

# Planning Board Meeting Minutes – June 12, 2023

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A special meeting of the Town of Yorktown Planning Board was held on Monday, June 12, 2023, 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
- Bob Phelan
- Bob Waterhouse, Alternate

Also present were:

- John Tegeder, Director of Planning
- 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 May 22, 2023

Upon a motion by Rob Garrigan, and seconded by Aaron Bock, and with all those present voting “aye”, the Board approved the meeting minutes of May 22, 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

### Staples Plaza Battery Energy Storage System Expansion

Discussion: Public Hearing  
Location: 36.06-2-76; 3333 Crompond Road  
Contact: IPP Solar, LLC  
Description: Proposed installation of 2 additional Tesla megapack units with a total energy capacity of 7,833kWh, next to the existing system. Installation would remove 4 parking spaces.

Comments:

**Upon a motion by Bill LaScala, and seconded by Bob Phelan, and with all those present voting “aye”, the Board opened the Public Hearing.** Maziar Dalaeli was present. He stated that he is one of the founders of IPP Solar, LLC which is a NYC based solar company. The proposal is for the extension of the first phase of the Battery Energy Storage system that was installed about three years ago behind Staples. They are now proposing to install two additional Tesla megapack units as Phase II of the system. The expansion of the system will help to reduce the stress on the grid during the summer peak times from 4:00PM to 8:00PM. The system will charge at night and discharge during those peak times. Ultimately, they are also hoping to provide more fast charging stations as there is a strong growth for electrical vehicles which will help the community to achieve lower costs as well reduce the need for big new expensive substations.

Chairman Fon stated that on-site currently there is solar on the building which charges the existing batteries. Mr. Dalaeli responded that the Phase 1 batteries are charged fully and only by the solar; Phase 2 will use the grid to charge at night. Chairman Fon asked why the system needed to be expanded so quickly. Mr. Dalaeli responded Phase 1 was under a different program and was too new and uncertain at that time so the project was smaller. It was also the first project in the state. Chairman Fon stated that during the first installation there was concern about fire safety and noted that as far as he knew, there have been no situations in the past three years. Mr. Daleali responded that this was correct and there

have been no incidents and added that safety mechanisms are in place per the Fire District. Chairman Fon stated that at the last meeting they talked about the property owner checking the screening and the fencing before the project moves forward. They also talked about noise but there seems to be none and there haven't been any complaints.

Mr. Phelan noted that he read an article about Ford and Chevrolet using the Tesla model for recharging and anticipates that this will increase the demand for those stations since they are on a Tesla format or model. Mr. Dalaeli responded that he heard the same, and thought that this was a reasonable expectation. He added that since their first installation, the state has come up with bigger mandates. He reminded everyone that in the next 10 to 15 years the number of electric vehicles are going to increase dramatically (i.e. – cars, buses, trucks). There are a lot of incentives from both Federal and State to transition. Even a small percentage of electric vehicles will lead to a lot of stress on the grid as the electrical vehicles require a large amount of power in a short amount of time. He added that it would be nearly impossible to upgrade the wires to carry that kind of power and that is why they need more of these batteries without leading to a massive upgrade. They have about a dozen charging stations currently but ultimately expect to see about two or three dozen more in the next few years. Mr. Phelan stated that the charging stations will probably become universal and they will be looking at a large concentration of chargers in any given location rather than spread out in different formats. Mr. Dalaeli responded that General Motors, Ford and others are on a CC1 format which is different than Tesla. They have adapters and will be able to go to a Tesla station and use their adapters. He doesn't know if they will ultimately make a single standard. He thinks this is a good location as it is off the Taconic and generates a lot of traffic. They would welcome the opportunity to install more stations in other locations in Yorktown.

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

1. Jay Kopstein – Mr. Kopstein stated that this is not an expansion of the existing project nor is it a Phase 2 of the existing project. He is in favor of it but feels it is a different system. The original system with the solar charged the batteries; this is a reserve system that charges in the evening and puts energy back into the system during the day. The applicant should call it what it is, a new project.

