

# Planning Board Meeting Minutes – November 14, 2022

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A meeting of the Town of Yorktown Planning Board was held on **Monday, November 14, 2022 at 7:00 p.m.** in the Town Hall Boardroom.

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

- Aaron Bock
- Rob Garrigan
- Bill LaScala
- Bob Phelan
- Robert Waterhouse, Alternate

Also present were:

- John Tegeder, Planning Director
- Robyn Steinberg, Town Planner
- Nancy Calicchia, Secretary
- James Glatthaar, Esq.
- Councilman Sergio Esposito, Town Board Liaison

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## **Correspondence**

The Board reviewed all correspondence.

## **Motion to Approve Meeting Minutes of October 17, 2022**

Upon a motion by Bill LaScala and seconded by Aaron Bock, and with all those present voting “aye”, the Board approved the meeting minutes of October 17, 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**

### **Wendy’s at Staples Plaza**

Discussion: Decision Statement

Location: 36.06-2-76; 3399 Crompond Road

Contact: Chiesa Shahinian & Giantomasi, PC

Description: Proposed renovation of the approximately 3,500 SF Dunkin Donuts building for a Wendy’s with drive-thru.

Comments:

Mr. Glatthaar recused himself from this application. Jennifer Porter, Esq. of CSG Law was present. Ms. Porter stated that she received the draft resolution and had no issues with the proposed language. Mr. Bock asked about the DEP letter dated 10/31/22 and questioned if those concerns need to be referenced in the resolution. Mr. Tegeder responded that the resolution could be modified to reference the letter. Ms. Porter responded that they reviewed the letter and have been working with the DEP in connection with the proposal and noted that they had no issue with the letter being referenced in the resolution. The Board agreed to amend the resolution to note the 10/31/22 DEP letter.

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

**Upon a motion by Aaron Bock, and seconded by Bill Phelan, 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 for a drive-thru, and special use permit for outdoor seating at the Wendy’s at Staples Plaza as amended.**

## **Dell Avenue Solar Project**

Discussion: Public Hearing  
Location: 70.05-1-2; Dell Avenue  
Contact: Zarin & Steinmetz  
Description: Proposed 3,625 kWac fixed tilt ground mount solar energy system with associated gravel access roads, fence, electrical equipment, stormwater management, and landscaping on approximately 14 acres of a 62.33 acre site.

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.** David Steinmetz, Esq., Jody Cross, Esq., Erick Alves de Sa, of Sol Systems; Matt Regan of TRC Engineering; and Matt Matthews, property owner, were present. Mr. Steinmetz stated that Sol Systems is the ground lessee for the site. The property is located on Dell Avenue across from the intersection of Routes 100 and 134 just north of the Travelers Rest. The site is a total of 62-acres and is zoned R1-60. The proposal is for the installation of a ground-mounted solar array system on 14 acres of the 62-acre site.

