

Planning Board Meeting Minutes – September 13, 2021

A meeting of the Town of Yorktown Planning Board was held on **Monday, September 13, 2021 at 7:00 p.m.** at the Yorktown Town Hall Boardroom located at 363 Underhill Avenue, Yorktown Heights, NY 10598.

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

- Aaron Bock
- Rob Garrigan
- Bill LaScala

Also present were:

- Robyn Steinberg, Town Planner
- Nancy Calicchia, Secretary
- James W. Glatthaar, Esq.
- Councilman Ed Lachterman, Town Board Liaison
- Dan Ciarcia, Town Engineer

Correspondence/ Liaison Reports

- The Board reviewed all correspondence.
- There were no liaison reports.

Motion to Approve Meeting Minutes of August 9, 2021 and August 16, 2021

- Upon a motion by Bill LaScala and seconded by Rob Garrigan, and with all those present voting “aye” the Board approved the meeting minutes of August 9, 2021.
- Upon a motion by Aaron Bock and seconded by Bill LaScala, and with all those present voting “aye”, the Board approved the meeting minutes of August 16, 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

Crystal Court Subdivision

Discussion: Decision Statement

Location: 27.11-2-43; Crystal Court

Contact: Panbar Realty

Description: Proposed 3-lot subdivision on 5.07 acres in the R1-20 zone.

Comments:

John Barile and Lou Panny of Panbar Realty were present as a follow up to the Board meeting of 8/16/21. Chairman Fon asked the Board and Counsel if there were any comments. Ms. Steinberg stated that the latest submission was in response to the Tree Commission comments. The Planning Department provided a memo to the Board dated 9/20/21 with respect to the revised mitigation plan. Chairman Fon stated that the comments from the Tree Commission seemed to have been addressed. Mr. Barile stated that they contracted an arborist, Paul Jaehnig, to work with the Tree Commission. Ms. Steinberg stated that there was a Tree Replacement Plan submitted prior to the submission by Paul Jaehnig. This plan showed trees to be planted on all three lots including in the wetland buffer. Mr. Jaehnig’s plans show plantings only for the wetland buffer area. Therefore, the Tree Replacement Plan should be revised to remove the trees shown in the area that Paul Jaehnig’s plan covers. Mr. Barile confirmed they still were proposing to plant the trees shown on the tree replacement plan and would revise it accordingly. Ms. Steinberg stated that a draft conservation easement was submitted for review. She noted that the water line easement is to be shown on the plat. There were also a few comments from the Town Assessor regarding some labeling on the plat. Mr. Glatthaar stated that the conservation easement should contain specific language that the easement runs with the land and asked that the draft be submitted for his review. Mr. Bock noted that the language could be in the resolution of approval and asked if the other recommendations would also be in the draft resolution. Ms. Steinberg noted that the resolution will be amended to include the Town Assessor’s comments

and also state that the conservation easement language will be to the satisfaction of the Planning Board attorney. The Board agreed and had no issues.

Mr. Ciarcia stated that the Engineering Department will perform a final review of the SWPPP. He noted that it is unclear as to how they are treating the run-off from the cul-de-sac. This will be worked out between Engineering and the DEP prior to signing of the final improvement plans.

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 Bill LaScala and seconded by Aaron Bock, and with all those present voting “aye”, the Board adopted the Negative Declaration.

Upon a motion by Bill LaScala and seconded by Rob Garrigan, and with all those present voting “aye”, the Board approved the resolution approving a subdivision plat, wetland permit, stormwater pollution prevention plan, and tree permit for Crystal Court with changes as noted.

Foothill Street Solar

Discussion: Public Hearing
Location: 15.07-1-5; 3849 Foothill Street
Contact: Con Edison Clean Energy Businesses, Inc.
Description: Proposed installation of a 1.875 MW ground mounted solar panel system and Tier 2 battery energy storage system along with associated access road, electric utility upgrades, and perimeter fencing.