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

#### **Atlantic Appliance**

Discussion: Request for Reapproval  
Location: 37.15-1-31 & 35; 2010 Maple Hill Street  
Contact: Site Design Consultants  
Description: Approved site plan for a two-story, 25,720 sf building on 5 acres in the C-2 and C-4 zones by Resolution #20-10 dated July 13, 2020.

Comments:

Joseph Riina, P.E. of Site Design Consultants was present. Mr. Riina stated he is here this evening for a reapproval request. Site plans were submitted to the Planning Department for signature as the conditions have been met. The project is moving ahead and they are waiting for the final construction drawings to be completed for the building permit. 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 Rob Garrigan, and with all those present voting “aye”, the Board approved the request for reapproval.**

#### **Colangelo Major Subdivision**

Discussion: Request for 1st 90-Day Time Extension  
Location: 35.16-1-4; 1805 Jacob Road  
Contact: Hocherman Tortorella & Wekstein, LLP  
Description: Approved 6-lot subdivision in the R1-160 zone by Res #21-01 dated February 8, 2021.

Comments:

Joseph Riina, P.E. of Site Design Consultants was present. Mr. Riina stated that the applicant's attorney is requesting an extension as they are still waiting to resolve the trail aspect but noted that everything else is set to go. Chairman Fon asked the Board and Counsel if there were any comments 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 1<sup>st</sup> 90-day time extension.**

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

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

### **WORK SESSION**

#### **Granite Knolls Park Solar Project**

Discussion: Approved Site Plan & Special Use Permit  
Location: 26.09-1-22; 2975 Stony Street  
Contact: HESP Solar LLC and Bergmann PC  
Description: Approved solar canopy system at Granite Knolls Sports Complex.  
Comments:

Darius Chafizadeh, Esq. of Harris Beach, PLLC was present. Mr. Chafizadeh stated that they were before the Planning Board about a year ago and received an approval on 9/12/2022. There is a condition in the approving resolution that requires Planning Board approval for the SWPPP. They have been working with the DEP, Planning and Engineering Departments to finalize the SWPPP. He noted that this facility was built by the town some years ago that had an approved SWPPP. He is here this evening to request final approval from the Planning Board in order to move forward and get the plans approved.

Mr. Tegeder asked about the design modifications. Mr. Chafizadeh responded that the initial project included a solar canopy over the parking lot; and a ground-mounted solar array. The ground-mounted array was removed and is no longer part of the project. With respect to the stormwater management plan, the NYCDEP requires a certain type of pervious asphalt that soaks up the water and distributes it evenly so it will not be an impervious surface anymore. The applicant’s engineering team has designed the plan in this fashion and the NYCDEP seems to be on board with it. They also submitted it to the Town Engineer and haven’t received any specific comments.

Mr. Tegeder informed the Board that the difference is that the gravel parking lot was to remain until the Town had the ability to pave underneath it. The NYCDEP is now requiring at the outset and part of this project to install pervious asphalt and excavate approximately 2-ft of the parking lot to place gravel there that will act as a collection system. The entire parking lot under the solar canopy will be the initial collection system for stormwater. He noted that after their discussions, it was determined that the applicant needed to come back to the Planning Board as the approving authority for the SWPPP. It is in fact a modification of the original site plan and is why they are here as they will need their plans to be signed. Mr. Chafizadeh noted that it was designed by Bergmann Engineering who have been in contact with the Town Engineer and the NYCDEP.

Chairman Fon stated that this is a big change and was concerned how it will affect the recreational operation of the facility. Mr. Chafizadeh responded that they have been in contact with Town staff and the Parks Department to ensure that they will not interfere with their operations. Mr. Tegeder asked if the NYCDEP approved the project. Mr. Chafizadeh stated that he thought they were waiting for the Town’s approval. Mr. Tegeder noted that there are two parallel tracks. Mr. Waterhouse asked what would happen if the excavated 2-ft holding area froze during the winter. Mr. Chafizadeh responded that he is not an engineer but is sure that the NYCDEP will look at this. Mr. Phelan added that he was concerned with installing a porous material and questioned what would happen when the absorption rate is overwhelmed; will the water travel unrestricted? He thinks there may be a need for curbing. Mr. Chafizadeh stated that there is some sort of drainage system on the site.

