

Planning Board Meeting Minutes – April 25, 2022

A meeting of the Town of Yorktown Planning Board was held on **Monday, April 25, 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
- James Glatthaar, Esq.
- Councilman Sergio Esposito, Town Board Liaison

Correspondence

The Board reviewed all correspondence.

Motion to Approve Meeting Minutes of April 11, 2022

Upon a motion by Aaron Bock and seconded by Rob Garrigan and with all those present voting “aye” the Board approved the meeting minutes of April 11, 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

Hemlock Hills Farm Solar Farm

Discussion: Request for One-Year Time Extension

Location: 46.08-1-1 (Yorktown) & 45.12-1-4 (Cortlandt); 500 Croton Avenue, Cortlandt Manor

Contact: Badey and Watson Surveying and Engineering, P.C.

Description: Approved 1.69 MW solar farm on 4 acres of the 50 acre Hemlock Hill Farm property that is located in the Town of Yorktown. Approved by Planning Board Res #21-06 on April 12, 2021.

Comments:

Paul Marini of 174 Power Global Inc. was present. The Board had no objections to the request for a one-year time extension.

Upon a motion by Bill LaScala, and seconded by Rob Garrigan, and with all those present voting “aye”, the Board approved the request for a one-year time extension for the Hemlock Hill Farm Solar Farm.

Foothill Street Solar Farm

Discussion: Decision Statement

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 disturbing 15.90 acres on 34.23 acres in the R1-20 zone.

Comments:

Joe Shanahan of Con Edison Clean Energy Businesses, Inc., was present. Mr. Shanahan stated that per Counsel’s recommendation at the previous Board meeting, the review of the draft resolution was deferred to this meeting. During that meeting, the Board requested to include a mitigation area in the undisturbed 19 acres to which they have agreed. He

has since worked with the Planning Department and submitted a mitigation plan for that area in accordance with the Environmental Consultant's recommendations.

Chairman Fon asked about the fencing. Mr. Shanahan responded they cannot change the chain link fence around the project as it needs to comply with the National Electrical Code. They will work with the Planning Department to provide a fence around the undisturbed area for the additional mitigation that is acceptable to the Board. Mr. Tegeder stated that they will work with the environmental consultant with respect to the fence. Once this is in place, it will be included in the details for the final plan set. Mr. Garrigan questioned if the fence was mandatory for this area. Mr. Tegeder responded that since the invasive species are now to be removed and replanted with a new native understory species the fence will keep the deer out which will help to promote the new growth. The Board had no issues.

Upon a motion by Bill LaScala, and seconded by Rob Garrigan, and with all those present voting "aye", the Board approved the resolution approving site plan, special use permit for a Large-Scale Solar Energy System, special use permit for a Tier 2 Battery Energy Storage System, Stormwater Permit, and Tree Removal Permit for the Foothill Street Solar Farm.

Old Hill Farm Solar Farm

Discussion: Decision Statement

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 reviewed the revised draft resolution per her discussion with the Planning Department and had no issues. Chairman Fon asked the Board and Counsel if there were any issues and there were none.

Upon a motion by Bill LaScala, and seconded by Aaron Bock, and with all those present voting "aye", the Board approved the resolution approving site plan, special use permit for a Large-Scale Solar Energy System, Stormwater Permit, and Tree Removal Permit for the Old Hill Farm Solar Farm.

Bellamy Subdivision

Discussion: Public Hearing

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:

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

Steve Burns, P.E. was present. Mr. Burns stated that the parcel is located at 379 Hallocks Mill Road on 1.317 acres in the R1-20 zone. Both lots are larger than the minimum lot sizes. The proposal is for a 2-lot subdivision. One lot is already improved with an existing dwelling that is to remain, and the second lot will house the new construction. They are proposing to give some land to the Town for road purposes. There is a common driveway configuration which will help to alleviate the long-standing issues along Hallocks Mill Road with respect to the existing blind curve. The existing driveway is steep, so grading is proposed to cut the driveway down. The bushes will be trimmed and tree clearing is proposed along the side of the road to create a safer condition not only for the thru traffic but for the driveway as well. As part of the project, they are proposing to remove some of the existing structures at the site which include a pool house and two detached garages. The existing house and cottage will remain.

Chairman Fon stated that their biggest concern was the road and noted that the applicant has worked well with the Town Engineer and Highway Superintendent to improve the plan. It seems that all agree with the current proposed plan and noted that it will help the area. The second issue was the resident concerns about the drainage which seems to have been addressed. Mr. Burns stated the existing driveway is steep off the edge of the property that allows the run-off to course down the pavement into the road. The new proposal meets the Town's standard and the proposed grading will remove

the steep slope to the road. The run-off from their site will be picked up into an infiltrator system to the catch basins as shown on the plans. Mr. Garrigan asked if there were storm drains on the north and south sides of the road and Mr. Burns responded that there were. Mr. Bock asked the about the sight line distance. Mr. Burns responded that the sight line distance is proposed to be 472-ft to the left and 335-ft to the right and will be a huge improvement to the existing conditions. He added that the bushes will also be trimmed and maintained at a certain height.

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

- Jay Kopstein, resident - Mr. Kopstein stated that his concern is what will happen during the construction phase. He stated that Hallocks Mill Road is a dangerous road and noted that there are school buses on it several times a day. It is also used as a by-pass. He believes that the Board has the authority to mandate adequate traffic control for construction of the project with respect to the construction vehicles and requested that this mandate be put in writing.
- Mara Ziedens, resident – Ms. Ziedens stated that she is a resident of Hallocks Mill Road for 50 years. She is still concerned about the traffic and questioned if the traffic study was looked at. She noted that there is a bus stop on the road. She is also concerned about the run-off from the proposed driveway into the neighboring property. There is water on Hallocks Mill Road currently from the heavy rains. She thinks that the mitigation proposed for the driveway is not safe and feels that an alternative entrance to the site should be explored.

Chairman Fon responded that he appreciated Ms. Zieden’s comments. He stated that the applicant’s engineer, Town Engineer and Highway Superintendent worked together at the site to address the resident concerns and noted that the proposed improvements to the stormwater and sight distance will help the area.

Ms. Ziedens responded that she will return to the Board with her comments once the project is complete. She stated that she agrees with Mr. Kopstein’s comment with respect to traffic control for the project. She noted that although there was a traffic study, nothing has been done. There are two existing speed bumps but she feels that they could use another.

