

# Planning Board Meeting Minutes – February 27, 2023

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A meeting of the Town of Yorktown Planning Board was held on **Monday, February 27, 2023 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 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 February 13, 2023**

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 February 13, 2023.

## **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**

### **Arcadia Farm Solar Farm**

Discussion: Request for One-Year Time Extension

Location: 47.11-1-4; 1300 Baptist Church Road

Contact: Croton Energy Group

Description: Approved site plan and special use permit for an 800 kW ground mounted large-scale solar energy system disturbing approximately 6 acres of a 28.85 acre horse farm in the R1-80 zone by Resolution #21-29 dated December 6, 2021.

Comments:

Michael Shelter of Ecogy Energy was present. Mr. Shelter stated that they are requesting a one-year time extension for the approved site plan. They are currently working on finalizing the stormwater pollution prevention plan as well as acquiring their MS4 permit. Chairman Fon asked the Board and Counsel if there were any planning issues and there were none.

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

### **Kitchawan Solar Farm**

Discussion: Request for One-Year Time Extension

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

Contact: Ecogy Kitchawan Community Solar Farm, LLC

Description: Approved 2 MW ground mounted large-scale solar energy system on 22 acres in the R1-200 zone by Resolution #22-09 dated March 28, 2022.

Comments:

Michael Shelter of Ecology Energy was present. Mr. Shelter stated that they are requesting a one-year time extension for the approved site plan. They are currently working on finalizing the stormwater pollution prevention plan as well as acquiring their MS4 permit. Chairman Fon asked the Board and Counsel if there were any planning issues and there were none.

**Upon a motion by Aaron Bock, and seconded by Bill LaScala, and with all those present voting “aye”, the Board approved the first one-year time extension for the Kitchawan Solar Farm.**

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

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

**WORK SESSION**

**Swope Trust**

Discussion: Pre-Preliminary Application  
Location: 6.17-1-30; 322 East Main Street, Jefferson Valley  
Contact: Glenn Griffin  
Description: Proposed 3,000 square foot commercial building for office use on approximately 2 acres in the Country Commercial zone.

Comments:

The application was adjourned as no representative was present.

**SDML Realty, LLC aka Dunkin Route 202**

Discussion: Site Plan & Special Use Permit  
Location: 35.08-1-11, 14, 15, 23; 3735 Crompond Road (Route 202)  
Contact: Reuben Buck  
Description: Proposed 3,069 square foot Dunkin with drive thru, parking, and associated site improvements.

Comments:

Reuben Buck was present. Mr. Buck informed the Board that the plans were revised since their last meeting due to the stormwater design. Initially, the site was designed so that the entrance drive sloped away from the right-of-way. Since the front of the property is very flat, the site sits too low which affected the stormwater discharge. They have since revised the entrance which resulted in new locations for the building and parking lot. The building was shifted south 20-ft to accommodate the entrance driveway grade and ensure the elevation at both the pay and pick-up window are the same; and the parking spaces to the west of the building were shifted south. Due to the grade change, the first floor elevation of the building was raised 3.6-ft. A line of sight profile was submitted for review. He added that as a result of the building shift, the applicant has concerns about the visibility to the business from Route 202. There is no visibility issue to the east. However, to the west there is a road right-of-way which they believe is owned by the Town that appears unmaintained. He questioned if the Planning Board or Town would have any objection to the applicant cleaning up this right-of-way to enhance visibility to the site.

Chairman Fon responded that he thought it wouldn't be an issue but should be discussed with the Highway Superintendent and possibly set up a meeting at the site. Mr. Tegeder informed the applicant that the rooftop mechanical units should be shielded and requested elevations and parapet details for review.

**Walgreens fka CVS Pharmacy**

Discussion: Approved Site Plan  
Location: 26.18-1-23, 25, 26; 3320 Crompond Road  
Contact: Lucia Chiochio, Cuddy & Feder  
Description: Approved site plan for a 14,698 square foot CVS Pharmacy with drive through and associated site improvements by Resolution #20-02 dated February 24, 2020.