Mr. Steinmetz stated that the property was rezoned in 2011 for an age-restricted multi-family residential development consisting of 68 townhomes that was formerly known as the Croton Overlook project. That application went through a full SEQRA process and it was concluded that there were no adverse environmental impacts. The client at that time passed away and the project was never developed. The property was then acquired by the current owner, Matt Matthews. He and his client were before the Town and Planning Boards a while back preparing to move forward with the proposed residential project, however, during that time Sol Systems and other solar companies were also looking at the property due to its unique location and topography for a potential ground-mounted solar array system. After discussions, they were encouraged to move ahead with the solar proposal. They have since entered into a ground lease with Sol Systems and have spent the last year working on a series of studies which includes engineering, grading, stormwater and visual impacts. Sol Systems is one of the preeminent solar companies in the nation. They do not flip their sites; they build, own and operate them. They are working to address the visual impacts with respect to the neighboring properties. The solar arrays is comprised of two sections, with the smaller portion located to the north and the larger portion to the south as shown on the plan. The solar arrays were oriented to be installed in essentially the exact same location that was proposed for the residential development. The reason it was done this way is because SEQRA took them through 19-acres of land disturbance for the Croton Overlook project which has now been reduced with this application to 14-acres. He noted that there are no wetland impacts associated with this proposal. There were 6-acres of impervious coverage in connection with the residential development and there is 0.06 acres with this proposal resulting in a reduction of impervious surface. The height of the proposed townhomes were 28 to 32-ft and the maximum height of the solar array is 10-ft. Construction for the residential development would have been 18 months at a minimum and the solar construction would take about 9 months. For this application, Sol Systems is not maximizing the sunlight hitting the solar arrays because they have attempted to minimize tree removal and the impact to the same impact that was proposed for the residential development. The applicant is open to additional site visits if the Board wishes. With respect to the visual impacts, the applicant believes they can satisfy the code and install the arrays in a sensitive manner. The visual analysis has commenced but is not completed as yet. A line of sight analysis has been prepared for the Hog Hill property as well as the neighbors to the south on the New Castle side. The applicant and their team have placed yellow tape and minimally invasive structures at the site so that the neighbors and the Board can get a sense of where the arrays are proposed. He noted that the overall impacts will be significantly less than the previously proposed residential development with respect to visibility, lights, noise and traffic. He added that the the state has created a mandate to pursue a significant amount of sustainable energy over the next 10 to 13 years. They feel that this is an excellent site for a ground-mounted solar array and is a sustainable project that will have minimal environmental impacts and maximum environmental benefits.

Chairman Fon stated that the Board conducted a site visit in conjunction with the Conservation and Tree Boards which was very informative. Mr. Phelan questioned the compliance of the visual impact restrictions for the residenital versus the solar. Mr. Steinmetz responded that a visual analysis was done as required by SEQRA to study the visibility of the townhomes. The Planning Department had them do a similar analysis from different vantage points. The code standard is different, but they feel they can satisfy it and work to reduce the visibility of the arrays to the maximum extent

possible. He added that there will also be a fence surrounding the site for security purposes. Visual mitigation will be proposed in the form of landscaping. Mr. Alves de Sa stated that the Croton Overlook finding statement noted that the high voltage transmission lines were an existing visual impact and that the Croton Overlook project was no worse impact than those transmission lines that remain and continue to exist. Mr. Bock noted the Town of New Castle letter dated 11/14/22 with respect to Random Farms. Mr. Steinmetz responded that they received the letter this afternoon and noted that they have performed a study but it has not been finalized as yet and noted that the Planning Department made sure that they included the New Castle properties in their visual study. Mr. Glatthaar noted the correspondence from the Community Planning and Environmental Associates dated 11/2/22. Mr. Steinmetz responded that this consultant was not apprised of the residential development project and therefore may have reached some conclusions without knowing the SEQRA review that was performed. He added that they are working respectfully and cooperatively with the neighboring property.

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

1. Cliff Davis, Esq. - Mr. Davis stated that he is representing the adjacent property owner located at 71 Hog Hill Road (Riverside Trust). He noted that the application before the Board is to allow for a solar array system and not a residential development of 68 townhouse units. The application is for a special use permit which was enacted subsequent to what happened 11 years ago and he feels that what happened then is not relevant today. He read the legislative history with respect to solar and the language states that adjacent residential properties have to be fully screened. Currently the north side of the array is visible with the human eye. His client is working with the applicant and they have had a number of meetings. They have asked the applicant to put more references out so that it can be confirmed as to whether the array can be mitigated or if any of the solar panels can be relocated. He noted that the screening requirement is a very hard standard to meet but it is required by law and he hopes that they can meet it. He is here this evening with his visual impact expert, George Janes and have also submitted a report. He reminded the Board that with regard to a special use permit in a residential zone, the standard imposed by the Town Board on the Planning Board is that there is full screening which means that it can't be seen. If the solar array was proposed in a commercial zone it would go into a SEQRA standard which would be to the extent reasonably practicable. This is a special permit for a residential zone with a very hard condition and the applicant has the burden of showing this. Fully screened means fully screened and the array should not be visible at all. They look forward to the applicant providing their data for review but as of now in the field, that standard is not being met. Once all the information is submitted, they will come back with their expert to show the contours of the land. He client does not want to see the solar array and they are working with the applicant in a cooperative spirit to achieve this goal.