- Susan Siegel, resident – Ms. Siegel informed the Planning Board that the Town Board passed a stormwater resolution for a house on Allen Avenue that had language in it which addressed traffic and construction vehicles. It required the applicant to pay for police traffic control at certain times. She noted that there is a precedent that the Board can look at.

Chairman Fon suggested that Mr. Burns meet with Ms. Ziedens along with the Town Engineer to discuss her concerns. He noted that the construction phase will need to be addressed with the Police Department and possibly the Highway Department to come up with a plan. Mr. Burns responded that there is a flat area on the site that will become larger with the removals of the two garages that will create plenty of room for a staging area and truck. He noted that the trees and structures will be removed first so it will help with the sight distance. Chairman Fon asked the Board and Counsel if there were any comments and there were none. The applicant was advised the to work with the Planning Department with respect to a construction plan.

Upon a motion by Aaron Bock and seconded by Rob Garrigan, and with all those present voting “aye”, the Board closed the Public Hearing with a 10-day written comment period.

Boniello Equities Subdivision

Discussion: Public Hearing

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 on 1.81 acres in the R-2 zone.

Comments:

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

Gus Boniello, property owner, was present. Mr. Boniello stated that the site is located on Crompond Road and is zoned R-2. The proposal is to subdivide the three existing lots to create a 4th lot and construct two additional two-family homes. The property is serviced off the existing private road. There are no wetlands, buffers or steep slopes affected for this proposal. The additional drainage is proposed to be handled subsurface. The property is serviced by Town water and sewer. He noted that there were some concerns from the neighboring properties with respect to drainage and screening that they have addressed. The plans have been revised to include screening with the use of arbovitae to one of the

neighboring properties. They are also proposing to install a catch basin to intercept water run-off from another neighboring property. They met with the ABACA and have received their comment memo dated 4/20/22 with their approval.

Chairman Fon asked the public if there were any comments and there were none. Chairman Fon asked the Board and Counsel if there were any comments and there were none. The applicant was advised to work with the Planning Department.

Upon a motion by Bill LaScala, and seconded by Rob Garrigan, and with all those present voting “aye”, the Board closed the Public Hearing with a 10-day written comment period.

Granite Knolls Park - Solar Proposals

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:

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

Darius Chafizadeh of Harris Beach, PLLC; and Eric Redding, P.E. of Bergmann, were present. Mr. Chafizadeh stated that they are here as a follow up to their last meeting. They submitted updated site plans, photo simulations, line of sight profiles, landscape and tree mitigation plan, phasing plan and schedule to the Planning Department for review. Since that time, they met with the Conservation Board and had multiple conversations with the Planning Department. They will also respond to comments received from the Recreation Commission.

Mr. Redding stated that the the proposal is for a 1.4 MW community solar project that includes a ground-mounted solar panel system, solar canopy system to be installed over the existing parking lot, and a battery storage system. The ground-mounted array is approximately 1.4 acres in size. The panels will be 2-ft in height on the low end and 7-ft in height on the high end. The solar array will be fully enclosed with a 7-ft high fence. Access to the panels will be through a limited use 20-ft wide pervious gravel driveway. There will be approximately five utility poles along the driveway for the utility equipment and connection to the grid. The canopy system is about 1.5 acres in size and will be installed above the existing parking lot. The columns will sit in between or outside of the parking spaces so there will be no interruption to the existing parking. Stormwater management is proposed for both the canopy and ground-mounted systems. The stormwater for the canopy system will be collected and tied into the existing drainage system in the parking lot. Level spreaders are proposed to be installed for the ground-mounted system. A pollinator friendly seed mix is proposed to be planted on the slope and will be maintained in a meadow like condition. Additional screening is proposed in front of the carport system on top of the hill to block the view from Stony Street. Screening is also proposed to the southwest, southeast, eastern and northern side of the ground-mounted array. Mr. Chafizadeh added that there were questions from the Recreation Commission with respect to the lighting. He submitted a lighting spec sheet that was used on another project but is similar to what they will be using.

Chairman Fon stated that the Planning Board is concerned with holding this project to the same standards as they would for any other project with respect to the screening. Mr. Chafizadeh responded that after their discussions with the Conservation Board and Planning Department, the plan includes additional screening. Chairman Fon stated that at the previous meeting the Board suggested meeting with the neighboring property (Shrub Oak International School) to see if they had any comments with respect to this proposal.

Mr. Glatthaar stated that he was quoted in a memo that he would like to clarify since it seems to have been somewhat distorted. He noted that in connection with the Foothill Street solar project, Mr. Shanahan stated that he thought he deserved a credit for screening trees. Mr. Glatthaar noted that his response was that screening is something that the applicant is required to do but it was somehow interpreted to mean that screening doesn't count towards an adequate mitigation plan. He thinks that whether or not a mitigation plan is adequate is entirely up to the Planning Board. Screening is part of a mitigation plan and in some cases it may even be the entire mitigation plan if screening is the only issue. He doesn't think it is fair to say that the applicant has to do a mitigation plan on top of screening.

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

- Jay Kopstein, resident – Mr. Kopstein stated that the installation of the canopy with the roof mounted solar array has merit and should be approved in concept. The installation of the EV charging stations also have merit and should be approved in concept. Although he is fundamentally opposed to the battery installation, if it results in stability for the EV charging stations then this would be an acceptable trade-off. He feels that ground-mounted solar arrays are an ugly visual imposition in a residential or park environment. The plan as described will subject people driving into the park to view this ugly black desert. He urged the Board to disapprove the ground-mounted solar array as currently planned.
- Michael Grace, resident – Mr. Grace stated that he feels that the whole concept is completely misplaced and noted that this is a signature park in Yorktown. He gave an overview of the history of the park to the Board. Granite Knolls was purchased through a tax sale. He noted that when he was in office there was much discussion about the need for ballfields. They entered into an arrangement with Spectra Energy to lease the property. In turn, when the lease was up instead of paying the town back to reclaim the property, they built the recreational facility at their cost. This was a long process with much opposition. The site is high up with a beautiful vista and he feels that this is a facility that would be the envy of any town or university. He feels that they are creating an industrial site out of a bucolic setting with ballfields. He stated that the parking lot is probably about 6 to 8-ft below the ballfields and noted that the canopy system will be seen to the east in that line of sight. The Planning Board is concerned about screening and blocking the visual impacts of the panels but the applicant is installing them in a public recreational facility where there are public gatherings. He noted that when they created the facility a landscape plan was created by Bruce Barber as part of the mitigation plan that was never put in place as they didn't have enough money at that time and now the solar panels will be placed in that area.

