

Planning Board Meeting Minutes – September 27, 2021

A meeting of the Town of Yorktown Planning Board was held on **Monday, September 27, 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.
- Dan Ciarcia, Town Engineer

Correspondence/ Liaison Reports

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

Motion to Approve Meeting Minutes of September 13, 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 September 13, 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

Envirogreen Associates

Discussion: Decision Statement

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

Contact: Site Design Consultants

Description: Proposed redevelopment of the property removing 2 existing building and parking area to construct a new 12,400 SF retail building with associated parking, landscaping, lighting, and stormwater improvements.

Comments:

Joseph Riina, P.E. of Site Design Consultants, was present. Mr. Riina stated that he reviewed the draft resolution and had no issues. Chairman Fon asked the Board and Counsel if there were any issues and there were none.

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

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

Upon a motion by Bill LaScala and seconded by Aaron Bock, and with all those present voting “aye”, the Board approved the resolution approving site plan, stormwater pollution prevention plan, and wetland permit for Envirogreen Associates, Inc.

Northern Westchester Executive Park fka Taconic Corporate Park

Discussion: Public Hearing

Location: 26.19-1-2; 2651 Strang Boulevard

Contact: Kellard Sessions Consulting

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

Comments:

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

Joseph Cermele, P.E., was present. Mr. Cermele stated that the application is for an amended site plan approval for a parking expansion to the existing parking facilities at the far north end of the site. The property sits on the northwest corner of the intersection of Strang Boulevard and Route 202 and is bi-sected by Strang Blvd. The parcel to the west side of Strang Blvd. is 18.6 acres and is currently improved with two office buildings and about 692 parking spaces. The parcel to the east side of Strang Blvd. is about 5 acres in size and currently undeveloped. The majority of the parking is located on the southern side of the buildings. At the northwestern corner of the larger building, there is a partial lower level that makes access difficult. The proposal is for the creation of a lower level parking lot with an access drive that would connect to the upper parking lot to provide immediate parking for the lower level tenant. The lower level parking lot would include a total of 25 parking (23 standard spaces and two ADA accessible spaces). There is about 12 to 14-ft in grade differential from the upper parking lot to the proposed lot. They are not increasing the size of the building or changing any uses. The purpose for the amendment is to help create tenant occupancy and marketability for the lower level of the northern building. They are also proposing ADA pedestrian access ramps at both the existing upper entrance and one for the lower parking lot. He noted that at a previous meeting, there was a concern from a neighboring property with respect to the screening. They have since met with the Planning Department at the site to review the existing conditions of the vegetation. The originally proposed evergreen screening along the driveway access has been extended further east along the property line and supplemented with a mix of evergreen screening. In addition, they are proposing to remove some of the invasive vine growth on the existing trees most of which are deciduous. A SWPPP has been prepared and submitted for review by the Town Engineer. A notice of intent will be filed with the state as there is greater than 5,000 sf disturbance. Currently, there is construction at the site that includes the removal of the existing underground storage tanks and retrofitting of the interior space of the building which is permitted by the Town. The temporary access road was constructed as part of the permit to access the lower level. The cut and fill calculations of the temporary road was discussed. 35 yards of material was brought in to construct the temporary access road. For the overall proposal, they are projecting 2,000 yards of fill. It was noted that the original plan showed a single retaining wall but has since been redesigned. The plan now shows a series of tiered walls about 3-ft in height to minimize the impact and work with the slopes better. Vegetation is proposed between the tiers to soften the look. The retaining wall along the northern side of the driveway access was shown on the plans. Additionally, the plan has been modified to include two loading docks in order to accommodate the prospective tenant. The SWPPP has been modified to mitigate the increase in impervious surface.

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

- Laurie & Frank Melagrano, 2689 Strang Blvd. – Ms. Melagrano stated that she is happy to hear that there is additional screening. She is concerned about the loading docks with respect to the noise. She is also concerned about the visual impact with respect to the flow of traffic on the access road. She still feels that the expansion is not necessary and noted that the current parking lot is under utilized.
- John Flynn, 5-2 Woods Brook Lane – Mr. Flynn asked about the amount of the additional impervious surface. Has the larger parking lot ever been upgraded to treat and manage the ground water run-off? If it hasn't, would the applicant be willing to take an equal amount of pervious surface out in another part of the parking lot. He noted that he has no opposition to this expansion but is concerned about the environmental impacts as this is in the watershed for the Croton Reservoir.

