

Planning Board Meeting Minutes – February 28, 2022

A meeting of the Town of Yorktown Planning Board was held on **Monday, February 28, 2022 at 7:00 p.m.** in the Town Hall Boardroom.

Aaron Bock called the meeting to order at 7:00 p.m. with the following Board members present:

- Rob Garrigan
- Bill LaScala

Also present were:

- John Tegeder, Director of Planning
- Nancy Calicchia, Secretary
- Dan Ciarcia, Town Engineer
- Councilman Sergio Esposito, Town Board Liaison

Correspondence

There was no correspondence.

Motion to Approve Meeting Minutes of January 24, 2022

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 February 14, 2022.

Motion to Open Work Session

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

WORK SESSION

Old Hill Farm Solar Farm

Discussion: Site Plan & Special Use 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 was present. Ms. Hoenig updated the Board with respect to the proposal. Since the last meeting, they met with the two neighbors who had expressed concerns at the Public Hearing - Bill Beck (Club Fit); and Patricia Sheey, residential home owner on the western border of the property. They addressed Mr. Beck’s concerns with respect to the plantings. Four options of native shrubs that will grow 10 to 15-ft in height and width were submitted to the Planning Department for review. Once the plantings are determined, they will work with Mr. Beck on their locations. They also met with the Sheeys to work through their concerns. The construction timing schedule will be changed so that there will be the least amount of interruption. The Sheeys also identified 5 rows of panels (upper left corner) that they hoped could be moved back. Ms. Hoenig stated that they have agreed to move those rows back 20-ft and also moved the fence back accordingly. She noted that this works well for the plantings as it provides more space for those trees. She stated that in reviewing the site sections with the Planning Department they noticed that there were a large number of trees under the power lines (corner of Hill Blvd and Rt 6) that provide screening. However, there was a concern as to who would maintain them if they were to die or fall down and it was determined that this area could benefit from additional plantings. They are proposing to add 12-ft green giant arbovitae that will grow to be about 21-ft in height over the next 5 to 6 years. Some trees will also be moved to the outside of the fence at the wetland buffer to screen the fence from the property. The planting plan will consist of a range of native shrubs including the four original plantings with the addition of the green giant arbovitae. Ms. Hoenig stated that the Sheeys were also concerned with the stormwater. She emailed copies of pages from the SWPPP with drawings showing the

elevations to the Sheeys. The Town Engineer was provided with the same documents for review. Additionally, the site plan was revised to include the transformers and pads required by Con Ed for hook up to the system that will be fully screened by the fence and plantings. At this point, they feel they have addressed all comments received and are hoping that the Board will agree to adopt a Negative Declaration.

Mr. Bock asked if the latest plans shown this evening were submitted as yet. Ms. Hoenig responded that the plans will be submitted electronically and in paper form to the Planning Department this week. Mr. Bock asked the Planning Department if they were in a position to make their findings this evening based on the updated submission. Mr. Tegeder stated that he thought they were in a good position as the review of the proposal has shown that they are able to mitigate the viewshed, stormwater, etc. The wetland impact is very slight if any. He feels that they are at a place where they could make a determination that this proposal will not have any significant adverse environmental impacts that cannot reasonably be mitigated given the information that they have. He noted that within the coming weeks, they will get to a point where the Board can make a decision statement for the project. Mr. Bock stated that given the sentiment expressed and the information that they have, he suggested to move forward with a motion that there are no adverse environmental impacts for this project and the Board agreed.

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

SPECIAL SESSION

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

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

Town Board Referral - Request for Town to Abandon Portion of a Mapped Street - Additional Agenda Item

Description: Proposed request for the Town to abandon the unbuilt right-of-way of Summit Street south of Montross Road.

Comments:

Mr. Bock stated that the resolution is before the Board to modify the subdivision plan to eliminate the unimproved portion of Summit Street as discussed at the previous meeting. The Board reviewed the draft resolution. Mr. Tegeder suggested adding some additional content and the Board agreed. The Board had no planning objections to the resolution as amended.

Upon a motion by Bill LaScala, and seconded by Rob Garrigan, and with all those present voting “aye”, the Board approved the resolution for the abandonment of the terminus of Summit Street as amended.