Mr. Riina of Site Design Consultants informed the Board that he was involved in the original design and he is representing the town. With respect to the covenant, he noted that typically it doesn’t get filed until the completion of the job. The DEP will sign off on the language but it won’t be filed because if there were changes to occur during construction, it would need to be modified to be consistent. Currently the gravel parking lot is curbed and there are catch basins and piping to pick up the overflow and take it to one of the large stormwater basins in the middle. This practice will continue to do the same with the porous asphalt. The porous asphalt is not designed to take the entire storm, it is only designed to take the water quality volume or typical rainfall event. The larger storms will overflow into the drainage system and flow to the large stormwater basin in the middle. Mr. Tegeder noted that there is a perforated drain that goes through an outlet underneath. Chairman Fon questioned if it could be treated with salt, etc. Mr. Riina responded that it can be salted during the winter, but it will require maintenance every year or two to be vacuumed. He noted that

the first 25-ft of the road going in is porous pavement. Chairman Fon questioned if the town owned a vac sweeper. Mr. Phelan asked what the material is called. Mr. Riina responded that it is porous asphalt and noted that there are DOT specifications.

Dan Ciarcia, Town Engineer, stated they have been through the review with the NYCDEP. The NYCDEP is satisfied with the design in terms of engineering but they need a maintenance agreement. As it turns out, the original maintenance agreement was never signed and recorded. They need to provide this to the NYCDEP and barring any technical comments he thinks they are ok. There are issues with the construction sequencing that will need to be considered. To date all they saw was a picture of the parking lot in four quadrants which is not a realistic approach. The Parks Department is concerned about the operations and safety of the facility. Mr. Chafizadeh stated that they are in discussions with the Parks Department and submitted a phasing plan which has not been accepted by the Town as yet. Chairman Fon asked when the work is proposed to start. Mr. Chafizadeh responded that he was hoping to start over the summer into early fall but they are still working on it. He noted that this is an operational issue between the applicant, Parks Department and the town. He is here this evening for the stormwater management issue. The building permit will be issued when the developer, and the town as the owner of the property, agree as to when they can start building. There has been discussion about starting early November but the issues are potentially with the asphalt and timing. Councilman Esposito noted that the concern was to try and phase it in when the park was least being used.

Mr. Tegeder informed the Board that what is in their package are the plans that are current to the DEP approval so it is representative of what they are approving. It shows the porous pavement, etc. Chairman Fon asked if they should modify the original. Mr. Tegeder responded that they could prepare a memo to the file that accepts these plans; and the DEP approval for the stormwater plan with the modifications enumerated. This can then become the site plan that is signed by the Board. The Board agreed.

Mr. Phelan noted that asphalt plants close in the beginning of December and if their construction period takes them up to a time when they are ready to pave and the plants are closed they will be looking at the Spring. Mr. Chafizadeh noted that they are in full discussion with the Town and Parks Department on this subject.

Mr. Chafizadeh asked about condition #2 on page 5 of the resolution and if a vote was required. Mr. Tegeder noted that a memo will be issued. If the Town Engineer is satisfied, then the Planning Board is satisfied as well and would move forward under that condition to sign the site plans with the modifications.

### **Underhill Farm**

Discussion: Site Plan

Location: 48.06-1-30; 370 Underhill Avenue

Contact: Tim Miller Associates, Site Design Consultants, Colliers Engineering, Historical Perspectives, Inc.

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:

Paul Guillaro, property owner; Joseph Riina, P.E. of Site Design Consultants; and Dr. Phil Grealy of Maser Consulting were present. Mr. Guillaro stated they are here this evening as a follow-up to the public hearing held on Thursday, June 8<sup>th</sup>. During the hearing, they listened to many of the same issues that they have heard over the last few months from the public and thinks their consultants, town consultants, and staff have answered most of it; it is also detailed in the EAF. Their goal this evening is to answer any questions that the Planning Board may have and whatever they can't answer they will submit in written form prior to the June 26<sup>th</sup> meeting.