Comments:

Daniel Patrick, Esq.; Anthony Stancanelli, P.E. of Phronesis Engineering; and Mark Steinberg on behalf of Walgreens, were present. Mr. Patrick stated that the site plan was approved by the Planning Board in 2020 for a CVS pharmacy

building that is now proposed to be Walgreens. One of the conditions of the approval was to obtain DEP approval as the site is within their watershed. Since then, their project engineers have been working with the DEP and have come across a number of issues which were resolved. After discussion with Town staff, they are now requesting an amendment to the prior approval with respect to the proposed roadway improvements to the Stony Street and Old Crompond Road right-of-way of which they are still proposing to do. They are requesting to remove the roadway improvements from the approved site plan. A separate set of plans for the proposed roadway improvements will then be prepared for construction and the improvements will be funded by the applicant. The Town will be the project sponsor for the road improvements. The applicant will prepare the plans and scope of work for the Town to bid. A condition could be imposed on the amended approval that allows for the applicant to contribute money toward the completion of the improvements.

Mr. Bock asked if DEP approval is required for the proposed roadwork improvements separate from the approvals they are seeking for the project. Mr. Patrick thought it would be less likely that the DEP would have jurisdiction if it were a Town project and noted that he is currently working with the Town staff and Town attorney. He added that it is not feasible for it to be done by the applicant given the interpretation of the DEP. Mr. Bock asked if the possibility exists that the DEP will deny the Town Board. Mr. Patrick responded that it was a possibility but what they are proposing would have conditions attached that wouldn't allow the project to move forward. The improvements need to be done as a condition of the prior approval as a traffic mitigation measure which they acknowledge. Mr. Tegeger stated this is an unusual situation and added that the BJ's approval required work in the same area and was approved by the DEP. The scope of the work for the project is complete, but the manner by which to proceed is not. The applicant is proposing a condition in the amended approval that ties the roadwork improvement requirement together with the project. Mr. Bock questioned if they would need permission from the Planning Board to proceed in a bifurcated manner in order to move further along with the DEP. Mr. Patrick responded that they received the DEP approval for the site itself but had to remove the proposed roadwork improvements from the plans for the approval. Mr. Tegeger added that the DEP may not exercise jurisdiction if the Town is the agency responsible for the work. The regulation, as he understands it, exempts work in town right-of-ways within a designated main street area. The next steps would be for the applicant to produce a set of plans for the proposed roadway improvements for the Board and DEP to review. Mr. Garrigan questioned if there would be an opinion on the order in which the two projects, site and roadwork improvements, would be done. Mr. Tegeger responded that the relationship between the mitigation and project itself should be accomplished close in time to one another. The Board agreed that they that they would wait to hear from the Town Board and Town attorney.

### **Underhill Farm**

Discussion: Project Review  
Location: 48.06-1-30; 370 Underhill Avenue  
Contact: Site Design Consultants  
Description: Proposed mixed use development of 148 residential units, 11,000 SF commercial space, and recreational amenities proposed on a 13.78 acre parcel in the R1-40 with Planned Design District Overlay Zone authorization from the Town Board. Original main structure to remain and be reused.

### **Comments:**

Mark Blanchard, Esq. was present. Mr. Blanchard stated that he is here this evening to discuss the March 8<sup>th</sup> special meeting to be held with the Town Board, Conservation Board, Heritage Preservation Commission, and Parks and Recreation Commission. He added that an expanded EAF was submitted to the Board a few weeks ago. Chairman Fon reviewed the meeting format with the applicant and noted that there will be no public comment as this is a work session between the Town Board and Advisory Boards which will then be followed by a moderated open discussion. Discussion followed amongst the Board, Counsel and applicant with respect to the project, possibility of holding multiple hearings, etc.

### **Meeting Closed**

Upon a motion by Bill LaScala, and seconded by Aaron Bock, and with all those present voting "aye", the Board closed the meeting at 8:00PM.