

Planning Board Meeting Minutes – January 24, 2022

A meeting of the Town of Yorktown Planning Board was held on **Monday, January 24, 2022 at 7:00 p.m.** via Zoom video conferencing.

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
- Councilman Sergio Esposito
- Councilwoman Luciana Haughwout

Correspondence

There was no correspondence.

Motion to Approve Meeting Minutes of January 10, 2022

Chairman Fon asked the Board and Counsel if there were any comments regarding the meeting minutes. Mr. Bock stated that there was a note on page 3 under a public comment made by resident Susan Seigel with respect to a past residential subdivision proposal for the Foothill Street application that was meant to correct her statement. He questioned if notes should be added into the minutes and if this was something that was done before. Mr. Tegeder stated that this was not done before but did in this case since the information was not available until after the meeting. If the Board agrees, it can be removed. Mr. Bock stated that he would rather clarify this later on in the agenda during discussion of the application and suggested to remove the note. Mr. Garrigan asked what could be done if someone makes a statement as part of the record that is factually incorrect. Mr. Bock thought that they would correct it on their own record. Mr. Glatthaar stated that the resident comments are what they are and should remain in the minutes. If someone wants to take issue, then it can also be included. The Board agreed to remove the note.

Upon a motion by Aaron Bock and seconded by Bill LaScala, and with all those present voting “aye” the Board approved the meeting minutes of January 10, 2022 as amended.

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

Fiore Minor Subdivision

Discussion: Request for Second 90 Day Time Extension

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 Resolutions #19-10 dated May 20, 2019, #20-04 dated May 11, 2020, and #21-11 dated May 24, 2021.

Comments:

Joseph Riina, P.E. of Site Design Consultants was present. Mr. Riina stated that the plat has been submitted to the Planning Department for signature in order to start the procedure for filing of the subdivision map.

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

Upon a motion by Aaron Bock and seconded by Bill LaScala, and with all those present voting “aye”, the Board approved the request for the second 90-day time extension.

Colangelo Major Subdivision

Discussion: Request for Reapproval

Location: 35.16-1-4; 1805 Jacob Road

Contact: Site Design Consultants

Description: Approved 6-lot subdivision in the R1-160 zone by Resolution #21-01 dated February 8, 2021.

Comments:

Joseph Riina, P.E. of Site Design Consultants was present. Mr. Riina stated that they are still in the process of obtaining Health Department approval for this project. All the major aspects have been resolved with respect to the trails and the Westchester Land Trust.

Chairman Fon asked the Board and Counsel if there were any comments. Mr. Glatthaar noted that this is not a request for a reapproval but an extension of a reapproval. Mr. Tegeder stated that the procedure is for two 90-day extensions and then a reapproval and will review the process with him. Mr. Glatthaar agreed and had no issue with the reapproval.

Upon a motion by Bill LaScala seconded by Rob Garrigan, and with all those present voting “aye”, the Board approved the resolution reapproving stormwater pollution prevention plan permit, wetland permit, tree permit, and final subdivision plat titled Colangelo Subdivision aka Featherbed Properties, Inc.

Granite Knolls Park Solar Project

Discussion: Public Hearing

Location: 26.09-1-22; 2975 Stony Street

Contact: HESP Solar LLC and Bergmann PC

Description: Proposed 1.3 MW-AC community solar project including ground mounted solar panels, solar carport system, and a battery storage system at Granite Knolls Sports Complex.

Comments:

Item withdrawn at the applicant’s request.

Motion to Open 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

Guiding Eyes for the Blind

Discussion: Site Plan

Location: 27.13-3-17; 611 Granite Springs Road

Contact: Studio Architecture, DPC

Description: Proposed minor renovations to former garage that was turned into a dog transfer point as a result of COVID.