Mr. Bock asked Mr. Davis if his position is that as the application stands now it does not comply with the screening requirements of the Town of Yorktown. Mr. Davis responded that it was and added that his client could virtually see the entire north array from his property. Mr. Garrigan asked if the solar array was visible from the actual residence or tennis court. Mr. Davis responded that the code states it should be fully screened from adjacent residential properties and not adjacent residences. Mr. Janes stated that the array will not be visible from the residence or the tennis courts. However, it would be visible from a path that the owner uses to walk their dog and noted that they use the forested area regularly. Mr. Tegeder asked for the specific areas that the array is actually visible. Mr. Davis responded that vantage point 1 is a very wide area and noted that Mr. Regan of TRC Engineering located the area they are discussing. Mr. Tegeder stated that the Planning Board should be provided with a map that shows all of the points, and distance of the path or the boundary from which the array can be seen. Mr. Garrigan added that the applicant needs to know what is to be screened. Mr. Davis responded that they are working on it but is not sure it can be solved and added that as the application is presently drafted it can be seen. The limited reference points out in the field are visible. Mr. Phelan questioned where it could be seen from the naked eye. Mr. Davis responded that the yellow reference points can be seen from his client's property. Mr. Janes pointed out the area on the map where it could be seen. Mr. Tegeder reiterated that they need to define the specific vantage points that it can be seen from so that the Board can ensure that there is effective screening. They understand it can be seen but exactly where they don't know yet. Mr. Janes stated that the applicant is preparing a visual impact assessment study and noted that they have been in contact with them. A site visit was performed with the applicant and photos of different viewpoints were taken. Those materials should be forthcoming and he feels it is premature to discuss this as there is no data as yet. Mr. Garrigan asked if the viewpoint will be from where his client walks the dog or from the edge of the property. Mr. Davis responded that it is close to the edge of the property and noted that there is nothing in the code that states the view is only limited to the house. He added that the solar farm is an industrial use which is being placed in a residential district and according to the code should not be visible. Mr. Bock stated that there is a situation where the elevation changes between the project site and the surrounding area. Per

Mr. Davis' reading of the statute there will be no solar farms in any low areas and will have to be at the top of areas where they can't be seen. He added that they have approved some solar arrays on hills across the valley that may very well be seen by homes in the distance due to the topography and questioned if he is suggesting they need to screen all the way to the top. Mr. Davis responded that is what the code states.

2. Susan Siegel, resident - Ms. Siegel stated that she is concerned about the visual impact from other sites. She asked the Board to adjourn the public hearing so that the public has a chance to comment on the visual impacts not just from the one property but from the other sites as well. She added that the visual impacts from a residential development is different from a solar farm.

Mr. Steinmetz stated that they agree that the visual analysis from the other properties are important. He noted that those that were present during the site visit know that the public right-of-way from Dell Avenue and Route 100 is very well protected in terms of berming and the natural topography. They feel that the solar array blends into the topography with its color and lower height as opposed to a lit up residential development. It is their position that the solar array cannot be seen from any of the three stories of the Hog Hill residence, tennis court, pool, and three golf holes on the property. Lastly, the reason he brought up the history of the Croton Overlook project is to point out the importance in understanding the amount of studies done by the Board as a Lead Agency.

3. Susan Siegel, resident - Ms. Siegel stated the purpose of a public hearing is so they can comment on the information presented and feels that they have not been presented with all of the information. She is not concerned about the one house but is concerned about all of the other views that will impact the Yorktown and New Castle residents. They cannot comment on what they don't know. They need a visual presentation.

Mr. Bock stated that the applicant has submitted fairly extensive topographical maps and lines of sight. Mr. Steinmetz responded that they submitted visual impact assessments from a number of different locations but have not completed the analysis as yet. He stated that they have no issue with adjourning the public hearing to January to allow the record to be complete on the visual impact assessment.

There were no other comments.