Mr. Bock stated that now that the hearing is closed, he feels it is appropriate to go through the EAF to review issues raised in order to assess if there are any impacts that have not been adequately addressed or mitigated. His first comment has to do with density. He noted that the main issue that they heard during the public informational hearing and public hearing had to do with overall density. For him, one of the important concepts is the floor area ratio. Although the applicant suggests that they are coming in below the .55 which is required by the overlay zone applicable to the Yorktown Heights district, he questions the way those numbers were calculated. The floor area ratio in the code is defined in several places. One place it talks about a strict application of square footage of buildings to the area of the site with no deductions including commercial and residential facilities, and other places refer to usable floor area ratio in which you can deduct garage space, attic space, etc. He questioned if the calculation needs to be redone to include

those areas and asked Counsel for his interpretation under the overlay zone. This is a concern because the law states that you can be guided by the underlying zone however density is not necessarily included in that. He also questioned if the .55 is something they have to allow or can it be varied. He added that there are several discrepancies in the EAF with respect to the number of units (i.e. - 148 or 144) and feels that this should be corrected. Mr. Glatthaar stated that he is not in a position to opine on their calculation but it would help if the applicant explained how the figure was calculated.

Mr. Guillaro stated that the definition doesn't include commercial, so they didn't include it. Mr. Bock asked which definition they used. Mr. Riina reviewed the general code with the Board. He noted that customarily the floor area ratio is always related to residential and in his experience he has never had to apply the floor area ratio to a commercial application. If you look under the commercial zone and standards nowhere does it list floor area ratio as a criteria. It is controlled more by percent coverage than floor area ratio. Mr. Bock cited Section 300-255 F.1.b in the Overlay Zone. He feels that there is a discrepancy in the calculation and would like to see the number within the definition of all square footage and added that this can be addressed at a later time. Mr. Tegeder stated that during their discussions of when the overlay district was being constructed, the floor area ratio has never been figured into commercial and believes it was for residential components only.

Mr. Bock's second comment has to do with the land use section with respect to the downtown connections. He doesn't believe that this is adequately addressed and feels that this project is isolated from the neighborhood and other parts of the community within the overlay zone. He recognizes that there are DOT restrictions but wondered if the site could be modified to address better connections. The code of Yorktown addresses complete street design methods, etc.

Mr. Bock's third comment is related to housing. The EAF states that there is no requirement nor is the Board able to consider the impact on affordability of housing in Yorktown because it is not a requirement of any codes that Yorktown has enacted. He suggests that it has an impact and they should consider it under SEQRA. He added that there were many questions raised with respect to the market price for the units. He is not criticizing the housing that is proposed as they need housing and these types of units. However, to properly assess the impact on the housing, they need this information and he thinks that the Planning Board has the right to address the affordability of housing issue under SEQRA even though it is not a requirement of the Town Code. He feels that they could use some price points on the housing and some impact on the affordability. Also, in light of the HUD settlement, the town is under an obligation to provide a certain amount of affordable housing and questioned how does the project fits in with that.

Mr. Bock's fourth comment has to deal with Section 2 with respect to viewpoints. He noted that in the comprehensive plan of the Town of Yorktown there are several sections related to greenery. It specifically identifies their goal to preserve and protect greenways and mentions Route 118 and Underhill as an intersection of having a value to protect. His concern is not to preserve a park and keep open space as this is not realistic given the fact that they have a development in front of them. He noted that all of the parking on Route 118 is in front of the roadside impacting the view of the greenway and wondered if the plan could be rearranged so that the parking is moved off the street level and pedestrian access is substituted instead. The parking could be placed in between the buildings.

Mr. Bock's fifth comment has to deal with Section 3 with respect to the wetlands. He cited the concerns of the most recent NYCDEP letter dated 6/8/2023 and feels that the items need to be addressed. The NYCDEP mentioned the protection of the stream corridor; that the existing buffers be maintained to the extent practicable; the environmental impacts associated with the water courses have not been fully addressed, avoided or mitigated; consider mitigating the buffer impacts to wetland plantings which are different in the stormwater basin, etc.