Mr. LaScala questioned the origin of the proposal. Mr. Grace responded that he didn't know and noted that it is not an issue of pro-solar or anti-solar, it is just the issue of where they are to be installed. He feels that the installation will destroy the aesthetics of the park. Mr. Bock stated that this was a dedicated park and thought that it would have gone through an alienation process by the Town Board. Mr. Grace stated that he also had some questions about the lease and alienation. He noted that when they built the ballfields they had to do an alienation for a year and received much grief for it. They will now have a permanent alienation as it will be leased for 25 years. They are renting out 3 plus acres of a prime recreational facility for 25 years at a cost of \$140,000 per year. Mr. Grace stated that parks have a special role and should be held in trust for recreational purposes for the town. He feels that this runs contrary to the intent of the park. He added that if they do go ahead with the proposal, they could consider changing the location for the ground-mounted system to the southwest side of the hill where they won't be seen from Stony Street or the recreational area. There are some trees that would have to be removed and noted that the mitigation could be to install the landscape plan that was that was never completed.

Mr. Glatthaar stated that he is not familiar with the lease with respect to the application. Mr. Bock questioned if the project could be relocated to a different part of the park. Mr. Grace thought that they may be able to explore an alternative assuming it might be appropriate. If the ground-mounted solar panels were installed on the southwest side of the hill, the only impediment would be the removal of the trees but there would be no visual impact. The town will get the revenue, and part of the mitigation for the tree removal could be to install the landscape plan to the east side of the hill that was never implemented. He requested for the Board to consider exploring a different alternative or deny the application.

- Pat Cumiskey, Parks & Recreation Commission – Mr. Cumiskey stated that in response to Mr. LaScala's question, the solar proposal was presented to the Town Board at the end of 2019 which was then referred to the Parks and Recreation Commission for their review and comments. On June 4, 2020, the Recreation Commission recommended to the Town Board to move forward with the plan with the understanding that it went out for an RFP. The RFP was issued in a way to give the solar companies the license to get creative to maximize the property and the revenue with the caveat that the revenue generated would go to the Commission. This was the best bid for the town and it was awarded. He does not know if there was an alienation of the parkland. A resolution was adopted by the Town Board to enter into a lease agreement after the proposal was reviewed. There is a signed and executed lease agreement between the Town and HESP solar.

Mr. Bock questioned if the Commission had any input on the locations for the arrays. Mr. Cumiskey responded that they were aware of the solar canopy but not the ground-mounted system until they received the first proposal from the solar company. Chairman Fon questioned if the alienation of the parkland was addressed. Mr. Tegeder stated that to his knowledge it was successfully addressed and approved.

Mr. Chafizadeh responded that legislation was asked for by the state which was granted and approved. The RFP was submitted and approved by the Town Board and they then entered into a lease agreement.

Mr. Chafizadeh responded to the Recreation Commission's comment memo as follows:

- #1 – Construction Schedule. They were asked by the Commission to work within the timeframe of November thru April. The applicant agreed to this.
- #2 – DC/AC wiring. They are proposing five utility poles adjacent to the proposed driveway that will house the utility company equipment necessary to the grid connection. The rest of the site will be trenched. The full SWPPP will be prepared in accordance with the DEP and Town requirements.
- #3 & 4 – They would be happy to discuss further mitigation with the Board.
- #5 & 9 – Stormwater run-off. The full SWPPP will be prepared for review. The amount of water will be equal to or less in terms of run-off.
- #6 – Existing utilities within the carport footprint. There will be a number of canopies on the foundation. They do not have to be located in fixed points and can be moved to different locations without conflict. All the utilities will be avoided.
- #7 – Canopy lighting. Mr. Chafizadeh submitted a spec sheet from a similar proposal for review. A lighting plan will be submitted to the Board.
- #8 – Security cameras. The security cameras are not an issue and they will work with the Town on this issue.
- Susan Siegel, resident - Ms. Siegel stated that the project started with an RFP and thinks it was for the solar canopy system. When the Town Board awarded the bid she thinks they received six proposals for a solar energy system. Once the bid was awarded they directed the Town Attorney to start working on the contract based on the HESP proposal but never said what the proposal was so the public had no idea about the ground-mounted solar array. When HESP made their presentation to the Town Board, they presented four different options starting with the solar canopy. The Town selected the option for the solar canopy, ground-mounted system and battery storage. They then voted for the Supervisor to sign the contract. She feels that there has been a lack of transparency on the Town's perspective but in terms of the legal aspects, a contract has already been signed.

Mr. LaScala questioned if there was an escape clause. Ms. Siegel noted that the Town Attorney prepared the contract. Mr. Bock questioned if the contract was any more binding than any other applications before them in terms of flexibility for the siting of the arrays. Mr. Glatthar stated that the Planning Board's obligation is to review the site plan under the Zoning Ordinance and it is not their place to rule on contracts or the validity of contracts. They can reject the site plan just as they could any other site plan, but can't reject it because they think it's a bad deal. Mr. Bock questioned if they could look for modifications on the entire site or just the proposed piece. Mr. Tegeder responded that it depends on the alienation. Ms. Siegel stated that she thought if they changed the size or location of the system it would change the impacts of the contract.

Ms. Siegel noted the Conservation Board's comment stating that mitigation should be done on site and thinks this could tie into Mr. Grace's comments. She also questioned how the potential paving of the parking lot will impact the stormwater. With respect to Mr. Glatthar's comment, she noted that there has been a recurring problem with the amount of trees and shrubs proposed to be planted for landscaping as opposed to mitigation that was raised during the Foothill Street solar project as well as a memo from the Tree Commission. She thinks with respect to the Tree law, that landscaping is one issue and mitigation is separate and that they need to be careful about this. Lastly, she doesn't agree with the suggestion to move the ground-mounted solar array to the side of the hill and remove the existing trees.

