

Planning Board Meeting Minutes – December 6, 2021

A meeting of the Town of Yorktown Planning Board was held on **Monday, December 6, 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:

- John Tegeder, Director of Planning
- Robyn Steinberg, Town Planner
- Nancy Calicchia, Secretary
- James W. Glatthaar, Esq. (*via phone conference*)
- Dan Ciarcia, Town Engineer

Correspondence/ Liaison Reports

- The Board reviewed all correspondence. An email dated 12/2/21 by resident Susan Siegel regarding Building Department enforcement for the Broad Pines subdivision was noted. Mr. Bock stated that the essence of the correspondence was that a building permit was issued on a lot that was supposed to be deeded to the Town as a result of one of the conditions of a previous approval. He is not sure if this is correct or not, but thinks it should be referred to the Building Department for a response. Mr. Tegeder noted that lot 7 was open space and not sure if a building permit was issued for that lot. He will check to see if the lot was actually deeded and accepted by the Town Board.
- There were no liaison reports.

Motion to Approve Meeting Minutes of November 22, 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 November 22, 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

Arcadia Farm Solar Farm

Discussion: Decision Statement

Location: 47.11-1-4; 1300 Baptist Church Road

Contact: Croton Energy Group

Description: Proposed 800 kW ground mounted large-scale solar energy system disturbing approximately 6 acres of a 28.85 acre horse farm in the R1-80 zone.

Comments:

Julia Magliozzo of Ecogy Energy was present. Ms. Magliozzo stated that there are no updates to the project and is hoping to move forward with a decision statement this evening. Chairman Fon asked the Board and Counsel if there were any comments. Mr. Bock commented on the modifications section within the draft resolution to show compliance with the TCAC memo dated 11/8/21 which specifies diversity of shrubbery to be planted. He questioned if there were any other items that need to be referenced as he does not want to limit the recommendations from the TCAC. He thought that the language could be changed to read “including but not limited to diversification of the species.” Mr. Tegeder reviewed the TCAC memo with the Board and had no issues with changing the language. Mr. Bock also noted item #4 under additional requirements with respect to the bond and questioned if the amount needs to be fixed for the resolution. Mr. Tegeder responded that the bond estimate is submitted by the applicant for review by the Town Engineer and Planning Department to determine if the estimate is adequate. Once the estimate is determined, it will then be set by the Planning Board at a later date. Ms. Magliozzo stated that an estimate to be used as a starting point was submitted with the decommissioning plan and is part of the record.

Upon a motion by Bill LaScala and seconded by Aaron Bock, 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 Bill LaScala and seconded by Rob Garrigan, and with all those present voting “aye”, the Board approved the resolution approving site plan, special use permit, and tree removal permit for Arcadia Farm Solar Farm.

Yorktown Rehabilitation and Nursing Center Solar Projects

Discussion: Public Informational Hearing

Location: 35.12-1-3; 2300 Catherine Street

Contact: Ecogy New York

Description: Proposed installation of a 698 kW DC/467 kW AC solar canopy system over existing parking with a 548 kWh Tier 1 Battery Energy Storage System and installation of a 284 kW DC/260 kW AC ground mounted solar array on a 12.84 acre parcel in the RSP-3 zone with existing skilled nursing facility.

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 and Fariha Mahjabin of Ecogy Energy were present. Ms. Mahjabin stated that they are working with their arborist and landscape architect with respect to comments received from the TCAC to hone in on the mitigation plan details. They are currently working on the stormwater mitigation plan; and are also scheduled to meet with the Fire Inspector on Wednesday. The notice and sign certifications were submitted to the Planning Department for the record. Ms. Magliozzo stated that they submitted a letter outlining the tree removal and mitigation plan dated 12/6/21 this evening. The project involves the removal of 220 trees and may be fewer depending on the design. As part of the mitigation plan, they are offering payment into the Tree Bank fund in the form of two payments. The first payment will be \$100.00 for each protected tree removed and the second payment will be \$300.00 for every 5,000 sf of disturbance in the protected woodland per Town Code 270-10D(4)(f) and to address the TCAC comments. The total proposed payment into the the Tree Bank fund will be \$13,500. Mr. Garrigan asked about the location of the majority of the trees to be removed. Ms. Magliozzo responded that two-thirds are along the back of the property and about one-third is in the parking lot.

