

# Planning Board Meeting Minutes – March 28, 2022

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

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
- Dan Ciarcia, Town Engineer
- Adam Rodriguez, Esq.
- Councilman Sergio Esposito, Town Board Liaison

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## **Correspondence**

The following was noted:

- Yorktown Energy Storage Tier 2 Battery Storage System – Email from Greg Gibbons of Borrego Solar dated 3/24/2022. Ms. Steinberg informed the Board that the applicant is proposing to change the battery components on the approved site plan. The plan was approved for the Fluence Gridstack battery storage system, however, due to a global supply chain issue, they are now proposing to replace the Fluence system with either a Tesla MegaPack 2 Launch system or Tesla MegaPack 2 XL system. Either change will not affect the technology and system footprint.

The Board had no issues with the proposed change to the battery storage equipment. The Planning Department will notify the applicant to revise the plans to show the new battery storage equipment.

## **Motion to Approve Meeting Minutes of March 14, 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 March 14, 2022.

## **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**

### **Kitchawan Farm Solar Farm**

Discussion: Decision Statement Site Plan & Special Permit

Location: 70.06-1-2 & 3; 716 Kitchawan Road

Contact: Ecogy Kitchawan Community Solar Farm, LLC

Description: Proposed 2 MW ground mounted large-scale solar energy system.

Comments:

Julia Magliozzo was present. Ms. Magliozzo informed the Board that an updated SWPPP was provided to the Engineering Department for final review. The plans were revised to incorporate a catch basin and level spreaders under the solar array. The new catch basin will be located in the northwest corner and she noted that two rows of modules were removed in order to accommodate this change.. The plan still shows improvements in peak flow rates. She reviewed the draft resolution and had no issues.

Mr. Bock asked Ms. Magliozzo to address the latest TCAC comment memo dated 3/25/22. Ms. Magliozzo responded that the TCAC questioned the difference between a mitigation plan and screening plan and they felt that the landscape plan was primarily for screening. She stated that the plan includes trees for screening and mitigation. She noted that some of the plantings within the property are not proposed for screening but have not been separated out in the plan.

She feels that this would be irrelevant to the calculation for the mitigation ratio and the adequate mitigation measures they are undertaking because there simply isn't enough area on the property for mitigation which is why they offered payment into the Tree Bank fund for all the trees proposed to be removed and the entirety of the disturbed woodland area. They did not provide a separate mitigation plan because it would not be adequate even if provided. The TCAC also stated that they would like a plan showing the exact tree locations of all the trees proposed to be removed. She noted that all of the trees are inventoried and were tagged on site so if someone were to walk the site they would be able to identify every tree from the inventory list. The reason it was done this way is because of the density of the wooded area on the southern end of the property. It would be difficult to geolocate the exact tree locations and they would just show up on the plan as a bunch of dots. They marked the plans with the range of trees and the only trees to be removed are the ones tagged per the inventory. The TCAC was also concerned with the plantings on the western side of the property coming up along the access road. She noted that the green giant arbovitae were selected primarily for screening purposes along that area. She added that they have worked with their landscape architect to increase the diversity a bit but was advised that if they increase the diversity any more they will be risking the purpose of the screening because those trees may not survive or thrive. Ms. Magliozzo stated that in summary, they are proposing to remove 168 trees and replant 198 trees and 328 shrubs plus payment into the Tree Bank fund of \$21,300.

Chairman Fon noted that there was discussion at a previous meeting with the Board's counsel about mitigation and screening requirements. Mr. Tegeder stated that he had a brief conversation with their counsel, Mr. Glatthaar, and noted that he doesn't believe Mr. Glatthaar said it in the way that it has been presented to the Board. In Mr. Tegeder's opinion, any tree planted on site or off site, under the Tree Code, can be offered as mitigation. He believes that all screening trees are available as part of the mitigation plan and feels that this is Mr. Glatthaar's opinion as well but will leave it up to him. Mr. Rodriguez, Esq. stated that he spoke to Mr. Glatthaar and they both reviewed the code. His position is that screening trees can count toward mitigation and Mr. Glatthaar concurred. Mr. Rodriguez also noted that he reviewed the January meeting video and does not believe that Mr. Glatthaar said otherwise. The Board was satisfied with the mitigation and landscape plan as presented and had no issues.