- Councilman Tom Diana – Councilman Diana stated that he is a 65 year resident and Deputy Supervisor for the Town. He noted that his statement for the project this evening does not reflect the opinion of the entire Town Board. He stated that this is a good project and will help the Parks and Recreation Commission. He stated that he was recently at the park for an event and noted that the parking lot was overflowing due to the limited parking. The ground-mounted system is proposed to be in a location that was originally slated to be built for future overflow parking. Historically, that area has washed out onto Stony Street and continues to do so creating icy situations. Additionally, there is a sewer main that runs through the area that could create an issue. He feels that in theory level spreaders work to slow down the water but it will still occur. Even though it's on a hill, it is a wet area. He feels that the ground-mounted system should not be allowed in this location and possibly consider moving it to the west part of the complex as suggested earlier. With respect to the canopy system, he noted that they will be 18-ft on the high end and 14-ft on the low end. He feels that this is quite high and will be visually obtrusive to the bucolic nature of the park. His suggestion, if it could be done, is to consider moving the panels to the most western part of the

property behind the bleachers on that field. This location could house all the panels and would have a limited visual impact. He noted, however, that his main objection is for the installation of the ground-mounted system toward Stony Street. He is asking the Board to take a detailed look at the proposal to see if they can make this situation better. He is not against solar and thinks this is a good project, but feels that the western side of the facility would be a better option for the ground-mounted system.

Councilman Esposito stated that there is a parking issue that needs to be addressed. If the ground-mounted array is installed in the proposed location, the park will lose additional parking. Councilman Diana stated that as noted earlier, there was a water retention, planting and parking plan prepared for that area when the facility was created but never implemented. Mr. Garrigan questioned if that area was viable for alternative parking or any other use. Councilman Diana responded that it is a viable area. He noted that the access road in that area was used for access to the ballfields. With respect to the legal aspects, he will defer to the Town Attorney. Mr. Garrigan questioned if there was any conversation with respect to the future expansion of the park expansion for the park as they would not want to contemplate an area that was slated for something else.

Mr. Cumiskey stated that the reason the Commission has an issue with the construction schedule and staging area is that they know they have a major parking issue. He noted that they had to restrict the amount of teams for their first tournament of the season due to the parking situation. They did what they could with the money they were given for the creation of the facility and that corner was always projected to be a future parking lot. Councilman Diana stated that they also had to contend with the DEP for the parking lot. Chairman Fon asked about the paving of the parking lot. Mr. Cumiskey responded that part of the deal was an up front revenue payment and then the town would pave the gravel parking lot. Discussion followed with respect to the gravel parking lot, stormwater and permitting.

Mr. Grace suggested that the Board look at the contract. He felt that they are in a unique position as this is town owned property and parkland and have a greater responsibility to scrutinize and pay attention to what it is that the town is holding the property for. It is a town park that is used for recreational purposes. Councilman Diana stated with respect to the alienation, he believes that it was alienated for the canopy system but not sure about the ground-mounted system. He felt that the western portion of the site should be explored by the Board and HESP. Mr. Glatthaar stated that he will speak to the Town Attorney for clarification to what was alienated and what is allowed to be used. Discussion followed with respect to the utility poles.

- Jay Kopstein, resident – Mr. Kopstein stated that underground wires and transformers are expensive. He noted that Con Edison undergrounded on Underhill Avenue because they didn't want to continuously come back to fix downed wires. He stated that they don't need to have poles, they just don't want to spend the money to install them underground. He added that the Board has the authority to say no to the permit or hold the hearing open.
- Susan Siegel, Yorktown Trail Committee – Ms. Siegel stated that she is speaking on behalf of the Trail Committee. She knows that there is a trail in the location to the west that the Planning Board will need to consider with respect to the discussion of the possible relocation of the ground-mounted system. In terms of the parking concerns, she noted that the Trail Committee has investigated the possibility of creating excess parking on the east side of Stony Street that could be considered for additional parking. She also stated that the language for the alienation should be looked into with respect to the solar energy system definition.
- Walt Daniels of the Advisory Committee of Open Space – Mr. Bock noted that a memo dated 4/24/2022 was submitted to the Planning Board for review.

Chairman Fon stated that after hearing all the comments, he had more questions than answers and the Board agreed. Mr. Garrigan stated that all the intentions for the project are good. He thought that if the upper area on the right is viable for parking as mentioned earlier, then it could equally be viable for solar canopies over that parking lot, but if they install a ground-mounted system they will lose the opportunity for parking altogether. Mr. Tegeder stated that he spoke with Mr. Redding regarding the stormwater issues and noted that there is no full plan as yet. He thinks there needs to be some coordination between their project and the future paving project in terms of the stormwater and construction. In addition, they will need a lighting plan. Mr. Chafizadeh stated that they will return to the Board at a later date. The Board agreed to adjourn the public hearing.

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

Motion to Close Regular Session and Open Work Session

Upon a motion by Chairman Fon, and with all those present voting “aye”, the Board closed the Regular Session and opened the Work Session.

WORK SESSION

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; Paul Guillaro, property owner; Dr. Phil Grealy, Traffic Consultant of Colliers Engineering; Steve Marino, Wetlands Consultant of Tim Miller Associates; and Beth Selig of Hudson Cultural Services. Mr. Riina stated that the Planning Board had requested information for the authorization of this project under the Overlay District. He noted that the Town Board passed a resolution dated February 22, 2022, finding that this project qualifies with all the requirements under the Overlay Zone which was submitted to the Board for their review. The site is located on the northwest corner of Underhill Avenue and Route 118 on a 13.78 acre parcel. The proposal is for the construction of a mixed-use development of 148 dwelling units and 11,000-sf existing of retail space. The residential units will consist of 52 townhomes (3 and 4 bedroom units), 32 condominiums (1 and 2 bedroom units), and 64 apartments (1, 2 and 3 bedroom units). 118 of the residential units will be senior friendly and more than half will be dedicated to 60 and older. The existing main structure on the site which is known as the "Captain Underhill" house will remain and is proposed to be renovated and restored at a cost of about \$1,000,000. There are several other existing structures on the site that are proposed to be removed. The main access to the site will be maintained and a secondary access is proposed. The project is adjacent to other multi-family developments. To the south of the site is the Rochambeau development with a density of 9.6 units per acre, and to the north is Beaver Ridge with a density of 19.8 units per acre. The proposed development averages 10.7 units per acre. The floor area ratio for the project is .5 which is less than the maximum allowed in the Overlay District. Amenities for the project include open space, pathways, a clubhouse, and two pools. The infrastructure will include parking and noted that they meet the parking requirements for the proposed use. Additionally, there are 30 spaces along the northern edge of the property that will be dedicated for a senior center that is proposed to be constructed separately on the Beaver Ridge property. The west side of the property is mostly wooded with two small wetland areas. There is an existing fire access road between the wooded area and the site that was put in place within an easement for emergency access to Beaver Ridge. That easement is to be controlled and maintained by Beaver Ridge for continuous emergency access. They are also proposing stormwater management and green infrastructure on the site. The green building practices will include electric vehicle charging, solar, geothermal energy generation, etc. The project meets all the required bulk and zoning requirements set forth in the Overlay District and they are not requesting any variations.

