

# Planning Board Meeting Minutes – March 22, 2021

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A meeting of the Town of Yorktown Planning Board was held on **Monday, March 22, 2021 at 7:00 p.m.** via Zoom video conference.

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

- John Kincart, Secretary
- Bill LaScala
- Aaron Bock
- Rob Garrigan

Also present were:

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

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**In accordance with the Governor’s Executive Order 202.1, the Town of Yorktown Planning Board will not be meeting in person until further notice. All Planning Board meetings will be held via video conferencing and will be uploaded to the Town of Yorktown’s website and Yorktown’s YouTube channel after the meeting. All meetings will be broadcast on the Town of Yorktown Government Channel.**

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## **Correspondence**

The Board reviewed all correspondence. The following was discussed:

- BJ’s Shopping Center – “York Pizza” Sign (*replacing “New York Pizza Company” sign*) – The Board agreed to approve the temporary replacement of the sign face in the existing box sign until one or more of the other tenants of this building change for the purpose of consistency and to comply with the master sign plan with respect to removal of box signs.

## **Motion to Approve Meeting Minutes**

Upon a motion by John Kincart and seconded by Bill LaScala, and with all those present voting “aye”, the Board approved the meeting minutes of March 8, 2021 with corrections as noted.

## **Motion to Open Regular Session**

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

## **REGULAR SESSION**

### **Hemlock Hills Farm - Solar Farm**

Discussion: Public Hearing Plan & Special Use Permit  
Location: 46.08-1-1 (Yorktown) & 45.12-1-4 (Cortlandt); 500 Croton Avenue, Cortlandt Manor  
Contact: Badey and Watson Surveying and Engineering, P.C.  
Description: Proposed 1.69 MW solar farm on a 4 acre portion of the 50 acres of the Hemlock Hill Farm property that is located in the Town of Yorktown.

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.**

Margaret McManus, P.E. of Badey and Watson, was present. Ms. McManus stated that the farm is located at 500 Croton Avenue and accessed from the Town of Cortlandt. The proposed solar farm is approximately 4 acres in size. The Planning Board along with other interested Boards conducted a site visit and did not have any concerns with respect to visibility. The Westchester County Planning Department (WCPD) approved the new location of the solar array as noted in their letter dated 3/17/2021. The WCPD commented about the proposed infiltration trenches along the drip lines of the solar

panels wherever the slope goes over 10%. They feel that that the trenches would create an unnecessary disturbance that may be unwarranted. However, Ms. McManus stated that the trenches were requested by the NYCDEP because they were concerned that the drip line of the panels was on a slope and could cause concentrated flows. She does not feel that there will be an increase in run-off and suggested that if the trenches were not installed, a condition could be put in place that if there was notable erosion the applicant would then be required to install them. The solar arrays and details of the trenches were shown on the plans. Ms. McManus noted that the WCPD commented that they would prefer the solar array to run along the contours but that isn't possible because the panels must face south. Mr. Ciarcia stated that the way the infiltration trenches are proposed they will concentrate the water and won't function as infiltration trenches unless you break them into cells because there is too much slope across the area. He feels that the premise that there is no increase in run-off is not valid because even if you leave the ground alone you will still end up with a situation where water won't be landing on the soil underneath the solar arrays so you are not getting the benefit of the water percolating into that soil. The character of the land will change. He also feels that there needs to be some level of stormwater mitigation but the current proposal doesn't achieve that goal and will need to review the SWPPP. Ms. McManus responded that the SWPPP was submitted and that she followed the guidelines for cover characteristics for a solar farm. Discussion followed with respect to drainage. Mr. Ciarcia stated that he will work with the applicant to come up with a plan for the site. Ms. McManus asked the Board if this could be satisfied as a condition of approval. Mr. Glatthaar responded that in order to meet the SEQRA findings, the applicant will need to have a drainage plan that can be approved by the Board. Ms. McManus added that the WCPD also commented about the seed mix and noted that the manufacturer's instructions will be followed. Chairman Fon asked Counsel and the Planning Department if there were any issues with the WCPD letter. Mr. Tegeder responded that he had no issues and will work with the applicant and Town Engineer pursuant to the letter. Mr. Glatthaar had no issues.

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

- **Paul Stern, resident** – Mr. Stern asked if the site visit performed by the Board was for the correct location as it was his understanding from comments made at a previous meeting that the site changed.