Ms. Magliozzo stated that the proposed ground-mounted solar array system is to be located behind the building on a sloped grassy area and will not be visible from the street. The trees proposed to be removed will be directly to the east and south of the system to avoid shading. The proposed panels are 7 ½-ft on the high end and are closer to the ground. The rear area of the building is a steep slope so they have been working with their stormwater engineer to devise an adequate mitigation plan for the run-off that will be forthcoming.

The proposed solar canopy structure will consist of 6 canopies to be located over the existing parking lot. There will be no increase to the impervious surface. The grassy areas between the parking spaces will be disturbed for the canopy posts. The tree removal is necessary as it overlaps the area where the system is proposed to be installed. The canopy system will also include an associated Tier 1 Battery Energy Storage System. All necessary documents for the battery storage system will be submitted at a later date if the project should move forward. The proposed canopy structure will be screened entirely from the road with a mixture of shrubs and taller trees. The tallest canopy structure will be 22-ft. on the high end and may require a variance from the Zoning Board as discussed at the previous meeting.

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

- Dan Strauss, resident – Mr. Strauss stated that he is against cutting down swaths of trees in Yorktown. He noted that the applicant has done a responsible job in presenting their application. He believes that all pending and new applications should be brought to a halt until the Solar Law is reviewed which he believes is in process and noted that there is also talk about a moratorium. His comments are general. With respect to the tree removal, the mitigation presented seems reasonable.
- Susan Siegel, resident – Ms. Siegel asked the Board to consider the visual impact to the residential neighborhood with respect to the solar canopy. The site is zoned RSP-3 but Catherine Street is residential. She asked the Board to request renderings. She questioned where the battery storage system is to be located in relation to the solar canopy

system. She feels that this will destroy the aesthetics of the site. With respect to the solar array, she noted the Conservation Board's memo with their concerns. She stated that there are two competing goals, to support solar and the value to the trees and the woodlands and the two don't go together. There needs to be a balance and you have to look at the function of the trees. She asked for the environmental consultant to perform an analysis for this application. She also feels that there needs to be clarification for the proposed payment into the tree bank fund with respect to the protected woodlands as she doesn't think it was the intent of the law to double charge an applicant.

- Joe Falcone, resident – Mr. Falcone questioned what happens to the storage batteries after they are dead, are they recyclable? Chairman Fon responded that each application is required to have a decommissioning plan and bond in place. Ms. Magliozzo responded that the batteries are removed from the site as per the decommissioning plan. The bond in place guarantees that this will be done. At the moment, there are multiple programs that allow reuse of the storage but noted that there are no robust recycling programs in place. However, as more batteries are deployed, the more they expect these programs to come into play in the future.
- Richard Fennelly, Principal of CoilPod LLC – Mr. Fennelly stated that his company focuses on the need for reducing waste in the electric grid. He noted that cooling equipment is hardly ever maintained properly. People don't usually clean the coils in their refrigeration and air conditioning units. He feels that commercial refrigeration is a disaster. He noted that he sent an email to the Planning Department today and attached a cooling global study. He reviewed the report with the Board and how it relates to Yorktown. He feels that Con Edison should be leaned on to provide incentives to get people to perform this maintenance and noted that they approached Con Edison but were ignored. He feels that there should be legislation for commercial and public use with respect to maintaining the cooling units for these systems. With respect to the residents, it can be done with incentives. He feels that this area needs a more attention and will provide more information to the Board going forward.

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

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

C3 Holdings LLC fka Generations Building

Discussion: Public Informational Hearing

Location: 48.11-1-51; 1500 Front Street

Contact: Site Design Consultants

Description: Proposed two-story 3,600 SF building to be used as a 3-bay parking garage on the first floor, material storage on the second floor for one of the existing businesses within the building. This site plan was previously approved by Planning Board Resolution #09-08 on March 9, 2009.