Mr. Bock's sixth comment has to deal with fiscal impacts. He questioned the applicability of the Fair Housing Act eligibility for senior housing. He thinks this needs to be dealt with in the EAF to make sure what they are proposing can be accomplished under the federal regulations. He has no issue with setting aside units for seniors but wants to make sure that the record supports it and it will be provided.

Mr. Bock's seventh comment was that he recently saw a Yorktown Central School District demographic study which does state that the proper standards for review are being used in terms of generating new residents. He noted that this was part of the public comments and has now been addressed.

Mr. Bock's eighth comment was that in many places, the applicant referred to deferment of taxes and thinks this word is misleading and doesn't think that is what they mean. It is a true abatement of taxes that the town will recoup from

other developers as they come in. Mr. Garrigan noted that deferred in his mind is that they are not paying taxes for a period of time and then they will pay them once that milestone is met; an abatement is like they will never pay them. Mr. Bock noted that his understanding is that the applicant is advancing money to cover the impacts of other developments in the district and is paying beyond what is directly attributable to them. The town is giving them an abatement on the commercial portion of the taxes until they reach what they have put out. Mr. Garrigan understands the concept but noted that the language may have to be looked at. Mr. Phelan didn't disagree that the use of the word is critical and noted that the applicant is advancing the money and getting it back in the form of an abatement or deferment on the commercial portion and once that milestone is met he will begin to pay the appropriate taxes on the commercial space.

Chairman Fon stated that what is important to mention is that the Town Board approved an Overlay District which this application complies with. He noted that when the application came in there were three different levels of traffic presented. As a Board, they wanted to ensure that they received more than the mitigation required as this would help not only the development's mitigation but also future unknown developments. He noted that during the public hearing, there were questions about the traffic, walkability, Rochambeau and Cardinal Court. He also noted that there was a lot of praise about the Lowe's traffic improvements.

Dr. Grealy stated that with respect to the walkability and connectivity, there will be full pedestrian improvements, ADA compliance and full traffic control at that intersection. There will be controls on every corner (push button pedestrian controls). They are proposing to install a right turn lane southbound on 118 which will be signal controlled. This will make it safe for pedestrians to cross at that location to get over to the sidewalk system that runs along Route 118 and connects all the way up to the Triangle intersection. With respect to Rochambeau, the traffic study summary section of improvements shows that there are two specific improvements (items 1 and 5, pages 13 and 14) that talk specifically about Rochambeau. There are three items that impact Rochambeau - sight distance coming out of Rochambeau is somewhat restricted with overgrowth, speed control and traffic turning left into Rochambeau. These items have been identified and mitigated as detailed in the EAF. There are other issues that can be fine-tuned as they go through the final site plan. Discussion followed with respect to sight distance, striping and traffic improvements. Chairman Fon noted that there was a suggestion about a Welcome to Yorktown, bad intersection ahead sign. I think what we are talking about is solar powered sign with a speed limit that flashes as you go above the limit. Mr. Garrigan noted that you see this in Croton and it works quite well. Mr. Garrigan noted that the first two issues are unrelated to this project in his opinion, the sight distance out of Rochambeau should be improved for the residents there; and the speed limit issue is another issue that should be done for everyone's protection. The issue has been raised and should be addressed but in his opinion this project doesn't impact it. However, he feels it should be addressed whether the project moves forward or not. Dr. Grealy noted that it was identified as part of their study regardless of their project. Mr. Garrigan questioned what the expectation or resolution is to potential issues from where Rochambeau faces off against the access road to the townhomes. Dr. Grealy responded that as part of the review, they analyzed going from a T to a 4-way intersection and assuming that you fix the sight lines and even where that access is coming out of our property, they have some sight line clearing they need to do. Based on the analysis during the peak times there is not going to be much of a change in the delays assuming that they make these other improvements. The biggest thing is getting the speed down. Operational wise, only the townhomes come out of that location so there is not as much traffic compared to what is coming out of Rochambeau. Mr. Garrigan stated that there will be stop signs on either side and Underhill will continue to flow through. Chairman Fon asked about the impact during rush hours from this development. Dr. Grealy stated that they are improving the overall level of service at the intersection. Without any improvements in the future, they would be at a delay of 80 seconds, which is part of the queuing issue. The delays after the improvements are made would be less than 20 seconds, so they are going from a level of service E,F to a level of service B, which is significant.