Chairman Fon responded that there were two site visits, one for the site itself and the second for the visual impacts from the neighboring trails but noted that the location has not changed. Ms. Steinberg stated that the initial application to the WCPD was in a different location but the Planning Board never saw that location. Ms. McManus also confirmed that the applicant sent a preliminary plan to the WCPD that showed the array further to the south on the farm and then, before they came to the Planning Board, they switched the solar array to its current location at the request of the farm and the solar company. The letter was updated with WCPD to reflect the new location.

Mr. Stern asked if the solar farm is a permitted use under the easement. Ms. McManus responded that it is and is specifically stated in the agreement between the farm and Westchester County.

There were no further comments from the public. Chairman Fon noted that a few emails were received in February that are part of the record. The Board advised the applicant to meet with the Town Engineer and Planning Department to discuss the SWPPP.

**Upon a motion by Bill LaScala and seconded by John Kincart, and with all those present voting “aye”, the Board closed the Public Hearing with a 10-day written period.**

#### **Albert French Subdivision**

Discussion: Public Informational Hearing

Location: 12.11-17-23; 1762 French Hill Road

Contact: Site Design Consultants

Description: Proposed 2-lot subdivision where there are three existing residences. A Zoning Board decision from 1983 supports this subdivision.

Comments:

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

Joseph Riina, P.E. of Site Design Consultants; and Albert French, property owner, were present. Mr. Riina stated that the property is located at 1762 French Hill Road and zoned R1-40. The site is just over 2 acres and currently improved with three existing dwellings. In 1982, the Zoning Board granted a variance for the three dwellings on one property with

reference for a potential subdivision. The current application is to subdivide the property into two lots. Two of the dwellings are proposed to be on Lot 24 and one dwelling is proposed to be on Lot 24.1. The proposed property line is irregular, but provides the needed setbacks for the existing structures. Each residence is served by septic and the Health Department requires the 100 percent expansion areas shown on the plans as well. There are no additional improvements proposed at this time. The plat was submitted to the Planning Board.

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

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

**Envirogreen Associates**

Discussion: Public Informational Hearing

Location: 15.16-1-30 & 31; 1833, 1851, 1867, and 1875 East Main Street

Contact: Site Design Consultants

Description: Proposed redevelopment of a portion of the referenced property by removing one of the existing buildings and parking area, and constructing a 13,278 sf retail building with associated 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.**

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 the property is located at 1851 East Main Street, zoned C-3 and just under 8½ acres. The current proposal is to construct a single-story commercial building just over 13,200 sf. He noted that a PIH and PH were previously held on this application for a different site plan that proposed to construct two buildings totaling 16,000 sf, however the NYSDEC would not permit the plan. The history of the application was reviewed with the Board. The plan proposed this evening was agreed to by the NYSDEC. The site will have two access points off of Route 6 and they are proposing to close two other existing access points. There is an existing building on the site currently. A total of 141 parking spaces are proposed. The parking count meets the requirements based on a potential 2,500 sf restaurant use but noted that there are no tenants selected presently. The SWPPP is almost complete and an updated landscape plan will be submitted to the Board shortly.

Mr. Marino stated that the limits of the wetlands are essentially within 10 feet of the limits of current disturbance therefore the buffer has already been disturbed. The NYSDEC and the Town approved the wetland delineation. The applicant worked with the NYSDEC for two years and made several revisions to the plan to reduce the impact to the wetlands, but the NYSDEC was not comfortable with the wetland fill under their guidelines. The proposed plan shows no wetland fill. There are a couple of low retaining walls proposed to separate the existing fill and disturbed areas from the wetland. The mitigation will include the removal of invasive species and installation of native plantings, trees, and shrubs to enhance the buffer and transitional area between the upland and wetland to create a denser vegetative buffer between the new development and the existing wetland. There is a pond behind the proposed building that was part of a drainage plan from a previous site plan many years ago. The pond still exists and does function as part of the wetland system currently.

Chairman Fon asked the public if there were further comments and there were none. Chairman Fon noted that the Planning Board received an email from Wayne Staten, property owner of 1879-1893 East Main Street dated March 18<sup>th</sup> that was concerned with parking.

**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 John Kincart, and seconded by Rob Garrigan, and with all those present voting “aye”, the Board closed the Regular Session and opened the Work Session.

## WORK SESSION

### Correia Site Plan

Discussion: Site Plan  
Location: 6.17-2-65; 250 East Main Street  
Contact: Site Design Consultants  
Description: Proposed storage facility on 8.22 acres in the Country Commercial zoned portion of the property consisting of two 1½ story buildings of 6,000 sf each.