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 was present. Mr. Riina stated that the site is located at 1500 Front Street. The parcel is 2 acres in size and zoned I-2. The application was previously approved in 2009 for a 3,600 sf building under different ownership. The current owner is requesting to re-establish that approval for the exact same building and footprint for what was originally approved. Currently on the site is a 26,000 sf building which is a mix of office and industrial use with 23 parking spaces. The proposal expands the number of parking spaces by 3. The proposal is for a 3,600 sf two story building. The lower level will be used as a 3-bay garage and the upper level will be used for storage as an accessory use to one of the existing businesses in the building. The proposed building is located at the far end of the parking lot closest to the southern border of the site. Screening is proposed to shield the neighbors from the rear of the building. The stormwater has been designed and approved by the DEP and was recently re-established. The stormwater will consist of two rain gardens to be located in the front and rear of the building.

Chairman Fon asked the public if there were any comments and there were none. Chairman Fon asked the Board and Counsel if there were any comments. Mr. Garrigan asked if anything has changed topographically since 2009. Mr. Riina responded that there was no change.

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

The Board agreed to schedule a Public Hearing for January 10, 2022.

Old Hill Farm Solar Farm

Discussion: Public Informational Hearing

Location: 16.08-1-4 & 17; 571 East Main Street, Jefferson Valley

Contact: Hillside Solar LLC

Description: Proposed 3.75 MW ground mounted solar panels disturbing 15 acres on a 19.4 acres in the R1-20 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.

Kathryn Hoenig, property owner; and Hannah Steffens of Powerflex were present. Ms. Hoenig stated that her family owns the property located at 571 East Main Street known as the Old Hill Farm. The proposal is to convert the former dairy and vegetable farm into a community solar farm. They have been working with the Planning Department, Engineering Department, Tree Commission (TCAC), and Conservation Board to ensure that the project meets all the requirements of the Town law. The property has been in the family for over 180 years and until 35 years ago was used primarily for cow grazing and growing vegetables. The property is primarily bordered by commercial and industrial properties. The proposed solar farm will be located on about 14 ½ acres of the 19.4-acre property leaving 5 acres untouched. She feels that the site is ideal for the solar proposal as it is primarily abandoned agricultural land with secondary growth and invasive trees, shrubs and vines. There is a limited sight line into the property and they are proposing additional screening of 265 evergreen trees (7 to 12-ft) along the entire border of East Main Street and in selective locations to further limit the ability to see into the site. There are an additional 6 acres under the Con Ed power line along Route 6 that will remain untouched and act as a buffer to the properties located to the East and South. The solar panels will be located 50-ft from all property borders and will be enclosed by a 7-ft green privacy fence that will be located 30-ft from the property line and 20-ft from the fence line to the solar panels. The fence in the eastern and southern boundaries of the property will have a 6-inch gap at the bottom to allow small animals through. The wetland and wetland border will remain untouched. A SWPPP was prepared and submitted to Planning and Engineering Departments for review. The ground below and in between the solar panels will be replanted with a pollinator friendly seed mix. In addition to the planting of the 265 trees, they are also proposing to contribute to the Tree Bank fund. He stated that her family has been before the Town for a variety of different proposals on how to develop this land over the past 20 years and noted that the property is currently zoned ½ acre residential. Unlike other proposals, this solar project will remain within the family. It will involve no new buildings, no increase in traffic, no school children, no wetlands impact and no noise or light impacts. It will provide environmental and economic benefits to the community including the ability to provide 630 homes with renewable electricity.

Ms. Steffens stated that their team is dedicated to ensuring that the integrity of the area is kept intact and that there is little to no visual impact from the solar array. Approximately 25% of the property will remain untouched including the two contiguous parcels totaling 6 acres located to the east and south of the property. All healthy trees along the border will remain and be pruned to improve the appearance along East Main Street. The existing stone wall that borders the property along East Main Street is proposed to be restored. 265 evergreen trees are proposed to be planted to further shield the system from view. The trees will consist of a variety of evergreens that includes Eastern Red Cedar, White Spruce, White Fir, and Colorado Spruce. The trees are proposed to be between 7 and 12-ft when planted and will grow to be about 50 to 80-ft. All invasive vines are proposed to be removed. In addition, to the new plantings they are proposing to donate to the Tree Bank Fund to support future plantings in Yorktown. The privacy fence wraps around the entire system and will be 7-ft in height. There will be a 6-inch gap at the bottom of the fencing in the eastern (adjacent to the wetland area) and southern boundaries of the property to allow for species migration. The fence will include two gates at the entrance to the property along East Main Street and will utilize the existing curb. A farm style gate is proposed at the site entrance with a green slatted safety gate behind. A pollinator friendly seed mix is proposed to be planted within the disturbed areas of the solar array. Along the northern border, the landscape plan will include a double row of plantings along the entire border of East Main Street and the western border with a residential property. Along the southern border, the landscape plan will include a double row of plantings along the southeast corner of Route 6 and all the trees shown will remain. Site renderings of five locations along East Main Street, including near the intersection with Hill Blvd depicting leaf off conditions and plant growth from year 1 through year 5 were shown to the Board. Photos of the restored stone wall, farm style entrance gate were also shown to the Board.