**Upon a motion by Bob Phelan, and seconded by Aaron Bock, and with all those present voting "aye", the Board adjourned the Public Hearing.**

### **Dorchester Glen Subdivision**

Discussion: Subdivision

Location: 15.20-3-6; 1643 Maxwell Drive

Contact: Site Design Consultants

Description: Proposed 5 lot subdivision on 24.26 acres in the R1-20 zone.

Comments:

John Kincart, property owner was present. Mr. Kincart stated that he is here as a follow up to the prior meeting of 10/17/22 to discuss the donation of land in lieu of the recreation fee. He stated that it has always been his position to donate over 11 acres of land that is delineated by a stone wall to the Town for a potential trail connection in lieu of the fee. They had an initial layout for a 13-acre subdivision but opted to pursue a minor subdivision with a total of 5 lots which includes their existing home. The public hearings were held and closed. The resolution was approved in October, but he noted that he had not received the resolution until later that evening so he was unaware that the recreation fee was included in the resolution. This not what they proposed or discussed throughout the review process. Since that time, other opinions were sought. The Recreation Commission would like the fee. Discussion followed with respect to the potential for various trails and connections. Mr. Kincart stated that the land is forever and noted that it is the same application with the same intention.

Chairman Fon asked the Board and Counsel if there were any comments. Mr. Tegeder stated that his recollection was that there was discussion about the land donation and conservation easement but didn't recall if there was a full determination as to which way to go and is why the resolution was constructed that way. The resolution could be amended to accept the land if the Board agrees. His recommendation is to rescind the old resolution and adopt a new one in part because they are still waiting on the tree mitigation. Mr. LaScala stated that he had no issue with accepting the land donation as its forever. Mr. Garrigan thought that 11 acres of land with a potential for a future connection is a tremendous opportunity for the town. Mr. Phelan agreed and noted that there would be nothing to preclude the applicant

from selling that property which would then preclude any use by the public. He feels that the land is of greater value than the fee and is a great opportunity for the future. Mr. Bock stated that he cited the Legacy Field as an example at the previous meeting. They bought the acreage without a plan but as an investment for the future. The Recreation Commission memo states that they would like the money because they need it to maintain the facilities they already have. The other point they made is that the cost of maintaining property is beyond their means at this point. He doesn't see any cost associated with maintaining a vacant piece of property that will be left in its natural state. He believes that the potential for connecting a trail that could be built and maintained outside of the town budget is very worthwhile and is not much different than creating stubs of streets that end and get connected later on. Given the history and the experience of the town in vying for the future, acquiring this land at no expense is a considerable benefit to the town and supports amending the resolution. Mr. Glatthaar stated that he had no issues. Discussion followed with the property line delineation and the existing stone wall. The Board agreed to accept the donation of land in lieu of the recreation fee.

**Upon a motion by Aaron Bock, and seconded by Bill LaScala, and with all those present voting "aye", the Board approved the resolution rescinding Resolution #22-24 approving the subdivision titled Dorchester Glen Subdivision.**

**Upon a motion by Aaron Bock, and seconded by Rob Garrigan, and with all those present voting "aye", the Board approved the resolution approving subdivision titled Dorchester Glen Subdivision.**

Mr. Falcone, Parks and Recreation Commission, questioned if this decision would set a precedent for any future developers. Chairman Fon responded that the Board looks at each application holistically. Mr. Bock stated that this property has a number of unique characteristics and potential that they don't normally see. They do not expect other properties like this to come along and be dealt with in the same way. Mr. Phelan noted that the discussion for this application started out with the donation of land and not the recreation fee.

**Motion to Close Regular Session and open Work Session**

Upon a motion by Aaron Bock, and seconded by Bob Phelan, and with all those present voting "aye", the Board closed the Regular Session and opened the Work Session.

**WORK SESSION**

**Underhill Farm**

Planning Board Discussion

Location: 48.06-1-30; 370 Underhill Avenue

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 Planned Design District Overlay Zone authorization from the Town Board.