Comments:

Diana Juarez, and Bill Ma of Studio Architecture, were present. Ms. Juarez stated that they are seeking approval for the installation of a new sewer line and electrical line to service an existing garage at the site that is proposed to be converted into a transfer point for the pick-up and drop-off of service dogs. The footprint of the existing garage will remain the same. The overhead garage doors on the building will be removed and a new entryway, windows and dormers are proposed. A new toilet room is also proposed within the building that will be serviced by the new sewer line. The two new lines are within the 100-ft wetland setback.

Mr. Tegeder informed the Board that the Building Department referred this application for review. The building is existing with three overhead garage doors and one large open space. They are now proposing to remove the garage doors, install walls, an entryway, windows and dormers, etc. There is no change in the parking demand as the footprint is the same. The parking area that serves this building remains the same and doesn’t appear to have any modifications and doesn’t need a formal amendment. Ms. Juarez shared the existing and proposed plans with the Board. She noted that the addition of the toilet room is to service the employees due to the COVID restrictions and requirements.

Mr. Ciarcia stated that a sewer permit will be required. He questioned if there were any wetland issues involved with the electrical or sewer connections as this is the first time he is seeing this application. He also questioned whether the

wetland permit, if required, should be issued by the Planning Board or done administratively. Mr. Tegeder stated that he believed that part of it may be in the buffer but did not think it would exceed any thresholds above our administrative permit. Mr. Tegeder asked the applicant to submit the drawings shown this evening as well as a partial site plan that shows all the details of the proposal. Mr. Ciarcia added that they will need the details on the pumps, piping, trenching, etc. in order to process the sewer permit. Ms. Juarez responded that she will submit the required plans.

Chairman Fon noted that there seemed to be no planning issues and that this item could be handled with a memo to the Building Department. The Board agreed.

Mongero Properties

Discussion: Approved Site Plan
Location: 37.14-1-44; Saw Mill River Road
Contact: Michael Grace, Esq. and Site Design Consultants
Description: Request to remove the required traffic improvements from the approved site plan approved by Resolution #09-28 on November 9, 2009.

Comments:

Michael Grace, Esq.; and Joseph Riina, P.E. of Site Design Consultants, were present. Mr. Grace stated that this project has been discussed previously with the Board. The original site plan approval had a condition that the property owner install a traffic signal at the driveway entrance to this parcel and across from Downing Street and Route 118. He believes that this condition originally found itself in the approval as a voluntary contribution by the then contract vendee which was a bank and noted that money may not have been an issue. The bank has since disappeared and there is an interest in the property but what is prohibitive at this time is the expense of the traffic light. The approved site plan was for a 3,800 SF building which is essentially the size of a single tenancy in one of the other shopping centers and it is their position that the condition to install a traffic light is disproportionate to any impact that this particular development will have on traffic at this intersection. He believes that the original approval was for 14 parking spaces. He is asking the Board to consider removing this condition. Per the Board's request, they have submitted an amended site plan for review and discussion.

Mr. Tegeder asked if this was a request for an amendment. Mr. Grace responded that he felt that this would be the best way to handle this. He understands how this condition got into the approval but the bank did not proceed and the cost to install traffic improvements would be close to three quarters of a million dollars at today's market. It is his understanding that the DOT has been approached about this issue and they thought it would be better to install a caution sign for pedestrian crossing for the trailhead. Mr. Tegeder stated that as an amended site plan documentation will need to be provided showing that the signal is not required. He is not sure if the most recent traffic counts submitted to the DOT reflects the traffic associated with the 4th leg of the intersection. In terms of the process, they need to take a hard look at the traffic numbers which should be updated with a similar use of the potential buyer to ensure that the Board has enough information in order to decide on whether the traffic light is warranted. He is not suggesting that the application return to the DOT, but is requesting that the traffic consultant present to the Board data that supports the elimination of the signal. His concern is about the safety impact and what the design parameters will be to enhance and preserve the safety of operation for this intersection.