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

- Dan Strauss, resident – Mr. Straus stated that he is a skeptic and is remiss in not having been at earlier meetings with respect to the solar law. He noted discussions on a proposed project on Underhill Avenue from a while back when solar was in its infancy. He thinks the tree clearing is harsh to the landscape of the city of trees in Yorktown. He questioned the 360 trees to be removed with respect to their worth to the logging industry. He cited another application with respect to tree clearing and mitigation. He doesn't believe that mitigation works. He read an article to the Board with respect to solar farms.
- Richard Fennelly, Principal of CoilPod LLC – Mr. Fennelly stated that he spoke earlier about dust and debris on the cooling equipment coils. He stated that even though the solar panels are pitched they still suffer from dust and debris from the atmosphere which over time sticks to the panels cutting down on the radiation to the panels. He feels that solar panel maintenance with respect to the cleaning should be done going forward.
- Susan Siegel, resident – Ms. Siegel stated that she is being consistent with balancing her environmental concerns with the need for solar energy. She has been involved with this particular site since the master plan revision in 2010. In 2019 there was a proposal for a multi-family development on this site which she thought was a good proposal. Unfortunately, the Town Board in 2020 caved to pressure from a certain segment of the community and the developer walked away and she is not sure if there were reasonable negotiations. She empathizes with the applicant who decided to go with solar as there is a limited ability to deny a permit if they meet the limited conditions. She thinks there should be more conditions to the special permit while the Town is talking about amending the Solar Law. She noted that it was stated that this wasn't an ideal site for residential but she disagrees as she thinks it makes grounds for sound land use and is proposed in the Overlay District law that would allow a mixed use with the housing. But she feels that it is not an ideal site for a solar farm as it is in a residential neighborhood. Since this application is early in the review stages she asked the Board to consider holding off until the Town Board imposes a moratorium or amends the Solar Law and doesn't feel it would be an imposition to the applicant.
- Dan Strauss, resident – Mr. Strauss stated that he is his own person with respect to his comments and is not working with anyone.
- Dan Ciarcia, Town Engineer – Mr. Ciarcia stated that the DEC has basically given these projects a pass in that they basically view turning trees into meadow. But one of the fundamentals in making that assumption is that the water cascades off of each panel and flows under the panel in front, etc. The dilemma for this project is that the southern orientation of the panels is aligned running east west which is coincident with the slope. The stormwater needs to be more extensive if the arrays are not aligned with the contours.
- Susan Siegel, resident – Ms. Siegel stated that this property has a wetland which is not being directly impacted by the location of the panels. She asked about the undisturbed condition of the land currently with the stormwater seeping into the ground and suspects that it makes its way into the abutting wetland buffer and wetland. If they create a stormwater retention basin on these sites and direct the water into a culvert what impact will that have on the abutting wetland and wetland buffer that is not part of the site plan. Although it not part of the project area, it is part of the overall site and thinks they need an expert to address the impact to the nearby or abutting wetlands and buffer.

Mr. Bock asked the applicant about the TCAC memo dated 11/15/21. Ms. Hoenig responded that they received the memo and have addressed their comments. A revised mitigation plan was prepared and submitted to the Planning Department. She noted that with respect to the hydrology questions, a SWPPP was submitted for review and they will work with the Engineering Department to ensure that it works and is the least impactful.

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.

Foothill Street Solar

Discussion: Adjourned 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:

Item withdrawn from the agenda at the applicant's request.

Par 3 Golf Course

Discussion: Site Plan
Location: 16.07-1-38; 795 Route 6
Contact: James Martorano Jr.
Description: Proposed Par 3 golf course on Town owned Parkland.
Comments:

James Martorano, Parks & Recreation Superintendent; and Joseph Falcone, Parks & Recreation Commissioner were present. Mr. Martorano stated that they are before the Board for a final decision for this project. He noted that the parking and mitigation plans were discussed with the Board during past meetings. A total of over 120 native trees are proposed to be planted in various strategic locations around the golf course to protect the golfers.