Comments:

Chairman Fon stated that he, Aaron Bock and the Planning Department met to discuss the proposal and provide an update. Mr. Tegeder stated that they are still in the environmental review stage and have asked for other pertinent information that has come to light through the EAF and other sources. Once the information is submitted and reviewed, the Board can then decide as to the project's environmental significance under SEQRA, which could either be a positive declaration (with at least one significant adverse impact) or a negative declaration allowing the proposal to move forward without potentially requiring an EIS. As of now they are still evaluating all the environmental information. Chairman Fon stated that there were concerns about the property itself as well as the historical aspect of the project. He noted that the Board is reviewing the project closely and have asked for further information from the applicant. In addition, the Town Board has agreed to authorize an RFP for an outside historical consultant to review the proposal. Mr. Garrigan added that the applicant's intent is to maintain and renovate the existing main house. The remaining structures are proposed to be removed or possibly dismantled and reconstructed somewhere else. He also noted that the other issues discussed were the traffic of which they have received much data; and the wetlands.

Mr. Bock noted that a number of people emphasized the fact that the State Office of Historic Preservation found an adverse impact for this project but he noted that those adverse impacts don't translate to adverse impacts under the purview of the Planning Board through the SEQRA analysis. The Planning Board will decide whether there are adverse

impacts that can be mitigated and/or are important enough to cause them to reject the project or demand changes. The Board is not at this stage yet and are still receiving the information they need in order to make any decisions, notwithstanding the fact that they have received quite a bit of information already.

Mr. Phelan stated that the Board seems to be struggling with what to do with the main building architecturally. The applicant has proposed to maintain the building which they are not obligated to do as part of the proposal. There have been discussions about restoring the building but he noted that architecturally you cannot restore that building because nobody knows what period it will be restored to. The main building has been modified several times over a long period of time. They need to work toward coming up with a definition of what the restoration version will be in its current condition and how it will end up. It won't be period specific as there are many periods that the building reflects. The design, materials and colors proposed for the historic building should relate to the new buildings so they complement each other. He noted that the majority of the public input to date focuses on the procedural aspect of this project, the format of the hearings, the details of the paperwork and the credentials of the consultant. The endless critique of the process by the public seems to dominate the Planning Board's review of the project. He visited the Town's museum and nowhere has he found a display of old minutes or anything related to the process. The historical aspect of Underhill Farm needs definition that will help guide the applicant towards responding to the Planning Board's goal that will include the public.

Chairman Fon stated that if a property is sold with a historic structure on it that is not landmarked, the new owner can then apply for a demolition permit and take it down. He noted that this is an opportunity for them as the property owner is proposing to maintain and restore the existing main building. There are rumors floating around in the public that the historically significant building is proposed to be torn down which is not true. Mr. Phelan stated that the public needs to be aware that they will consider their comments as well for the truth and the background of what they are proposing or stating. Comments need to be accurate and factual. Chairman Fon also clarified that there was no time limit imposed on any of the speakers during the public informational hearing contrary to what was spread in the public.

Chairman Fon added that they looked at the area holistically with the potential for future development which has been opened up by the Overlay District. Councilman Esposito stated that the intersection as it exists currently is a liability and this is a good opportunity to fix it. Mr. LaScala added that the proposed project will also benefit the senior community by providing parking accommodations for the proposed new senior facility at Beaver Ridge.

Mr. Glatthaar, Esq. stated that he thinks it is important that the public knows that this is not a case where the applicant is submitting information and the Board is accepting it at face value and moving the process along. No decision will be made until the Planning Board has a third party look at the submitted information for the historical, traffic and environmental aspect of the project. If the applicant has to do an environmental impact statement at a later point in the process, it will be a risk that the applicant has to take.

### **SDML Realty, LLC**

Discussion: Pre-preliminary Application

Location: 35.08-1-11, 14, 15, 23; 3735 Crompond Road (Route 202)

Contact: Reuben Buck

Description: Proposed 2,913 square foot Dunkin with drive thru, parking, and associated site improvements.

Comments:

Reuben Buck of Engineering and Surveying Properties, and Paul Sardinha, property owner were present. Mr. Buck stated that the proposal is for a Dunkin with drive-thru and parking to be located at 3735 Crompond Road (Route 202). The site consists of 4 parcels which will be combined as part of this application to facilitate the construction of the facility. The proposal will be accessed via Crompond Road. On the west side of the site there will be a full-service entrance for incoming and outgoing vehicles. On the east side of the site they are proposing a right turn only. Two sketches of the plans were submitted for review. Sketch #1 proposes a mixture of perpendicular (90-degree) parking spaces on the west side of the site and angled parking spaces on the drive-thru side. Sketch #2 proposes only angled parking spaces on the west and eastern portions of the site. The new building will be serviced by public water and sewer services.