**Upon a motion by Rob Garrigan, and seconded by Aaron Bock, and with all those present voting "aye", the Board declared themselves Lead Agency.**

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

**Upon a motion by Rob Garrigan, and seconded by Aaron Bock, and with all those present voting "aye", the Board approved the resolution approving site plan, special use permit, stormwater permit, wetland permit, and tree removal permit for Kitchawan Farm Solar Farm.**

#### **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**

##### **Underhill Farm**

Discussion: Site Plan

Location: 48.06-1-30; 370 Underhill Avenue

Contact: Site Design Consultants

Description: Proposed mixed use development of 148 residential units, 11,000 SF retail, and recreational amenities. Original main structure to remain and to be used for a mix of uses. Development is proposed on a 13.78 acre parcel in the R1-40 with Overlay District authorization from the Town Board.

Comments:

Joseph Riina, P.E. of Site Design Consultants; Mark Blanchard, Esq. of Blanchard & Wilson; Steve Marino, Wetlands Consultant of Tim Miller Associates; Rich D'Andrea, Traffic Consultant of Colliers Engineering and Design; and Paul Guillaro, property owner, were present. Mr. Blanchard stated that he is present on behalf of the applicant, Underhill Soundview, LLC. The application was referred to the Planning Board by the Town Board for review after having met

the criteria under Article XXXI under the Town's new Overlay District legislation. The project proposes the revitalization of the entire campus and the voluntary adaptive reuse of the Captain Underhill historical building. The existing ice pond is proposed to be restored and will be offered to the public. The project proposes passive and active recreational features to the public that will be privately maintained by the applicant. The project's new infrastructure includes a shared parking agreement for the new senior center that is proposed at the Beaver Ridge property adjacent to this site. Newly established emergency vehicle access will be created for access through their parcel into the Beaver Ridge complex. The proposal is projected to generate at least \$1,000,000 annually in tax revenue to the Town of Yorktown. He noted that the Town passed a resolution showing that they did meet the 8 criteria items under Article XXXI. Chairman Fon requested a summary of the 8 criteria items for the Board's review. Mr. Blanchard responded that the items were listed in his cover letter dated 3/15/22 but will share the materials with the Planning Board.

Mr. Riina, Project Engineer, stated that the site is a total of 13.78 acres. The site was shown on the aerial map with Beaver Ridge to the north, Town Hall to the southeast, Glen Rock Street to the west and the Rochambeau development across the way. As you enter the site through the main entry, the driveway then splits with the pond to the left and the Captain Underhill house to the right. There is an existing parking lot in front and another parking lot adjacent to Route 118. There are existing structures to the rear of the site that are proposed to be removed as most are structurally unsound. Drainage improvements are proposed to Glen Rock Street. He noted that this part of the site is mostly wooded and is the area where the townhomes are proposed. There is an existing fire road that accesses Beaver Ridge. They believe that this project is consistent with the intent of the Overlay District and have demonstrated this to the Town Board. The proposal meets all the bulk standard requirements for the overlay zone. The proposal is for the construction of a mixed use development consisting of 148 dwelling units and 11,000-sf of retail space. The existing main access will be maintained. The project is adjacent to other multi-family developments. He stated that their density is 10.7 units per acre; Beaver Ridge (north) is about 19.8 units per acre; and Rochambeau (south) is about 9.6 units per acre. There is the potential for 20 plus units per acre in the Heights area adjacent to this. He noted that they are in range and closer to the lower end of the spectrum. The proposal will consist of the full renovation and restoration of the Captain Underhill house; 52 townhomes on the west side of the property (consisting of 3 and 4 bedrooms); a condominium building with 32 units (consisting of 1 and 2 bedrooms) and an apartment building with 64 units (consisting of 1 and 2 bedrooms). The townhomes are proposed to be accessed off of a new access road opposite Rochambeau Drive. Of all the dwelling units, 118 will be designed to accommodate the needs of seniors. The floor area ratio (FAR) for the project is .50 which is less than the maximum allowed in the Overlay District. Amenities for the project include open space, a clubhouse, and two pools (one for the townhomes and condos and another for the apartment complex). The infrastructure will include parking and noted that they exceed the parking criteria for the project. The thru access and emergency access was shown on the plans. The proposed senior center will be located on the Beaver Ridge property and their site will provide shared parking for the center. The project is served by all major utilities (water, sewer, gas and electric). They are proposing drainage improvements on Glen Rock Street and will also be providing on-site stormwater management. The project will require approval by the DEP and town. The applicant recognizes that this is a gateway into the Heights and thinks its important to preserve to the greatest extent possible the most visible part of the site along Underhill Avenue. The existing main entrance with the pillars, gates and stone walls will be preserved. The gates and pillars on the northeast corner of Underhill and Route 118 will also be maintained. A pedestrian plaza area is proposed. The pond is proposed to be enhanced with pathways, sitting areas and additional landscaping. The area around the pond will serve as a destination area open to the public year round. A stormwater channel will be realigned and enhanced; and a wetland area is proposed at the head of the pond. Other areas of the site will include green infrastructure.