#### Comments:

Joseph Riina, P.E. of Site Design Consultants, was present. Mr. Riina stated that the application was last before the Board for a Public Informational Hearing on 5/4/2020. The property is situated on 8.22 acres and zoned Country Commercial. The site currently consists of two commercial buildings. The proposal is to construct two free standing 6,000 sf warehouse type storage buildings for ancillary use by the owner and the commercial tenant. He noted that the location of the buildings were moved into the hill and further away from the neighboring properties at the recommendation of the Planning Board. The amount of trees proposed to be removed will be about 50 trees, most of which will be supplemented in the tree bank fund as there is not much opportunity for plantings at the site. A landscape architect is reviewing the site and to propose some tree restoration. The testing at the site is complete and a SWPPP has been prepared. The applicant is requesting to move forward with a Public Hearing.

Chairman Fon noted the Conservation Board memo dated 3/18/2021 with respect to the tree mitigation plan. Mr. Kincart clarified that the subject application is for the front portion of the 8.22 acre site that is zoned Country Commercial and not the rear portion of the site that is zoned residential. Mr. Bock asked if there were any future plans for the rear residential portion. Mr. Riina responded that currently there are no plans as it is not possible to get septic systems due to the slope unless sewers were to become available. Mr. Bock asked if this was one of the parcels that was removed from the sewer district years ago. Mr. Ciarcia responded that some of the properties were taken out of the Peekskill Sanitary Sewer District, but if this was one of them, they could buy back in, if the Town were to install sewers. He also noted that this area is in the overlay district that the Town Board is currently considering. Mr. Bock questioned if the Board should consider some sort of preservation for the rear portion of the property in granting approval for the front portion. Mr. Riina stated that he did not think his client would be in favor of doing this as there is no reason for it at this time. Mr. Bock asked what the squared structures shown on the far western side of the property were. Mr. Riina replied that they were metal containers.

The Board agreed to schedule a Public Hearing for the April 12<sup>th</sup> meeting agenda.

### Foothill Street Solar Farm

Discussion: Site Plan & Special Permit  
Location: 15.07-1-5; 3849 Foothill Street  
Contact: Con Edison Clean Energy Businesses, Inc.  
Description: Proposed installation of a 1.87 MW ground-mounted solar panel system with associated access road, electric utility upgrades, and perimeter fencing.

#### Comments:

Joe Shanahan of Con Edison Clean Energy Businesses, Inc.; and Websley Darbouze, Design Engineer of Bergmann Associates, were present. Mr. Shanahan stated that the property is located at 3849 Foothill Street on a 34 acre parcel owned by the Lockwood family. The proposal is to develop a 1.87 MW ground-mounted solar facility at this location. A formal site plan application was submitted in November and received feedback from the Planning Board and other agencies within the Town. Since that time, they have met with the Planning Department for further discussion. A revised site plan application was submitted to the Planning Department on 3/12/2021 that included a detailed and dense landscape plan, SWPPP, photo simulations and comparative analysis for development of the site as a conventional subdivision, a cluster subdivision, and the current proposal. The Lockwood family had previously explored residential development for the site which included a 20-lot cluster subdivision and a 20-lot conventional subdivision with the Town. He noted that Mr. Lockwood indicated that if he can't find another means by which to develop the site, he would go back to the residential plan. The comparative analysis for these three projects in terms of its impact to the site, the neighborhood and the community was prepared for review. The analysis revealed that the amount of disturbed forested

area is somewhat less or nearly equal for the current project than the subdivision plans. A detailed inventory of plantings for the site was submitted with the landscape plan. The previously proposed stockade fence along Foothill Street has been removed. The existing 15 ft. strip of trees along Foothill Street will remain but within that area 212 plantings averaging between 5 to 6 ft. apart at installation are proposed. Photo simulations were provided to show where these plantings will be on day 1 and five years from now. They feel they now have a finished revised site plan package pending before the Board and requested for the Board to consider scheduling a Public Informational Hearing.

Chairman Fon asked the applicant if he had the opportunity to see the correspondence and resolution from the Putnam Valley School District. Mr. Shanahan responded that he did and will respond to their comments in detail at the hearing. Chairman Fon asked the Planning Department when this application came before the Board. Mr. Tegeder responded that it was originally before the Town Board in 2017 and came to the Planning Board in November of 2020 as an application under the new solar law.