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

WORK SESSION

Kitchawan Farm Solar Farm

Discussion: Site Plan & Special Permit

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:

Julia Magliozzo and Fariha Mahjabin of Ecology was present. Ms. Magliozzo stated that since the last meeting, they met with the Conservation Board and received their comment memo dated 2/17/22. They also received an updated comment memo from the Tree Commission. They met with the Town Engineer to discuss the stormwater measures and have also submitted the MS4 permit application with associated fees. The stormwater management plan has been improved to include level spreaders. She noted that the previously proposed stormwater management plan already meets the DEP requirements as it actually improves the peak flows post construction but the concern was that there

wouldn't be the same type of flow over the ground area underneath the arrays which will now be addressed with the addition of the level spreaders. The Conservation Board was concerned about the overflow and water quality into the wetland. Ms. Magliozzo stated that their engineer has sized the basin so that there is no overflow in an extreme rainfall event which in this case would be a 1" rainfall event. The TCAC noted two remaining trees on the plan that were non-native that will be replaced with two native species. They are proposing to intersperse more White Pines with the Arbovitae along the west side to add diversity to the screening. An updated landscape plan reflecting these changes will be submitted to the Planning Department. They will also provide the DBH for all the trees on the landscape plan as well as a mitigation ratio. She stated that Ecology's mitigation plan involves planting trees and shrubs for the landscaping plan which includes screening and payment into the Tree Bank fund. They are planting a number of trees and shrubs to mitigate for the tree loss but noted that it is a functioning farm. The Cochran family would like to have open space for their continued farm use. As a result, they don't have additional space on the site for more plantings. They are offering to increase the payment into the Tree Bank fund to \$21,300 which now includes an additional \$4,500 for the disturbed protected woodlands area. A memo was submitted to the Planning Board requesting a decision statement for this project at the next Board meeting.

Mr. Bock asked about the distance of the wetlands identified on the map to the improvements. Ms. Magliozzo responded that from the wetland to the fence around the solar array it is 25-ft and from the fence to the beginning of the panels it is about 10 to 16-ft depending on which side you are looking at. It can either be 35-ft or upwards of 45-ft depending on which side of the wetland they are looking at. She stated that this was raised by the Conservation Board at an earlier meeting and the Conservation Board commented that they would defer to the DEP ruling as to whether this was acceptable. She stated that the DEP had no concerns during their site visit as they don't consider the fencing or panels to be a significant impervious surface addition in the wetland buffer and do not anticipate this to be an issue. Mr. Bock asked about the most recent TCAC memo dated 2/18/22. Ms. Magliozzo stated that they will respond formally to the TCAC and Planning Department with the updated landscape plan. Mr. Bock asked the Board if there were any comments and there were none. Mr. Tegeder stated that a resolution could be drafted for the next meeting. The Board agreed and had no further comments.

Ryder Subdivision

Discussion: Minor Subdivision

Location: 48.06-1-12; 532 Underhill Avenue

Contact: Site Design Consultants

Description: Proposed to subdivide a parcel with an existing residence into 2 building lots on 6.086 acres in the R1-20 zone. The Board previously reviewed this application from 2013 – 2015.

Comments:

Joseph Riina, P.E. of Site Design Consultants was present. Mr. Riina stated that the last time he was before the Board they discussed two different concepts for this proposal. The Board, at that time, agreed to the plan shown this evening with one house further back and one house moved forward to be in the footprint of the original house that was demolished on the property. A mitigation plan was prepared by their wetland consultant, Steve Marino. He noted that the yellow area on the plan is the wetland area and over the years it has been maintained as a lawn area with daily cuttings. They are proposing to overseed this area to let it naturally become a wetland area again and will be explained in greater detail by Mr. Marino in the near future.

Mr. Bock asked if the application has been before the Conservation Board. Mr. Riina responded that they are scheduled to meet with them on Wednesday evening. Mr. Riina requested to move forward with a Public Informational Hearing and the Board agreed.

Upon a motion by Bill LaScala, and seconded by Rob Garrigan, and with all those present voting "aye", the Board agreed to schedule a Public Informational Hearing for the March 14th meeting.

Martino Contracting

Discussion: Site Plan

Location: 6.17-2-62; 286 East Main Street, Jefferson Valley

Contact: Site Design Consultants

Description: Proposed subdivision for a two-story office/warehouse/garage and apartment building in the Country Commercial zone and one single-family house in the R1-80 zone.

Comments:

Joseph Riina, P.E. of Site Design Consultants was present. Mr. Riina stated that the last time he was before the Board, the plan was for a larger building than what is shown this evening. The property is owned by Mr. Martino (Martino Landscape Contractors, Inc.) and is the base of their business. The site is split into two zones - Country Commercial and R1-80. The applicant is proposing to develop both the country commercial and residential zoned areas. The property is currently improved with a small building. The new building will provide much needed space for their service equipment and supplies. The driveway comes in on the west side of the site, parallels the slope and makes its way up to a parking area and the office building as shown on the plans. In order to make this work they will need a variance from the Town Board for the slope on the driveway. They have 8% where 5% is required for a commercial driveway.