Mr. Bock stated that he agreed with Mr. Grace's comments and anticipates that the traffic numbers will not justify what they are looking at but the Board requires this information for the record. He asked about the access that is not on their site but is off on the right-of-way. Mr. Grace stated that it is on the road bed with the extension of Downing Drive and noted that what has been graveled at this point is the trail. Mr. Bock asked if the AT&T cable has been lowered and Mr. Grace responded that it was. Mr. Bock stated that they will need to figure out where the trail access is proposed to be if the driveway goes in there. Mr. Grace stated that road is laid out at 20-ft and thinks the trail is actually on the roadbed. Mr. Bock stated that this will need to be addressed on the plans. Mr. Bock stated that this road was part of a potential bypass discussion years ago. He questioned if this was a departure and abandonment of the bypass concept. Will this driveway be a sufficient starting point structurally and foundationally to go forward? Mr. Grace responded that they would be building to the Town road specifications. Mr. Grace stated that if they were going to develop the right-of way around the Falkenberg property he is sure there would be a complete development plan to make that connection to Route 202. Discussion followed. Chairman Fon noted that the road should be built to the Town's standards and noted that the

width may be an issue and should be worked on the with the Town Engineer. Mr. Tegeder stated that the Roma building is what brought about the idea of the bypass road and it always resurfaces so the road should be built to Town standards and the alignment and its width should be such that if a traffic signal does come to that intersection it is in the right position and alignment. Mr. Grace noted that that they should be cautious about creating a loitering convenience when discussing this and the trail. Chairman Fon stated that they will look into this as they move forward and thought this could be handled with street lighting. Mr. Garrigan asked if there was any way in which they could apply for a driveway cut if it went on to their property such as the back side or right side of the property. Discussion followed. Mr. Garrigan asked as part of the improvements of the road would the trail still continue. Mr. Grace responded that improving the road would accommodate the foot traffic for that trail. Mr. Garrigan stated that his concern about the intersection is less about the vehicular traffic but more for the pedestrians and bicycles since there is no crosswalk and they spill out onto the road. The reason for the light is the trail and not the site plan. He is in favor of removing this part of the proposal right now but they should look at the bypass opportunity eventually and the pedestrian safety from the trail off of 118. Grace stated that he will not argue on whether the conditions warrant signalization but the notion that it his client's obligation to cure this is disproportionate to this development. He noted that this particular site has suffered because of this condition and is preventing potential interest in the property.

Mr. Riina stated that the layout of the driveway was sized for the width of a commercial driveway but will be built to Town road standards. They held the edge of the driveway at the original location along the property line so if it were to be expanded, it would be expanded to the south in the area that is now left untouched. It will be built to the Town's specifications so it would just be a continuation or widening of a Town road if traffic lanes required a connection through to Crompond. With respect to the trail connection, he noted that he was privy to a plan prepared by Phil Grealy, Traffic Consultant, for master planning that intersection for an automated crosswalk. The crosswalk would be on the northeast corner of the intersection and go across to the front of their property. He noted that the plan shows an 8-ft sidewalk, which could be made wider, along that side and reconnecting to the trail. Once that automated crosswalk is in place then you would have a safe connection. Mr. Grace stated that the trail traffic is what it is and may not change based upon the development of this site. He noted that the development of this site may be a quieting factor in terms of traffic passing the intersection as the best way to quiet traffic is creating sidewalks.

Chairman Fon asked about the next steps. Mr. Tegeder stated that they will work with the applicant's team to develop the amendment. Chairman Fon requested that they also work with the Trail Committee. Mr. Glatthaar agreed with Mr. Tegeder's comments and noted that all the information seems to be in place but needs to be put together in a package. Mr. Bock questioned if a hearing was required. Mr. Tegeder responded that it is an amended application and will follow those requirements. Mr. Ciarcia stated that they will take a look at the road to ensure that it is built to Town standards and DOT will look at it in terms of how it comes out to the state highway. He noted that a curb cut onto Route 118 is next to impossible because it is a limited access highway and this is the place where access should happen.