Chairman Fon stated that at the previous meeting the Board discussed their concerns with respect to the traffic impacts and the potential increase of development as a result of the adoption of the Overlay District and felt that there should be a master plan on how to deal with this holistically. Mr. Bock stated that he felt it may be premature to talk about the impacts of this project until they are convinced that this is the kind of project they need to see on this site. He thinks it's a rare opportunity for the Town to plan long-term for the growth and development of the parcels within the Overlay District. He noted that when he looks at this project he sees an inward facing development with little connection to the surrounding properties. He noted that if this is to be part of the larger development maybe it should be designed with outward connections to the neighborhood with storefronts on Route 118 and a pedestrian connection such as a sidewalk or streetscape. His other concern is the wetland intrusion. Mr. Riina responded that the property itself is in a way isolated. To the north is Beaver Ridge, to the south is Rochambeau, to the west is Glen Rock Street and across Route 118 is developed with Town Hall and the Caremount building, etc. There really is no potential to get a linear type of streetscape which connects to the rest of the Heights area. Most of what has been planned and developed has been done around preserving the main structure, enhancing the pond and maintaining the park like setting along Underhill Avenue for public use. He noted that there is some logic from Glen Rock Street with the single-family homes to the townhomes, to the condos, and then to the apartments which are closer to the Heights area.

Dr. Grealy, traffic consultant, stated they prepared and submitted a detailed traffic study evaluating existing and future traffic conditions in the area of the proposed Underhill Farm project for the Board's review. The study includes improvements associated with the development and also identifies improvements to address future conditions if and when other future developments occur such as the Kmart redevelopment, Uncle Guiseppe relocation, the Roma building, etc. This would be the master plan taking into account the proposed project and future developments. He noted that the fastest way to get to a master plan is to build out the first phase and then move onto the next phase, etc. There are two access connections to the Underhill Farm project. They will now have a full traffic and pedestrian access connection through Beaver Ridge which in turn connects to Allen Avenue. The traffic numbers and trip generations were reviewed with the Board. Most of the traffic will go to and from the parkway to the west of Underhill Avenue. There will be some traffic movement through Beaver Ridge out to Allen Street then to Kear Street or other destinations. The traffic will be distributed and not all at one location. With respect to the existing conditions, this intersection tends to back up on Underhill Avenue primarily in the afternoon rush hour. Project related improvements include the access connection to Beaver Ridge with signing, striping and intersection controls. Pedestrian improvements on Underhill Avenue include a rapid flashing beacon assembly, crosswalk, signage, etc. The traffic signal at the intersection is also proposed to be upgraded with a video detection device to be more responsive to what the actual loads are. He noted that another issue on Underhill Avenue is that here when there are lower traffic conditions, there tends to be some speeding on that roadway. They will work with the Highway and Police Departments to work on additional signage and traffic calming measures to help reduce travel speeds for that roadway. The applicant is also proposing to dedicate land along Underhill Avenue to accommodate future widening improvements at the Route 118 intersection. In addition to the improvements proposed to be completed as part of the proposal, the applicant has committed to providing funding up to \$450,000 towards the design and future reconstruction of the Route 118 and Underhill Avenue intersection to address other area development traffic. They looked at two alternatives for the future improvement of the intersection which included developing a separate left turn lane on the Underhill Avenue approaches and corresponding traffic signal upgrades and related pedestrian improvements. The plan also includes a dedicated right turn lane on the Route 118 southbound approach which would also be signal controlled. He stated that this project adds 3 to 4% to what the volume is today. This plan is estimated to be about \$1.5 million, the plan with just left turn lanes on Underhill Avenue is estimated to be about \$750,000 at this time. With this application providing funding and design plans the Board is now in a better position for when the other applications start to come in. He stated that there are also funding mechanisms available from the state when there are a set of plans ready to be constructed, approved and permitted by the DOT. Their approach was to provide the Board with a master plan that covers all the traffic and pedestrian movements on the table under the Overlay District. Chairman Fon questioned if a round-about should be considered. Dr. Grealy responded that they looked at it but the grades create an issue and noted that this intersection operates as an isolated intersection and is not affected by what is happening at other locations so they can achieve the efficiency without having to worry about the connectivity. Chairman Fon stated that the master plan proposed is what they were looking for and feels that it will be helpful to the future proposals. He noted that the Planning Department will need to review the plan. Mr. Tegeder requested for Dr. Grealy to submit a summary of the mitigation measures for the traffic impacts. Mr. Garrigan questioned if there will be a right-turn signalized lane southbound on Route 118 and noted that currently the shoulder lane is used. Dr. Grealy responded that this would be included in the full build-out plan.