Mr. Cermele responded that the loading docks will accommodate typical Fedex type trucks. The potential tenant has a small box truck as well as a van. The under-utilized parking on the northern end of the site is currently that way because a large portion of that building is vacant due to leasing issues. The creation of the new parking lot will provide additional spaces which will be located near the tenant space. Currently, there is no ADA accessible route for the entire length of

the outside building. The proposal will provide ADA accessible entrances at both the upper and lower levels for the building. As noted previously, they are proposing to remove the invasive vine growth on the existing trees in addition to providing a row of evergreen screening along the driveway access and further east for screening purposes. With respect to the stormwater, it is assumed that the existing measures were done to the current regulations in place at that time. The proposal meets the current regulations. There is about 6,000 sf of impervious surface with the new parking area and they are collecting all the stormwater run-off from the access drive as well as the lower parking lot providing water quality and quantity attenuations for the 100-year storm. The soils have been tested and witnessed by the Town Engineer. Mr. Garrigan asked about the groundwater from the access driveway. Mr. Cermele responded that there are a series of drain inlets and reviewed the plans with the Board. The system will be discharged to a level spreader and re-distributed to the existing wooded area between the property and the Taconic parkway.

Mr. Bock asked if there were any noise limitations or activity limits in terms of delivery times for this zone. Mr. Cermele responded that he was not aware of any but noted that they are compliant with the parking setbacks for the spaces both standard and commercial. He noted that the applicant would comply with the Noise Ordinance if there is one. With respect to the hours of operation, he is not sure if there are any limits on the current existing uses. Mr. Bock questioned if it would be reasonable to consider limitations on deliveries since this is adjacent to a residential district. Mr. Tegeder stated that the hours could be limited within reason and could be consistent with the Noise Ordinance hours.

Chairman Fon requested for the Planning Department to inspect the plantings after they are installed. Mr. Tegeder requested that the applicant add a landscape maintenance schedule to the plans. The Board agreed to limit the deliveries to the limits of the Noise Ordinance (*before 10:00PM*). Chairman Fon asked the applicant if he reviewed the draft resolution and Mr. Cermele responded that he did and had no issues. The Board agreed to amend the resolution to include language with respect to the loading dock deliveries and landscape maintenance schedule.

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

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

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

Upon a motion by Aaron Bock and seconded by Bill LaScala, and with all those present voting “aye”, the Board approved the resolution approving site plan, stormwater pollution prevention plan, and tree permit for the Northern Westchester Executive Park as amended.

Arcadia Farm Solar Farm

Discussion: Public Hearing

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

Contact: Croton Energy Group

Description: Proposed 800 kW ground mounted large-scale solar energy system.

Comments:

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

Julia Magliozzo of Ecogy Energy; and Michael Tarzian of Croton Energy Group, were present. Ms. Magliozzo stated that the application is for a 993 kW DC and 800 kW AC solar system. The proposal will disturb approximately 1.5 acres which includes the area of tree removal and the area needed to install the ground modules. The total acreage of the farm is 28 acres. The total array area will occupy about 6 acres of the 11.67 acre parcel with the remaining acres to be used for the farm’s use. A total of 87 trees are proposed to be removed of which 28 are considered non-viable. They received the Conservation Board and TCAC comment memos. The landscape plan has been revised to incorporate the use of native plantings. A total of 20 trees and 50 shrubs are proposed to be planted. Additionally, per the Town Code, they are proposing to provide \$100.00 for each tree to be removed totaling \$8,700 to the Tree Bank fund.

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

- Susan Siegel, resident – Ms. Siegel stated that she is in favor of solar and is not speaking in opposition to this plan. She noted that the WCPD and NYCDEP have raised several issues. She supports the \$100.00 per tree for additional mitigation. She feels that this may require more information than just a Negative Declaration and thinks this application needs more review on the environmental impacts. She doesn't think a full EAF is necessary in this case, but thinks there are several more issues that need to be looked into.

Mr. Glatthaar stated that that he thinks they do have SEQRA compliance issues to straighten out for this application as well as the Kitchawan solar farm application. He noted that they are both Type 1 actions that require full EAFs. A memo will have to be circulated to declare the Planning Board's intention to serve as Lead Agency with a 30-day response period before the Board can take any action.