Websley Darbouze, design engineer, showed the plans and photo simulations to the Board. Mr. Darbouze stated that since the last submission, the focus was on the visibility to the site. A licensed landscape architect reviewed the site and a landscape plan was submitted with details of the trees, heights, and growth after five years. Additional landscaping was provided to shield the view from Foothill Street. He noted that the first iteration of the plan showed the batteries along the northern side of the access road. The batteries have now been moved away from the school to the south side of the access road. The transformer is also shown on the plan and will be appropriately screened. The stormwater management practices are the same as was originally proposed. The SWPPP was prepared and submitted for review. Mr. Darbouze stated the stormwater runoff on the site will not be changed and the wetlands and stream are not proposed to be disturbed. Any stormwater discharge toward the school will be mitigated by the pond. Post construction run-off will be reduced by 15% for the 100-year storm.

Mr. Kincart asked about the tree buffer on the north side abutting the school and how much remaining is actually on the subject property. Mr. Darbouze responded that he believes its around 20 ft. and noted that the landscape plan shows additional plantings for that area.

Mr. Bock stated that he would like to discuss the appropriateness of this use for the site. He questioned if the Board needs to know more about the alternatives to a solar development in order to address the impacts of the application. He noted that he read the narrative submitted by the applicant and didn't see anything that was approved and his understanding on the history of the residential site was that there were some constraints due to the location of the stream. He asked Mr. Glatthaar if there is additional information that the Board needs or is required to consider in addressing the impact of this proposal. Mr. Glatthaar responded that if the development was considered a Type 1 action and the subject of a draft environmental impact statement, the Board would be required to consider alternatives to the proposed plan. However, when there is no environmental impact being discussed they are not required to study alternatives. The Board can choose to do so if they desire but there is no requirement unless a positive declaration is issued and a draft environmental impact statement is prepared. Mr. Tegeder stated that the residential plan shown in Mr. Shanahan's package was reviewed by the Planning Board and the Town Board. The Planning Board determined that the 20-lot subdivision represented what the property would likely support in terms of unit and lot count and then requested authorization to use clustering. Clustering was approved by the Town Board, but the subdivision was never approved by the Planning Board. With respect to the subdivision proposal, in both plans there is no stream crossing except for a couple of sewer lines. Chairman Fon asked when the residential subdivision was before the Board. Ms. Steinberg responded that it was in 2008. Chairman Fon asked Mr. Ciarcia, Acting Town Engineer, if there have been any changes to the stormwater regulations since then that would impact this subdivision proposal. Mr. Ciarcia responded that he doesn't think there was anything of consequence that would impact a residential subdivision like what had been proposed. He noted that the site is outside the NYCDEP watershed so those regulations would not apply. Chairman Fon noted that it didn't seem that there were any significant changes to the Town's regulations over the years, with the exception of the Tree Law, that would change the way they would review the subdivision from 2008.

Mr. Kincart stated that he recalled Mr. Glatthaar's comment on the Croton Overlook application, noting that these types of projects are not permanent and do not preclude other applications in the future. The Croton Overlook project is very similar with respect to tree removal. He was pleased that the buffer between the school property and the solar project will remain. He drove by the site and noted that he thought it will be a much more attractive plan based on the photo

simulations. If the applicant can soften and mitigate the impacts visually and environmentally and not have a permanent use on the site, he would be more open to reviewing the project as they move forward. Mr. LaScala asked about the tree heights and growth over the 5-year period. Mr. Shanahan responded that it was made very clear that the visual impact was to be removed from the beginning so the species of trees in terms of height and width to be planted on day 1 are substantial and there are a total of 212 plantings proposed. Mr. Garrigan asked about the setback from the chain link fence to the first array. Mr. Shanahan responded that from the street to the array itself is about 55 ft. Mr. Darbouze stated that the edge of the panels to the chainlink fence is about 16 ft. Chairman Fon asked if there were any visuals from the Putnam Valley High School toward the site. Mr. Shanahan explained that the viewshed is totally blocked out by existing vegetation. The topography was discussed.

Chairman Fon noted that letters were received from the Putnam Valley School District and Putnam Valley Town Board. A memo was also received from the Tree Commission dated 3/22/2021.

The Board requested the Planning Department schedule a site visit with Conservation Board and Tree Commission. The Board agreed to schedule a Public Informational Hearing for the April 12<sup>th</sup> meeting agenda.

