

Planning Board Meeting Minutes – May 24, 2021

A meeting of the Town of Yorktown Planning Board was held on **Monday, May 24, 2021 at 7:00 p.m.** via Zoom video conference.

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

- Rob Garrigan
- Bill LaScala
- Aaron Bock
- Roxanne Visconti, Alternate

Also present were:

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

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

Correspondence/ Liaison Reports

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

Motion to Approve Meeting Minutes

Upon a motion by Bill LaScala and seconded by Aaron Bock, and with all those present voting “aye”, the Board approved the meeting minutes of May 10, 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

First Presbyterian Church of Yorktown

Discussion: Decision Lighting Plan
Location: 26.20-1-8; 2880 Crompond Road
Contact: Richard Seymour
Description: Proposed lighting upgrades to existing parking lot.
Comments:

Vinny Wallace; Mark Maliszewski of Delta Electric; and Dick Seymour, were present. Mr. Wallace stated that as requested at the previous Board meeting, the specifications for the lighting fixtures were submitted to the Planning Department for review. The proposed fixtures will consist of six 10-ft light poles that will be installed on a 3-ft concrete base for safety purposes. The total height for the poles including the base will be 13-ft. In addition, four bollards are proposed along the walkway. A certificate of appropriateness was received from the Historic Landmarks Commission for this project dated 4/30/2021.

Chairman Fon informed the applicant that they will need to appear before the ABACA for review and approval of the lighting fixtures. Chairman Fon asked the Board and Counsel if there were any comments. Mr. Tegeder stated that the Planning Department had no issues with the proposed lighting plan. He noted that the concrete base is not very attractive but understands the reasoning for it. Mr. Garrigan stated that each parking space has a concrete curb stop and thought that

the concrete base may not be necessary. Mr. Wallace explained that there is electrical wiring in the poles so the concrete base will act as a safety measure. The Board had no issues with the proposed lighting upgrades to the existing parking lot.

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

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

Upon a motion by Aaron Bock, and seconded by Bill LaScala, and with all those present voting “aye”, the Board approved the resolution approving a lighting plan for the First Presbyterian Church pending approval from the ABACA for the proposed lighting fixtures.

Fiore Minor Subdivision

Discussion: Request for Reapproval

Location: 26.15-1-69; 2797 Carr Court

Contact: Site Design Consultants

Description: Approved 2-lot subdivision on 1.14 acres in the R1-20 zone, by Planning Board Resolution #19-10, dated May 20, 2019 and reapproved by Resolution #20-04 dated May 11, 2020.

Comments:

Joseph Riina, P.E. of Site Design Consultants, was present. Mr. Riina stated that they have been working on the sewer easement from the neighboring property for the past year which was secured and recently filed with the Health Department. He noted that Mr. Fiore recently passed away but the family still wants to move forward with the project.

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

Upon a motion by Aaron Bock and seconded by Roxanne Visconti, and with all those present voting “aye”, the Board approved the resolution reapproving the Stormwater Pollution Prevention Plan, Tree Permit, and Subdivision Plat for the Fiore Subdivision.

Motion to Close Regular Session and Open Work Session

Upon a motion by Bill LaScala, 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

Alek-Tris Subdivision

Discussion: Zoning Board Referral

Location: 16.10-3-26; 1075 East Main Street, Shrub Oak

Contact: Architectural Visions, PLLC

Description: Applicant has requested the Zoning Board revisit their 1981 decision prohibiting future subdivision of Lot 26.

Comments:

Joel Greenberg was present. Mr. Greenberg stated that per the Board’s request, the Health Department reviewed the proposed subdivision with respect to the number of bedrooms that could be accommodated for the lots. Testing at the site was performed several weeks ago and the reports were submitted for review. The subdivision plan was also updated to show the septic layout. Based on the testing, the two new lots can each accommodate a 4-bedroom dwelling. The septic systems for these lots will be located to the rear of the property so there will be room in the front and back of the house for the stormwater system. The property is served by Town water. He noted that the Planning Board also requested that they show an expansion area for the existing septic system on Lot 1. They tested an area in the rear of the property away from the existing septic system which is adequate for the two-family dwelling and cottage should it fail. An analysis of all the various lots in and around Frost Road was provided that shows the average lot sizes to be about 13,000 sf.