Foothill Street Solar

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 1.875 MW ground mounted solar panel system and Tier 2 battery energy storage system along with associated access road, electric utility upgrades, and perimeter fencing.

Comments:

Joe Shanahan of Con Edison Clean Energy Businesses, Inc., was present. Mr. Shanahan stated that he is here this evening as a follow up to the closed Public Hearing of 1/10/22. He is currently working with the Planning Department on the line of sight diagrams. They received a memo from the Planning Department today with respect to the Tier 2 Battery Energy Storage System which is currently being addressed by their engineering and electrical team.

Chairman Fon asked the Board and Counsel if there were any comments. Mr. Tegeder stated that he will work with the applicant to close up the outstanding issues.

Mr. Bock stated that he thinks its appropriate at this point to step back and look at the entire application now that the Public Hearing process is complete and they have had an opportunity to review and read the public comments in addition to everything submitted by the applicant. He noted that his comments are based upon his review of the entire record

submitted and based on his understanding of this Board's responsibility under the State Environmental Quality Review Act (SEQRA) and not so much on general policies consideration as to whether they like solar or not as he doesn't think this is reflective at this point to what they are doing. In general their Board reviews applications and environmental forms. They identify issues and the applicants generally go through a process of revising their plans to address the Board's concerns. Typically this process leads to the adoption of a Negative Declaration and ultimately the project is approved. They also consider specific laws that are impacting projects such as the Town's Wetland, Tree and Solar Laws. In particular the Solar Law contains a ranking of land uses which are suitable for solar arrays as a policy statement that was made by the Town Board with completely forested areas being ranked last in the order of priority and he thinks this statement of preference gives them, as a Board, some additional discretion in reviewing these applications. Notwithstanding, he raised an issue over a year ago with the Town Board and Town Attorney concerning how the town laws and their requirements interact with their obligations under SEQRA and were advised that the Planning Board can go beyond the requirements, for example the Tree Law, in assessing the impacts of tree and forest removal. If they were only required to follow and apply the tree law for example then there would be no need for them to do any kind of environmental impact analysis that SEQRA requires them to do. Considering that kind of analysis and reviewing what has been submitted he believes that significant adverse environmental impacts for this project remain unaddressed. For example, the loss of trees and woodlands have been numerically identified and the mitigation that has been proposed only addresses numerical issues in terms of quantifying the number of trees and basically buying out that impact by making a payment of money to the Tree Bank but doesn't consider the impact of the loss of the forested areas on this site. They are not identified or assessed in this application outside of the specific Tree Law, they are not identified or assessed in connection with the stream except to say that they are leaving a buffer. The overall forested area is not assessed as an overall impact. Neither does the Town's consultant address these issues. He thinks this makes the analysis flawed at this point. The alternatives are considered but are not considered rigorously as would be required. Because they have this basic omission in the environmental analysis he believes a Positive Declaration on this project is required and thinks this is the proper time in which to do this. These adverse environmental impacts need to be studied and they need to identify them in the assessment form and he thinks it requires them to say that there are some adverse impacts that they have not adequately studied. This is his position based upon all that he has seen so far for this application. He is putting this forward not so much for the applicant's response but more for consideration by his colleagues on the Board.

Mr. Shanahan stated that Mr. Bock indicated in his narrative that the impacts and adverse impacts have not been addressed but did not hear him cite these impacts. He noted that they have been discussing the tree clearing for nearly three years. The project has been designed by a well respected firm, Bergmann Associates. They have answered each and every question along the entire process. The project has also been reviewed by the Town's outside environmental consultant of which they were required to pay for. The environmental consultant issued a report and ultimately approved the project. The Town Engineer also reviewed and approved the project. If there is an impact that needs to be addressed, he would like to know what it is or if there is an adverse impact that needs to be addressed, he is certainly curious as to what it is. He noted that he cannot address matters that have never been brought up and would certainly have to defer to the Town appointed environmental consultant and the Town employed engineer who both approved this plan to presume that the professionals don't see those impacts that need to be addressed.

