

Planning Board Meeting Minutes – July 25, 2022

A meeting of the Town of Yorktown Planning Board was held on **Monday, July 25, 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
- Bob Phelan

Also present were:

- John Tegeder, Director of Planning
 - Robyn Steinberg, Town Planner
 - Nancy Calicchia, Secretary
 - Dan Ciarcia, Town Engineer
 - James Glatthaar, Esq.
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Correspondence

The Board reviewed all correspondence.

Motion to Approve Meeting Minutes of July 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 July 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

Dell Avenue Solar Project

Discussion: Public Informational Hearing

Location: 70.11-1-16, 70.15-1-2; 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 Rob Garrigan, and seconded by Aaron Bock, and with all those present voting “aye, the Board opened the Public Informational Hearing.

Jody Cross, Esq. of Zarin and Steinmetz; Rennie Friedman and Erick Alves de Sa, of Sol Systems; and Matt Matthews, property owner, were present. Ms. Cross stated that the property was previously rezoned in 2011 for an age-restricted multi-family residential development that was formerly known as the Croton Overlook project. The client, at the time never built the project and has since passed away. The current owner is proposing to install a fixed ground-mounted solar system on the property. The proposed system will disturb 14 acres of the 62-acre site. As noted at the previous meeting, the Battery Energy Storage System component has been removed from the application due to economic constraints. However, they have designed their plans to preserve the space to make it battery ready for possible future incentives. She noted that in 2010 and 2011, the Croton Overlook project went through a full SEQRA process and a full DEIS was prepared that resulted in a 61-page positive finding statement. The current impacts proposed will be significantly less than the previously proposed residential development. They are currently working with their largest residential neighbor to address any concerns that they may have with respect to the visual impacts. They are in the process of preparing a visual analysis report from various vantage points and line of sight renderings for the Board’s

review. They met with the Conservation Board had received their comment memo dated 7/14/22. They also met with the Fire Prevention Board.

Mr. Friedman, Director of Project Development, stated that Sol Systems is a national solar development company and is the financier, developer, and long-term owner and operator for this project. He noted that the presentation has not changed since the previous meeting. The project site is located on Dell Avenue and is a total of 62 acres. They are proposing to develop 14 acres of the total 62-acre site which is less than 25% of the site. The proposed project will avoid the wetlands and the 100-ft buffer. The proposal is to construct and operate a 3,625 kWac fixed-tilt ground-mounted large-scale solar energy system. The panels will permanently face south and do not rotate. The height of the panels will be between 8 and 9-ft tall and will not exceed 10-ft. They anticipate that the total construction phase will take about 9 months. The lease is for a 25-year operating term. At the end of the operating term, the decommissioning process is expected to take about 6 months. The solar production from this project will power about 450 homes. It is a community solar project that will allow residents and businesses to participate in the program to receive reduced energy costs. As stated previously, the battery energy storage system component was removed from the application, however, they have preserved space on the plan for the future should the financial incentives change. The footprint for the battery energy system is about 1,000-sft maximum. The stormwater management system is designed to account for the additional impervious area. The solar area will be converted into a meadow-like environment with a pollinator friendly vegetation mix. Two pervious access roads are proposed off of Dell Avenue. Per the National Electric Code, the entire system will be surrounded by a 7-ft chain link fence with a 6" bottom clearance to allow small animals through. The existing topography and wooded vegetation provide natural buffers along Saw Mill River Road. Additional landscaping is proposed to mitigate potential visual impacts. The tree clearing will be limited to the fence line in order to preserve as many existing trees as possible. The yearly GHG emissions displaced by the project equal to over 2,000 acres of U.S. forests. They are also proposing to contribute to the Tree Bank fund as part of the mitigation for the tree loss. The only impervious surface for the proposal are the concrete pads required for the electrical equipment. The project proposes no impact to public services - traffic, pollution, effluence, water, schools, etc. There will also be an increased tax revenue to the Town of Yorktown via a PILOT agreement.