Chairman Fon asked the Board and Counsel if there were any comments. Mr. Ciarcia noted that he had not reviewed the septic data as yet and asked Mr. Greenberg how many bedrooms are involved with the existing structures. Mr. Greenberg responded that there are five bedrooms in the existing two-family dwelling and two bedrooms in the existing cottage for a total of 7 bedrooms. Mr. Ciarcia asked if the system shown is adequate to meet the requirements. Mr. Greenberg

responded that based on the testing, it was adequate. Mr. Ciarcia asked if they are proposing to use infiltrators for the stormwater. Mr. Greenberg responded that they are proposing infiltrators in the front and rear of the proposed homes. Mr. Ciarcia noted that they will need to ensure that the setbacks for the stormwater infiltrators and septic systems are met.

Chairman Fon stated that it appears from what was submitted, the septic and stormwater systems will work for the proposed lots, however, the question is the 1981 ZBA decision prohibiting future subdivision on the lot. He noted that there was a similar application that was referred to the ZBA and later denied. He stated that the property is improved with an existing two-family house with a cottage that would be considered a third family. Mr. Greenberg stated that the two lots proposed are in excess of the average lot size along Frost Road and will be in keeping with the neighborhood. Each lot will have 5,000 sf more than the existing lots along Frost Road as noted in his analysis. The remaining lot will be in excess of 30,000 sf. Mr. Tegeder noted that there are 3 units on Lot 1 which is at 36,000 sf and the two proposed lots will be at 18,000 sf. each and asked if three variances will be required. Mr. Greenberg responded that a variance is required for Lots 2 and 3 only. Mr. Tegeder asked if there were any questions raised regarding the 3 living units on 36,000 sf. Mr. Greenberg responded that there were none and noted that the application is to remove the condition in order to obtain a 2,000 sf area variance for lots 2 and 3. Chairman Fon asked if a variance would be required if they were to propose a single lot and the response was “no”. Mr. Bock stated that the Board will need to decide on whether they endorse the 3-lot subdivision with the density in the existing area in light of the 1981 ZBA decision to not further subdivide. As far as he can tell the overall physical condition of the property is the same as it was in 1981. Discussion followed with respect to the zoning requirements and the current acreage.

Mr. Tegeder suggested that one of the comments to the Zoning Board could be to hold off on granting a variance for the two new lots as it would be prior to the Planning Board’s full review and acceptance of the two new lots. Another comment would be to recommend removing the 1981 condition prohibiting future subdivision which would then free up the property and allow the applicant to submit a formal subdivision application to the Planning Department for proper review by the Board. The Board would then be able to make a determination as to the subdivision proposal and density for the property. If any variances should be required, it would then be referred back to the Zoning Board as is the typical process. The Board and Mr. Glatthaar agreed that this would be the best approach. The Board requested that the Planning Department draft a memo to the Zoning Board for review.

Valenzuela Tree Permit

Location 58.06-1-14; 1276 Rustic Ridge Court

Contact: David Valenzuela

Description: Request to remove a specimen tree in a Conservation Easement.

Comments:

David Valenzuela, property owner, was present. Mr. Valenzuela stated that he is requesting to remove a specimen tree on his property that is located within a conservation easement for safety purposes. An application was submitted to the Engineering Department which was then referred to the Planning Board. A plan depicting the location of the tree and the position of his home along with photos was shown to the Board. The tree is 100-ft tall and is located about 65-ft from his home. The tree and its root system is on rock. He is concerned for the safety of his family and potential damage to his home should the tree fall during a storm and noted that another tree close in proximity to this tree fell toward the direction of his home but it was much shorter. He received an estimate for \$3,000 for removal of the tree and was told by the tree company that the tree was a potential risk.

Chairman Fon asked the Board and Counsel if there were any comments. Mr. LaScala asked the applicant if topping the tree would be an option. Mr. Valenzuela responded that he would prefer to remove the tree for safety issues. Mr. LaScala questioned why the removal of this one tree was before the Board. Mr. Ciarcia stated that since the specimen tree is located in a conservation easement, it was referred to the Planning Board for review before a decision can be made. He stated that the tree has been there for a while and noted that sometimes root systems in rock are not the best and is a safety concern for the applicant. Mr. Tegeder asked if the drainage channel is still intact. Mr. Valenzuela responded that it is far from the tree area about 50 or 60-ft. Mr. Tegeder noted that there are requirements in the code for specimen trees. Mr. Bock suggested for the Board to remove the restriction imposed by the conservation easement for this particular tree only so that the Engineering Department can then make a determination for the tree removal. The Board and Counsel agreed. Mr. Ciarcia agreed that this would make sense procedurally as the Engineering Department would deal with this

administratively and noted that he will also check on the specimen tree requirements. Chairman Fon requested that the Planning Department send a memo to the Engineering Department.