Mr. Marino, Wetlands Consultant, stated that they identified three separate wetlands on the property. The two smaller areas on the plans are associated with what once was the old farm road that went through the property. There is still an old roadbed with compacted soils that created two small pockets that over the years have become identifiable as wetlands. The Army Corp. and DEC wouldn't regulate these wetlands but they are regulated by the Town's wetland laws. The third area is the watercourse that enters the site from Glen Rock Street which flows through the property from west to east and enters the existing pond on the property. The total stream and pond corridor is a little under one acre at this time. They are proposing to relocate the stream part of the channel. There is an existing culvert on the site where the watercourse goes underneath. That culvert is approximately in the area where they will relocate the watercourse. The pond is ringed with cut granite. The pond's shoreline will be restored and stabilized. The plan proposes the re-

routing of the stormwater onto the watercourse, filling the two small pockets of wetlands, expanding the pond to the west and creating a new marsh and swamp wetland area. A tree survey for the property was completed and they are in the process of assessing the number of trees to be removed as part of the project. Once complete, the landscape, wetland and mitigation plan will be submitted to the Board. He noted that they are working with their cultural resource specialist and the State Historic Preservation Office with respect to the adaptive reuse of the Captain Underhill building.

Mr. D'Andrea, Traffic Consultant, stated they prepared a preliminary traffic analysis for the proposed development and its potential impacts. Initially, they focused on the immediate vicinity of the site looking at Route 118 and the Underhill intersection, Rochambeau Drive, Glen Rock Street and the proposed development's access. With respect to the traffic volume data, they used historical data dating back to 2018 from prior studies and new traffic volume data collected in 2019, 2020 and 2021. Using this data, the future buildout of the proposed development and the potential traffic impacts were projected. He noted that the key point is that a good portion of the development is residential and a lot of the traffic will be going to and from the Taconic State Parkway. Residential developments generate about .7 to .75 trips per dwelling unit presently. The issue is the intersection of Route 118 and Underhill and noted that there are times when vehicles back up on Underhill. There are about 1,500 vehicles that go through that intersection during peak hours. This project will contribute about 50 to 60 trips to that intersection during the peak hours which is only about 3% of the total volume for that intersection. Mr. D'Andrea discussed the connection to Beaver Ridge with two access points out to Underhill which allows them to disperse the traffic to the roadway network. Based on their analysis, some initial improvements that could be considered as part of the project include sight distance improvements at Rochambeau Drive and Glen Rock Street; installing stop signs; pedestrian crosswalks; rapid flashing beacon signs to alert cars that pedestrians are crossing; and "do not block the box" striping and signage. This will all be further detailed as part of the site plan. It is anticipated that there may be a need for improvements to the traffic light to provide improved actuation and connectivity for the state to be able to monitor that intersection. They feel that the improvements detailed on the plan along with the connection to Beaver Ridge will offset the overall impact of the development at full buildout. He noted that there are potential concerns at the main intersection and the applicant is willing to provide a contribution or potential land dedication to that intersection for future improvements.