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

- Jay Kopstein, resident – Mr. Kopstein questioned if this site was a separate corporate entity from the rest of their businesses from a financial liability standpoint. He also questioned the amount of the restoration bond and number of panels for the site. He is not sure if the developer is buying or leasing the land. He noted that a solar facility of 1,000 panels in Pearl River never generated any electricity and the state is now responsible for the restoration.
- Corey Rabin, Esq. - Mr. Rabin stated that he is representing the property owner of 727 Hog Hill Road (Riverside Trust). He noted that his client's 33-acre property is located within the Town of Yorktown and is contiguous to the applicant's property. The special use permit and site plan application for large-scale solar applications requires that solar systems be fully screened from adjacent residential properties as distinguished in the code. They are in touch with the applicant's counsel and hoping that they will be able to achieve a resolution for the benefit of the community and his client to ensure that their appropriate mitigation efforts that will result in full screening. He noted that they have retained a visual expert analyst to address the issue of ensuring that their client's residential property is fully screened to eliminate any view of the solar panels. Their expert advised them that a proper site analysis can only be had in leaf off conditions and photo simulations are necessary to confirm full screening. They have made it clear that the application requires a visual impact analysis and site line analysis under SEQRA to ensure that the project is fully screened from their client's property. They are planning to schedule a site visit with the applicant in early September in advance of the leaf off conditions.
- Susan Siegel, resident – Ms. Siegel stated that she has two concerns – the visual impact and the disruption of the woodland. With respect to the visual, she feels that the leaf off conditions should be looked at and also suggested that a balloon test be conducted. She noted that the most recent Conservation Board memo stated that 1,000 trees are proposed to be removed. She is concerned about the level of environmental review with respect to the function of the woodland as a result of the tree loss.

There were no other comments.

Upon a motion by Bob Phelan, and seconded by Rob Garrigan, and with all those present voting “aye, the Board closed the Public Informational Hearing.

Volta EV Charging Stations at Staples Plaza

Discussion: Public Informational Hearing

Location: 36.06-2-76; 3333 Crampon Road

Contact: Cuddy & Feder

Description: Two proposed electric vehicle charging stations in existing curbed islands adjacent to existing parking spaces.

Comments:

Upon a motion by Rob Garrigan, and seconded by Aaron Bock, and with all those present voting “aye, the Board opened the Public Informational Hearing.

Dean Apostoleris of Kimley-Horn & Associates, Inc.; and Sam Lee of Volta Charging were present. Mr. Apostoleris stated that the proposal is for the installation of two Volta electric vehicle charging stations at the Staples Plaza. The units will have the ability to charge a vehicle in about 4 to 8 hours depending on the type of vehicle. The charging stations are proposed to be located in the existing landscaped curbed islands and will serve the adjacent existing parking spaces along the drive aisle in front of the retail store. The impacts to the landscaped islands are minimal and will include two 4x4 concrete pads to mount the charging stations. The two existing parking spaces will be striped and signed appropriately. They are proposing to tie into the existing utility power. There will be no reduction in parking or change to the traffic circulation.

Chairman asked about the charging stations. Mr. Apostoleris responded that the charging station itself is about 7 ½-ft tall and 3-ft wide and is equipped with a double-sided media screen. The media screen is a display kiosk for sponsored content which allows Volta to offer a subsidized charging cost to the consumer. The size of the media screen is 48” x 27” and is internally illuminated. The content for the media screen will be on a rotating basis every 8 seconds. Chairman Fon questioned if the flashing images would be a distraction. Mr. Apostoleris responded that they are static images with no auditory components. Mr. Garrigan asked about the signage ordinance with respect to this application. Mr. Tegeder stated that the signage ordinance was amended to include this type of charging station with requirements. Mr. Bock asked about the maintenance of the stations. Mr. Lee responded that Volta will maintain and service the stations and have agreements with their partners. Mr. Phelan asked if the brightness on the media screen could be adjusted as it could be a distraction. Mr. Lee responded that the media screens auto dim according to the ambient light. He believes that the charging stations will stop an hour after all the stores are closed and turn back on an hour before the stores are open. Mr. Phelan questioned who will enforce non-users of the charging stations from parking in those spaces. Mr. Lee responded that technically they can’t enforce this because it is considered general parking but noted that most drivers are respectful. The striping and signage for those spaces will also help. Mr. Garrigan asked if it was ok to park a vehicle for four hours of charging. Mr. Lee responded that some signs have two-hour limits. They are integrating users with the app to charge idle fees for abusing the system.