Mr. Tarzian stated that they value the support for this project and are willing to pay into the Tree Bank fund for the full removal of the 87 trees even though some are not viable which would be in addition to the plantings of the trees and shrubs. Ms. Magliozzo stated that they submitted a response to Mr. Giordano's letter dated 9/24/21. She noted that many of the comments pertain to the use of the site and the amount of space to be occupied. She included their memorandum of lease for reference purposes with the response letter. Ecology entered into a lease agreement with the owners only for the 11.67 acre parcel that has an address of 1300 Baptist Church Road. Of those acres they only have a premise that covers 6 acres and they are not occupying or disturbing other areas of the farm even though the entire farm is a total of 29 acres. The northern portion of the farm will remain agricultural. She noted that the letter was signed by the property owner, Patty Peckham.

Mr. Glatthaar clarified that this is a Type 1 action because it disrupts more than 2.5 acres of land in an agricultural district. Mr. Tegeder stated that once the full EAF is submitted it will be re-circulated but the Lead Agency may not be required since there were no objections to the short EAF. His recommendation is to circulate the long EAF to interested and involved agencies. Mr. Glatthaar agreed and suggested to hold the hearing open until November per the 30-day SEQRA requirement for comments. The Board agreed and advised the applicant to work with the Planning Department with respect to the EAF submission.

Upon a motion by Rob Garrigan and seconded by Aaron Bock, and with all those present voting "aye", the Board adjourned the Public Hearing to the November 8th meeting agenda.

Kitchawan Farm Solar Farm

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

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

Julia Magliozzo and Michael Tarzian of Ecology Energy was present. Ms. Magliozzo stated that they received the Tree Commission memo today and will address their comments for the next meeting. The application is for a 2.67 MW DC, 2 MW AC ground-mounted solar system. The entire farm is 22 acres in total. The total area of the solar array is approximately 8 acres and spans across two parcels. They are proposing to disturb 4.25 acres including the area of trees to be removed. The remainder of the farm will continue to be used for farming purposes. A total of 168 trees are proposed to be removed and noted that a small number are non-viable. They are proposing to plant 123 trees and 351 shrubs as part of the mitigation plan. Using a generally accepted ration of 8 shrubs are equivalent to 1 tree, the plantings would amount to 167 trees for the 168 to be removed. A full EAF will be submitted for the application as discussed with the previous application. Mr. Tarzian stated that they value solar energy and this is a way to keep local farms operational and within their families. He noted that several members of the family are here in support of the project. Additionally, several letters of support were received from the property abutters. He feels that the proactive approach to the community has brought value to this proposal and closer to their neighbors.

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

- Susan Siegel, resident - Ms. Siegel thanked the applicant for the tree mitigation. She feels that there is confusion about the SEQRA requirements with respect to the short, long and full EAFs. She thinks not every issue on the full

EAF needs to be addressed as they are not dealing with archeological artifacts. She feels that more detail should be provided on the lost function of the trees, hydrology, wildlife habitat and the visual impact, etc. The Planning Board can scope out what information is necessary for an adequate environmental review so the applicant is prepared.

Mr. Tegeder clarified the difference between a full or long form EAF and an expanded EAF. Chairman Fon stated that the applicant will work with the Planning Department.