Chairman Fon stated that the issues of concern are density, traffic and the historic nature of the project. He noted that with the recent adoption of the Overlay District legislation there will be a greater attraction to our town. He thinks that this intersection will be heavily impacted along with other proposed and future developments in the area and questioned if this was taken into consideration. Mr. D'Andrea responded that they did know that nothing is concrete with those other developments and is why they are saying something has to happen at that intersection with respect to a contribution or dedication. Chairman Fon stated that as they move forward, they need to consider future developments. Mr. D'Andrea responded that this was preliminary analysis and that the traffic study will take into consideration what is out there and what they can project. Chairman Fon stated that the Board may want to consider engaging their outside traffic consultant for review. He stated that during the review process, they will need to be sensitive to some of the historic features such as the stone walls. Mr. Garrigan asked if there was any thought about the foot traffic across Route 118 towards the downtown area. Mr. D'Andrea responded that at the moment there were two alternatives which are to use the crossing at the intersection, or go through Beaver Ridge down to Allen Avenue and then cross Route 118.

Mr. Bock stated that this is one piece of the entire Overlay District that is now involving the downtown area and should be considered in conjunction with other projects that may come into the district at some point in the future. He is also concerned about the parking along Route 118 and feels there should be a community connection such as a sidewalk to create some integration between this corner and other properties in the town. The crossing on Route 118 is one aspect. He thought if the building were shifted over toward 118 with more pedestrian oriented parking this could create some sort of connection to build upon in the future as other projects come into the district. It would go a long way in addressing their concerns and also keep themselves in the midst to what the larger downtown area will look like at some point. He feels that the goal of the Overlay District is to pull the downtown area to a different level of use and connections to expand it in a way that is user friendly. Chairman Fon asked what the rating of the grade at the intersection is as it exists today. Mr. D'Andrea responded that as an overall level of service, it is a level of service C. During the peak hours in the PM going down Underhill is where the delays are. Chairman Fon noted that it needs to be done responsibly as there will be other developments coming in. Mr. D'Andrea stated that they have looked at what potentially could be done at that intersection such as widening it to provide a left turn lane, round-about, etc.

Mr. Bock asked where the commercial space was located. Mr. Riina stated that it will be located on the first floor of the apartment building. Chairman Fon stated that during their site visit last year, the existing fire road appeared to be very wet. Mr. Riina stated that the road was constructed as part of the Beaver Ridge project and there is an easement through the property to allow for emergency access to the Beaver Ridge property. He noted that the road was constructed with site materials so the road became impounded with water flowing from west to east and then began to pond there eventually saturating the roadway. It is not a traitional roadway with a heavy duty base so it eventually started to deteriorate. Mr. Marino stated that there is a culvert under that fire road and the sediment and erosion coming down the hill from Glen Rock Street has clogged up that upstream end so the water goes straight across the fire road. Chairman Fon questioned who would be responsible for the clogged pipe. Mr. Riina thought it would be Beaver Ridge since it is their access road but is not sure. Chairman Fon asked if there were any easements. Mr. Blanchard stated that there are no easements that would prevent them from utilizing the footprint they are showing but will look into the utility and drainage discussed. Mr. Tegeder informed the Board for clarification purposes that the old farm road is actually the emergency access road to Beaver Ridge. Mr. Garrigan asked if the road was considered passable. Mr. Tegeder responded that it is supposed to be and should have been better maintained. Mr. Bock stated that during the site visit he noticed wet areas in the location where the cul-de-sac for the townhomes are proposed that has nothing to do with the Beaver Ridge access road. He also noted that five of the townhome structures are within the 100-ft buffer. Mr. Marino responded that the wetland buffer referred to is associated with the two small pockets of wetlands that are proposed to be filled. With respect to the cul-de-sac, all the water that enters the site from there is entirely storm driven. There are a couple of catch basins up there that brings the water under Glen Rock and discharges on to the site. The drainage and run-off on the site will be dealt with as part of the project.