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

- Jay Kopstein, resident - Mr. Kopstein stated that the BJs shopping center is known for not having sufficient handicapped parking spaces and noted that many people with challenges like to park where the charging stations are proposed. He also questioned if any of the other charging stations at the Staples Plaza are marked like these stations.
- Mark Lieberman, resident – Mr. Lieberman questioned if the position and amount of the stations made sense from an economic standpoint. He thought if they were positioned properly they could then service 4 parking spaces.

Mr. Lee responded that they are not converting handicapped parking spaces to EV charging stalls. The spaces to be utilized are general parking spaces. Increasing the charging stalls from two to four would impact the amount of the equipment and utility.

There were no other comments.

Upon a motion by Rob Garrigan, and seconded by Aaron Bock, and with all those present voting “aye, the Board closed the Public Informational Hearing.

Motion to Closed 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

Wendy’s at Staples Plaza

Discussion: Amended Site Plan

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:

Jim Glatthaar, Esq. recused himself from this application. Jennifer Porter, Esq. of CSG Law, Kevin Woodside, franchisee owner, Daniel Sehnem, P.E. of Dynamic Engineering and Warren Nagey, Architect were present. Ms. Porter stated that she is here this evening on behalf of the applicant Wenesco Yorktown, LLC which is an affiliated entity of Wenesco Restaurants, a franchisee owner of more than a dozen Wendy’s restaurants throughout New York and New Jersey. The proposal is before the Board in connection with a site plan review for a proposed Wendy’s to occupy the current Dunkin Donuts/York Pizza space in the BJs/Staples Plaza at 3339 Crompond Road. The proposed project includes a full interior demolition and renovation of the existing building along with exterior site modifications to the existing drive-thru queuing lane and adjacent parking area. New signage is also proposed.

Kevin Woodside stated that he has been involved with the brand for 40 years in different capacities with the last 22 years as a franchisee owner/operator. This will be his 21st restaurant. They feel that this location and the building itself lends itself well to a Wendy’s Restaurant. The construction timeframe for the proposal is estimated to be about 13 weeks. The restaurant staff is estimated to be about 35 to 40 people including management. The hours of operation will begin at 6:30AM for breakfast. The dining room will close about 10:00PM, and the drive-thru will continue to operate until 1:00 or 2:00AM depending upon the neighborhood needs.

Daniel Sehnem, P.E., stated that the proposal is to renovate the existing building, drive-thru and adjacent parking area to accommodate the proposed Wendy’s. The site will be modified to enhance and channelize the flow traffic to make it easier for the drive-thru. They are proposing to remove the 3-ft wide landscaped island to the north of the building and reconfigure the existing parking spaces along that roadway to angled parking spaces to allow more space for backup. A 10-ft wide drive-thru lane is proposed with an 18-ft wide throughway for the traffic flow. The drive-thru improvements include two menu boards, two order canopies, a single pre-sale menu board before both order points for advertising, and a clearance bar. Two small concrete pads are proposed for the two order points. The site has a parking requirement of 942 spaces and there are exactly 942 spaces currently existing at the site. The parking modification will result in the loss of 7 parking spaces. They are seeking a variance to reduce the amount of parking but feel that this will be supported as there is quite a bit of parking currently at the site. He added that in today’s environment, 70% of their business is drive-thru related which may offset the demand for the loss of the parking spaces. It was also noted that when the plan was originally approved, there were some parking spaces banked to the west of the pick-up window that could be considered if the Board felt it was necessary. There is also an existing non-conformity for the front-yard setback, 75-ft is required whereas 67.6-ft exist. The total permitted signs within the C-1 zone is 46-sf. They are proposing a total of 47.5-sf (two signs on the front and two signs on the side). There are no improvements currently proposed to the landscaping, and the lighting is proposed to remain. There is no designated loading space. The loading will take place when the restaurant is closed or during off-peak hours and will occur twice weekly. The two existing trash enclosures will continue to be used for this application and will be picked up twice weekly.