Ms. Selig of Hudson Cultural Services, stated that they investigated the historical and cultural resources of the property as part of the SEQRA process and Chapter 1409 of the State Historic Preservation law. In January, 2021, they completed an archeological survey of the project that looked at the impact to the entire parcel. The results of that project indicated that there were no archeological deposits. They submitted their findings to the State Historical Preservation Office and they agreed with their findings. On May 27, 2021 they received a letter from the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) stating that the "Flora Villa" Underhill Estates is eligible for a listing in the State and National Register of Historic Places and, given the scope, requested that they look at alternatives. Currently the project involves retaining and restoring the historic mansion but the small red barns and other buildings throughout the site are proposed to be removed. A report was submitted in July, 2021. On August 24, 2021, OPRHP requested additional documentation which was submitted in October, 2021. Based on the information submitted, it was agreed that there was no practical prudent alternatives for the removal of those buildings. On March 21, 2022, as per the process with NYS law, a letter of resolution was developed and will be executed once the SEQRA process is complete. The property currently consists of an early 19th century mansion, seven ancillary buildings and a park like setting. The

original federal style and original portion of the mansion exists including the later additions. As part of the project, the mansion will be rehabilitated and is a principal component of the project. The exterior and historic features of the interior will be retained. All of the ancillary buildings are proposed to be removed and it was noted that they received a letter from the Building Inspector stating that some structures are unsafe. Chairman Fon stated that the ancillary buildings could be offered to the Town to move on their own if interested. Chairman Fon asked about the archeological study. Ms. Selig stated that they established a 50-ft grid across the entire property and hand dug close to 300 holes. The materials were then screened out of a test pit. The results of their findings were submitted to OPRHP. Mr. Glatthaar questioned if OPRHP was to decide that the ancillary buildings were not worthy of preservation would that finding be binding to the Town. Ms. Selig responded that she didn't believe so because the state will comment on the 1409 and not under SEQRA. Chairman Fon questioned, in her opinion, the restoration of the mansion was worthwhile. Ms. Selig responded that if she had to pick where to put all their energy and efforts on this site, it would be to save this mansion. It has a large value to the area and is the first thing you see on Underhill Avenue in addition to the stone walls and pond and feels that as a historical preservation project, this is a well proposed plan. Chairman Fon stated that it seems like what is being described and proposed is progress with preservation. Ms. Selig added that historic preservation is meant to be fluid and financially practical. By putting money into the mansion and park like setting and making it available to the community is a great way to preserve this property. Ms. Selig also noted that they are committed to creating a historic display similar to what you would see in a state park for the public. She noted that as required by state law, there is a comprehensive documentary packet that is prepared before any changes are made. Mr. Bock suggested referring this out to the Yorktown Historic Preservation Commission.

Mr. Marino, wetlands consultant, stated that there are a couple of wetlands on the property currently. Aerial views of the property over the years were shown to the Board. In 1947, there were no wetlands and the old water channel is shown to the pond. In 1960, the water channel is still shown to the pond. In 1990, Beaver Ridge was built and the emergency fire road is shown through the Beaver Ridge property. Vegetation is starting to grow succeeding to woodlands. In 2000, there is growth in the old fields, with trees along the perimeter. The beginning of two spots on the east side are shown which are likely the wetlands identified presently. He noted that there is a culvert under the emergency fire road that doesn't function anymore and as a result created that section of the road to be wet. Chairman Fon questioned the size of the culverts. Mr. Marino responded that they were about 15 or 18" and are completely buried. You can see the outlet on the east side but on the west side it is buried. Chairman Fon questioned if the area would dry up if the culverts were cleaned out. Mr. Marino responded that it would and there would then be a more well defined channel. Mr. Riina stated that there is no curbing along Glen Rock Street which is an improvement they are proposing as the water running across Glen Rock Street sheds onto the property. Mr. Marino noted that there are two issues currently – the stream coming down from Glen Rock to where the culvert is now clogged which causes the water to go across the road back into another channel to the pond. There are also two small pockets of wetland (2,000-sf each) that were created when the fire emergency road was built. He noted that you can actually see the piles of fills left there that blocked the water from coming across. There was no evidence that there were culverts in those locations used to relieve that water. Chairman Fon questioned if a permit was required to maintain culverts on your own property. Mr. Tegeder responded he didn't think so. Mr. Marino responded that it would relieve anything on the west side of the road as it relates to the stream. Chairman Fon noted that sometimes lack of maintenance will create a wet area over the years. Mr. Marino stated that they have done a number of projects where they prepared mitigation plans with the creation or expansion of wetlands. If the culverts are undersized, at the wrong elevation or not maintained, wetlands can be created. Mr. Bock questioned if a culvert backs up in stream areas, can it cause a wetland. Mr. Marino responded that it can because wetlands are created when there is hydrology sufficient to create them. Beavers do it all the time by damming streams. Mr. Garrigan questioned how long it takes for a wetland to be established. Mr. Marino responded by the Town's definition it could take 20 to 30 years, by the Army Corp's definition it would take longer because soils and vegetation have to develop. There is a 100-ft buffer to the two small pocket wetlands and stream. There is no DEC wetland on the property, and the National Wet Inventory (NWI) map shows only the pond. No hydric soils on the property are shown either. Part of the plan is to improve the pond and create a new marsh and swamp wetland area to the west. The tree survey is complete. 703 trees were identified on the site that meet the requirements of the Town code and are listed in detail on the report by species, diameter, condition and location. Of those trees, 154 are greater than 18". 500 trees are proposed to be removed with the remainder to be preserved. They are currently in the process of

finalizing the report for the wetlands and tree survey. They are working on the landscape plan to begin the process for the mitigation for the tree removal.

Mr. Riina stated that the formal application with all the supporting documents have been submitted and requested for the Board to declare themselves Lead Agency and refer out the application to the Town's outside environmental and traffic consultants. He also requested to schedule a Public Informational Hearing. Mr. Tegeder stated that the Planning Department will work on obtaining proposals from the Town's outside consultants. Mr. Glatthaar questioned if there was an EAF submitted. Mr. Riina responded that it was included with the formal application. Mr. Glatthaar stated that parts 2 and 3 should be completed. Mr. Glatthaar noted that the request for Lead Agency should also be circulated. The Board agreed that the application should be referred out to all involved agencies internal and external. Discussion followed with respect to scheduling a PIH. Ms. Steinberg stated that once all the environmental information is submitted (tree survey, wetland delineation, etc.), they can move forward with the PIH.

Martinez Subdivision Lot 2 (Jay Levy)

Discussion: Amended Mitigation Plan

Location: 35.16-1-2; 1767 Jacob Road

Contact: Site Design Consultants

Description: Proposed amendments to approved wetland mitigation plan.