- Jamie Spillane, Esq., Hogan & Rossi Attorney at Law - Ms. Spillane stated that she submitted a letter dated 9/24/21 to the Board. Her client, a neighboring property owner, is concerned about the environmental, visual and noise impacts. A number of her concerns will likely be addressed by the SEQRA process that will take place between now and the November meeting. There were a couple of other items noted in her letter that she believes has been taken care of. She understands that there is a decommissioning plan. She has not had a chance to review Ecology's response letter dated 9/27/21 as yet. One of the concerns that her client has is the cumulative affect of all the solar farms being proposed within the area. She thinks it is something that the Planning Board in conjunction with the Town Board may want to look at with respect to tightening the regulations given that these proposals are becoming more regular. As noted, the property is in an agricultural district and so is her client's property. There is a desire to maintain the character and rural nature of the area and asks that the Board look at this. She will review all documentation on the website and talk further with the applicant to see if there is any type of resolution that can be achieved.
- Brian Carroll, resident - Mr. Carroll submitted a letter to the Board dated 9/24/21 in support of this proposal. He feels that the visual impact for this proposal is relatively minimal. He also feels that it will be very difficult to see the solar array from the Kitchawan trail. From Route 134, there is a noticeable elevation difference that will make it difficult to see the solar array, in addition there are some severe turns to the east of the corner of the property that all eyes should be on the road and not the solar farm. Equally important, is that they need the power especially with the closing of Indian Point in April. NYS is building its renewable portfolio and working aggressively to permit off-shore wind turbine projects but that will take a few years. In the meantime, he feels that we need solar and we need it local. He noted that 25 years is not a permanent change to the property and at the end it will be decommissioned. In terms of the land use, this proposal is not permanent as opposed to other alternatives. This project is consistent with the Town's leadership on community solar. He is currently a member of the community solar activity and gets a discount from the Arcadia Farm rooftop solar system.
- Carolyn Cochran, resident of Kitchawan Farm - Ms. Cochran stated that her family is the fourth generation to live at the farm. The farm has been in the family for over 100 years and was originally a total of 243 acres. In the 1950's, the family decided to donate a large portion of the property to the Brooklyn Botanic Garden for use as a field station and to protect the land from being developed. This decision to allow the future creation of the Kitchawan Preserve provided a beautiful sanctuary to thousands of neighbors near and far. This legacy will continue as the farm will still remain open space but also bring renewable energy for years to come. She believes their ancestors would have approved of this solar proposal especially since it will not only keep the land with the family but also free from permanent residential and commercial development. The future will be kept open and the land will return to its original uncontaminated state in the future.
- Lyndsay Cochran, resident of Kitchawan Farm - Ms. Cochran stated that her background is in ecology and she has a lot of experience with organic agriculture. She has grown organic vegetables, herbs, flowers, native trees and shrubs on part of their land for the past 16 years. The solar installation will help them maintain the farm's agriculture which is very important to their family. For the past five years they partnered with a forward thinking and very busy restaurant in Manhattan that grew their own vegetable and herbs on their land which provided a significant portion of the restaurant's needs. Due to the impact of the pandemic on restaurants over the past two years, the restaurant had to cut back and did not continue growing in 2021 but they are hoping to return to the farm next season. The solar array will be on about 1/3 of their property and they still have several other open land areas with good soil and sun exposure for future growth. As an organic grower, gardener and consultant with her own small business she has seen the benefits of pollinator pathways. Pesticide free corridors of native plants provide nutrition and habitat for very important pollinating species. Ecology is committed to planting a very large number of native trees, shrubs and a native perennial flower seed mix around the array which will improve their fields from their current state. The fields proposed for the solar array has been pasture for years that is mowed all season long for horse grazing. She believes that the solar installation will help them continue to preserve the land that their family has stewarded for over 100 years from further development while at the same time provide much needed electricity to the local area. She has seen older estates within the area become residential. Their family has worked hard to preserve their land

as an agricultural use and the solar would enable them to move forward while protecting the open space since the solar array is passive.

- Alex Cochran, resident of Kitchawan Farm - Mr. Cochran stated that farming is not easy and being in Westchester with the current tax rate is difficult. The farm has been in the family for 170 years. Their family operates a horse boarding business in addition to the organic vegetable, herbs and flower garden business as described by his sister previously. On top of the never ending farm work and maintenance of the very old buildings on the site that are pre-revolutionary, he and his sister have had other multiple part-time jobs. They have always struggled to make ends meet with their horse boarding operation and now with the loss of the restaurant garden business and other income due to the pandemic, their course is uncertain. The solar array will not alter the landscape and is not permanent. It will benefit the future of their family farm allowing them to continue farming on a portion of their land while greatly benefiting the community and environment. In 2009, they installed a rooftop solar system on their barn and garage that has produced 200,000 kw of clean energy. The solar panels have complemented their south facing late 1800s barn and safely and quietly produces electricity without a single issue or repair over the last 12 years. He can confidently speak to the effectiveness of this technology which has greatly improved over the years. They have visited several large scale solar installations in the area and given much thought and careful consideration to this installation and feel that the benefits of solar are great.