Mr. Bock questioned if the angled spaces were safer for the customers. Mr. Buck responded that on the western side, the aisle between the parking can be narrower with the angled parking as you don't need as much room to back out. On the drive-thru side, the angled parking lends itself for ease of backing out of the parking spaces and will not interfere with the drive-thru whereas the 90-degree parking will make it more difficult for vehicles to navigate. It will also help to promote one-way traffic flow. Mr. Waterhouse liked that the eastern side proposed a right turn only rather than crossing both lanes of Route 202. Mr. Garrigan questioned if there were any restrictions for making left turns onto Route 202. Chairman Fon questioned if there were existing curb cuts at the site. Mr. Buck responded that there is an existing curb island which they are proposing to widen. They are also proposing to maintain the existing curb cuts. Mr. Bock questioned how many east bound lanes are on 202 in front of their premise. Mr. Buck responded that it was just one. Chairman Fon questioned if a subdivision was required to combine the lots into one. Mr. Glatthaar responded that a subdivision is the division of a lot into one or more lots and not the combination of multiple lots into one. Mr. Tegeder stated that as part of this application, it could be a requirement to combine the lots. Mr. Bock stated that he preferred the angled parking spaces on the west side and the Board agreed.

The Board felt that there seemed to be a large number of parking spaces. Mr. Buck informed the Board that the initial application proposes a 2,900SF building, however, the applicant is now proposing a 3,000SF building so the parking will increase slightly than what is shown due to the parking calculation. Mr. Tegeder requested the applicant submit the floor plans so the Planning Department can confirm the required parking. Mr. Buck stated that they anticipate 8 employees for the site. He added that that they would like to discuss the potential of land banking the parking on the drive-thru side (eastern side) as there seems to be ample parking and noted that it would be beneficial to preserve the pervious area on the site and beneficial to the flow of traffic. Mr. Garrigan asked if they anticipate outdoor seating and the response was no. Chairman Fon informed the applicant that the residents will be involved during the hearings and noted that the lighting, screening, noise, and hours of operation will need to be addressed.

Mr. Phelan questioned if there was anything on the western portion of the site that would preclude the plan from using that area. Mr. Buck responded that there is a 50-ft side yard setback from the residential district so they kept the plan on the eastern portion of the site as it is longer and gave them the ability to meet the parking requirement and have more room for the dual drive-thru lanes. It also lined up with the existing curb cuts. Mr. Waterhouse questioned if there was a setback from the road. Mr. Buck responded that there is a 15-ft front yard setback to the building but not sure of any setback to the drive-thru lane.

Chairman Fon asked if the loading to the rear of the site could be relocated so it was not so close to the residents. Mr. Buck responded that if they were able to reduce the number of parking spaces, they could push the development closer to Crompond Road away from the residents or potentially move the loading area over to the eastern side. Deliveries are expected twice a week either at 7:00AM or 2:00PM. Mr. Phelan questioned if the open space behind the building could be utilized as a pass thru for deliveries. Mr. Garrigan thought that the land on the western side could be utilized for the dumpsters to be away from the residents.

Chairman Fon questioned the process for land banking the parking spaces. Mr. Tegeder responded that they need to review the floor plan. They will also need an evaluation from the ITE for this type of use for the traffic generation and parking requirements. They can look at other Dunkins in the area in terms of their peak periods and parking needs in order to make an actual determination of what is needed to balance the site. Mr. Buck stated that the hours of operation are anticipated to be between 5:00AM to 10:00PM.