Chairman Fon asked about the existing building with respect to its historic nature. Mr. Blanchard responded that they looked at the whole site. The buildings surrounding the Captain Underhill house are proposed to be removed as they are in disrepair and condemnable. They are proposing to preserve and adaptively reuse the Captain Underhill home as a possible coffee shop, or office, etc. The architectural design for the site is modeled after the Captain Underhill structure. Chairman Fon asked about the design of the senior center and if they were involved. Mr. Riina responded that it is not part of this project. Mr. Rodriguez, Esq. stated that although the parking is theoretically on the applicant's property, the building will be built and constructed on the Beaver Ridge property and will be handled by the Town via a separate agreement with Beaver Ridge. Mr. Tegeder stated that he wouldn't consider it totally separate as what happens on this site will also affect that site. Mr. Garrigan questioned if the parking was necessary for the senior facility to move forward. Mr. Tegeder responded that at present, it is. Mr. Bock asked if underground parking was proposed. Mr. Riina responded that it was for both the condominium and apartment buildings.

Mr. Guillaro, property owner, stated that the architect was unable to be present this evening as he is based in Virginia but will be present at the next meeting. The architectural renderings were reviewed with the Board. The retail portion will be on the lower level of the apartment building. Parking is proposed under the condo and apartment buildings. The townhomes will consist of two options. The uphill townhomes will have two floors, basement and garage. The downhill townhomes will have 1 ½ floors, basement and garage. Mr. LaScala asked if the apartments would be listed at market rates and the response was yes. Mr. Riina noted that a considerable number would be dedicated to senior living. Mr. LaScala asked about the price. Mr. Guillaro responded that the townhomes could be in the range of \$600,00 to \$700,000 and up. The condos could be in the range of \$400,000 to \$600,000. Mr. Garrigan asked if they had a number of the estimated residents. Mr. Marino responded that the preliminary calculations are for 321 new residents and 23 school aged children at present. Mr. Bock asked how the senior distinction would be handled. Mr. Guillaro responded that the condo building will be for 55 and older. Mr. LaScala thought this would be a great opportunity for seniors looking to downsize.

Chairman Fon stated that they will need to discuss engaging the Town's outside environmental and traffic consultant with the Planning Department. The traffic, density, wetlands, and historic nature of the project needs to be reviewed. A holistic review of the area also needs to be discussed. Mr. Riina questioned if they could start moving forward with the outside consultant referrals. Mr. Bock stated that he wasn't sure if there was enough for review at this point. Mr. Blanchard stated that they will work with the Planning Department and Counsel. Chairman Fon noted that the Fire Commission should be involved with respect to the fire access road.

## **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 since he was last before the Board they have submitted a landscape and lighting plan to the Planning Department. The plans have been referred to the ABACA for review and they are scheduled for their next meeting. Once they receive their comments, he will return to the Board with an update and formal request for a Public Hearing.

Chairman Fon stated that they received a memo from the Conservation Board dated 3/4/22 noting that they had no objections to this project moving forward.

## **Lakeview Estates Lot #6**

Discussion: Site Plan

Location: 47.11-1-15; 1102 Gambelli Drive

Contact: TJ Engineering, LLC

Description: Proposed residence on the last subdivision lot in the Lakeview Estates subdivision.

Comments:

Gregg Chappell, property owner and Tessa Jucaite, P.E. were present. Mr. Chappell stated that the proposal is for the construction of a 3,000-sf single-family residence on the last lot located on Gambelli Drive in the Lakeview Estates subdivision. They are trying to assess the feasibility of being able to encroach on the conservation easement/wetlands area that have been delineated on the building envelope side of the rock. The property is appealing to he and his wife due to the conservation area and they are proposing to build the house over the top of the rock out cropping. In an effort to try and limit the impact in the conservation/wetlands area, the house and all the drainage is pulled away from the conservation area. There will be no soil disruption as they are attaching to the rock. A patio area is also proposed to be on top of the rock. Mr. Chappell stated that the conservation easement runs along the side of the rock. He noted that it was called a conservation area in the original development and the first time it was deeded and thereafter it has been addressed as a wetland area. He noted that the deeds always refer back to the existing wetlands code and the 100-ft buffer. He has been working with Steve Marino, wetlands consultant to understand the relationship and the 100-ft setback. They are here for guidance on how to go forward and the proper way of addressing the encroachment.