Chairman Fon stated that at the public informational hearing there were many residents from Glen Rock but none at the public hearing. The town's consultant recommended a possible speed table or bump for that area. Dr. Grealy responded that they looked at traffic distributions and don't see that this will be a cut-through or bypass road. There is no time savings. Speed tables are effective and work on a road like that and doesn't think it would be a problem. He doesn't think they are needed on Glen Rock due to the volume but thinks it is something to be considered if the town felt strongly enough.

Chairman Fon stated that although this was discussed already, NYS restricts any openings into their right-of-way. Dr. Grealy responded that this was correct and noted that between Underhill Avenue all the way up to the Triangle intersection is control without access and that is both for vehicular and pedestrian access. The access points are at Kear Street, Allen Avenue, Underhill and the Triangle intersection. Chairman Fon stated that the openings that exist are allowed to remain but they cannot create new ones. Dr. Grealy responded that the DOT's standard position is to try and limit the number of curb cuts but in this particular case they have full control and it is without access. Mr. Tegeder asked how this would work for pedestrians. Dr. Grealy responded that the crossings that occur at Underhill and Kear bring you to the sidewalk system that was developed on the east side of the road so there is pedestrian connectivity. To connect from the property out to Route 118 poses two issues, first there is a limited right-of-way and second they don't want to introduce more pedestrian activity where people may try to cross mid-block. Mr. Tegeder stated that he understands the crossings, but a right-of-way is generally the right of anyone to use that thoroughfare to traverse from one point to another. He understands that you can restrict access into a property from that right-of-way but to be able to traverse the right-of-way on either side of the road doesn't make sense and questions if it's an accurate restriction of whether or not you can walk on the west side of the road. Dr. Grealy noted that you can be within the right-of-way but technically you can't cross the line on that side. Mr. Tegeder stated that it might be possible to have sidewalks along the west part of Route 118 between Underhill and Kear Street without any access in the middle. Dr. Grealy thought it was possible but based on the input from the DOT it is very unlikely as it would then encourage the possibility of people crossing mid-block especially when you have a destination on the other side; they want it at the controlled crossings.

Chairman Fon stated that there was discussion about parking for the public recreational spaces with respect to larger groups and noted that there is parking on-site as well as off-site (town hall parking lot). The senior center parking is separate from this and is being done on this property to benefit a plan approved on the neighboring property. Dr. Grealy responded that this was correct. The access between the two isn't a large area. Dr. Grealy responded that it will not become a thoroughfare; it is designed for low traffic movement, emergency vehicles and pedestrian movements. Chairman Fon questioned if the fire vehicles and fire lanes throughout this development and next door comply with the code. Dr. Grealy responded that in terms of what they are constructing it will comply with the code. They are providing the 24 to 26-ft required under the code. Dr. Grealy noted that the old emergency access road is not usable. However, he can't tell them if Beaver Ridge complies as it was built before the current code.

Mr. Garrigan stated that there was a lot of talk at the public hearing with respect to multiple cars within families and questioned whether there would be any limitations to parking. He noted that some parking spots have been land banked within the development. He anticipates that the deeds will require a certain number of parking spaces. Dr. Grealy responded that multiple cars would be in the townhome area where there are private garages and driveways. He noted that the width of that road is wide enough to allow parking on one side of the street. The apartment and condo buildings will be controlled by the leases. The shared parking concept and the parking numbers developed for the plan match what is proposed and is not overparked. There are land banked spaces if they are ever needed. Mr. Phelan noted that at an earlier meeting he questioned the Town's consultant about the ratio used to determine the number and asked Dr. Grealy to restate the source of his calculation for the parking. Dr. Grealy responded that the parking as proposed is compliant with the Town code. The ITE and ULI publishes documents on parking for different land uses and these numbers are consistent with those which was discussed.