Chairman Fon asked the Board and Counsel if there were any comments. Mr. Tegeder stated that they are working with the applicant on the visual impacts and requested for the applicant to provide visual studies for the abutting properties and Route 134 to ensure that any of the commentators will not be able to see the solar array. It seems clear that there is a low visual impact from the trailway.

Ms. Magliozzo stated that a response to Ms. Spillane's letter was submitted to the Board for the record. Mr. Tarzian responded that most of this is progress with preservation. He noted that the Tree Commission's latest memo talked about the donation to the Tree Bank fund for this project as well. He stated that in addition to the landscape plan, they are willing to donate \$100.00 per tree for the 167 total trees proposed to be planted. With respect to the taxes, they noted in their response letter that they modeled this project to pay Pilot taxes to the Town of Yorktown for the full 25 years based on the NYSEDA guidebook. He thinks its important to note that Yorktown passed a solar law before other municipalities in Westchester which attributed to the cumulative proposals. He noted that the Arcadia rooftop solar project was subscribed in full in less than two weeks and feels that there is definitely a need for more community solar projects. This project is not helping a corporate entity, it is helping a family farm that has been in the town for over 100 years.

Chairman Fon advised the applicant to work with the Planning Department with respect to the EAF submission and project details.

Upon a motion by Bill LaScala and seconded by Rob Garrigan, and with all those present voting "aye", the Board adjourned the Public Hearing to the November 8th meeting agenda.

Bird Bus Sales & Service fka Kia Dealership

Discussion: Public Informational Hearing

Location: 35.08-1-21 & 22; 3805 Crompond Road

Contact: JMC Site Development Consultants

Description: Proposed Bird Bus sales & service facility at former car dealership site on 2.71 acres in the C-4 zone.

Comments:

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

Paul Dumont of JMC; Darius Chafizadeh, Esq. of Harris Beach Law Firm; and Robert Reichenbach, VP of Bird Bus Sales & Service, were present. Mr. Dumont stated that the site is located at 3805 Crompond Road and is about 2.74 acres in size in the C-4 zone. The site is bordered by Crompond Road to the north, Garden Lane and the 202 Diner to the west, single family homes to the south and the NY Bariatric building to the east. The proposal is to reoccupy the property for a school bus dealership which is allowed by special permit within this zone. The façade and interior of the front building is proposed to be improved. The roof of the rear service/garage building is proposed to be raised in order to accommodate the height of the buses into the service area. The access to the property and one-way flow will be maintained. Also proposed is a storage area to the rear of the property adjacent to the existing building that will be

screened by a landscaped island. The existing parking spaces in front of the building will be used for customer parking with employee parking to the rear of the property.

Mr. Reichenbach stated that they operate similar to a car dealership. 99% of their business occurs off site. They handle all parts and service for new vehicles but do not perform heavy duty maintenance work. They work closely with the school districts and third party bus contractors. Chairman Fon asked about the noise and if there were any late night activity. Mr. Reichenbach stated that they they are not a transportation operator and will not have many school buses parked at the site. There may be one or two school buses that will pull in during the day with the exception of the start of school as new buses will be prepped and delivered to the customer. The hours of operation are from 7:00AM to 4:00PM. The back-up alarms are about 100 decibels and noted that a hair dryer is 90 decibels for comparison purposes. As a Bluebird dealer they are moving faster than any other manufacturer into the electric space. There will probably be about 11 to 12% of diesel deliveries this year. They have 1,000 electric bus orders already and plan to deliver 50 to 60 electric vehicles next year. With the electric vehicles, there is no emission or tail pipe sound. They do not operate at night, however, there may be administrative work but that will not create noise. Deliveries to customers will take place between 8:00AM and 9:00AM. Incoming vehicles are asked to arrive by 2:30 or 3:00PM to allow for the rush hour traffic.

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

- George Campolo, 3790 Old Crompond Road - Mr. Campolo stated that he welcomes this business and thinks it will be a great improvement to what is there currently. However, he is concerned about the hours of operation, the exhaust from the diesel buses, backup alarms, lights, and late night deliveries. He noted that he had and still has concerns with another project, Nestle Water, and would like to avoid a similar situation. He noted that the landscaping separating the property is seasonal and will be gone soon.
- John Furst, Old Crompond Road - Mr. Furst stated that he felt the resident neighbors should have been informed of this proposal. He is concerned with the high intensity lighting and noise level. This will affect his neighborhood and should be looked at.