Yorktown Energy Storage Tier 2 Battery Storage System

Discussion: Final Plans
Location: 6.17-1-24; 3901 Gomer Court, Jefferson Valley
Contact: Robert Gaudio, Esq. Snyder & Snyder, LLP
Description: Approved Tier 2 (5,000kW/15,000kWh) battery energy storage system which will be no more than 15% of the lot coverage with a maximum of five containers.

Comments:

Mike Conway was present. Mr. Conway stated that he is before the Board this evening with a request to amend the site plan to include an additional utility pole. This request is a result of their meeting with Con Edison to discuss the connection to the site and the underground run. Per Con Edison, they will need to install a piece of safety equipment that will act as a disconnect switch/fuse to be located no more than 25-ft from the energy storage system setback. This equipment must be on a pole as Con Edison does not have a pad mounted or underground version.

Chairman Fon asked the Board and Counsel if there were any comments. Mr. Tegeder stated that he had no issues as this is a technical requirement that cannot be ignored and Mr. Glatthaar agreed. The Board had no issues.

Mr. Tegeder reminded the applicant that the parking plan for the bucket trucks still needs to be finalized. Mr. Conway responded that a special permit will be filed for this use. Mr. Conway stated that they are still waiting for correspondence from the Town Engineer with respect to the decommissioning bond. Mr. Ciarcia responded that more research is required and requested for the applicant to supply some industry standard references for review.

Nadine's Restaurant

Discussion: Special Use Permit for Outdoor Seating
Location: 59.14-1-23 & 24; 715 Saw Mill River Road
Contact: Cronin Engineering
Description: Applicant request to make permanent the 70 seat outdoor seating area created in response to the pandemic.

Comments:

Keith Staudohar of Cronin Engineering was present. Mr. Staudohar stated that the restaurant is family owned and located at 715 Saw Mill River Road. The applicant received a temporary outdoor seating permit to help out the business during the pandemic which has worked out well. They are now requesting a special use permit to allow for continued use of the outdoor seating. No improvements are proposed. The existing outdoor seating area is gravel.

Chairman Fon asked the Board and Counsel if there were any comments. Mr. Tegeder stated that the concern would be the parking and asked the applicant to describe the seating arrangement for both inside and outside of the restaurant. Mr. Staudohar responded that there are currently 16 parking spaces. With respect to the seating arrangements, there are 50 seats inside the restaurant and 70 seats for the outside dining area. Mr. Tegeder asked if there were any recent additions and the response was "no". Mr. Tegeder requested for the applicant to provide an older survey to show the parking lot in order to make a comparison.

Chairman Fon noted that this would be a seasonal use. Mr. Staudohar responded that the applicant would expect to utilize the outside dining area into October and possibly November depending on the weather. Chairman Fon asked if there have been any complaints from the Police Department with respect to parking. Mr. Staudohar responded that he was not aware of any. The Planning Department will follow up with the Police Department. Ms. Visconti stated that she is always happy to see a business succeed but 16 parking spaces for 120 seats is a concern and noted that customers tend to park along Saw Mill River Road. Chairman Fon asked if there was an opportunity to add parking elsewhere. Mr. Staudohar responded that there is no room for additional parking on the site but there may be an opportunity to obtain some additional parking on the property across the street on the north side of Saw Mill River Road. Mr. Tegeder asked if the restaurant tends to be full both inside and outside. Mr. Staudohar responded that the dining areas are not full at the same time and noted that over the last year most of the patrons preferred to dine outside. Mr. Bock stated that there are parking requirements that need to be considered and noted that the outdoor seating adds to the potential capacity of the restaurant. Chairman Fon asked about the parking off site. Mr. Tegeder stated that it could be done if there is potential for parking nearby and noted

that a filed parking agreement would be required. Mr. Tegeder added that indoor occupancy is typically reduced when there is an outdoor seating option as patrons prefer to dine outdoors during the nice weather which facilitates a reduction in parking requirements. Mr. Garrigan asked if there was anything that would prohibit parking along Saw Mill River Road. Mr. Ciarcia stated that there is no prohibition to parking along the road but noted that the NYSDOT would never allow this parking configuration with drivers backing out into the state highway. He noted that the site distance will need to be reviewed to see if there are any opportunities for improvement that could include signage. Councilman Lachterman noted that his concern is that there may not be adequate lighting at the site.