Comments:

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

Joe Shanahan of Con Edison Clean Energy Businesses, Inc.; and Eric Redding of Bergmann were present. Mr. Shanahan stated that the proposal is for a 1.875 MW ground mounted solar panel system to be located at 3849 Foothill Street. The site consists of 34.23 acres which has been owned by the Lockwood family for generations. Con Edison is proposing to lease the site and use less than half, 15.9 acres, for the development of the solar system. He noted that he has been before the Board over the past three years. During this timeframe, they have worked on refining the plans and fully comply with the zoning code requirements. Along with the site plan and application package, they submitted the required tree inventory, mitigation plan, landscape and planting plan and a detailed decommissioning plan with cost estimates. Additionally, a sound study was conducted to demonstrate compliance with the Town’s sound limits and a report was submitted for review.

Mr. Redding stated that the proposal is for a community solar farm along Foothill Street located in the area of the intersection with Lockwood Road as well as the Putnam Valley High School. The existing site is mostly wooded. There is a stream and some wetlands running through the middle of the site. The proposed solar array will be on the northeast side of the stream and wetland area. A 20-ft wide limited use pervious gravel driveway about 300 linear feet long is proposed for the site access. Two new utility poles are proposed at the beginning of the driveway for the electrical equipment to tie into the existing electrical grid. An equipment pad and battery storage is also proposed and will be adjacent to the driveway. The solar panels will sit on approximately 4 ½ acres and will be about 10-ft high on the highest end and about 3-ft high on the lowest end. The panels will be fully enclosed within a 7-ft high chain link fence as per the National Electric Code. A 16-ft wide double swing gate is proposed at the entrance with a knock box at the gate for Fire Department access. A grass swale, bio-retention area and two detention ponds are proposed for stormwater management in addition to the limited use pervious gravel driveway. This will provide the necessary water quality treatment for the stormwater run-off and will also detain the stormwater so that the peak rate of run-off from pre to post development is the same or slightly lower per DEC requirements. A staggered row of evergreen trees are proposed along Foothill Street to provide full screening of the arrays. Additionally, arbovitae are proposed to be tightly planted around the equipment pad and battery storage area. All disturbed areas will be re-seeded with a wildflower or meadow pollinator seed mix.

Mr. Shanahan stated that one of the concerns discussed over the last few years was the amount of tree removal at the site for the solar facility. He noted that the applicant will develop the site whether it is a solar project or the alternative residential subdivision so there will be tree removal at the site. He submitted an analysis in March comparing the impacts of the solar proposal vs. the conventional and cluster subdivisions for review. He noted that the solar proposal requires

15.9 acres of tree removal, the conventional subdivision would require 16.11 acres of tree removal and the cluster subdivision would require 14.26 acres of tree removal. He feels that the environmental impacts of the solar vs. residential are significant. With the roads, driveways, and rooftops, the subdivisions would create 2.79 acres and 2.61 acres of impervious surface. The solar project would generate only 0.07 acres of impervious surface. In addition, a residential subdivision will generate traffic and air pollution to the site. The solar project produces no traffic and no air pollution. It would have a positive and indirect effect as solar energy replaces or reduces the use of other energy sources that have larger impacts on the environment. He stated that the Tree Commission issued a comment memo on 3/22/21 with respect to the proposal and noted the following comment within the memo:

“The comparison of solar vs. residential development by Joe Shanahan on behalf of the applicant is instructive. While there may be some opportunities for mitigation of tree removal under residential development, the comparison makes clear the superior environmental benefits of the solar development. The non-permanent alteration of the landscape under the solar plan is key when compared to permanent alteration under the residential alternative, not to mention the environmental benefits of providing a significant amount of clean energy.”

Mr. Redding reviewed the stormwater with the Board. He noted that part of the site drains to the stream that runs through the property. The other portion of the site, along the northern end, drains towards the Putnam Valley High School. They analyzed both locations. For each of the design storms, 110 and 100 year storms, the peak run-off is decreased slightly. Design point 2 toward the Putnam Valley High School, for the 100 year storm, decreases from 27.29 cfs to 25.38 cfs. They were able to achieve this by the use of the bio-retention area as well as the detention ponds. The water quality and quantity mitigation for both design points meet both the Town and the DEC’s requirements with respect to stormwater run-off. They are adhering to the 100-ft buffer to the wetland and stream.