Chairman Fon asked about the removal of the landscaped island. Mr. Woodside responded that the wide lane is preferred to help reduce the amount of time for the queuing lane. Chairman Fon stated that with the removal of the landscaped island the aesthetic of the property will change. He noted that the Board is always sensitive to the neighboring properties and requested for the applicant to review the existing landscaping to see if it could be enhanced. Mr. Garrigan questioned the walk-up window adjacent to the front entrance. Mr. Woodside responded that this will be used for delivery orders when the dining room is closed.

Warren Nagy, Architect, reviewed the architectural plans with the Board. The brick veneer walls will remain and be repainted. The clere story windows and glazing will be replaced. Two red blades with signs are proposed on the building. The materials will include a metal panel system with a recessed LED light band. A Wendy's stencil is proposed on the blades. A cooler/freezer and storage unit for the recycled oil, etc. is also proposed in the rear of the building. The pick-up window in the rear faces the residential area. They are also proposing outdoor seating and a black mesh metal railing system. The exterior and interior elevations were shown to the Board.

Mr. Tegeder asked about the freezer/cooler. Mr. Nagy responded that it is an aluminum panel system with a metal roof that will be dark bronze in color and noted that it is more of a background element. Mr. Tegeder questioned the gutter and where it will drain. Mr. Sehnem responded that they didn't plan to pipe that stormwater directly into a catch basin but will take a look at where the closest catch basin is and if possible redirect the water. He noted that the area is currently curbed and under the proposed conditions it will sit on a new concrete pad. Mr. Tegeder stated that there may be an opportunity to create a landscaped area to soften the freezer/cooler which may also help with the stormwater. Mr. Tegeder informed the applicant that the four security lights are not allowed by the Town Code as they are required to be fully shielded and will need to be reviewed.

The Board advised the applicant to work with the Planning and Engineering Departments on the project details.

Town Board Referral - Proposed Zoning Code Amendment

Location: 36.06-2-72; 3241 Crompond Road

Contact: Zarin & Steinmetz

Description: Proposed amendment to the Zoning Code to allow the Guiding Eyes for the Blind program and new kennel facility.

Comments:

Jody Cross, Esq. of Zarin and Steinmetz; Joseph Riina, P.E. of Site Design Consultants; and Bill Ma of Guiding Eyes were present. Ms. Cross stated that they are here this evening as a referral from the Town Board in connection with a zoning text amendment to permit non-commercial kennels in the planned Interchange Zoning District. Guiding Eyes is a non-profit organization that provides guide dogs at no cost to people with vision loss. It is already an important member of the community with their headquarters on Granite Springs Road. They are the contract vendee for a 12.23 acre property located at 3241 Crompond Road in the IN district. Presently the property is vacant with a small structure on the property. Guiding eyes is proposing to re-develop the property to accomodate a training program that would provide housing, feeding and private veterinary care for about 200 dogs. It will significantly reduce the number of dogs at the Granite Springs Road location. The dogs will not be for sale to the general public and the veterinary care is only for the Guiding Eyes dogs. With this proposal, there will be a reduction in impacts compared to the previously approved Synagogue for this location in terms of traffic, water/sewage demand, and site disturbance. The site has sufficient parking for the use and is also consistent with the Comprehensive Plan. Currently under the code, dog kennels are permitted in various districts in the Town but not in the IN District and the use is not defined in the zoning code. They are proposing to add a new use category called non-commercial dog kennels as part of that amendment. If the rezoning is granted, they will return to the Board with a full site plan and special permit application. They are requesting for the Board to issue a positive recommendation on the rezoning petition to the Town Board.

Discussion followed amongst the Board with respect to the 12-acre minimum. Ms. Cross stated that they were concerned about their site so they made it 12-acres. Mr. Riina added that this is the size of the site and it is the only interchange zone in town. Mr. Bock suggested removing the limitation. Mr. Tegeder thought that there should be a minimum lot size, possibly 7-acres, as there is a potential noise issue and noted that the Guiding Eyes Granite Springs Road location approval required that the new and existing kennels were built to certain sound proofing levels. If they have an adequate size they will be better situated to handle noise issues if necessary. Mr. Bock questioned if the language was sufficient to accomplish the sound proofing issue. Discussion followed. Ms. Cross noted that the adjacent sign shop's parking is on this property so they are considering a lot line adjustment to place the parking on their own lot as they are a for profit organization and this application is a not for profit organization. By doing so, it will bring them below 12 acres. Mr. Tegeder noted that the text allows 20 dogs per acre and at 10 acres is 200 dogs. Mr. Ma stated that they anticipate about 200 dogs for the site for future capacity planning. Mr. Phelan thought that the proximity of the building to the property line is a greater concern than the total area. With respect to the noise, this will be addressed with the site plan. Mr.