Chairman Fon stated that he understands Mr. Bock's concerns and noted that this is a sensitive application as it is all wooded. He asked the Town Engineer if he was satisfied with the project at this point. Mr. Ciarcia responded that what he is reviewing is one dimensional and would not be weighing in on what is suitable mitigation for the trees and visual impacts. With respect to the stormwater, much of their concerns have been addressed by the applicant. At this point, they just need to do a final review prior to signing off on the SWPPP acceptance. Chairman Fon asked about the latest memo from the Conservation Board and TCAC. Ms. Steinberg noted that the last memo received from the Conservation Board is dated 9/1/21 and dealt with the tree loss and there have been no other memos since then. Chairman Fon noted that the TCAC comment with respect to the credit in their memo dated 1/10/22 was being reviewed by Counsel. He stated that he would like to hear from the Conservation Board with respect to the environmental consultant report since they have not heard from them since September.

Chairman Fon asked the Planning Department if there was anything else that needed to be looked at. Mr. Tegeder responded that there is a mitigation plan in place and as they do with the wetland law, it's a matter of selecting appropriate

mitigation. The law provides that they do appropriate mitigation and thinks the tree law will do the same. It's a matter of understanding what is being removed and the environmental consultant report reflects this. For instance they note that it is not a "core" forest and provided a definition for this. It is not an old growth forest or highly functioning habitat. The tree removal is not disrupting the wildlife corridor. It is a matter of looking to the appropriate mitigation under the law. However, that is not to say that the Board can't move forward in the way Mr. Bock suggested but the adverse impacts need to be identified.

Mr. Glatthaar informed the Board that he looked at the Solar and Tree laws with respect to the issue that the TCAC raised about credit for tree removal and payment into the Tree Bank fund. He noted that if you read the laws together as a unit, the applicant is obliged to prepare a mitigation plan and the laws lay out several options that the applicant can pursue for their mitigation plan. Mr. Shanahan is correct in that he has the option of proposing a certain number of trees to be replanted and a certain number to be paid into the Tree Bank fund. It is ultimately up to the Planning Board to decide what the adequate mitigation plan is. He does not think that the applicant is entitled to a credit or an offset for the trees that they are replanting. If you read all the laws together the goal is to get the applicants to replant trees. It would just be too easy and an inexpensive solution for an applicant to pay money into the fund every time they removed a bunch of trees. The whole point is to mitigate for the loss of the trees. Also, the Solar Law clearly requires screening. Ultimately, it is up to the Planning Board to decide what level of mitigation and screening is appropriate.

Mr. Glatthaar stated that if Mr. Bock has specific issues that he feels need to be addressed then he is correct in raising them now. This can be dealt with in two ways, either with a Positive Declaration or as an issue that requires further study. He noted that most of the time an Environmental Impact Statement will require an applicant to study many things that have no bearing on their project and he thinks this may not be the best tool to address Mr. Bock's concerns. A deeper dive into the impact of the woodlands might be better addressed as a separate issue as part of the EAF, parts 2 and 3.

Chairman Fon noted that earlier in the meeting there was discussion about the prior meeting minutes and a resident comment with respect to a past subdivision proposal for this property. He questioned why that proposal didn't proceed. Mr. Tegeder responded that his recollection was that it was stopped by the applicant but noted that there was no official correspondence by them. They just did not return to the Board. He thought it may have had to do with the economic downturn and the housing market at that time. He noted that there is no record from the Westchester County Health Department on file stating that this property was not approved for a sewer connection. He has never seen anything nor do they recall any discussion of that nature. If anyone has this information, they should submit it to the Planning Board. Chairman Fon stated that to his knowledge and all that he has heard, if the applicant decided to move ahead with the subdivision proposal it would be more impactful than what is before the Board currently. Mr. Tegeder stated that the subdivision proposal was for a 20-lot subdivision. The conventional subdivision was using the area on both sides of the stream, so much more of the forested area would be disturbed. Discussion followed. He noted that when the applicant presented the comparison analysis for the proposals, it showed the disturbance amount was roughly the same.