Mr. Shanahan stated that since the project is being developed in the center of the site, there is a natural existing buffer on three sides of the site. The one side that doesn’t have a sufficient buffer is Foothill Street so they are proposing 212 additional plantings to enhance the natural buffer. The cost estimate for the planting plan is \$160,000. The plantings will be installed at least 6 feet in height with most averaging 8 feet in height. A photo simulation depicting the growth of the plantings from day 1 up to year 5 was provided to the Board. He noted that 5 years from now the project will be invisible and from day 1 it would be barely visible.

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

- Susan Seigel, resident – Ms. Seigel stated that at the 8/9/21 meeting, the Planning Board decided this application needed an environmental review and asked about the status. She noted that the Town has an environmental consultant on call and asked if there has been an agreed upon proposal from that firm. Has an approved scope of work for what will be included in the review been decided and who has provided input for that scope of work? Has the consultant submitted a proposal and has the Planning Board reviewed and discussed it? Will the public have an opportunity to comment on the review? Has Con Edison seen the proposal and what is the estimated timing? She stated that Mr. Lockwood received an approval for a cluster subdivision in 2008 but didn’t build it. Her understanding is that it required sewers but could not get approval from the Board of Health as the sewer line had to cross the stream. In more than a decade, the Lockwoods have not come in with another subdivision and assumes it has to do with not being able to get the sewer line so they will have to go with septic systems. How do they know if they are going to get 20 lots on septic? Have there been any groundwater studies to see if this could be managed. She thinks that the trade-off between tree clearing for solar and clearing for a subdivision is a very specious argument because there hasn’t been a subdivision and she feels that this should not be factored into the Board’s decision. She noted that 1,871 trees are proposed to be cut and that the tree inventory lists 2,000 trees. Carbon is only one aspect, there are multiple functions that trees provide and this should be looked into. The mitigation plan provided is generic and has no relevance to the trees being removed. She noted that the 5 year photo simulation growth does not guarantee the percentage of the plantings that will survive and to what extent they will grow. She urged the Board to visit the solar farm on Croton Avenue to understand what clear cutting of trees look like.
- Paul Moskowitz, resident and member of the Advisory Committee on Open Space (ACOS) – Mr. Moskowitz stated that the Committee visited the site. He noted that Mr. Shanahan discussed the advantages of solar panels over trees in terms of absorbing carbon in the atmosphere however failed to mention that we have a forest which has been taking carbon out of the atmosphere for 50 to 100 years. He noted that if it is cut down all at once, 50 years of carbon will be released into the atmosphere and this needs to be taken into account. ACOS looked at this land and felt that it would be appropriate for acquisition by the Town as open space because of the forested area, wetlands and stream. However, at the very least they would like to see a trail for recreational purposes along the stream. The

trail could start at the northern end of the property and run all the way to Mohegan Lake. As far as removing 1,871 trees, he feels that there is a certain amount of counter productive activity in destroying a forest to put up solar. He believes in solar and is a subscriber to community solar. In Yorktown, there have already been a number of large scale solar installations (*IBM parking lot, Granite Knolls, JV Mall roof and Arcadia farm*) and all have one thing in common which is that they do not require a lot of tree cutting. There is a section in the Tree Law that notes that the applicant should look at other locations and that forested lands should be last on the list and would like to know if this was done. There are examples of large scale solar farms that are not destroying 15 acres of trees and questioned if they looked at alternatives.

- Susan Siegel, resident – Ms. Siegel stated that she is a supporter of solar in the appropriate place. Mr. Moskowitz mentioned the Town Law about using unused agricultural land, rooftops, etc., with the last option clear cutting which this project is. The positive solar projects were mentioned but noted that even some solar farms on the ground have been on pasture land such as Hemlock Hills. This application is clear cutting and there is a significant difference. She feels that the criteria for the special permit needs to be looked at.

Mr. Shanahan responded that they understand the need to engage in an environmental consultant for this project and understands that this is now in progress. He pointed out that this site is zoned to allow for solar. Con Edison supports alternatives such as rooftops, canopies, etc. but in this particular case alternatives are not grounds to turn down a project that complies under the zoning map and under the zoning requirements. The fact that you might be able to put a project on a roof or pasture is not justification to say you can't put it in this location and respectfully asked the Board to keep this in mind.