Mr. Ciarcia also requested for the applicant to show the septic system on the plan to ensure that there is no interference. Mr. Staudohar responded that the septic tank is at the southern end of the gravel area and there are no proposed improvements to the site. Mr. Ciarcia noted that the septic system may need to be expanded to accommodate the increased number of tables. The Board requested for the Planning Department to schedule a site visit.

Stahmer Subdivision Lot 1

Discussion: SWPPP-Tree Permit

Location: 59.10-1-10; 600 Birdsall Drive

Contact: Insite Engineering

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

Comments:

Rich Williams, Jr. was present. Mr. Williams reviewed the history of the site with the Board. The applicant, Andrew Fiore (*no relation to the application discussed earlier in the agenda*), purchased Lot 1 and is proposing to build out what was envisioned in the original subdivision approval. The limits of disturbance is similar to what was proposed. The amount of impervious surface changed slightly. There is a slight difference in the house shape. The house was moved forward a little bit to work better with the grading. The driveway location is the same. The stormwater management system is the same. The septic and well locations are the same. The landscaping was updated per the homeowner's preference as shown on the plans. He noted that the Health Department approval is imminent. The DEP determined that since the updated plan was so similar to the original approval they do not need to amend their SWPPP approval.

Mr. Tegeder asked if there was any change in the first floor elevation. Mr. Williams responded that it went from 424 to 424.9. Mr. Ciarcia stated that he will need to compare the plans but doesn't think there is a significant change from what was previously approved. The Planning Department will work with the Engineering Department and prepare a resolution for this lot. Mr. Williams stated that he will check his notes as he thinks the Engineering Department already reviewed this plan and will report back. Chairman Fon requested that this item be placed on the June 14th meeting agenda to review the resolution.

Staples Plaza Self-Storage Expansion

Discussion: Special Use Permit

Location: 36.06-2-76; 3333 Crompond Road

Contact: Studio Architecture, DPC

Description: Proposed alterations to tenant space 2 (A.C. Moore) to expand the self-storage space use into approximately 16,000 SF of this space with rear entrance. Discussion of garage doors installed on the front façade without approval.

Comments:

Chris Raffaelli was present. Mr. Raffaelli stated that Extra Space Storage is proposing to expand their storage space by an additional 16,000 sf to the upper level of the former A.C. Moore tenant space. The proposal is to occupy two thirds of that tenant space with the entrance to the rear of the building. He noted that the front portion of this space is likely to be divided into smaller tenant spaces as it would be easier for the landlord to lease.

Mr. Raffaelli added that the applicant received a violation from the Building Department for a modification to the existing Extra Space Storage storefront located at the end of the building to the right of the Staples entrance. Without a permit or Board approval, the applicant installed a display of faux storage doors to act as a wayfinder. The doors are not operational and are for display only as shown in the photos. He noted that there was discussion as to whether this constituted a loading area which is prohibited under the property regulations.

Chairman Fon asked the Board and Counsel if there were any comments with respect to the violation. Mr. Tegeder stated that the intent of the regulation was to not have this type of aesthetic facing the street or facing into the consumer area of a development. He noted that the special permit was amended to have access from the back and side to avoid an industrial look. He cited the NY Self Storage proposal recently reviewed by the Board. Mr. Glatthaar stated that the applicant has two remedies for this violation, they could either go to court and contest the violation or appeal to the Zoning Board where the determination will then be made for the display. He stated that the Planning Board does not have jurisdiction to make a determination as to whether or not this is a violation. Mr. Tegeder stated that the display is described as a wayfinder and seems to be connected to the signage and added that the Planning Board regulates the signs under the master sign plan for this development. He noted that the Board put a lot of effort into approving the architectural treatments for this development in conjunction with the master sign plan and feels that they do have some interest in ensuring that it is maintained to their standards as they have been doing over the years. Mr. Garrigan stated that since the doors are non-functioning, it seems to be a unique execution of signage and thought that it should be referred to the ABACA for their review and comments. He noted that although the violation is not under the Planning Board's purview, the Board has some say as to what goes on with the building as they worked on the resolution, master sign plan and architectural treatment as noted by Mr. Tegeder. In addition, the intent of the regulation needs to be taken into consideration. The Board agreed that this violation should be referred to the ABACA for review.