Comments:

Joseph Riina, P.E. of Site Design Consultants, and Tony Russo, Environmental Consultant, were present. The proposal is to amend the mitigation measures for the Martinez subdivision plan that was approved in 2004. The property is located on Jacob Road and is a little over 4 acres. There was an existing abandoned building on the front part of the property that was removed. Lot #1 is located to the rear of the parcel and Lot #2 fronts Jacob Road. In order to create the subdivision there was some wetland disturbance. The approved mitigation included the creation of wetlands, buffer enhancement and conservation easement to the rear of the property as part of the overall plan. A low pressure sewer system was installed for each of the residences which connects down Jacob Road to the intersection of Field Street and Jacob Road. The property has since changed ownership, and the current owner, Jason Levy is requesting to phase the mitigation work for both lots. Mr. Levy will be occupying the front residence (Lot #2) which is almost complete and has minor disturbance. The majority of the wetland enhancement mitigation is related to the development of the rear lot (Lot #1). Mr. Levy is requesting to separate the mitigation for his primary residence from the rear lot until the rear lot is developed. The site plan depicts a phase line for the proposal, and table comparing the original approval to the current proposal. He noted that they are still maintaining the same amount of mitigation as proposed in the original plan however the measures have changed a little as the conditions have changed over time.

Mr. Russo stated that conditions have changed from when they created the original mitigation plan. Some of the surface water conveyance that fed to wetland "C" to the east no longer exists due to the change in water supply. Wetland "A" to the west is engulfed with invasives that should be removed. They are proposing to enhance wetland "C" and create wetland "A". Native forms of vegetation are proposed and listed on the plans for each wetland. They are proposing to remove the phragmites and install native species to match the existing soil conditions for Wetland "A". The soil berm around the area will be revegetated. For Wetland "C", they will also remove the phragmites and enhance the soils. A trench system will be installed that will feed water north to south from the area between both. The trenching will provide water to the west side of wetland "C" and move in an easterly direction across that area to create a diverse wetland.

Mr. Riina stated that as part of phase 1, the applicant is proposing the enhancement of Wetland "C" as well as installing the drains to pick up seeps and transport the water into the wetland. The remainder of the mitigation would be done as part of the development for the rear lot. He noted that it is the right time of the year to start this work and the applicant is prepared to move forward with the enhancement of wetland "C". They met with the Conservation Board and have received their comment memo dated 4/21/22. The plans have been revised to reflect their comments which includes more detail on the plant materials as well as a delineated conservation easement. At the rear of the existing residence, the conservation easement is delineated by boulders and they asked that when the second lot is developed, that some form of delineation is proposed.

The Board had no issues with the proposed amendment. Mr. Tegeder stated that they will meet with Mr. Riina to discuss the procedure and draft a resolution for the next 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. Schwalbe stated that they are present this evening to discuss the secondary access road into the site. The 2018 approved site plan shows that secondary access driveways for the school and park were provided with both driveways sharing a single access connection to Stony Street. A color-coded plan was provided to the Board showing the connections. The yellow lined road, which is the shared use driveway, represents the existing driveway that comes into the site and goes around to the front. The purple line is the actual property line of the Shrub Oak school. The orange line shows the new driveway connection off of Stony Street and another to the north connecting into the Shrub Oak parking lot area. They are proposing to create the new driveway connection to the parking lot coming off the main driveway with a 26-ft wide aisle so that emergency vehicles can get through and then create another secondary emergency access in the back of the building per the Fire Commission's request. A roadway exists going south down to the handicapped spaces on the park side. Along the property line there is an existing driveway that is paved that is not quite 20-ft wide that was discussed in the previous application for the park's solar project. That road still exists but they are showing it as a potential shared use emergency access condition which is the yellow line on the plan. The total length for the yellow road is 5,100-sf just under a mile. The Board also requested to look at other options. The purple line is the driveway shown on the initial site plan as part of the original plan and that would connect back into the alignment that went through the existing driveway to the south. They provided an alternative by taking the existing driveway on the south side all the way down to Stony Street to show how it will look and what improvements can be done there. He noted that it is steep at some portions and not uniform in its vertical alignment and wouldn't suffice for emergency access. The last alternative was to widen the secondary driveway on the south property line. There are utility poles that currently extend up that side of the property that provide power to the buildings. To make this a viable solution they would have to widen the entrance road at Stony Street. They are still maintaining connection to their internal maintenance driveway that runs parallel to the cemetery. In the original plan they provided 77 parking spaces for the Recreation Commission with a gravel lot and connection. The yellow road shown earlier proposed to do this and he noted that the Parks Commission were supportive of the parking lot. The applicant's preference would be to have the yellow alignment with secondary access for emergency use.

Chairman Fon questioned if the Recreation Commission were in favor of the yellow alignment. Mr. Tegeder responded that they are in favor of the additional parking. Mr. Steinmetz responded that their understanding is that the Recreation Commission is supportive of the additional parking and felt that this co-existence through the two sites can be made to work. He added that they want to help the park but his client does not want to build an extensive and intrusive south driveway. They don't believe that they need it and feel they have a suitable solution before them which is a cross easement through the two sites. At the Board's request, they provided options that are all fairly impactful and noted that if this couldn't be solved, they would like to defer this decision to the final phase of the project. Mr. Tegeder questioned if the yellow route works for an emergency situation. Mr. Steinmetz stated that they believe the site works and will also give the park emergency access as well. Mr. Tegeder felt that the widening and softening of the grade can work with the green road. He stated that there was discussion with a previous application about the traffic circulation and parking issues and noted that this would help. Mr. Steinmetz stated that if they were to build the green road, they will then lose the additional parking for the park. If they were to go with the yellow road, the additional parking will be provided. It will function as an emergency access but not a secondary access and will be used for access to the gravel parking lot. Mr. Tegeder stated that the review of the application always anticipated a secondary access and this is how the purple road came about. Mr. Schwalbe stated that they need to be careful with having two access points as this could create confusion exiting after large events. Sometimes one exit is better as it would be more directed. Discussion followed amongst the Board members. Mr. Steinmetz stated that his client is aware that the Recreation Commission has an issue with parking on their site and is requesting some leniency as they will be providing additional parking for the park as well as shared emergency access. They would prefer to not cut into the hillside to build a secondary access that they feel they don't need. Mr. Tegeder stated that the welfare and safety of the public needs to be considered which includes

both sites. He feels that the green road is an advisable road for the betterment of both sites. He thanked the applicant for taking the time to review the alternatives, however, he feels that the improvement of the green road is worthwhile. Mr. Garrigan stated that the green road is existing and questioned what will stop them from using it currently. Mr. Steinmetz responded that it is chained off but can be used in an emergency. Chairman Fon stated that the Board may want to visit the site to gain a better understanding of the proposal. Mr. Steinmetz stated that the applicant would like to go with the yellow plan which provides emergency vehicle access. However, if the applicant provides the green road, they will not pay for the additional parking lot for the park. They will provide the space, but the Town will have to pay for it. Mr. Steinmetz requested to schedule a Public Hearing for the amended site plan which will show the alternatives. The Board agreed to schedule a Public Hearing for the May 23rd meeting.