Mr. Bock asked about the streetscape from E. Main Street. Mr. Riina stated that they are still working on the plans and will address this and the building architecture in the near future. He noted that the left side of the driveway will have a stone retaining wall and some type of shrubbery and screening would be proposed. Mr. Bock asked if this was in the Overlay District. Mr. Tegeder responded that he believed it was. Mr. Garrigan asked if signage was proposed on the roadside. Mr. Riina responded that he wasn't sure.

Mr. Riina stated that the rear portion of the property is zoned R1-80 and the applicant is proposing to subdivide it into one residential lot. He stated that there is enough room for two lots but there is no septic area for a second lot. If sewers were ever to become available, they would then be able to do so. He noted that the 10-ft reserve strip was recently brought to his attention. An alternative plan was prepared with the frontage off of East Main Street that would bring a driveway in through the commercial site to get to the residential site. For the sake of not losing a lot, this may be their route. The septic area has already been tested and approved for the residential property. They received a comment memo from the Fire Commission on 12/17/21 with respect to the access and turnarounds. He hasn't received any further comments as yet. A conceptual plan was shown with the division of the two properties, commercial and residential. There would be a common easement through the two properties for access and parking. The driveway would go up along the slope to an existing traveled way between the two stone walls to the potential residential site. The residential site meets all the frontage requirements for a single-family lot in the R1-80 zone and also meets the coverage maximum for a commercial building in the County Commercial zone. If they cannot get access thru Lakeview, they will apply for a frontage variance using this alternate plan. Mr. Tegeder asked about the grade of the driveway and if it meets the code. Mr. Riina responded that it will meet the code. Mr. Garrigan asked if access thru Lakeview was the preferred option. Mr. Riina responded that it was as it would be an easier access. He noted that they heard from the Fire Department that the Town has no way to turn their vehicles around that area and wanted them to provide a turnaround which is what they demonstrated in their original plan. It goes beyond what is better access, it also provides Lakeview with a safe way for emergency vehicles and town trucks to turn around. Mr. Tegeder asked if they are proposing that the town emergency vehicles and trucks would turn around via the driveway of the proposed residence. Mr. Riina responded that they were. Mr. Tegeder asked about the adjacent parcels on Lakeview. Mr. Riina stated that Amodeo owns the piece on the north side of Lakeview and Matthews owns the piece on the south side. He noted that the 10-ft reserve strips are not shown on the survey as it was not picked up by the surveyor.

Mr. Bock stated that he was concerned with the streetscape along East Main Street and didn't know if there were long range plans to enhancing the community aspect of that area under the Overlay District. He hoped there could be a potential for a sidewalk or development that could be more cohesive to the area and what may happen in the future. He feels that the area along the bottom adjacent to the road needs to be given more thought. Mr. Riina responded that there may some area to extend the sidewalk and would work with the Board's input. Mr. Riina noted that the issue with the Lakeview access is still pending. Mr. Bock noted that the Planning Board's Counsel stopped the

subdivision above this property to the north (Hansmann Subdivision) since the applicant could not demonstrate access to a Town road. Mr. Riina stated that if this was the case, the applicant would then go with the alternate plan and apply for a frontage variance. Mr. Bock asked Mr. Tegeder what consideration could the Board have with the alternate plan in terms of review and issues. Mr. Tegeder responded that if there are issues that are contrary to the master plans and current comprehensive plan, the Board could ask to change the plans. Mr. Tegeder questioned if it was appropriate to have a residential lot being accessed thru a commercial site. Mr. Riina stated that this was a first look at the alternate plan and they may need to manipulate the location of the building and split off the driveway. Mr. Garrigan asked if the Town could agree to extend Lakeview to the property. Mr. Bock stated that each end of the four roads have a 10-ft reserve strip that never went into the Town's hands so they can't easily do it. He added that the claim was that Lester Perry laid out that subdivision and kept those strips to himself which then passed by operation of his will to Anthony Amodeo. Mr. Garrigan asked if we know for sure that this is the situation. Mr. Bock responded that their Counsel informed them of this and it is not their place to make title determination. He noted again that the Hansmann subdivision could not proceed as presently constituted because there is no access. Mr. Tegeder stated that the 10-ft strips are not on the tax rolls and that is likely the reason why they didn't show up on the surveys. He noted that reserve strips are now expressly prohibited in the Town Code.

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. Plan proposes to connect to High Point Drive and South Shelley Street.