Chairman Fon asked the Board and Counsel if there were any comments with respect to the Extra Space Storage expansion into the rear of the former A.C. Moore tenant space. Mr. Tegeder stated since the access will be in the rear and the store fronts will remain facing the public area he did not see any issues. The Planning Department will refer the application to the appropriate agencies for review and a public hearing will be required.

Grishaj Major Subdivision

Discussion: Subdivision

Location: 16.17-2-77; 3319 Stony Street

Contact: Site Design Consultants

Description: Proposed 10 lot subdivision on 8 acres in the R1-20 zone.

Comments:

Joseph Riina, P.E., Steve Marino, Wetlands Consultant; and Mr. Grishaj, property owner, were present. Mr. Riina stated this proposal was before the Board a while back. The proposal is for a 10-lot subdivision with cul-de-sac on Stony Street. The parcel is a total of 8 acres and zoned R1-20. The access is proposed to be off of High Point Drive and North Shelly Court. The extension of the two right-of-ways was intended when Highland Park was created. The property is served by public sewer and the public water will be extended into the property. On the edge of the property in the Scofield Road right-of-way, there is a drainage channel which received some water from Highpoint Drive and a stormwater area that was set aside as well as run-off from the south. The wetland has been delineated and the buffer is shown on the plans. In order to properly plan the site and extend the two right-of-ways they are proposing to cross the wetland. A preliminary layout of the grading and drainage was prepared. The history of the property was reviewed and it was noted that in 2010, the property was improved with a house and barn. The site was developed and utilized and did not have a lot of mature growth as far as trees in that area. The creation of the wetland has much to do with the development of Highland Park and run-off from North Shelly Street and Highpoint Drive.

Mr. Marino reviewed the wetland and mitigation plan with the Board. The wetland derivation is surface water run-off primarily from the south. The soils on the site is marginal and the vegetation is transitional but it is wet enough to be called a Town wetland as it is driven mostly by hydrology. He noted that it does not qualify as Army Corp of Engineers or DEC wetlands. The property was delineated and confirmed by the Engineering Department in 2019 which is the basis for the layout. The eastern part of the property was primarily the old developed area for the existing house and barn. The western side of the property dates back to more agricultural activities in the 1960s and 1970s so the forest in this area is relatively new with low quality trees. The stormwater run-off from the south to the north has created an area that was flagged as a wetland. It is proposed to cross the southern part of the wetland to get to the cul-de-sac area in order to make use of the two existing connections to the property. The drainage construction picking up the run-off from the south will isolate the southern part of the wetland from the rest of the wetlands. They are proposing to fill in this southern wetland as it is likely to dry out post construction and expand the wetland in the northwest corner to create a mitigation wetland and conservation parcel. There is an existing tree survey and he will provide a report to the Board once evaluated as part of the tree law.

Chairman Fon asked the Board and Counsel if there were any comments. Mr. Garrigan asked about the run-off from the south and if there were any discharge pipes or if it was surface water. Mr. Riina responded that there is a discharge at the end of Shelly Street. Mr. Ciarcia stated that there was a pipe that came in off the end of Shelly Street and discharged onto the property but when the town installed the sewers in that area it was eliminated. The water drains into the pipe that runs down to Stony Street. Mr. Garrigan noted that there may need to be an additional catch basin on the south end for the homes proposed to be in the wetland. Chairman Fon noted that comment memos were received from the Conservation Board and Tree Commission. Mr. Tegeder stated that he had some questions about Scofield Road which includes the drainage issues. In addition, the Planning Department will look at the High Point subdivision and stormwater plan to see how it relates to this proposal. The Board requested that the Planning Department schedule a site visit with the applicant, Conservation Board and Tree Commission.

Nantucket Sound, LLC

Discussion: Proposed Tree Mitigation

Location: 37.18-2-86; 385 Kear Street

Contact: Site Design Consultants

Description: Proposed three-story, 8,100 sf building consisting of 2,500 square foot retail use on the first floor and two upper floors of 2,800 square foot, and 3 apartments each on 0.36 acres in the C-2R zone.