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 was present. Mr. Chappell stated that he is here this evening as a follow up to a prior meeting. A survey of the property was prepared depicting the proposed location of the house, the wetland buffer line (blue line) and the conservation demarcation (green line). He noted that after reviewing the DEP comments following their walk-through, he is not sure they will approve the house over the 100-ft wetland buffer. He may have to reorient the house beyond the buffer line but it will still be on top of the rock beyond the conservation line which is a Town controlled line. Mr. Glatthaar questioned the size of the building envelope. Mr. Chappell responded that the house is probably 2,200-sf on the ground and 2,900-sf developed. He noted that it is much smaller than the homes within the subdivision due to the configuration of the lot. Mr. Tegeder asked about the terrace. Mr. Chappell responded that he wasn't sure yet but may consider pavers or concrete on the rock. He noted that the house was the main focus at this point and there are several options for the patio.

Mr. Bock stated that the plat for the entire subdivision shows the conservation easement partially on this lot and extending to four other lots in that area. He noted that each of those lots were also impacted in the same way and were built out of the conservation easement. The Planning Board at that time, set the language for the building envelope in the 90's when the subdivision was approved and is not sure if it would be a fair approach to allow this encroachment. The value of the conservation easement is to protect the property from further development and noted that the easement is held by the Town. Mr. Bock noted that there is a note #2 on the subdivision plat that refers to the conservation easement. He stated that the applicant is requesting the Board to vary the easement to permit the structure on the rock and questioned if this was a good precedent to establish and if there is a valid reason to do so. Mr. Chappell stated that they bought this property so that they could enjoy the conservation area. He noted that the conservation easement speaks almost entirely to maintaining the soils, and erosion, etc. They are only touching the rock and actually containing all the stormwater away from the conservation area. Mr. Garrigan noted that it is the last building lot with unique characteristics. Mr. Chappell responded that is the runt of all the lots within the subdivision and hasn't been developed in 20 years due to its size. Chairman Fon asked Counsel if they would be setting a precedent for future variance requests and how to approach this application. He noted that the house is designed for the property with the rock out cropping, the stormwater will be controlled, and the vegetation will not be disturbed which is keeping with the intent of the conservation easement. It is also a much smaller lot compared to the others in the subdivision. He questioned if this was all spelled out could it still present an opportunity for a similar proposal in the future. Mr. Glatthaar responded that they could condition it but if they depart from and deny a similar variance they would have to explain the rationale for doing so. He stated that the note was more concerned with the preservation of the vegetation in that area. If the Town is holding this easement then the Town can waive it for this unique situation provided that it doesn't result in the removal of soil or vegetation. He asked the applicant if they were removing the rock. Mr. Chappell responded that there will be some areas that they will have to flatten out for the connection to the foundation but it will only be inches. Mr. Bock questioned who this decision belongs to. Mr. Tegeder responded that it belongs to the Planning Board. Mr. Bock was unsure about changing the easement. Mr. Garrigan stated that he didn't look at it as changing the easement but rather as an amendment to the easement considering the unique characteristics and topography of the property. Mr. Glatthaar

agreed and noted that another option the Board could consider is to amend the subdivision map to amend note #2 but this would require a public hearing. After discussion, the Board agreed to schedule a public hearing.

Zoning Board Referral - ZBA #22/22 Clifford (Correction – Gifford)

Location: 48.07-2-28; 1625 Central Street

Contact: Michael Grace, Esq.

Description: To allow the subdivision of an existing single-family lot into two non-conforming lots; one fronting on Central Street and one front on Summit Street.

Comments:

Michael Grace, Esq. was present. Mr. Bock stated that he conducted a site visit and felt that the proposal was consistent with the neighborhood. The Board agreed and had no objections. The Board requested the Planning Department to submit a memo to the ZBA reflecting no objections to the proposal.

Town Board Referral - Homeland Towers

Location: 16.12-1-31; Route 6 & Hill Blvd

Description: Proposed monopole cellular tower on Town property.

Comments:

Robert Gaudio, Esq. of Snyder and Snyder, LLP was present. Mr. Gaudio stated that the application was referred by the Town Board for review in connection with the lease portion of the property for the proposed wireless facility. They are looking to comply with the Town Code which requires that these type of facilities be located on Town property. The property is located at the corner of Hill Blvd. and Route 6 next to the Con Ed power lines. It is a constrained lot but they did find an uphill location on the property out of the wetlands but within the buffer. They are proposing to come off of Hill Blvd. up the access drive into the compound. The facility will include a 130-ft tower and about a 135-sf equipment compound similar to what was done on Quinlan Street. An independent consultant was hired to review the wireless issues in the area and the report showed that there was a need in this area, particularly Jefferson Valley.

Chairman Fon asked what carriers were proposed. Mr. Gaudio responded that the tower is designed for four carriers plus the municipal antennas which are important for the Town. The carriers would include AT&T, T-Mobile, Verizon and Dish Wireless. As part of the lease, not only will they pay rent but they are also proposing \$25,000 to the Town to be able to install their equipment. Chairman Fon questioned if this was town property. Mr. Gaudio responded that technically it is parkland so they will have to go through an alienation process. He noted that they are only in the referral stage at this point for the lease and not yet at the design stage. They are before the Board this evening to request a support memo to the Town Board for the lease. The Board had no issues and requested that the Planning Department submit a memo to the Town Board in support of the lease for the proposal.

Town Board Referral - Farm Special Event Special Permit

Comments:

Mr. Glatthaar stated that the proposed definition for the special event permit would include a farmer inviting people to his own house and he feels that it needs to be clear that it is not for the on-site resident. A special event is for an invitation to the public. The Board had no issues with the proposal, but agreed that the language should be clarified per Counsel's suggestion.

Motion to Close Meeting

Upon a motion by Rob Garrigan and seconded by Aaron Bock, and with all those present voting "aye", the Board closed the meeting at 11:39 p.m.