### **Taco Bell – Mohegan Lake**

Discussion: Amended Site Plan & Special Use Permit for Outdoor Seating

Location: 15.16-1-21; 3571 Mohegan Avenue

Contact: JMC Site Development Consultants

Description: Proposed Taco Bell restaurant and drive-thru on 0.83 acres in the C-2 zone, at the corner of East Main Street and Mohegan Avenue.

#### Comments:

Paul Dumont, project engineer, and Lucille Munz, senior landscape architect, were present. Mr. Dumont stated that they are present as a follow up to the 3/8/2021 meeting to discuss the revised landscape plan for the front of the property around the drive-thru lane. Per the Board's feedback, the design was revised and a hedge planting and some smaller areas of shrubs are now proposed along the drive-thru. Ms. Munz stated the revised proposal shows a row of shrub plantings consisting of Ilex Glabra 'shamrock' (inkberry) that will be pruned to form a hedge. In addition, smaller planting areas are proposed to soften the corner and provide areas of seasonal interest and color that include lime line hydrangeas, ornamental grass, and black-eyed Susans. The hedge was pulled away from the roadway so it would be protected from snow plows. The Ilex Glabra was chosen because it is a native species and there is currently a boxwood blight. This particular variety is fuller and denser with more leaf at the bottom. Mr. Tegeder asked what the mature height would be and if the hedge could be trimmed to a certain height. Ms. Munz responded that it tops at 3 ft. and can be trimmed into a linear hedge but noted that it doesn't have to be trimmed as they all top at the same height and will be planted close together to form a tight hedge. Mr. Tegeder asked if it would be problem if there was a condition to maintain the hedge between 30 and 36 inches. Ms. Munz responded that it would not be an issue.

The Board agreed to schedule a Public Hearing for the April 12<sup>th</sup> meeting agenda.

### **Shrub Oak International School**

Discussion: Amended Site Plan

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:

David Steinmetz of Zarin & Steinmetz; Brian Koffler, applicant; Gerard Schwalbe and Donna Maiello of Divney, Tung and Schwalbe; Erik Kaeyer of KG&D; and Carlito Holt of Provident Design Engineering, were present. Mr. Steinmetz stated that the team has changed since they were last before the Board. In 2018, the Board reviewed and approved an amended site plan for phased renovation of the school property. Since that time, the school has opened. The Shrub Oak International School is a private day and boarding school for autistic children and young adults. Student enrollment is currently 42 students, with 24 of those boarding. The staffing consists of 111 academic employees, 13 administrative employees, and 57 facilities and operations employees. The applicant is before the Board this evening to discuss changes to the remaining portions of phase one and changes to the second phase of development for this site that include updates and improvements to on-site circulation, parking, drainage, and physical modifications to the building, etc.

Mr. Schwalbe stated the site is a total of 127 acres and to the south of the parcel is Granite Knolls Park. The approved plan showed a number of improvements that included access roads, building additions, restoration of the residential buildings, parking areas, and a helipad. The existing building was originally a 281,000 sf seminary with a church at the center, which was repurposed for the current day/boarding school. The main driveway comes from Stony Street and up to the oval at the front entrance of the existing building. To the north of the oval is a parking area that goes down to an existing loading area. The dashed dark line shown on the plan is the NYCDEP watershed line. The project was phased due to the NYC watershed requirements and timeframe of the project. Phase 1 of the project was primarily for the areas outside the NYC watershed line that proposed new sidewalks, parking areas, linking the north parking lot to the main building site, landscaping along the northern buffer, helipad, animal barn, paddock area, and various lighting along the main entrance road as well as the front entry to the building. All improvements that are still ongoing are highlighted on the plan. To the south of the campus, the existing buildings will remain. The single family houses will be used for housing staff and visiting families as they develop programs going forward. At the southern end of the site, there is an existing gravel parking lot that was developed by Granite Knolls Park that they will try to connect to. The boxed area shown on the plan is a cemetery that is fenced in and will remain. There is an emergency access road that was worked out with the Fire Department for access to the back of the building. A helipad was approved to be in the middle meadow area that has not been constructed as yet. The school is working with Con Edison to improve the main electrical service to the building. The proposed pool has been relocated to the west side of the building and a new classroom building is proposed where the pool had been approved. The relocation of the pool house will provide better access from a maintenance perspective. The animal barn was relocated to the north and closer to the paddocks. The location of the equestrian center was adjusted slightly. A new driveway connection is proposed from the main entrance drive across to the main parking area so that all staff cars do not have to drive around the oval and front entrance door. Parking that was approved to the north of the building will be relocated alongside this existing parking area to consolidate the parking all in the area to the east of the building. The secondary driveway access to Stony Street will be eliminated as this area is sensitive in terms of excavation and disturbance. There is an existing driveway for emergency access located on the west and south side of the school that will be widened and paved to allow emergency access both ways from the school and from Granite Knolls Park. In discussions with the Parks Department, the school is proposing to provide a 62-car overflow gravel parking area on the school site for use by Granite Knolls Park when needed. A new driveway connection will be extended from the existing southern school driveway into the Granite Knolls site to allow for safe access. Drainage will be required. There will be no impact to the cemetery. The topography was discussed with respect to the parking areas and visibility.