Comments:

Joseph Riina, P.E.; and Patrick Murphy, were present. Mr. Riina stated that the mitigation plan needs to be finalized in order to move forward with the application. As part of the mitigation plan, a total of 119 trees are proposed to be planted which includes trees and understory shrubs. The applicant has also offered to pay into the tree bank fund or provide additional mitigation off-site to make up any difference. He noted that he met with the Planning Department and Frank Guiliano, Landscape Architect at the trail on Downing Drive and Route 118, across from Uncle Guiseppe's and Burger King, to discuss potential off-site mitigation. They are proposing to install trees to provide screening for the residential homes with full view to the trail. In addition, they are proposing to remove invasive species in the area and plant a seed mix. The proposed location and planting details was shown on the plan.

Chairman Fon noted that Walt and Jane Daniels of the Trail Commission were present. Mr. Daniels stated that he walked the trail and feels that the area proposed for mitigation is already treated and is not lacking in trees. He is concerned that the spruces proposed will spread and encroach onto the trail which will then become a maintenance issue. He noted that further down the trailway as you get into the roadway there is a severe invasive problem and would prefer the removal be done in that area. In addition, there may be alternate areas along the trail in need of trees other than the proposed location. Ms. Daniels stated that there was mention of using roundup for the invasive removal outside of Route 118 and noted they are not allowed to use herbicide on Town property without a special permit.

Mr. Riina noted that maybe it would make sense to schedule another site visit. He stated that they cannot proceed with their DEP application until the Board adopts a Negative Declaration. The applicant is willing to provide additional mitigation that would benefit the Town in addition to what is already proposed and would like to move forward. Chairman Fon asked Counsel if there was any issue with moving forward with the Negative Declaration while the applicant works with the Trail Commission. Mr. Glatthaar responded that they would need more certainty on the mitigation plan. Mr. Tegeder stated that he thinks the applicant is in a good position in terms of the proposed mitigation compared to what they are removing in terms of the DBH. With the addition of the invasive removal and understory plantings, he feels that it is close enough to an adequate mitigation plan at this point. He noted that if the mitigation along the trail is moved to another location it should not change what is being proposed. The Planning Department will work with the applicant and Trail Commission for alternate mitigation areas along the trail.

Chairman Fon stated that he didn't have any issues moving forward with the Negative Declaration as the applicant is headed in the right direction and asked the Board if there were any issues. Mr. Garrigan responded that he was in favor of the Negative Declaration and thought that the trail location was nice as it is close to the property and taking care of the local neighborhood. He also suggested that it might make sense for a plan to be created showing different trail locations with mitigation perspectives that could then be used by the Planning Board in order to help future applicants that may require additional mitigation. The Board thought that this was a good idea. Mr. Bock stated that he preferred this type of mitigation as opposed to the tree bank fund and encouraged the applicant to proceed in this direction and noted that the

Negative Declaration could be fashioned to incorporate this type of mitigation. The Board agreed to place this item on the June 14th meeting agenda to review the Negative Declaration and draft resolution for site plan approval.

Mongero Site Plan

Discussion: Approval Conditions
Location: 37.14-1-44; Saw Mill River Road
Contact: Michael Grace, Esq.
Description: Applicant request to remove the requirement for a traffic light to be installed at the intersection of Saw Mill River Road and Downing Drive from the approving resolution for this site plan.

Comments:

Michael Grace, Esq. was present. Mr. Grace stated that this parcel was approved for a site plan that was extended for approval last year. The proposal was for a 3,800 sf bank which never moved forward. The applicant is requesting for the Board to consider removing one of the conditions of approval requiring the installation of a traffic light at the intersection of Route 118 and Downing Drive. He stated that a traffic light at this intersection would be very expensive as Route 118 is a State right-of-way and noted that this condition has hindered the potential development of the property. The expense for a traffic light could be in the area of \$350,000 to \$400,000 and he feels that to tie this condition to this 3,800 sf building is excessive. He is not sure as to why a traffic light was sought there as it is a single structure in the Yorktown Green area and thought that the redevelopment of the Yorktown Green down the road may warrant a light for a development of that size but not for this single structure.