Mr. Tegeder clarified that the notification requirement is to send mailings to adjacent abutting property owners only. Chairman Fon stated that they share the resident concerns and will review the plan details.

Mr. Reichenbach stated that this property will be an image of their company and they are the most trusted dealership in New York. He noted that they also have a facility in Long Island in which they also did a full renovation. With respect to lighting, there will be no activity at the site after 5:00PM and will follow the Planning Board's lead. He noted that they are more of a sales dealership than a service facility. Chairman Fon noted that the architectural, landscape and lighting plan details will need to be reviewed. Mr. Dumont stated that the architectural plans will be submitted to ABACA for review. He noted that they would like to maintain the existing lighting. Chairman Fon stated that whatever lighting is there currently needs to be compliant and advised the applicant to work with the Planning Department. The Board agreed to schedule a Public Hearing for the October 18th meeting agenda.

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.

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

650 Pines Bridge Road

Discussion: Subdivision

Location: 70.10-1-29; 650 Pines Bridge Road

Contact: Alex Cochran

Description: Proposed 3-lot subdivision on 8.06 acres in the R1-80 zone with one existing residence.

Comments:

Alex Cochran was present. Mr. Cochran stated that since he was last before the Board, they have been working on their response to the NYCDEP. The revised plans were submitted to the Board for review. The septic fields and infiltrators were relocated to achieve a 100-ft. setback between them. As a result of this change, an additional 8 trees will need to

be removed. A total of 96 trees are now proposed to be removed. The total disturbance is under the 2 acre threshold at 1.65 acres which includes the rain garden and proposed wells. The NYCDEP was also concerned about the run-off from the impervious areas of the driveways. The impervious areas have now been updated to provide permeable paving for the portion of the driveways that cannot be captured and treated in the proposed stormwater practice. They are awaiting the DEP's response. They received the Conservation Board and TCAC comment memos and are scheduled for the next Conservation Board meeting agenda.

Chairman Fon asked the Board and Counsel if there were any comments. Mr. Tegeder stated that once they have a response from the DEP and the Conservation Board the applicant will return with an update in order to finalize the details and move forward.

Taco Bell – Mohegan Lake

Discussion: Site Plan

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 of JMC, was present. Mr. Dumont stated that since they were last before the Board, they have submitted a revised plan set and SWPPP for review. The by-pass lane was increased to an 18-ft width. A turning analysis of a vehicle circulating the drive- thru while the queue is full was also provided at the request of Sam Schwartz. The SWPPP has been updated to account for the additional impervious area. Sam Schwartz provided a letter indicating that they were satisfied with the revised plan set. He noted that there was discussion at the last meeting with respect to the possible relocation of the stop bar. They discussed this with the the NYSDOT, however, they were not in favor of the relocation as it does not meet the distance requirements from the signal head. Another item of discussion was the possibility of improving the left turn phasing from Route 6 onto Mohegan Avenue by making it a protected only operation. The NYSDOT will discuss this internally and he noted that the feedback they received was that the crash history would likely not warrant it. He will keep the Board updated. He reviewed the draft resolution and had no issues but questioned the language with respect to the final SWPPP submission as it was already submitted. Mr. Tegeder responded that this is standard language as the SWPPP needs to be accepted by the Town Engineer and sometimes this happens after.

Chairman Fon asked the Board and Counsel if there were any comments. Mr. Tegeder stated that the chain link fence between the site and the neighboring church should be upgraded to be more aesthetically pleasing. Mr. Dumont responded that the church requested the fence for privacy and added that there is also a row of plantings that run parallel to that property line for screening. He added that the chain link fence could be replaced with a vinyl fence. The Board agreed that this would be more appropriate. Mr. Tegeder noted that the lights should not exceed 4,000k.

Upon a motion by Bill LaScala and seconded by Aaron Bock, and with all those present voting “aye”, the Board opened a Special Session.

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

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

Upon a motion by Bill LaScala and seconded by Aaron Bock, and with all those present voting “aye”, the Board approved the resolution approving site plan, special use permit for a drive-thru, and stormwater pollution prevention plan for the Mohegan Lake Taco Bell as amended.

