submit elevations of the north retaining wall as well as the stormwater details for review. Mr. Ciarcia stated that they may be able to save a tree where the turn-around for the trucks are proposed. He noted that since the applicant is amending the parking lot, it may make sense to revisit the parking plan to memorialize the means by which the parking is calculated. Chairman Fon advised the applicant to work with the Planning and Engineering Departments to work out the details. The Board agreed to schedule a PIH for the August 9<sup>th</sup> meeting.

### Envirogreen Associates

Discussion: Amended Site Plan

Location: 15.16-1-30 & 31; 1833-1875 East Main Street, Mohegan Lake

Contact: Site Design Consultants

Description: Proposed redevelopment of the property removing 2 existing building and parking area to construct a new 13,278 SF retail building with associated parking, landscaping, lighting, and stormwater improvements.

#### Comments:

Joseph Riina, P.E. of Site Design Consultants; Steve Marino, Environmental Consultant of Tim Miller Associates; and Rick Cipriani, property owner, were present. Mr. Riina stated that since they were last before the Board they have been working on the engineering details and the SWPPP. The proposal is to construct a single-story commercial building just under 13,500 sf. The access point to the building will remain in the same location as shown on the plan and they are proposing to close three other existing access points. The existing stormwater basin is proposed to be expanded and enhanced meeting the current DEC recommendations. All the parking spaces are proposed to be porous pavement. A plan set, mitigation and landscape plan, architectural plan and SWPPP were submitted for review. They met with the Conservation Board and ABACA and have received their comment memos. The applicant is now requesting to move forward with a Public Hearing.

Chairman Fon noted the Conservation Board memo dated 7-7-21 stating that they were in favor of the proposal moving forward.

Mr. Marino reviewed the history of the site with the Board. The proposed plan does not disturb the wetlands. Most of the disturbance is in areas that are currently disturbed for the building improvement and drainage.. A mitigation plan was prepared to offset the buffer encroachments and provide wetland enhancement and restoration. He noted that this is a DEC wetland as well as a Town wetland. Parts of the wetland closest to the development area is filled with phragmites and debris. The purchase of the adjacent property (old boarding house) provided them with room for additional parking and enhancement mitigation. Historic aerials of the site (2000, 2004 and 2018) were shown to the Board. They are proposing to enlarge the existing stormwater basin and enhance it with plantings both in and on the basin banks. Shrubbery is proposed along the top of the banks and along the edge between the proposed parking and new development. They have updated the invasive species removal program which includes the removal of debris as well as invasive species within a 50 to 100 ft. boundary from the proposed development area. A detailed planting list is shown on the plan.

Mr. Riina showed the architectural elevations and renderings to the Board. Discussion followed with respect to the overhang, recessed portion and the width of the sidewalk. Mr. Tegeger stated that the 5 ft. wide sidewalk may need to be looked at in conjunction with the storefront doors as they swing out. Mr. Riina stated that the landscaped area in front of the sidewalk serves as a bio-retention planter for stormwater treatment. Mr. Garrigan asked if moving the building forward and placing all the parking in the rear was contemplated. Mr. Riina noted that if this was done there would be no traffic flow around the building, Mr. Cipriani stated that the DOT wants them to keep the same entrance. Mr. Riina noted that the building plan represents a maximum build out for the site but may change depending on tenant occupancy. The Board agreed to schedule a Public Hearing for the August 9<sup>th</sup> meeting.

### Zoning Board Referral - Musto ZBA #33/21

Location: 27.15-1-58; 2691 Farsund Court

Contact: Richard Musto

Description: Proposed rear enclosed porch with a rear yard setback of 37.58 ft where a minimum of 40 feet is required in the R1-20 zone. This subdivision was approved under the clustering section of the Town Code.

#### Comments:

No representative was present. The Board reviewed the application and had no planning issues.

**Upon a motion by Bill LaScala and seconded by Rob Garrigan, and with all those present voting “aye”, the Board approved a resolution approving a change in rear yard setback within the Northgate Subdivision located at 2691 Farsund Court.**

**Town Board Referral - Cannabis Opt-Out**

Description: Proposed amendment to the Yorktown Town Code by adding Chapter 301 to opt out of allowing cannabis retail dispensaries and on-site consumption sites as authorized under New York State Cannabis Law Article 4.

Comments:

The Board discussed the proposal and had no planning objections. The Planning Department will submit a memo to the Town Board on behalf of the Planning Board.

**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 9:10 p.m.