Glatthaar stated that the general special permit language gives the Board the right to impose conditions to minimize the noise so this may be somewhat duplicative unless it conflicts with the special permit language which it doesn't. He thinks the language is fine and feels that the 12-acre minimum is probably unnecessary. Ms. Cross stated that they had no issue with the 7-acre minimum particularly in light of the lot line change. Mr. Tegeder agreed that the setback would help with the noise issue and thought that a larger site would give them more opportunity for moving the building around depending on the topography. He noted that the Board may want to suggest increased setbacks from what is existing as they will be following the underlying zone. Mr. Tegeder questioned who the lodging was referred to. Mr. Cross responded that it refers to the dogs. Mr. Tegeder asked about the parking count and if it was related to the square footage. Mr. Riina responded that it was based on an employee count generated by Guiding Eyes. Chairman Fon advised the applicant that the proposal needed more review before making any decisions.

Dorchester Glen Subdivision

Discussion: Subdivision
Location: 15.20-3-6; 1643 Maxwell Drive
Contact: Site Design Consultants
Description: Proposed 4 lot subdivision on 24.26 acres in the R1-20 zone.
Comments:

Joseph Riina, P.E. of Site Design Consultants was present. Mr. Riina stated that since they were last before the Board, the Town Board held a Public Hearing to allow for the authorization of the utilization of the flexibility standards for the proposed project which was subsequently approved. The plans were shown to the Board. Some of the homes were moved closer to the entry point. They received the Planning Department memo and will address their comments. The engineering plan details are complete and they are waiting on a date from the DEP for testing of the stormwater. They are requesting to move forward with a Public Hearing.

The Board agreed to schedule a Public Hearing for the August 15th meeting. The applicant was advised to work with the Planning Department to work on the details of the plan.

Town Board Referral - Proposed Cell Tower on Town Property

Location: 16.12-1-31; Route 6 & Hill Boulevard
Contact: Snyder & Snyder
Description: Request from Homeland Towers LLC to lease a portion of Town property for a proposed public utility wireless telecommunication facility. This request requires an alienation of parkland.

Comments:
Robert Gaudio, Esq.; Jan Johannessen of Kellard Sessions, and Klaus Wimmer of Homeland Towers LLC, were present. Mr. Gaudio stated that this item was previously seen by the Board in connection with a proposal to lease a portion of Town owned property for a public utility wireless facility including a 130-ft tower and equipment compound. Since that time, they have revised the plans to include comments from the Planning Board and Conservation Board. They re-oriented and minimized the access, and made the compound smaller. All the equipment was raised onto pervious platforms. A new wetland area was created to increase the wetland. A planting plan was prepared to offset the mitigation. The stormwater was also addressed. Nothing else has change with respect to the application.

Mr. Tegeder questioned if they were in the wetland buffer. Mr. Gaudio responded that they were in the buffer and will require DEC and Town wetland permits. He added that they dealt with the flood plain issue by raising the equipment. Mr. Tegeder questioned if the green area to the west that is shown on the plans is the landscaped area. Mr. Gaudio responded that it was both the landscaped area and new wetland area. The north side is proposed to have a row of evergreens for screening from Route 6 as well as additional screening to the east. Mr. Tegeder stated that the east side should be screened the same as the north side so that the view from Hill Blvd. is sufficiently mitigated as well.

The Board had no objections. The Planning Department will prepare a memo to the Town Board.

Town Board Referral - Proposed Cell Tower on Town Property

Location: 27.11-1-33; 109 Granite Springs Road

Contact: Snyder & Snyder

Description: Request from Homeland Towers LLC to lease a portion of Town property for a proposed public utility wireless telecommunication facility. This request requires an alienation of parkland.