- Barbara Call, resident - 3900 Foothill Street – Ms. Call is concerned about the tree removal and the rock walls along the side of the road. She stated that she lives across from the entrance and noted that this is where the vehicles turn around.
- Linda Miller, resident – Ms. Miller stated that she would like information about the mitigation plan for the removal of the trees. According to the Tree Law, the mitigation has to address the specific functions that will be lost. The Tree Law is very specific about emphasizing the functions of trees and woodlands. How are the functions of these trees to be determined and how will it be mitigated .

Chairman Fon stated that they are waiting for the Town's environmental consultant report and until then the hearing will remain open. The Board agreed. Ms. Steinberg added that the application has already been referred to the consultant and the proposal is forthcoming.

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

Shrub Oak International School

Discussion: Public Hearing

Location: 26.05-1-4 & 26.06-1-2; 3151 Stony Street

Contact: Divney Tung Schwalbe LLP

Description: Proposed amendments to the site plan approval for Phase 2 site improvements.

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.

David Steinmetz of Zarin & Steinmetz; and Donna Maiello of Divney Tung and Schwalbe, were present. Mr. Steinmetz stated that they are here this evening to amend the application to their prior site plan approval for the Shrub Oak International School. As discussed at the previous meeting, the amendment is to move some items originally planned for the first phase and defer or delay them to the second phase as shown in the plans.

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 issues 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 Hearing.

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

Upon a motion by Aaron Bock 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 Rob Garrigan , and with all those present voting “aye”, the Board approved the resolution approving an amended phasing plan for the construction of the site plan approved by resolution #18-04 for the Shrub Oak International School.

Taco Bell – Mohegan Lake

Discussion: Adjourned Public Hearing

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:

Upon a motion by Rob Garrigan and seconded by Aaron Bock, and with all those present voting “aye”, the Board re-opened the adjourned Public Hearing.

David Steinmetz of Zarin & Steinmetz; Paul Dumont, P.E. of JMC Site Development Consultants; Marc Petrero, Traffic Consultant of JMC Site Development Consultants; and Joseph Milanese of Sam Schwartz Consulting (*Town Traffic Consultant*), were present. Mr. Steinmetz stated that he is representing the applicant and has reviewed all the information with respect to the proposal. He stated that there have been concerns with respect to the traffic on Mohegan Avenue and Route 6 in connection with this proposal and noted that they received correspondence today from some of the neighbors. He is pleased that his client brought in JMC Site Development Consultants to analyze this. At the Board’s request, the application was referred to the Town’s independent traffic consultant, Sam Schwartz, and a report was submitted on 9/2/21. He added that there were some questions as to whether a comprehensive traffic analysis also took the Envirogreen application into account and noted that it was. The focus this evening will be on the main issues of the drive-thru in terms of queuing and the by-pass lane and why they believe that the site as designed is functional and will work well.

Mr. Petrero stated that Sam Schwartz reviewed JMC’s traffic study and site plan for the development and received their response letter dated 9/2/21. There were some comments with respect to the circulation and operation at the site. The applicant is willing to provide the proposed additional widening to accommodate the by-pass lane that is to be the full length of the drive-thru from the pick-up window to the drive-thru lane entrance as a condition of approval. The by-pass lane is currently designed at 15-ft wide and will be increased to an 18-ft width. With respect to the one-way circulation, the applicant does not feel that this would be the best alternative and would like to keep the two-way circulation as originally proposed along the eastern portion of the building. They feel that if the vehicles were required to wrap around the building it would cause more of a visual impact to Route 6 and the neighboring church and increase traffic throughout that area. With respect to the traffic control signage, the applicant is willing to include stop signs and stop bars at the access to the inner roadway leaving the drive-thru which is currently not shown on the plan. Signage and pavement markings are also proposed leaving the two-way parking lot adjacent to the building. Additionally, Sam Schwartz commented on using the queuing data that they provided related to the Carmel location and not the Portchester location. He noted that there is only one Taco Bell at the Carmel location in the nearby vicinity. Within the Yorktown area there are other Taco Bell locations in the nearby vicinity providing more options as compared to the Carmel location with only one Taco Bell. Sam Schwartz recommends to accommodate at least an 11-vehicle queue within the drive-thru lane. The proposed drive-thru lane can currently accommodate 8 vehicles without spilling into the parking lot and they feel that this is adequate to accommodate the projected queue. He noted that when looking at the Carmel queuing data provided in the JMC submission, during the three hour count period at the Carmel location, the queue only went beyond 8 and a maximum of 11 for two 10 minute period times only during that whole three hour period so the vehicle queue can be accommodated within that drive-thru lane. There will be a short two ten minute period, potentially even less, because this is Carmel and not Yorktown with multiple Taco Bells. There would be a temporary encroachment into the parking spaces adjacent to the building for a short period. The rest of the letter concurred with their traffic study and findings.