Mr. Buck informed the Board that the initial screening of the site didn't identify any environmental concerns. There are two restricting constraints on the site – a floodplain to the north along the front of the site; and wetlands to the western side with a culvert that goes beneath Crompond Road. All of the wetlands are off site. Mr. Tegeder asked if the wetlands were evaluated under the local regulations. Mr. Buck responded that they hired a wetland biologist to delineate the wetlands which is shown on the plans. Mr. Tegeder questioned if the determination was made from the DEC or local regulations and noted that the town's regulations may be a little stricter. His recollection is that there are local wetlands on the site and informed the applicant that the town's outside environmental consultant will need to verify the wetlands flagging. Mr. Ciarcia, Town Engineer, advised the same, that the applicant perform a local wetlands delineation as the County GIS calls the area out as hydric soils. The Board advised the applicant to work with the Planning Department.

### **Town Board Referral - 800 East Main Yorktown Dev AMC, LLC**

Location: 5.19-1-15; 800 East Main Street, Jefferson Valley (Contractors Register property)  
Contact: DelBello Donnellan Weingarten Wise & Wiederkehr, LLP  
Description: Petition for a rezone from OB to RSP-2 for a active adult residential community consisting of 250 units including a mix of rental and for-sale townhomes, together with amenities, parking, and related infrastructure.

Comments:  
Item withdrawn at the applicant's request.

### **Lowes Pad C**

Discussion: Site Plan  
Location: 26.19-1-1; 3180 Crompond Road (Route 202)  
Contact: Site Design Consultants  
Description: Proposed 2,383 square foot Chipotle with drive-thru, parking, and associated site improvements.

Comments:  
Michael Grace, Esq., Joseph Riina, P.E. of Site Design Consultants; Justin Breslin of Breslin Realty; and Bob Rosenberg were present. Mr. Grace stated that the proposal is for an approximately 2,400SF Chipotle restaurant with drive-thru for Pad C at the Lowes shopping center. The proposal meets all the regulations. The applicant is also proposing a monument sign and noted they did not know how that fit into the master sign plan for the shopping center. Mr. Tegeder stated that his recollection is that it did not anticipate a monument sign for this property, but that can be reviewed. Mr. Grace stated that the monument sign will add to the aesthetics of the site and thinks as a stand-alone lot it may be allowable by code. The location of the sign was shown on the plan. Mr. Tegeder questioned if there was signage on the building and the response was yes. Mr. Tegeder noted that evaluating the building signage and how it works in identifying the business relative to the traveling public will inform them how and to what extent the monument sign is valuable. Mr. Grace stated that it would helpful in identifying the business for those traveling on Route 202 from the east. He noted that other than the sign, all is compliant.

Chairman Fon asked about the digital pickup. Mr. Breslin stated digital pick-up means orders are placed on an app and picked up at the pick-up window. There is no ordering station at the drive-thru. Chairman Fon questioned the location of the two handicap spaces that seemed to be at the rear of the building and conflicting with the drive-thru. Mr. Riina reviewed the plans with the Board showing the front entrance was the door near the handicap parking spaces and the door at the northwest corner of the building was a utility room. Discussion followed with respect to the loading area. Mr. Riina stated that to get a tractor into and maneuver the site is not possible so that is why the loading space is shown on the side of the main driveway. Mr. Bock asked about the shared parking. Mr. Riina stated that they can provide 26 parking spaces on the site where 32 spaces are required. So, the 6 spaces are shown in the shared parking area in front of the Lowes. Mr. Tegeder stated that they will review the floor plan once submitted to confirm the parking counts. Mr. Tegeder requested information from Chipotle for the number of parking spaces they have determined are needed for this size building. Chairman Fon asked if a fire vehicle can enter the site. Mr. Riina responded that it could but it doesn't have to as they can pull up in front and fight the fire from above. Mr. Phelan asked what type of delivery vehicle will be used for deliveries. Mr. Riina responded that it will be a 50-ft tractor and will be unloading from the rear. Mr. Garrigan asked if they could move the loading area further down the main driveway so it's after the Pad C entrance. Discussion followed with respect to the loading area and grading. Mr. Riina stated that he will review the loading space location.

### **Meeting Closed**

Upon a motion by Rob Garrigan, and seconded by Aaron Bock, and with all those present voting "aye", the Board closed the meeting at 9:30 p.m.