Chairman Fon asked the Board and Counsel if there were any comments. Mr. Bock stated that this condition was put in as a result of the approved site plan analysis and would be interested to know what factors went into making the decision before reversing this condition. Chairman Fon noted that Mr. Flynn sent a chat message stating that he recalls that the traffic light was pitched by the applicant as one of the conditions of approval. Mr. Bock also noted that there have been changes of use in this area with the trailway crossing and knows that there was discussion about installing some control in this area. Councilman Lachterman stated that he recalled that the traffic consultant stated that this area was too close to the intersection of 202/35 and would back the traffic up. Mr. Tegeder stated that the Planning Department will review the traffic light history and report back to the Board.

Town Board Referral - 1760 Wiley Road

Location: 15.19-1-10; 1760 Wiley Road
Contact: Michael Grace, Esq.
Description: Request to rezone the vacant parcel from C-2 to R-2 or Transitional to accommodate the construction of a two-family house.

Comments:

Michael Grace, Esq. was present. Mr. Grace stated that the applicant is seeking to rezone an 11,000 sf lot located on Wiley Road to the Transitional zone. The parcel was originally in the R1-10 zone which required a minimum lot size of 10,000 sf. The R1-10 zone was later amended to require a 20,000 sf minimum lot size. At some point, this parcel went to a commercial designation. He noted that while zoned commercial, it does not front on Route 6 but does front on Wiley Road. The contract vendee is proposing to develop this parcel to accommodate a two-family residence. He feels that it would be the perfect fit between the three abutting commercial properties that front Route 6 and the residential parcels to the south. The property is served by Town sewer and water. He thought that the transitional zone would work best for this parcel and is seeking a recommendation from the Board. He added that the Town is always looking for some type of diverse housing stock for affordable living and this is how you would create it.

Chairman Fon asked the Board and Counsel if there were any comments. Mr. Tegeder asked if the property is owned by the neighbor. Mr. Grace responded that it is but is kept in separate ownership. Mr. Tegeder noted that both properties are zoned C-2 and thought it may be a good idea to correct this. The Board had no issues with the proposal and requested that the Planning Department submit a memo to the Town Board recommending the transitional zone for this parcel.

Town Board Referral - Jefferson Valley Mall Outdoor Patio

Location: 16.12-1-24; 650 Lee Boulevard

Contact: Anthony Cimini

Description: Proposed construction of a new 2,446 square foot exterior patio.

Comments:

Stephen Harris was present. Mr. Harris stated that the proposal is for the expansion of an outdoor patio and seating area for the Peekskill Brewery Restaurant located in the Jefferson Valley Mall on the Route 6 side. The proposed plans and photos of the existing area were shown to the Board. It is proposed to remove the existing walls surrounding the dumpsters. He noted that the dumpsters have already been relocated to a new location.

Chairman Fon asked the Board and Counsel if there were any comments. Mr. Bock asked what is between the new area and the driveway. Mr. Harris responded that this will be a landscaped area and ADA access. Mr. Bock asked if there were any curb or elevation changes. Mr. Harris responded that they are proposing curb work to define the space better. Chairman Fon asked Mr. Tegeer if there were any issues with parking. Mr. Tegeer responded that he did not anticipate any issues. Mr. Tegeer asked about Area 'A' and Area 'B' noted on the plan. Mr. Harris responded that the patio is Area 'A' and Area 'B' is where the relocated compactor was moved to. The Board had no issues and requested that the Planning Department submit a memo to the Town Board.

Town Board Referral - Amendment to Chapter 300-81.4 Solar Energy

Description: Proposed amendment to the Town Code to change the threshold between small-scale and large-scale solar energy systems from 20kW to 25kW to match NYSERDA.

Comments:

Ms. Steinberg explained that the proposed amendment is to increase the threshold between the small-scale and large-scale solar energy systems from 20kW to 25kW to match the NYSERDA criteria. The Board had no issues and requested that the Planning Department submit a memo to the Town Board.

Town Board Referral - Proposed Hallocks Mill Sewer District Extension – Phase 1

Description: Proposed establishment of Hallocks Mill Sewer District Extension – Phase I and the improvements proposed to construct a sanitary sewer system

Comments:

Mr. Ciarcia updated the Board with respect to the proposed Hallocks Mill Sewer District extension. The Board had no issues with the proposal and requested that the Planning Department submit a memo to the Town Board.

Additional Discussion:

Chairman Fon asked the Planning Department about pending site visits. Ms. Steinberg responded that site visits need to be scheduled for the Arcadia Solar Farm and Kitchawan Solar Farm. In addition, she will include Grishaj and Nadine's Restaurant from this evening's discussion.

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 10:00 p.m.