Chairman Fon stated that the TCAC issue was addressed by Counsel earlier and suggested that the Conservation Board attend the next Work Session to review the environmental report and hear their concerns. Mr. LaScala stated that this application should not be treated more harshly than other applications and noted that they have responded to all of the Board's issues. Chairman Fon noted that all applications are different and this is the first major solar farm in front of the Board. With no disrespect to the applicant, they want to ensure that all the concerns are addressed to the best extent practical and is done appropriately and correct on their end. He noted that the applicant and Planning Department have been working closely together on the details. Mr. Garrigan stated that he is in favor of continuing the dialogue but feels that it is unfortunate and somewhat inefficient as they just closed the Public Hearing. He noted that they can only use the tools that they have which are the Tree and Solar Laws. The focus has been about respecting the neighbors as it is in a residential area. Some of their key priorities is the screening and not creating visual pollution and he believes that the applicant has done a good job in addressing these issues. Removing the trees on the 15 acres will have an impact but the challenge is that somebody believes there is an adverse impact and the only tools that the applicant has to remedy that impact is a mitigation plan which takes either the form of replanting trees and/or payment into the Tree Bank fund and noted that he doesn't consider this a buyout. He would much rather see trees planted that can grow and thrive but this is not always possible. He feels that most of the hurdles have been met for this application and it seems that the applicant

has done everything to comply with our current laws. Chairman Fon noted that Counsel stated that this is the correct path and they need to ensure that the concerns brought up, if appropriate, are dealt with. However, they are not discounting all the work that has been done

Mr. Shanahan confirmed Mr. Tegeder's comments with regards to the depth of the previously proposed subdivision plans for the property. He noted that he appropriately stated that the applicant was going through the process when the economy took a downturn and the Lockwood family then decided not to pursue the application until things got better. In the interim, the solar farm proposal was presented to the Lockwoods that created an opportunity to develop only half of their property while at the same continuing to own it as they have done so for over 200 years as opposed to developing the subdivision and no longer owning the property. At the end of the lease, they will still own their property and this is why the subdivision proposal did not return. This information was submitted to the Board in writing indicating that if the project does not go forward, it is the applicant's intent in this economy to move forward with the subdivision proposal. Additionally, he felt that this application is not being treated like everyone else. He noted that they completed their Public Informational Hearing over six months ago on 4/12/21. There has been an intense review of the project after that hearing and would like to challenge anyone to contest the statement that they have done everything and anything that was asked of them over the last 6 to 8 months into the Public Hearing which was closed. He asked the Board when the last time a Public Hearing on a project was closed and then they went back to those they have not heard from in a while to see if there were more comments. He feels that this is inappropriate, unfair and unprecedented. He does not have an issue with Mr. Bock stating his concerns and does not have a problem with the Board telling them what the impacts and adverse impacts are so that they can address them but to keep saying they are concerned about these impacts and not citing them is unfair. What is adverse about this project and has been over the years is that they are proposing to cut down 15 acres of trees. If they could develop the property without the removal of trees, they would but it can't be done. The family has owned and paid taxes on this property for over 200 years. He is not going to argue about talking to the Conservation Board again but stated that he does not feel that this is something they do all the time. They have done everything they have been asked to do and now the Board is going back for more comments and he feels it is unfair to the property owner.

Mr. Glatthaar informed the Board that they now have 62 days from the close of the hearing to render a decision.

Chairman Fon stated that the Planning Department will reach out to the Conservation Board for attendance at the next Work Session to address any concerns. The Board agreed. Chairman Fon thanked the applicant for their continued efforts and working with them.