Mr. Steinmetz stated that the Kofflers and their design team feel that this is an improved design over the original approval and are requesting to move forward with a Public Informational Hearing. They feel that the school and the park can be integrated to work well with each other. He noted that the elimination of the secondary driveway access to Stony Street removes a tremendous amount of grading and earth movement within the DEP watershed.

Mr. Tegeder asked about the additional classroom space. Mr. Schwalbe responded that they did an analysis of the overall 280,000 sf space (bedrooms and classrooms) and after discussion with the faculty, it became apparent that the existing building didn't have the necessary amount of classrooms for the total capacity of students that may attend the school in the future. Some of the space originally counted was the basement space where the windows are about 6 to 7 feet above ground. For a school of this quality and caliber, that attracts students from all over the world, they felt they needed state of the art classrooms. Mr. Tegeder asked if the student population is changing. Mr. Koffler responded that it is not changing currently but the future maximum student population is at 300, but this will be gradual and over time. There are 42 students currently enrolled. From a classroom point of view, they are looking long term and noted that this addition may not happen until 5 years from now.

Mr. Tegeder stated that the issue of access is important and noted that there is a significant population yet to come to the site. He suggested that Granite Knolls Park has not been utilized to its full potential yet. This should all be taken into consideration to ensure that the operation of the site works in conjunction with the park in a safe manner when both sites are operating at full capacity. Mr. Steinmetz noted that if the plan was to move forward they would be happy to provide easements.

Chairman Fon asked the Board and Counsel if there were any comments and there were none. The Board requested that the Planning Department schedule a site visit with the Parks & Recreation Department. The Board agreed to schedule a Public Informational Hearing.

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

Discussion: Special Permit

Location: 16.09-2-13; 1426 East Main Street, Shrub Oak

Contact: 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.

Comments:

Julia Magliozzo of Ecology New York was present. Ms. Magliozzo stated that at the previous meeting the Board requested that alternate options be provided for the location of the solar canopies.

- Option 1a - This option eliminates the long canopy from the front of the building and moves it to the rear of the building. Beneath one section of canopy #4, there are existing dumpsters so they are proposing to make an area of concrete to move the dumpsters.
- Option 1b - This option is similar to 1a except that canopy #4 is one row wider. The area in the rear is wetlands so the Board may be opposed to adding additional concrete in this area to relocate the dumpster.
- Option 2 - Canopy #4 will still be in the rear of the building but will be 6 rows wide and shorter to allow for continued use of the dumpsters where they are currently located. The other canopies on the site will be 3 rows wide.

Mr. Bock asked about the wetland delineation. Ms. Magliozzo responded that the wetlands were staked by a surveyor and shown on the plans. Mr. Bock felt that option 2 would be a good compromise since it minimizes disturbance to the wetland area as the canopy seems to only overhang the area. Ms. Magliozzo stated that the post of the canopies will be outside of the wetland itself and in the buffer. Ms. Steinberg showed the 1998 approved plan for the site showing the conservation easement. Discussion followed. Chairman Fon asked if tree removal was proposed with this option. Ms. Magliozzi responded that the original proposal was to remove 30 trees, but it will now be reduced to about 15 trees by moving the front canopy to the rear of the building. Mr. Tegeder asked why the lowest part of the canopy is at 14 ft. and if it could be lowered. Ms. Magliozzi stated that the height is necessary for Fire Department clearance. Mr. Kincart asked if there were any elevations from the western view of the building and rooftop installation from the road level. Ms. Magliozzi responded that she did not provide any since the roof of the building is surrounded by a 4 ft parapet on all sides and the panels will not be more than 12 inches off the top of the roof.

The Board agreed that Option 2 was a better plan but screening was a priority. Chairman Fon stated that he appreciated that the canopy was moved from East Main Street as it would be out of character for the area. The application will need to be reviewed by the Tree Board and Fire Commission. In addition, the applicant was advised to submit a landscape and tree mitigation plan. The Planning Department will work with the applicant with respect to the wetland verification.