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

Boniello Equities Subdivision

Discussion: Pre-Preliminary Discussion

Location: 37.09-1-70&71; 2012-2016 Crompond Road

Contact: Gus Boniello

Description: Proposed resubdivision of two lots to construct two two-family residences.

Comments:

Gus Boniello was present. Mr. Boniello stated that he is the property owner. The site is currently improved with three two-family homes in the R-2 zone. The property is served by Town water and sewer. The proposal is to subdivide the land to construct two additional two-family homes adjacent to the existing dwellings. The two new dwelling driveways would access the existing private road. Mr. Boniello stated that the original approval was for 14 individual cottage type homes and dates back to 1991. The property ended up in the sewer moratorium for over 20 years. Before the moratorium was lifted, they constructed the existing three structures. They are now looking to utilize the remainder of the property in the same way with the same structures.

Mr. Bock asked if the road would remain private. Mr. Boniello responded that it is a private road with a 16-ft paved driveway and feels confident that it is safe and acceptable. Mr. Glatthaar asked if there was another road for a possible connection. Mr. Boniello responded that there wasn't and noted that it would be a cul-de-sac. The Board had no immediate concerns and advised the applicant to work with the Planning Department.

3666 Old Yorktown Road

Discussion: Fence

Location: 16.11-1-60; 3666 Old Yorktown Road

Contact: Carmella Pervizzi

Description: Proposed 6 ft fence across the front yard of the property in the residential existing development located in the C-2 zone.

Comments:

Carmella Pervizzi was present. Ms. Pervizzi stated that she is the owner of 3666 Old Yorktown Road which is both a commercial and residential property. Currently there is a 4-ft farm fence that runs through the front of the whole property with three driveway entrances. She is requesting a variance to install a 6-ft fence with swing gates for the safety of her family from trespassers in addition to litter concerns. She noted that there have been numerous accidents at Barger Street and Route 132 due to speeding cars. Her property is hidden which makes it more difficult to see. She has made a request to the DOT for the installation of signs to slow the traffic from the Taconic Parkway. She noted that once the fence is installed, the car will pull into the driveway and the gates will open.

Mr. Bock asked if there were three entrances and only one gate. Ms. Pervizzi responded that she is proposing two gates possibly three. However, she is considering closing one entrance. Mr. Bock asked how far back from the road is the gate as this was a concern. Ms. Pervizzi responded that it is right on the main road but is thinking of pushing them back. Mr. Tegeder stated that there is no height limitation in the commercial zone. The Planning Board's involvement is for the height and layout of the fence and noted that it could be on the property line. Chairman Fon asked if there is a distance setback for the fence from the property line. Ms. Pervizzi stated that she would like to install the fence in the same location. Mr. Tegeder stated that the Board is concerned with the safety issue of the location of the gates. He requested that the applicant establish the dimensions of the gate from the property line and the edge of the pavement to the roadway. It will need to be deep enough to have a long car or small van or truck to fit and be fully off the road until the gates are opened. Chairman Fon stated that he is also concerned with the sight distance and the height of the fence at the property line with oncoming traffic as well as the property owner. They do not want to make a bad situation worse and requested that the Town Engineer assess the sight distance. Mr. LaScala asked if there was a line of sight ordinance. Mr. Tegeder responded that there is a line of sight guidance that the Town Engineer will follow. Chairman Fon advised the applicant to contact the Town Engineer to set up a site visit in order to assess the sight view distance for safety purposes.

Town Board Referral- Lexington Ave & Storage Road, East Main Street, Broad Street

Description: Con Edison SWPPP and Wetland Permit applications for various locations in order to do gas main upgrades and replacements.

Comments:

The Board had no planning objections to this proposal.

Town Board Referral - Foothill Street

Description: Con Edison SWPPP and Wetland Permit applications for work on Foothill Street that is part of a resiliency pilot project to bury utility lines.

Comments:

The Board had no planning objections to this proposal.

Town Board Referral - Amendment to Solar Law

Description: Proposed to amend the definitions for small and large scale energy systems to reflect a 25kW threshold to match NYSERDA's standard.

Comments:

The Board had no planning objections to the proposed amendment.

Motion to Close Meeting

Upon a motion by Bill LaScala and seconded by Aaron Bock, and with all those present voting "aye", the Board closed the meeting at 9:05 p.m.