Old Hill Farm Solar Farm

Discussion: Site Plan & Special Permit

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

Contact: Hillside Solar LLC

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

Kathryn Hoenig, property owner was present. Ms. Hoenig stated that she is here this evening as a follow-up to the 1/10/22 Board meeting. During that meeting, the Town Engineer addressed some issues with the hydrology and SWPPP report. Since that time, they submitted a revised site plan to include level spreaders covering about 80% of the site; and a construction phasing plan. The level spreaders were placed in areas where the slope is greater than 10% and where the solar panels are not in alignment with the contour of the property for a total of 6,495 linear feet of level spreaders set at 50-ft intervals across the site. A phased construction plan was also included in the site plan set to limit disturbance during construction of the project to a maximum of 5 acres at any one time on the property. This plan will require them to do remediation after each phase of the construction process to ensure that there are no adverse impacts especially with respect to the hydrology and condition of the site. They also received a comment memo from the Planning Department dated 1/21/22. The first comment had to do with the extension of the access road in response to the Fire Inspector's comments. As a result of this extension, they will need to remove an additional 6 trees, two of which are invasive, so a total of 4 additional protected trees are proposed to be removed. The concern is that since these trees are within the 50-ft setback how will this affect the views up to this corner of the property. She noted that when they conducted the balloon test in October, this was an area designated for balloon placement. This corner is about 60-ft above Route 6 in terms of elevation and 189-ft is covered with trees. The Planning Department requested sight line

sections from various locations on the property and noted that this area could be added to ensure that there are no adverse visual impacts. Additionally, an estimate was requested from the Town's environmental consultant to verify the wetland delineation and evaluate the tree mitigation plan. They have provided additional information with respect to the wetland delineation to the Planning Department for the consultant.

Chairman Fon asked the Board and Counsel if there were comments. Mr. Tegeder stated that the sight line sections are basic diagrams to help them understand the views from particular vantage points around the site with respect to the screening. He noted that while the team has worked well on the screening aspect, the sight line diagrams will help to ensure that it is done properly per the requirements of the law. He noted that the referral to the environmental consultant is a matter of course and should be done with all applications. Chairman Fon asked if they heard from the Conservation Board. Ms. Steinberg responded that the last memo received was 10/21/21.

Mr. Ciarcia stated that the applicant has addressed his comments with respect to the flow of the run-off under the panels by virtue of the level spreaders. In terms of the footprint, once all the matters are resolved and nothing changes they will then perform a final review of the SWPPP. Ms. Hoenig stated that the revised SWPPP was submitted reflecting the road extension and questioned what might change. From her perspective she feels that the application is in its final form. Mr. Ciarcia responded that he will leave it to the Board as to whether anything will change in terms of screening, removing panels, etc. He asked Mr. Tegeder if the footprint of the panels are fixed at this point or might this configuration be in flux. Mr. Tegeder responded that he didn't have any indication that there there may be any major modifications other than some minor tweaks. Mr. Garrigan stated that he thought addressing the run-off with the level spreaders seemed to be the last issue. If this is satisfactory, then he agrees that this would be the final form. He noted that a Public Informational Hearing was already held and questioned if the application should move forward with a Public Hearing. Mr. Tegeder stated that there is enough information for a hearing and believes by the time it is set up, the sight line diagrams and consultant report should be done. Mr. Garrigan asked the applicant if they were ready to move forward with a Public Hearing. Ms. Hoenig responded that the 2/14/22 meeting would be acceptable for the hearing. Mr. Garrigan asked the applicant about the timeline relative to some aspects of this project related to grants. Ms. Hoenig responded that it is a shifting landscape in terms of NYSERDA incentives which affects the economics of the project greatly. In order to lock in they need to have a Negative Declaration. Chairman Fon advised the applicant to continue working with the Planning Department. The Board agreed to schedule a Public Hearing for the next meeting.

Motion to Close Meeting

Upon a motion by Bill LaScala and seconded by Rob Garrigan, and with all those present voting "aye", the Board closed the meeting at 8:50 p.m.