Comments:

Robert Gaudio, Esq.; Jan Johannessen of Kellard Sessions; and Klaus Wimmer of Homeland Towers LLC, were present. The application was referred by the Town Board in connection with a proposal to lease a portion of Town owned property for a public utility wireless facility including a 130-ft tower and equipment compound on Granite Springs Road. Mr. Gaudio stated that the wetlands have been confirmed by the Town's outside environmental consultant. The access drive will not touch the wetland but is in the 100-ft buffer and will require DEC and Town wetland permits. They minimized the access drive as best they could. They are proposing a small easement on the neighbor's property and are currently in discussion with that neighbor. The facility was pushed to the rear of the property out of the wetland and meets all the setback requirements. The site is heavily wooded and the tree remediation plan is currently in progress.

Mr. Tegeder questioned if there was anything close enough to warrant screening. Mr. Gaudio responded that they may provide screening off of Granite Springs Road particularly on the residential property line for the driveway.

The Board had no objections. The Planning Department will prepare a memo for the Town Board.

Zoning Board Referral - Marsocci ZBA #37/22, #38/22

Location: 36.15-1-19; 1225 White Hill Road

Contact: Myra Marsocci, applicant

Description: Request for a special permit for a farm operation with retail of flowers and plants pursuant to Town Code Section 300-45 and a request for a permit to build a shed less than 500 SF for farm use.

Comments:

Ken and Myra Marsocci, property owners, were present. The application was referred to the Planning Board to allow for a special use permit for farming in a residential area. Ms. Marsocci stated that they are the owners and operator of Shades of Green which is an organic design and maintenance company. They recently purchased this land last September from the Church of the Nazarene. It was formerly a community garden which they are converting into a flower farm that will be known as "Anther Farm". They are also dedicating space for a pollinator habitat. They grow their flowers without the use of any chemicals. They are interested in not only their impact, but the impact their flowers will have in the community.

Mr. Tegeder asked about the access to the property and parking. Ms. Marsocci responded that there is a gravel entry on White Hill Road and exit on the Mohansic side. She noted that the area could serve 8 to 10 cars comfortably. Mr. Garrigan questioned if there was a delineation between the operation of a farm and commercial entity. Mr. Tegeder responded that there is no clear delineation but it is limited to a 500-sf farmstand which they are below.

The Board had no planning objections provided that there is adequate access and parking.

Zoning Board Referral - Elezaj ZBA # 39/22, #40/22

Location: 25.12-2-32; 1658 Amazon Road

Contact: Michael Piccirillo

Description: Request for a special permit for accessory dwellings for an existing three-family house and cottage where the owner has never occupied the property and request for a variance to legalize 3 accessory apartments on 1.276 acres in the R1-40 zone.

Comments:

Alex Elezaj, property owner was present. Mr. Elezaj stated that the property was acquired with the intention of renovating it. After their closing, the pandemic hit and delayed the project. As a result, the property has fallen into disrepair. They are now proposing to bring it up to code so the property reflects what they interpret as pre-existing non-conforming for the past 60 or 70 years. Historically speaking, the property use has been there for quite some time which is why they purchased the property, however, it seems that it was never recorded properly. The property is currently

improved with a main house consisting of three units, a cottage, and a detached garage. The site is over 1.2 acres with three separate driveways. The property is currently vacant. He noted that they submitted their application to the Building Department and received the upgraded electrical permits for the four meters (three units and landlord unit). There is no increase in square footage and all renovations are purely cosmetic. They would like to start cleaning up the property as it is overgrown and are prepared to do whatever is necessary to bring it up to code. They are scheduled to meet with the Zoning Board on Thursday.

Mr. Garrigan questioned if the original structure was built as a single-family home. Mr. Elezaj responded that they don't know. The assessment card does not reflect what the actual single-family structure was whether it was the cottage or the main house. The assessment record shows that there are multiple apartments in the main house in addition to the cottage being rented out. Chairman Fon questioned when the original house was built. Mr. Elezaj responded that he wasn't sure, possibly the 1930s or 40s and noted that some of the records go back to the 1950s. He noted that they are not intending to change the actual structures.