Chairman Fon asked the Board and Counsel if there were any comments. Mr. Tegeder stated that a formal landscape plan needs to be submitted to the Board prior to the Certificate of Occupancy. Mr. Bock noted his concern about the treatment of the stream bank and stated that there are conditions in the resolution which address this to his satisfaction since it defines the ultimate goal. He noted that he was strongly influenced by the memo prepared by the Planning Department on the history of the site and the project. The site has been in existence since 1966 and lends a certain element of continuity to what is being done here and noted that this is not a brand new project. The conditions of the approving resolution are adequately addressed including the trees, watercourse, and sensitivity to the overall drainage issues. Mr. LaScala stated that he visited the site and thought it looked great. Mr. Glatthaar stated the the Planning Department memo was tremendously helpful and had no issues. Mr. Garrigan noted some grammatical errors in the resolution. Mr. Bock asked if the number of trees need to be determined for the resolution. Mr. Tegeder responded that it did and noted that 67 protected trees were removed and 23 were dead or diseased and recommended that a minimum of 67 trees be replanted and can go up to 90 but the Board can make the determination for the layout. The plan submitted by the applicant shows 90 trees. Mr. Garrigan asked if the Board could provide a range for the applicant. Mr. Tegeder responded that a number could be selected and that there would be some flexibility as the landscape architect will need to walk the site and come up with a design. They can strive for 90 but if they can only fit up to 80 they will return to the Board. Mr. Bock stated that the resolution also has a provision that requires a final submission of a landscape plan. There were no other comments.

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 Rob Garrigan and seconded by Bill LaScala, and with all those present voting “aye”, the Board approved the resolution approving site plan, stormwater pollution prevention plan, wetland permit and tree plan for the Par 3 golf course.

Motion to Close Regular Session and Open Work Session

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

WORK SESSION

Boniello Equities Subdivision

Discussion: Subdivision
Location: 37.09-1-67, 70, 71; 2012-2016 Crompond Road
Contact: Gus Boniello
Description: Proposed resubdivision of three lots to create 4 lots and construct two new two-family residences.
Comments:

Gus Boniello was present. Mr. Boniello stated that they submitted an updated plan to the Board for review as a follow up to their meeting of 9/27/21. The proposal is to subdivide the land to create two additional lots for the construction of two new two-family homes. All the zoning requirements are met, there are no wetlands or steep slopes involved with the proposal. The two new homes would access the existing private road. The stormwater is proposed to be subsurface.

Chairman Fon asked the Board and Counsel if there were any comments and there were none. Chairman Fon requested for the applicant to provide photos of the existing homes at the site. The Board agreed to schedule a Public Informational Hearing for January 10, 2022.

Town Board Referral - #T-FSWPPP-054-21

Location: 70.10-1-36; 356 Jaclyn Lane

Contact: Kellard Sessions Consulting

Description: Proposed construction of a single-family house on well and septic.

Comments:

Pietro & Gladys DiSisto. Mr. DiSisto stated that they were referred by the Town Board for a permit for the construction of a single-family dwelling. Chairman Fon asked the Board and Counsel if there were any comments. Mr. Garrigan asked if the well and septic were dedicated to the one residence. Mr. DiSisto responded that it was. Mr. Tegeder stated that this is a vacant lot with about 12 or 15 trees to be removed and is basically mixed meadow. Mr. DiSisto responded that the bottom part of the property where the septic is located is generally clear and not forested. The remaining property is mostly trees. Mr. Tegeder had no comments other than making sure that the laws are adhered to properly. The Board agreed and had no issues. The Planning Department will submit a memo to the Town Board.

Mongero Properties

Discussion: Approved Site Plan

Location: 37.14-1-44; Saw Mill River Road

Contact: Michael Grace, Esq.

Description: Request to remove the required traffic improvements from the approved site plan approved by Resolution #09-28 on November 9, 2009.