Mr. Tegeder asked what part of the structure is within the conservation easement. Mr. Chappell responded that the living room, kitchen, great room and a little bit of the second bedroom will encroach into the conservation easement which is a total of 450-sf. Mr. Tegeder asked if part of the rock is intended for use as a patio and if so, to what extent do they need to modify the rock out cropping to create the patio. Mr. Chappell responded that the structure will be built up and above the rock. The only disturbance to the rock is where they will make the pin connections with the foundation. All the floor joists will be raised. They are not proposing to remove the rock. The plans were shown to the Board.

Chairman Fon thought it was a well thought out plan but questioned how to move forward. Mr. Tegeder stated that it was an interesting architectural problem with an interesting solution. Mr. Tegeder informed the Board that conservation easements are written to protect the natural features and resources of the area. He thinks this conservation easement was created related to the wetland and wetland buffer. If the Board allows the encroachment they will have to consider what the easement was intended and the effect on future applications. Mr. Chappell stated that it is described in the deed as a wetlands area/conservation and cites the state code and town code for wetlands. Mr. Tegeder stated that the plat shows the conservation line with metes and bounds and asked if it was reproduced and overlaid into their plans. Mr. Chappell responded that it was and they resurveyed the property. They also prepared a tree survey.

Ms. Jucaite stated the property will be served by well and septic. The proposed project will consist of a rain garden, and pervious pavers to treat and control stormwater run-off. Photos of the site and the rock out cropping where the structure will sit was shown to the Board. They analyzed the watershed and noted that none of the water will drain past the rock out cropping. The pre and post development continues with the same flow pattern toward Gambelli Drive. Some trees

are proposed to be removed for the purpose of the patio. The septic system was designed and approved for the subdivision.

Chairman Fon asked the Board if there were any comments. Mr. Bock asked where the protected wetlands were. Mr. Chappell showed the conservation line that is based on the 100-ft setback and wetlands area on the plans. Mr. Bock stated that he read the previous resolution which imposed the conditions and asked if there was also a note on the map imposing a conservation easement when it was laid out. Mr. Tegeder stated that on the 1997 plat there is a conservation easement with a note. He noted that the Town holds the easement created by the Board. If the Board feels that this should move forward, they would have to modify the conservation easement. Mr. Bock stated that the resolution doesn't reference the easement itself but does reference the deed restriction. Mr. Tegeder noted that there is a note in the original resolution that no further wetland permits will be approved by the Town for this subdivision other than road crossings. He feels that there is something to be said for the fact that it's a rock out cropping and the drainage is away from the wetland and wetland buffer. He thinks there is a possibility that the conservation easement being laid along the buffer line is an indication that it is there to primarily protect the wetland and buffer. If this encroachment being on top of the rock out cropping does not in any way impact those values, then maybe it is something that can be considered. Mr. LaScala questioned the amount of encroachment. Mr. Chappell responded that it was about 1,000-sf with the patio and 450-sf without the patio. Mr. Garrigan questioned if this would necessitate redrawing the conservation easement or just abandoning the concept of the easement. Mr. Tegeder responded that in the past they have redrawn conservation easement lines and, in some cases, they have allowed encroachments. He noted that in some cases they needed to acknowledge that the values had changed from what the easement originally intended. Mr. Bock stated that our wetlands law is permissive in which it doesn't say that you can't do certain things and that if you do you must show the consequence to the wetlands and take measures for mitigation. He noted that the rock being where it is and the 100-ft setback it may not be as significant as if it were a clear slope to the wetland. After discussion, the Board agreed to refer the application to the Conservation Board for review before making any decisions.

### **Bellamy Subdivision**

Discussion: Minor Subdivision

Location: 37.10-1-38; 379 Hallocks Mill Road

Contact: Burns Engineering Services, P.C.

Description: Proposed 2-lot Subdivision on 1.417 acres in the R1-20 zone.