The Board felt a site visit would be required before making any comments. Chairman Fon requested for the Planning Department to submit a memo to the Zoning Board requesting a time extension. The applicant was advised to contact the Planning Department with respect to the site visit.

Underhill Farm

Discussion: Expanded EAF

Location: 48.06-1-30; 370 Underhill Avenue

Contact: Site Design Consultants

Description: Proposed mixed use development of 148 residential units, 17,580 SF commercial space, and recreational amenities. Original main structure to remain and be reused. 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:

Paul Guillaro, property owner; and Joseph Riina, P.E. were present. As a follow up to the previous meeting, the Board reviewed the draft outline of broad topics for the expanded EAF.

Mr. Bock noted that one of the reasons he supports the suggestion for not proceeding to an EIS, is that he hopes the Board will be able to flush out and discuss the issues at the same level of detail. The outline is a starting point but needs a more detailed and defined scope. He feels that the traffic study is fairly complete at this point and is not sure if it should be duplicated. The wetlands is a concern to him particularly with the stream relocation. The density and history of the site needs to be considered. The impact on housing for both senior citizens and young adults needs to be addressed to ensure that there is a right mix. He noted that he likes the concept of commercial and residential mixed together. He would like to see more of a connection between the other areas in the District and hopes that there may be other avenues that they can pursue to provide for a better connection. If the applicant can address these issues, he is in favor of the expanded EAF.

Chairman Fon stated that he also feels that the traffic has been addressed and allows for future development. With respect to the trees, on the historical end, this was a farm so the trees are not overgrown outside of what is at the front of the property and the applicant has shown that the front viewshed will remain. His concerns are the infrastructure (stormwater, sewer, water), density, wetlands, fiscal analysis and viewshed from the neighboring road. He feels comfortable with the presentations and discussions had on the historical end of the project especially with the renovation and restoration of the main house.

Mr. Phelan stated that the traffic improvements should have a correlation between when the traffic improvements are made and the occupancy of the units. He noted that they discussed the historical aspects of the property and it was pointed out that there are two different eras of architectural design for the main house. He doesn't think it is fair to ask the applicant to do a historical restoration without knowledge of what the target will be. They should define this and also note that they are comfortable without it being an authentic restoration. With respect to the site, if they are going back to a period in time when there was farming, then they would expect to see no trees. He would also like to see an alternative layout which may or may not include a reduction of units.

Mr. Bock stated that the applicant raised the possibility of doing all of the traffic improvements if the Town were to give them an appropriate tax incentive and feels that this is an attractive proposition.

Chairman Fon questioned if this review could be accomplished without an EIS. Mr. Glatthaar responded that it will still require the same amount of work by the applicant and the same amount of review by the Board. If they go forward with the expanded EAF, he would recommend adding the alternate plan to help with their review. Mr. Garrigan stated that the Planning Board will approach this proposal in the way they approach every project and that is with the level of review that is required. Mr. Glatthaar stated that he would like to see the applicant work more with the State with respect to the historical aspect. Chairman Fon felt that they can work with the applicant without requiring an EIS.

Chairman Fon asked about the sewer infrastructure. Mr. Riina responded that the sewer capacity is available at the plant without interfering with the Hallocks Mill extension. He will meet with the Town Engineer to discuss this further. The stormwater plan has been designed and they performed testing with the DEP.

Mr. Tegeder stated that the preliminary list of topics presented was constructed for discussion and will expand upon them based on the comments this evening for the next meeting. With the SEQRA process open, the Board can request information on any items they are concerned with. The Board can also request an alternative layout as discussed.

The Board agreed to expand and define some of the issues for review. Mr. Guillaro stated that he will address all the issues and ideas presented by the Board.

Town Board Referral - Proposed Local Law

Description: Proposed local law adding Chapter 95 to the Town Code to allow members of the Town's local public bodies the authority to participate in meeting via videoconference from locations not accessible to the public so long as a quorum of the public body participates from locations where the public may be physically present and all conditions set forth in Public Officers Law 103-a are met.

Comments:

The Board had no planning objections to the proposed local law.

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 9:52 p.m.