Comments:

Joseph Riina, P.E. of Site Design Consultants was present. Mr. Riina stated that an alternate plan was prepared based on the Board's comments from their last meeting. Two of the homes were re-oriented so that the backyards are not facing Stony Street. Additionally, their wetlands consultant, Steve Marino, identified a list of trees that he felt were significant enough to save. The trees identified are noted on the plan and also shown as circles in the areas where they exist. As a result, some of the homes are proposed to be manipulated to save the trees (Lots 1, 3, 4, 5 and 6). Mr. Tegeder suggested that instead of rotating the house and flipping the driveway for Lot 5, that they should instead consider having front loaded garages. Mr. Riina had no issue with this. Mr. Riina stated that there is a 35" black walnut tree in the center of the road that they are also proposing to save. In order to do this, they are proposing to pull the cul-de-sac back and create a center island where the tree will be located. As a result, frontage variances will be required for some of the lots, specifically Lots 4 and 7. Mr. Garrigan asked about the health of the trees. Mr. Riina responded that they were singled out by Mr. Marino for possible protection and he noted that most can be accomplished. The roadway will require a change or variance.

Mr. Bock stated that he would like the Board to discuss whether or not they want to consider the connection to Shelly Street. He felt that if that connection were removed, it would isolate the two neighborhoods and prevent thru traffic and would also offset some of the impacts to the wetland, specifically by moving the house on Lot #9. It may also provide more flexibility to spread the houses out in that area. Mr. Riina stated that Lot #9 could slide to the west. He noted that it would not eliminate any road impacts to the wetland. Mr. Riina responded that they had no objection to this but would need direction from the Board. Mr. Garrigan noted the impact to Lot #7 by moving the cul-de-sac to save the tree. He questioned if everything could shift a little west. Mr. Riina stated that if they are trying to eliminate or minimize any impacts to the wetlands, the house on lot #8 is fixed and can't be moved further to the west. Lot #9 could be moved to the west. Mr. Bock asked what considerations are there with respect to the connections and noted that he is aware that the Town at one point wanted to have interior connections to relieve traffic on some of the main streets. Mr. Tegeder responded that these connections relieve traffic and provide a network of travel choices, and is the reason future connections were planned on three sides of this property. There are recognized recommendations in terms of the length of a dead-end, and noted that they would not want to produce something that is too long for emergency response purposes. Mr. Bock asked the Board if they should pursue eliminating the Shelly Street connection. Mr. LaScala asked Mr. Riina if the applicant had any concerns with the possible elimination of this connection and Mr. Riina responded that they had none. Mr. Tegeder asked Mr. Riina to provide information about

the recommended length of dead-ends and how it will look for this application. Discussion followed with respect to the traffic flow and the connections. Mr. Tegeder stated that they should think about the traffic generation numbers and how it may reasonably be distributed if there are two connections. Mr. Riina stated that they are waiting to hear from the Fire Commission. The Board felt that the revised layout was improved and agreed to discuss the Shelly Street connection further.

Home & Hearth

Discussion: Site Plan
Location: 15.12-1-2; 1750 East Main Street
Contact: Site Design Consultants
Description: Proposed demolition of two existing buildings to construct a new 5,500 SF showroom/warehouse and 4,500 SF storage building on 1.99 acres in the C-4 zone.

Comments:

Joseph Riina, P.E. of Site Design Consultants was present. Mr. Riina stated that at the last meeting there was discussion about the roof pitch of the storage building. The architect has since revised the plans to make the center point of the roof more visually appealing as shown on the plans. Mr. Tegeder asked if a variance was required. Mr. Riina responded that the Building Department determined that it was a main use so no variance is required. Additionally, a report will be provided by their wetlands consultant in the near future and an application has been filed with the DEC. He noted that the Town's environmental consultant has been authorized to review this application. Their next step would be to move forward with a Public Hearing after they receive the consultant's report.

Town Board Referral - Gas Station Special Use Permit

Location: 15.15-1-46; 1770 East Main Street
Contact: Neil Carnow, AIA project architect
Description: Proposed modifications to existing convenience store building.

Comments:

James Ryan of JMC was present. Mr. Ryan stated that the application was referred to various agencies by the Town Board as a result of repairs to the existing building. The overhang on the existing building was continually hit and damaged by trucks as the area between the pumps and building is narrow. The applicant is proposing to remove the cantilevered portion of the overhang and replace the façade in kind. The proposed new façade will remain identical to what was there originally in terms of color and materials. They are scheduled to meet with the ABACA and Conservation Board as part of the referral process. The applicant is requesting approval from the Planning Board to move forward with the modification to the building.

Mr. Tegeder stated that the site plan was never built according to the approved site plan which could have precluded the hits to the building. Mr. Ryan stated that this was done prior to the current owner. Mr. Ryan noted that the client indicated that they were contemplating significant changes to the property long term but nothing is concrete. The Board had no planning objections to the proposed modification to the existing building but requested that the comment with respect to the approved site plan be included in the response memo. The Planning Department will draft a memo to the Town Board.

Town Board Referral - Gas Station Special Use Permit

Location: 36.06-1-25; 3451 Crompond Road
Contact: Vincent Franceschelli
Description: Proposed remodel of existing station and convenience store.

Comments:

Item withdrawn from the agenda.

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 8:20 pm