Mr. Steinmetz stated that the one-way concept proposed by Sam Schwartz does not appear to be necessary as they have a 24-ft drive aisle between the parking spaces in the parking area. If a vehicle were to pull in, they would have the ability to back up and go out the same way they came in, as done in other parking lots, rather than looping all the way around the building. He also noted the potential impact to the neighbors along the Route 6 corridor and feels that the two-way circulation is better in terms of efficiency and safety. In this instance, they don’t think it should be a requirement nor

should it be a requirement to design the queue for the absolute worst case scenario as discussed. He noted that Yorktown has multiple Taco Bells and Carmel only has one in a very large area which is relative to this issue.

Chairman Fon noted the changes with respect to drive-thru uses as a result of the pandemic. He stated that when Popeye's first opened there was traffic backup but this has since eased up. He also noted the concerns about the daycare and safety of the children and wanted the consultant to look at the site in its entirety. Mr. Petrero stated that when they did their queue count in Carmel it was earlier in the year during the pandemic. Chairman Fon asked if they looked at the other two locations in town. Mr. Petrero responded that one location doesn't have a drive-thru and the other does have a drive-thru but is under construction.

Mr. Milanese, of Sam Schwartz, stated that the first comment with respect to the widening of the by-pass lane seems acceptable and requested for the applicant to provide a turning movement diagram to show two vehicles. Regarding the one-way circulation, they thought that the queue may exceed 6 vehicles and felt that it would help the circulation by having angled parking and one way. Although he doesn't think the two-way circulation presents a safety issue and during the off-peak it would be easier and more efficient for the vehicles to back up if they don't anticipate a queue back up. He appreciates the stop controls at the ingress and egress point. The comment about the queue survey makes sense as they didn't take into account that there were no other Taco Bells within Carmel and so this is reasonable. With respect to the police reports, they didn't think there was a crash issue on site, although there were a few public comments about crashes on Route 6 and Mohegan Avenue but that was not addressed in the memo. Chairman Fon asked if that was a concern with this application. Mr. Milanese responded that the concern by the public was that the additional left turn volume would attribute to crashes at an already high crash location. Their opinion is that while the Taco Bell is adding volume it is incrementally not a significant increase, but agreed that the intersection could use some improvements. He recommended the applicant reach out to the NYSDOT to see if improvements can be made to the left turn phasing at that signal in regards to making it protected only. He does feel that the signal change at Route 6 and Mohegan Avenue would be a relatively minor change. In light of the public comments, they also looked at relocating the stop bar as it is set far back but NYSDOT would also need to be involved. Chairman Fon asked if there were any concerns about the fast food use and day care facility being next to each other. Mr. Milanese responded that he didn't think so and noted that it didn't seem that there was any daycare spill back per the queue analysis that would cause a conflict within the site driveway.

Mr. Garrigan asked if the widened drive aisles could accommodate the two cars coming and going. Mr. Petrero responded that it could. Councilman Lachterman asked if there was any thought put into looking at the cut through traffic by the residents. Mr. Milanese responded that it was not considered but there are remedies such as 4 way stop signs and speed bumps. Chairman Fon noted that this is beyond this application but noted that this will be something that their firm will hear about now that they are involved with the Town.

Mr. Petrero stated that the protected only movement would be subject to NYSDOT approval and noted that additional equipment would be required and is not sure if the existing traffic signal poles could accommodate the additional loading. Discussion followed with respect to the traffic signals. Chairman Fon advised the applicant to look into this. Ms. Steinberg asked about relocating the stop bar for westbound traffic in front of the Audi. She noted that the stop bar is in its original location from when the intersection was originally constructed. At that time there were additional driveways on the north side of the road. She is not sure if the poles are in the proper locations to be able to move the stop bar up because of where the lights are hanging. Mr. Petrero responded that there is a certain distance that the head and the stop bar need to correlate to. Ms. Steinberg noted that the distance to make that left turn from the stop bar all the way to Mohegan Avenue is quite far but now that the driveways have been removed there may be a possibility to move it up. Mr. Petrero stated that they will discuss this with the NYSDOT.