Councilman Esposito stated that the senior center hasn't been formally approved but it does need and require the parking provided by this project in order to move forward. Mr. Tegeder confirmed that the site plan modification for the senior center at Beaver Ridge has not been approved but the agreement to provide it as part of their payment in lieu agreement stands. Mr. Garrigan asked if there will be a senior center and what is standing in the way aside the parking. Mr. Tegeder responded that he knows of nothing standing in the way. Beaver Ridge is supposed to fund, build and maintain it. The concept plan is for one building with providing office space for the Parks Department and senior center programs.

Chairman Fon noted that another issue that was brought up was the ability to charge electric cars on site. Dr. Grealy noted that this will be provided and assumes it will be detailed into the site plan at some point. Mr. Bock stated that it is in the EAF, Section 12 which states that they are proposing to install EV charging stations, solar panels on the roofs and electric heat pumps for HVAC.

Mr. Bock stated that he wanted to go back to the wetlands related to the density as there a number of reports that say that the impacts there have not been fully considered and that the buffers and protections may result in moving some

things around on the project. He knows they moved one building off the pond area but the stream corridor has more significance and needs to be addressed.

Mr. Garrigan stated that Mr. Bock brought up the market rate earlier on in the discussion. He noted that he couldn't tell them what his house would be worth in two years as interest and market rates change and thinks it's unfair of this Board to suggest that the applicant put a price tag out there. At the hearing, people said that they want to live there without knowing the price. To put out an indicative price at this point without knowing the contributing factors that might be in place is unfair especially since the project won't be live for about two years or so if approved. He feels it is a real challenge and to set that expectation is unreasonable as prices fluctuate. Mr. LaScala agreed. Mr. Glatthaar informed the Board that the only time he has ever seen pricing included in a SEQRA study, whether it's an EAF or EIS, is when the project is affordable and receiving government subsidies and the rents or the sales prices are going to be established. He has never seen it in a market rate housing project.

Chairman Fon stated that the land use zoning and public policy was discussed at length and complies with the Overlay District. With respect to the view analysis, the applicant provided different projections on how the project will look. Mr. Tegeder stated that there was a comment that the breath of the property was not shown and noted that it can be done in an elevation style. He asked the applicant to show an elevation of Route 118 side that includes the mansion with the new building. Discussion followed about parking along Route 118.

Mr. Glatthaar stated that with respect to the character of the community, the Overlay Law states that the Town Board notes that the Yorktown Heights hamlet supports several developments such as the Underhill apartments, Kear Street apartments, and Beaver Ridge apartments which were built with density exceeding the multi-family R-3 zoning district regulation and these developments do not exhibit adverse impacts related to their density. It is noted in the statement of purposes.

Chairman Fon noted that at the combined meeting of the boards, Mr. Tegeder clearly talked about the neighboring developments and the density and questioned if they needed clarity. Mr. Bock noted that a density map was prepared and they also have the opinion from their attorney. Mr. Phelan noted that he reviewed the information on density as there were many comments that they never discussed density yet people criticized the density map. Not only was a map produced from the applicant but one was produced from the Planning Department and he received a table of the density of the various developments including Jefferson Village which shows the amount of area and the number of units. The Board has had this discussion many times. He did the math on his own to verify the calculations and it is correct. He doesn't think there is a mystery and is not missing any information that he is aware of. Mr. Tegeder noted that the property and its location between the two multi-family projects that exist is a transitional property from the higher intensity commercial area to the single-family area. Typically, you try to do a project such as this in order to provide that transition. Single-family having a backyard or front yard on Route 118 or even Underhill at that intersection is not appropriate and is too close to the commercial. That style of living would be impacted too much whereas the apartment style living provides that transition.