Comments:

Steve Burns, P.E. was present. Mr. Burns stated that the plans have been revised per comments received from the Planning Department. The common driveway has been revised to reflect a width of 18 feet. The change meets the town code for grade and will alleviate some of the concerns for the neighbors with respect to the drainage. A common driveway easement is shown as a 30-foot wide area centered on the lot line to support the common driveway. A road widening strip has been presented to establish an overall road width that is 50-feet wide or 25 feet from the road centerline of the road. The area that would be covered for a sight easement now falls in the proposed town road eliminating the need for an easement but they are open to the Board's comments. The revised plans have been sent to the Town Engineer for review.

Chairman Fon stated that they received an email dated 3/18/22 from Highway Superintendent Dave Paganelli noting that he has no problem with this subdivision. Chairman Fon asked the Board if there were any comments. Mr. Tegeder stated that there should be a note on the plat requiring that the vegetation be maintained in a manner so as not to obstruct the view and the Board agreed. Mr. Burns had no issue with this. Mr. Ciarcia stated that he had no issues with this proposal as it helps to improve the situation. He will review the SWPPP based on this final configuration. The Board agreed to schedule a Public Hearing for the April 25<sup>th</sup> meeting.

### **Boniello Equities Subdivision**

Discussion: Subdivision

Location: 37.09-1-67, 70, 71; 2012-2016 Crompond Road

Contact: Gus Boniello

Description: Proposed resubdivision of three lots to create 4 lots and construct two new two-family residences.

Comments:

Gus Boniello was present. Mr. Boniello stated that since the last meeting they had a site visit with the neighbors and staff to discuss their concerns. As a result, the plans have been revised to include screening on the property line between the proposed home and the neighboring property owner at 2218 Crompond Road (Elizabeth Austin). There was also a concern with respect to drainage issues on another neighboring property at 491 Fisher Pond Road (Nathanial Davis). They are proposing to install a catch basin at the end of the property to intercept the water run-off that will then be discharged into an existing swale on the side of the property.

Chairman Fon asked Mr. Ciarcia if there were any issues. Mr. Ciarcia responded that he had no issues with the proposed changes. The Board agreed to schedule a Public Hearing for the April 25<sup>th</sup> meeting.

### **Shrub Oak International School**

Discussion: Amended Site Plan

Location: 26.05-1-4; 3151 Stony Street

Contact: DTS Provident Design Engineering

Description: Proposed amendments to the approved Phase II site improvements.

Comments:

David Steinmetz of Zarin & Steinmetz; Gerard Schwalbe of DTS Provident Design Engineering, LLP; and Brian Koffler of Shrub Oak International School were present. Mr. Steinmetz stated that they were last before the Board a year ago with respect to modifications to the phasing plan for the sequencing of various improvements to the site. He noted that there were some concerns with the parking on site that have been addressed with the Building Department. The school is doing well and they are looking forward to the future expansion of the project.

Mr. Schwalbe stated that the school population is growing. A color-coded phasing map was provided in the submission package. Phase 1 is complete which included improvements to the front of the building, building interior, driveway and the upgrade of the courtyard entryway. Phase 2 (beige area on the map) increases the parking with stormwater basins. A new driveway connection is proposed north of the oval to reduce vehicle congestion during drop off operations. A small animal barn is also proposed. Phase 3 (green area on the map) includes the addition for more parking; relocation of the paddocks to the south lawn area; and a Natatorium that will include two new pools to be located off the west wing of the building. A gravel parking area is proposed to be shared with Granite Knolls for parking overflow. A new driveway connection will be created between the existing southern school driveway and the Granite Knolls site to allow access. Phase 4 (blue area on the map) includes the bulk of the remaining parking. They are proposing a driveway from the east side of the building that wraps around to the west side. Portions of the existing school driveways located on the south side of the school will be widened and paved to a minimum of 20-ft to allow full emergency access both ways from the school and Granite Knolls. There is an existing motorized gate on the south end in addition to cameras on the campus for security purposes. The secondary access driveway to Stony Street has been removed as the school is requesting all vehicles enter the main driveway where it is controlled. He noted that when they looked at this access driveway in more detail, the cut and fill was about 40,000 cubic yards just for that roadway. They received a letter from the Fire Commission dated 3/25/22 noting that the emergency vehicle access will improve with the Phase 2 work. He added that with respect to the Phase 2 details, stormwater testing was performed in the last few weeks. The soils are ok, but the groundwater is high so they won't be able to do much infiltration and will have to use other measures allowed by the DEC that will also be reviewed by the Town Engineer.