### **Town Board Referral - 712 Kitchawan Road**

Location: 70.06-1-4; 712 Kitchawan Road

Contact: Cuddy & Feder

Description: Proposed amendment to 2018 transitional zone approval.

Comments:

Taylor Palmer, Esq. of Cuddy & Feder; Steven Spiro, property owner; Michael Bodendorf of Hudson Land Design Engineers; and Peter Wintermantel, Architect of Aryeh Siegel Architect, were present. Mr. Palmer stated that he is before the Board to discuss the petition for zoning amendment to the existing Transitional Zone and application for an amended site plan approval to construct an addition to the existing office and flex space. The property owner is Steven Spiro, President of Tracer. This project was before the Town Board and referred to this Board in 2017 in connection with the proposed zoning amendment as well as site plan approval that were both handled by the Town Board for this property because it was in the Transitional Zoning District. The property was formerly known as the Brooklyn Botanic Garden Corporation and the Kitchawan Institute. The site is a total of 14.7 acres and is in the Transitional Zoning District in order to utilize the property as a for-profit office and flex space use and bring the property back onto the tax rolls. Access to the site is off of Kitchawan Road (Route 134). The site is improved by an office building and existing

parking areas as well as the ruins and foundation of a large greenhouse and storage building. The history of the property was reviewed. The applicant renovated and updated the interior of the existing office building as shown in the before and after photos. In addition, the applicant improved the existing parking area that is utilized by the public accessing the recreational trails at the nearby Kitchawan Preserve. An amended site plan is proposed to slightly enlarge the already approved addition. In preparing to construct the proposed addition, it was determined that the size of the structure was insufficient for Tracer's needs and has been refined to maximize the efficiency of the space. The improvements will be located in the footprint of the prior storage building/greenhouse foundation. Very small changes to two of the setbacks and increasing the site coverage is required. A comment memo from the Conservation Board dated 3/18/21 was received and stated that they see no adverse environmental impacts.

Mr. Bodendorf showed the overall site plan to the Board. He noted that the amended building size will result in an increase of a little over 1,000 sf of impervious surface. There will be over 6,000 sf of disturbance to construct the building. A SWPPP was prepared and submitted for review.

Mr. Wintermantel showed the architectural renderings to the Board. The overall height of the building is lower than originally proposed. The materials proposed to be used will be cedar board siding in the colors of brown and green, and a galvanized metal roof as shown in the renderings. Mr. Palmer stated that the topography, existing trees and additional screening installed by the applicant from the prior approval provide significant screening of the site from adjacent properties.

Mr. Spiro stated that his company has been located at this location since 2017. They have spent a lot of time not only on the inside of the building but also tending to the beautiful trees on the property. His company is comprised of engineers that develop consumer products that are generally sold into the photography space. All of their mass production is done in Kentucky. The New York facility is where all of the design work and printing of consumer images onto the products shipped directly to the consumer is done. The company is doing well and needs expansion space for storage, shipping, and receiving.

Chairman Fon asked the Board and Counsel if there were any comments. Mr. Kincart asked if the overhead door is needed for moving the product. Mr. Spiro responded that they often receive large pallets of print media or boxes so they will offload it from a smaller truck with a lift through that door. Mr. Glatthaar asked procedurally if this was just a minor amendment to an already approved plan. Mr. Palmer responded that it was and is before the Town Board for a minor site plan amendment and because it's the Transitoanal Zone, it is a zoning petition to revise the bulk tables in the transitional district. He noted that it is an unlisted action and the Town Board has declared its intent to serve as Lead Agency.

The Board had no planning issues and no objection to the Town Board acting as Lead Agency and requested that the Planning Department submit a memo to the Town Board.

#### **Town Board Referral - 2572 Gregory Street (Collier)**

Location: 27.14-1-2; 2572 Gregory Street

Contact: Architectural Visions, PLLC

Description: Proposed single-family residence requiring a stormwater and wetland permit from the Town Board.

Comments:

Joel Greenberg, P.E.; Jeri Barrett of J.D. Barrett & Associates, LLC; Stephen Coleman of Environmental Consulting LLC; and Christopher Collier, were present. The property is located on Gregory Street. The applicant is seeking a stormwater and wetlands permit to allow the construction of a new home on the site. The wetlands were shown on the plan. The driveway will access the proposed house along the southern property line. A small portion of the southern tip of the onsite wetlands will be filled by the installation of the driveway. The Conservation Board reviewed the plan and sent a comment memo dated 3/4/2021 stating that they feel mitigation has been satisfied and recommended that the project move forward. A Public Hearing is set for April 6<sup>th</sup> by the Town Board.