Mr. Glatthaar asked about the trash pick-up. Mr. Dumont responded that this was addressed at the last meeting and subsequently spoke with Supervisor Slater. They are proposing several trash receptacles throughout the parking lot. The applicant committed to an enhanced trash pick-up plan and will have staff walking the parking lot multiple times throughout the day along with the Mohegan Avenue and Route 6 frontage to pick up stray trash. A plan will be in place upon the opening of the restaurant.

Chairman Fon asked the public if there were any comments and there were none. The Board agreed to close the hearing.

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

Envirogreen Associates

Discussion: Adjourned Public Hearing
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:

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

Joseph Riina, P.E. of Site Design Consultants; and Steve Marino, Environmental Consultant of Tim Miller Associates, were present. Mr. Riina stated that they were last before the Board on 8/9/21. Since that time, they met with the Planning Department to refine the plans. Two cupolas were added to the building’s design features. The building was also moved back to increase the width of the walkway in front of the building. Originally the walkway was 5-ft wide and it is now 8-ft wide. As a result of this change, the building size has now been reduced to 12,400 sf. The applicant met with the ABACA and have received their comment memo dated 9/13/21. The plans have been revised to reflect their comments. Mr. Marino stated that he submitted the revised plan set and application to the NYSDEC for an updated permit application and is currently under review. Chairman Fon asked if the building reduction and increased walkway would open up the possibility of more outdoor recreational space. Mr. Riina stated that it is not impossible but would be tight.

Chairman Fon asked the public if there were any comments and there were none. The Board had no issues.

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

Home & Hearth

Discussion: Public Informational Hearing
Location: 15.12-1-2; 1750 East Main Street
Contact: Site Design Consultants
Description: Proposed demolition of two existing buildings to construct a new 5,500 SF showroom/warehouse and 4,500 SF storage building on 1.99 acres in the C-4 zone.

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.

Joseph Riina, P.E. of Site Design Consultants; Steve Marino, Environmental Consultant of Tim Miller Associates; and Bob Phelan, Project Architect, were present. Mr. Riina stated that the site is located at 1750 East Main Street and is situated between the Volkswagon dealership and the BP gas station. The site is two acres and is currently improved with two existing buildings and a parking area that extends to the delineated NYSDEC wetlands. The applicant is proposing to move their existing retail business, Home and Hearth, that is currently located in Cortlandt to Yorktown. The proposal is for the construction of a 5,500 sf building that would include a showroom, rear storage area, mezzanine area for office use and a basement for storage. A 1½ story storage building is also proposed to the rear of the site that would mostly contain the pellets for wood burning stoves. There are currently 23 parking spaces shown where 22 are required per the zoning requirements. There is no impact expected in the wetlands. The project will require a site plan approval and a wetland permit as they will be in the buffer. Stormwater management is proposed for all of the new impervious area at the site that will include two green gardens to handle the surface run-off. Porous asphalt is proposed for the parking spaces to further reduce the stormwater impact. A permit is also required from the DOT for the site entrance.

Mr. Marino stated that the front part of the site is currently developed and the back part of the site is a NYSDEC wetland. The historical aerials were shown to the Board. Currently, there is no stormwater management at the site. The intrusion into the wetland is not new and has been there for over forty years. The creation of the stormwater management plan and plantings will be an improvement to the site. The two basins will be planted with wetland species. A number of buffer and transitional plants are proposed be planted between the wetlands and the new disturbance. They are focusing on separating the proposed developed area from the wetland by creating a buffer line of dense plantings to prevent further disturbance into the wetland.