Mr. Tegeder stated that the removal of the secondary access road is a change that the Board needs to closely consider. This use, while it is still a residential use, has been in the past a religious use and subsequently the Phoenix House school use. This facility will now have more students and more people living and there may be far more teachers at this site than they have seen in the past. Additionally, there is now a major community park connected to this facility. The original way into what was that area was through the straight road that connects to Stony Street up the hill. That

connection is now connected to Granite Knolls. In terms of emergency access, the Board determines the appropriate emergency access. The school may not need an additional entrance but the two sites need to be reviewed as they will work together with the creation of the new parking lot for the Granite Knolls Park. The possibility of an ingress and egress is important and they need to understand how this will be used and the way people choose their routes. They will need to look at the use of the park and the most intense use of the school to figure out the need and whether or not the access road can be removed and if it can, to what extent must the existing roadway and its connection to Stony Street be improved. In terms of the next steps, they could start going through an amendment. With respect to the phasing, there are two ways to consider; approve a phased plan without subsequent phases or a phased plan with 85% to 90% detail.

Mr. Steinmetz stated that with respect to the access road, his client does not need the additional connection to Stony Street and would prefer not to build it. It would require a substantial amount of environmental impact and expense. Since they will come back for future phases, he thought that it may be appropriate to defer this discussion for final determination. If the concern is for vehicular movement, his client believes the single point of ingress and egress works for the staff, visitors and emergency vehicles and the applicant is not looking to promote this extra curb cut. He stated that the Koffler's have done everything they could to cooperate with the Parks Commission and noted that they have reciprocal emergency access. Mr. Bock asked if the operations would coincide and noted that he went to the park in the middle of winter and the gate was closed with no access. The entrance to Granite Knolls may not be open the same time the school is open. Mr. Steinmetz responded that they will look into this. Mr. Tegeder stated that part of the original discussion was not singularly related to emergency access. It is and was an ingress and egress that was used. The question is whether or not Granite Knolls and this site is served properly. If the Parks Commission is anticipating that they will need additional parking then he thinks the secondary access road bears greater scrutiny. Mr. Steinmetz responded that he feels that his client is being penalized by creating additional parking for the Parks Commission and noted that they are asking them to deal with a curb cut to accommodate the town park. Mr. Tegeder stated that they need to make sure that the users for both sites can get in and out safely. Mr. Koffler stated that the back road on the south end of the property that they are talking about is chained and noted they had no intention of opening it up to their staff or anybody unless requested. Mr. Tegeder stated that this amendment removes a potential access to both sites and believes it needs to be reviewed by the applicant and the Board. Mr. LaScala questioned the secondary access road. Mr. Tegeder responded that Granite Knolls was approved with this parking lot near this roadway that is on their site and that connection was always there. Mr. Steinmetz stated that he didn't know what the Town had in mind when they approved the park. The roadway and driveway were already there. His client has no objection for the Town figuring out how they can keep this connection on their own. If the Town decides to improve that area they can talk about an access and construction easement. Mr. Tegeder stated that the Board will need to review the removal of this access road in order to make a reasonable decision for the safety of the public. Mr. Garrigan questioned if the road in question is a town road or private driveway and if the Town would have any say on what happens with this driveway. Mr. Tegeder responded that it is a private driveway that was used by the public to get into the little park that is now the pavilion area and noted that the Board is responsible for the review of the entire site. Mr. Steinmetz stated that they showed a connection to Stony Street that they are now proposing to remove. Mr. Tegeder stated that they have always been an advocate for connections and noted that Legacy Field doesn't work as well as it should since there is only one way in and out. He feels that the interconnections are important. Mr. Steinmetz stated that he will speak with their traffic consultant and prepare a report for the Board's review.

#### **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 9:30 p.m.