Comments:

Michael Grace, Esq.; and Joseph Riina, P.E., were present. Mr. Grace stated that he has been before the Board on several occasions with respect to this application. The applicant is seeking to remove the traffic signal requirement from the approved site plan. They are also asking for the Board to consider reducing the access drive to the site to a driveway rather than a town road to reflect the site's operational intensity which does not need a traffic signal. The entrance to this property was supposed to be a town road that connected and looped around the Falkenberg property onto Route 202 to eliminate the right hand turn at the Triangle intersetion. He noted that this road never materialized and is still an idea that is about 30 years old that doesn't seem to be a possibility. The approved site plan is for a 3,838 sf building. To warrant a traffic light and road improvements comes to about \$300 per square foot of approved space which he feels is an expensive proposition and makes the site undevelopable. It was at one time proposed and approved to be a bank and money was not an issue. Public improvements were discussed and agreed upon as part of that review. Mr. Grace stated that in his opinion there is no plausible argument that a 3,800 sf building will make a marginal difference to require a traffic light. In addition, the State DOT wants a traffic light at the intersection, but has not done anything about it in decades. Further, the Board must consider in the argument that there is a well articulated highway law as to how road improvements are financed. In Mr. Grace's opinion, it is a stretch of the Board's legal ability to require one property owner to finance a highway improvement that is for the benefit of everyone. There is a seminal court of appeals decision Albany Builders v. Guilderland that held Guilderland's local law was preempted by New York state law which provided a comprehensive scheme for funding road construction. Mr. Grace can see this as a concession by the developer, but it really should be removed from the approved plan. The applicant would like to hear from the Board and then submit an amended plan to remove that condition.

Mr. Bock asked if the bypass was in any plan. Discussion followed with respect to the bypass and signalized intersection. Mr. Bock wants to make sure that the Board isn't foreclosing any options from building the bypass in the future. Mr. Grace said to that point there is an issue of fundamental fairness and if there is an issue that warrants signalization it should be broader. Mr. Bock stated that not having a traffic light could be easily rectified later on. In addition, Mr. Bock asked about the right-of-way closer to Route 202, he remembers the Chase Bank asking for the right to park on the right-of-way to obtain more parking spaces and believes the Town gave the property a license of some sort to expand the parking lot. Mr. Bock stated that he may be okay with reducing the site access to a driveway on this site plan but wants to make sure that doesn't preclude creating the bypass in the future. Mr. Grace said it would not. Mr. Bock asked if it should be

referred to the Town Board with respect to the right-of-way. Mr. Tegeder stated this was talked about a few years ago with discussion for The Weyant project. The bypass is still under consideration by the Town. Mr. Glatthaar stated he understands the position Mr. Grace is making, but does not feel it is as simple as it being not fair to one property. There needs to be a traffic analysis. Mr. Grace stated that in his opinion there is no rationale for requiring a traffic light for a 3,800 square foot building. Mr. Glatthaar suggested a public hearing but noted that the applicant needs to make an argument from a traffic safety standpoint why this condition is no longer justified. Mr. Tegeder stated that he understands the volume added by the small building doesn't warrant the traffic light. The issue is adding the 4th leg to the intersection that needs to be analyzed to see the level of service that results at each leg of the intersection; how will people be able to get in and out of the site safely. Mr. Grace feels that the traffic light should not be required by one property owner and noted that another option is to return with a new site plan and try to have the Board justify that the light is warranted. Mr. Tegeder mentioned that even if the new access is considered a driveway, it may still have to be built to town road standards to be able to accommodate the turning lanes. If the bypass road ever happens, this section of it should be in place since the road will be utilized to serve the site. Mr. Grace stated that the improvements shouldn't be done in conjunction with the light. Mr. Tegeder stated that the applicant should contribute their share to improvements to the intersection.

Mr. Grace stated that the applicant will submit an amended plan and the Board agreed to discuss the amendments at a future meeting.

Mr. Walt Daniels informed the Board that he thinks the right-of-way across the back side of the property (from Route 202 to the Mohansic Trailway) is shown as parkland on the County tax map. He thinks it would make installing a road difficult. Mr. Tegeder stated that he is not aware of this but will look into it.

Proposed Overlay Districts

Board Discussion

Comments:

Mr. Tegeder informed the Board that there were some proposed modifications to the section under authorization that are mainly wording changes. The Board had no issues. The Planning Department will prepare a memo for the Town Board.

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 9:10 p.m.