Mr. Phelan stated that the architectural work will most likely be performed by the building manufacturer once a firm has been selected. The intent is to have a manufactured metal building with enhancements on the street elevation and the pedestrian entrance to the building. The renderings shown this evening is a generic depiction of what the applicant is looking for in terms of the size of the main building and the access as well as the auxiliary building. The lower left corner of the rendering is basically the street scape. The roof line will be an enhancement to the metal building with a stucco finish. The face of the building will be either obscured or translucent glass so that the illuminated showroom will be seen from the street. The rear of the building will have an overhead door for delivery of the products. There is also a small mezzanine level for office space. He noted that with respect to the auxiliary building, there is a 20-ft height limitation in the Town Code which makes this an unattractive elevation. They will look into a variance to raise the height for aesthetic purposes. The site itself conforms to the requirements of the Town. The auxiliary building will also be metal and used for the storage of the pellets.

Chairman Fon asked the Board and Counsel if there were comments. Mr. Garrigan asked if the lack of a pitched roof for the auxiliary building was a safety concern. Mr. Phelan responded that he originally sketched a plan with a roof pitch similar to the main building but the code allows for a height maximum of 20-ft and they have a 16-ft high exterior wall to get the pallets in. If they can get a variance from this restriction they can work on this. Chairman Fon stated that the building is a non-combustive metal building with enhancements and thought that with the fireplace use it is probably a good mix but noted that the Board is always concerned with the aesthetics as does the ABACA. Mr. Glatthaar asked about the height of the main building. Mr. Phelan responded that the restriction is 35-ft and they show 27-ft. Mr. Glatthaar asked if they could switch the designation of the buildings to avoid the need for a variance. Ms. Steinberg noted that the main building is larger than the auxiliary building so this would not be an option. Mr. Phelan noted that the property owner wants an application that is within the requirements of the Town and working with the land that has already been disturbed. The elevation of the auxiliary building is the only issue. The Board would like to see an aesthetically pleasing and safe building and had no issues with a variance request. Mr. Riina stated that he thought that the Building Inspector considered the projection of a roof feature as an architectural feature and is not included in the height of a building and will look into this. Mr. Riina stated that they will continue working on the plans and return with more details.

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 Informational Hearing.

Gallinelli Minor Subdivision

Discussion: Request for Reapproval

Location: 27.13-1-49; 2777 Quinlan Street

Contact: Site Design Consultants

Description: Approved 2-lot subdivision on 1.48 acres in the R1-20 zone, by Planning Board Res #18-16, dated September 17, 2018 and reapproved by Res #20-12 on August 10, 2020.

Comments:

Joseph Riina, P.E. of Site Design Consultants was present. Mr. Riina stated that the applicant is requesting an extension for a re-approval of the approved subdivision. Chairman Fon asked the Board and counsel if there were any issues and there were none.

Upon a motion by Bill LaScala and seconded by Rob Garrigan, and with all those present voting “aye”, the Board approved the request for reapproval for the Gallinelli Minor Subdivision.

Pied Piper Preschool Addition

Discussion: 2nd One-Year Time Extension
Location: 37.14-2-8; 2090 Crompond Road
Contact: Site Design Consultants
Description: Approved 3,019 square foot addition to the existing 3,730 square foot preschool. The building is proposed to be a total square footage of 6,749 square feet, on 0.68 acres in the R1-10 zone, by Planning Board resolution #19-24, dated August 12, 2019.

Comments:

Joseph Riina, P.E. of Site Design Consultants was present. Mr. Riina stated that the applicant is requesting a 2nd one-year time extension for the approved addition. The applicants have been working on financing for the project. Chairman Fon asked the Board and Counsel if there were any issues and there were none.

Upon a motion by Bill LaScala and seconded by Rob Garrigan, and with all those present voting “aye”, the Board approved the 2nd one-year time extension for the Pied Piper Preschool addition.

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 – 3110 Radcliffe Drive #FSWPPP-049-21

Location: 17.17-2-75; 3110 Radcliffe Drive
Contact: Putnam Engineering
Description: Proposed to 425 cubic yards of fill to level a portion of the rear yard.

Comments:

Rob Garrigan recused himself from this agenda item. Paul Lynch of Putnman Engineering was present. Mr. Lynch stated that the applicant is proposing to import 425 cubic yards of fill to extend the yard about 25 feet to create some usable recreational space. Mr. Bock asked if there were any restrictions. Mr. Lynch responded that there were none. Chairman Fon asked if there were any issues with stormwater. Mr. Lynch noted that that were none and the property is served by sewer. The Board had no planning issues and requested for the Planning Department to submit a memo to the Town 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 9:00 p.m.