Mr. Coleman reviewed the existing wetlands condition with the Board. There has been some disturbance from the neighboring property to the south due to the installation of a drainage system. Mr. Barrett reviewed the mitigation plan with the Board. They are proposing to mitigate the impact to the wetlands by replacing the impacted trees. The plan shows the creation of a new wetland replacement area west of the subject's impacted trees. The grade in the wetland

replacement area will be slightly lowered so the hydrology will remain similar in both the existing wetland and newly created wetland. It is also proposed to install a low boulder wall along the north edge of the proposed driveway to separate the driveway from the wetland area. A pipe will be set into the boulder wall for drainage. The driveway profile and erosion controls plan were shown to the Board. The house is proposed to be centrally located on the lot midway in between the two wetland areas to provide a modest backyard for the property owner. Native shrubs and ground coverings are proposed in the front wetland, as it is void of understory. In addition, new plantings are proposed along the driveway and around the home to provide screening and frame the home.

Chairman Fon asked the Board and Counsel if there were any comments. Mr. Kincart stated that the whole site is in the wetland buffer except for the small triangle. He asked the applicant if there was any permission granted for disturbance at the site currently. Mr. Greenberg responded that testing was done at the site at the request of the previous Town Engineer. Aside from the backhoe entering the site to dig the test holes, there was no other disturbance. Mr. Collier stated that there were fallen trees from previous storms, but noted that that no trees were taken down. An excavator was needed to dig the test holes for the stormwater permit and noted that there was a fallen tree in the entrance area. That was the tree he cut up and placed on the side of the street. He noted that all testing was done outside of the wetland. There was a lot of dumping along the fence line between the southern property border that included leaves and branches that he cleaned up to improve the area. Mr. Greenberg stated that the property has been vacant for years and used as a dumping ground and noted that the plan proposed is a tremendous improvement to the area. Mr. Kincart cited a previous application before the Planning Board where the applicant cleaned up his property of debris and dragged out fallen trees from the wetland and wetland buffer without permission. Chairman Fon stated that the Board is concerned with fair enforcement between all applicants. Discussion followed. Mr. Bock stated that the issue is whether or not the wetlands code was violated prior to the application being submitted and if work was done without permits. He suggested that the Board refer the application to the Engineering Department to determine if there was a violation. Mr. Coleman stated that based on the removal of the fallen tree and some of the debris consisting of leaf litter and branches, he does not feel that this will create any functional impact to the wetland or further degradation but will result in an improvement by allowing the sunlight to get to the ground layer and allow the plants to perform much better. He noted that there is a provision in the wetland code for normal ground maintenance.

The Board requested that the Town Engineer and Mr. Tegeder conduct a site visit to ensure that there are no violations with respect to the work performed and report back to the Board. If there are no issues, the Board requested that the Planning Department submit a memo to the Town Board stating that there are no Planning objections.

**Town Board Referral - 2678 Gregory Street**

Location: 27.14-1-17; 2678 Gregory Street

Contact: Gabriel E. Senor, P.E.

Description: Proposed single-family residence requiring a stormwater permit from the Town Board.

Comments:

Eliot Senor was present. Mr. Senor stated that proposal is for the construction of a single-family residence that is to be located on the easterly corner of Granite Springs Road and Gregory Street. The driveway will be as far from the corner as possible. Soil testing is complete. The application meets the setback requirements. There are no wetlands on the site. The site is wooded and tree removal is proposed. Mr. Kincart asked the applicant if any trees have been removed at the site currently. Mr. Senor responded that he didn't think so but was not sure and noted that the builder is familiar with the regulations. Mr. Tegeder asked about the tree mitigation. Mr. Senor responded that they are proposing to install a row of green giant arbovitae along Granite Springs and the neighboring driveways for screening purposes but is unsure of the amount.

The Board requested that the Town Engineer and Mr. Tegeder conduct a site visit to ensure there are no violations with respect to tree removal. If there are no issues, the Board requested that the Planning Department send a memo to the Town Board stating that there are no Planning objections.

**Motion to Close Meeting**

Upon a motion by Rob Garrigan, and seconded by Aaron Bock, and with all those present voting "aye", the Board closed the meeting at 10:50 p.m.