Chairman Fon noted that the Board seemed to have no issues with the trees. Mr. Phelan noted that John Madden, tree arborist, who actually worked on the property, had some interesting comments and coincides with what they have seen and heard from the consultants.

Mr. Glatthaar noted that the applicant should address the DEC comment about the wetland vegetation. Mr. Bock is concerned that the wetlands and buffers are being eliminated and replaced with the restoration area by the pond. He is not sure what the treatment will be on those corridors and doesn't believe that the EAF was amended to include the additional one on the southern side.

Chairman Fon asked about the stormwater. Mr. Riina responded that what is on-site now is uncontrolled; the only control they have is the outlet of the pond. The big difference is that a majority of the water on almost the entire east side of the site will be infiltrated into the ground and from a green infrastructure point of view this is one of the best practices. It is detailed in the EAF. The numbers will be refined once they know exactly what the plan will look like in order to move forward with the final SWPPP for review by the DEP and Town. They will not be adding any impacts, if anything they are providing a water quality that does not exist today at the site. Chairman Fon noted that the stream corridor needs to be looked at.



Chairman Fon noted that there was discussion about the school impact with respect to potential students (22). Mr. Tegeder stated that the Board received the report that the school prepared which predicts a lower number of school children than the EAF does. The school consulted with the Planning Department. The Rutgers multiplier is the industry standard and was used by the school in their study to make their prediction. Everything that was done in the EAF was reflected in what the school has done. He thinks that what is reflected in the report is consistent with what they are seeing here and this effort has been a little bit more conservative.

Chairman Fon stated that with respect to the historical aspect, during the public hearing it sounded as though the YHPC has information that hasn't been given to this Board. Mr. Phelan noted that it was mentioned that 23 memos were sent to the Board and doesn't recall seeing that number of memos to date but could be mistaken. Mr. Garrigan stated that if he was referring to the encampments, there was a reference that there was information but they didn't see any proof. Chairman Fon noted that the Town's consultant stated that unless there was absolute proof it should not be brought up. Mr. Tegeder stated that as with anything, you need to have solid evidence to base your determination and you haven't received any of that including information on where the encampments are. The quote was that "the commission has done the work to figure out where the encampments are and will share this with the Board", which has not been done yet. The discussion on the underground railroad was that you could find it quite easily but none has been provided to the Board. In the absence of evidence, you can't determine that something exists or existed there. Mr. Garrigan also noted that the Town's historical consultant had an opinion on this. Mr. Tegeder stated that they don't have any information contrary to what the Town's consultant has stated, so he thinks they can move forward based on their expert consultant. Mr. Phelan informed the Board that he asked the Planning Department to provide copies of the Yorktown Heritage Preservation Commission's meeting minutes over the last year and noted that there is no evidence of any discussion of this application as a Commission which would then result in a memo to our Board or any other Board. Mr. Glatthaar noted that the Planning Board's job is to determine if there is an adverse impact on historical resources and noted that he hasn't seen any evidence that there is any adverse impact. The consultant advised the Board how to deal with this. Mr. Phelan added that the town's historical consultant suggested revising the parking in front of the mansion and trying and open up the view of the building from Route 118 a little bit more, which was accomplished per their recommendations. The Board agreed that they were comfortable with the materials developed from the Town's historical consultant.

Chairman Fon asked if there were any other comments. Mr. Tegeder stated that there is still an opportunity for more discussion. On their end, they will start formulating a draft Negative Declaration and resolution for the Board to consider. Mr. Glatthaar added that it is now up to the applicant to respond to the comments this evening. Mr. Tegeder informed the Board that the stone wall on Underhill will remain in place, which is a major improvement as it will maintain the setting and feel and will also save more trees. Mr. Phelan asked if this would affect the geometry of the traffic improvements. Dr. Grealy responded that they shifted the alignment a little but the traffic improvements remain the same. Mr. Guillaro stated that their plan is to answer any outstanding questions prior to the next Board meeting.

### **Motion to Close Meeting**

Upon a motion by Rob Garrigan, and seconded by Bill LaScala, and with all those present voting "aye", the Board closed the meeting at 8:54PM.