

Planning Board Meeting Minutes – June 24 , 2024

A meeting of the Town of Yorktown Planning Board was held on Monday, June 24, 2024, at 7:00 p.m. at the Albert A. Capellini Community Center Building in the Nutrition Room.

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

Rob Garrigan
Bill Lascala
Bob Phelan
Aaron Bock
Bob Waterhouse, Alternate

Also present were:

John Tegeder, Director of Planning
Robyn Steinberg, Town Planner
Ian Richey, Assistant Planner
Nancy Calicchia, Secretary
Christine Kager, Esq.
Councilman Patrick Murphy, Town Board Liaison

Correspondence

The Board reviewed all correspondence and had no comments.

Motion to Approve Meeting Minutes of June 10, 2024

Upon a motion by Bill Lascala, and seconded by Bob Phelan, and with all those present voting “aye”, with the exception of Aaron Bock who abstained as he was not present at this meeting, the Board approved the meeting minutes of June 10, 2024.

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

Shrub Oak International School

Discussion: Request for Second One-Year Time Extension
Location: 26.05-1-4; 3151 Stony Street
Contact: Zarin & Steinmetz
Description: Approved site plan and stormwater permit by Resolution #22-18 dated August 15, 2022.
Comments:

David Steinmetz, Esq. was present. Mr. Steinmetz stated that he is here this evening to request a second one-year time extension for the approved site plan. The Board had no issues.

Upon a motion by Bill Lascala, and seconded by Aaron Bock, and with all those present voting “aye”, the Board approved the request for a second one-year time extension.

Atlantic Appliance

Discussion: Request for First One-Year Time Extension
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, and reapproved by Resolution #23-09 dated June 12, 2023.
Comments:

Joseph Riina of Site Design Consultants was present. Mr. Riina stated that he is here this evening to request a one-year time extension for the approved site plan. The Board had no issues.

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

Gardena Hotel

Discussion: Request for First One-Year Time Extension
Location: 37.14-2-54; 1952 Commerce Street
Contact: Site Design Consultants
Description: Approved site plan for a 18-room boutique hotel with rooftop bar/grill, parking, and landscaping by Resolution #23-10 dated June 26, 2023.

Comments:

Joseph Riina of Site Design Consultants was present. Mr. Riina stated that he is here this evening to request a one-year time extension for the approved site plan. The Board had no issues.

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

Underhill Farm

Discussion: Request for First One-Year Time Extension
Location: 48.06-1-30; 370 Underhill Avenue
Contact: Tim Miller Associates, Site Design Consultants, Colliers Engineering, Hudson Cultural Services
Description: Approved mixed use development of 148 residential units, 11,000 SF commercial space, and recreational amenities on a 13.78 acre parcel by Resolution #23-13 dated July 17, 2023.

Comments:

Joseph Riina of Site Design Consultants was present. Mr. Riina stated that he is here this evening to request a one-year time extension for the approved site plan. The Board had no issues.

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

Motion to close Regular Session and open Work Session

Upon a motion by Rob Garrigan, 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

Underhill Farm

Discussion: Site Plan Amendments
Location: 48.06-1-30; 370 Underhill Avenue
Contact: Site Design Consultants, JTA Architect
Description: Proposed amendments to previously approved mixed use development by Resolution #23-13 dated July 17, 2023.

Comments:

Joseph Riina, P.E. of Site Design Consultants; Joseph Thompson, Architect of JTA Architect; and Paul Guillaro, property owner, were present. Mr. Riina stated that they are proposing amendments to the approved site plan. The amendments include adding exterior parking spaces as shown on the plan; two parking spaces were eliminated at the corner of the intersection of the driveway to the rear and driveway to the right. Two townhouse units were removed and relocated into the condominium building eliminating the pool and recreation center. There will now be one pool on the site that will be shared by the entire complex. The chapel has been deconstructed and will be reconstructed at its new location northeast of the condo building.

Mr. Thompson, architect, gave a presentation on the adaptive reuse and rehabilitation of the Underhill mansion. A packet was submitted for the Board’s review. The proposal is for a number of different commercial type uses within the building. The primary use is proposed to be a restaurant and event space for public use. The architecture of the mansion consists of the original traditional colonial type building that was built in 1928, a larger more prominent italianate section that was built in the 1880s, and a second addition that was built sometime in the 60s or 70s. The proposed renovations will respect the integrity of the original architectural features both interior and exterior.

The majority of the work will take place on the main ground floor of the building; the italianate section on the east end will be preserved in its current state that includes two large dining rooms which could be used for private event dining. The proposal is for a 40 seat restaurant with a bar in the main area. An addition is proposed to the rear that will house all the restaurant equipment, kitchen and restrooms to make the space function. There is an existing smaller addition on the west end that they are also preserving but altering to propose a small coffee shop/retail store such as a farm and country store. They are also proposing a 470SF extension of the existing porch to allow for outdoor dining that will overlook the pond. Existing photos of the mansion were shown to the Board and it was noted that since the school closed there has been some deterioration; some of the windows need replacement and there are some non-original features that they are proposing to restore to their authentic original format. The windows, architectural millwork and brackets will generally be preserved. On the second floor they are proposing a series of office spaces. Unicorn Contracting will occupy a space for their field office; the 1880s portion would be preserved in its current format and would be able to accommodate two small offices or artist studios that could be leased. On the third floor, which is smaller in footprint, they are proposing a caretaker's apartment to have someone on site throughout the construction and post occupancy.

Mr. Garrigan asked about the root cellars and if there was a way to incorporate them into perhaps a wine bar. Mr. Thompson responded that the root cellars will be preserved. There was some thought to possibly reviewing this during a second phase. He noted that the basement is impressive especially on the 1880s side where there are tall ceilings and beautiful stone walls. He added that the proposed rear addition will be suspended over this area with steel so the new foundation doesn't affect the root cellars. Chairman Fon stated that the proposed use would be a great addition to the town.

Mr. Phelan asked about the existing and proposed exterior finish. Mr. Thompson responded that the materials were traditional for that era with a colonial and italianate style influence with cedar clapboard; their intent is to match this in kind. The new finishes would be a painted finish to match the original and the existing brackets would all be preserved. The proposed porch addition will have similar brackets that will be made. The materials that are introduced will be done in a way to ensure that the overall structure is cohesive and is intended to remain comparable. He added that the details have not been prepared as yet but could be done as follow up with the Board. Phelan asked about the roofing materials. Mr. Thompson responded that they are proposing a membrane type roofing for the addition as it is a flat roof and shouldn't be visible from the ground. The original roof material (slate or cedar) was replaced with asphalt shingles and they would propose something similar to what currently exists. Mr. Phelan suggested something more traditional such as a synthetic slate to replicate the look of the era even though it is no longer there. Mr. Thompson stated that he would look at some of the historic photos.

Chairman Fon asked about the signage and if it was to be mounted on the building. Mr. Thompson responded that they would not mount signage on the building and would most likely propose a monument type sign so as not to affect the architecture of the building.

Chairman Fon asked about the restaurant equipment. Mr. Thompson responded that the kitchen will be in the proposed rear addition which is a single-story with a flat roof so they wouldn't have the ability to put some larger equipment on the roof. Behind the addition, they are proposing the items they need to operate the restaurant that includes a refuse area, grease disposal, air handling unit, make-up air, etc. The goal is to consolidate all this in the rear corner and screen it with a decorative type fencing and evergreens. Chairman Fon asked about the duct work for the cooking equipment. Mr. Thompson stated that it will be a rear wall discharge and added that as the project develops they will engage a mechanical engineer to provide more details. They will produce a packet of proposed elevations and screening measures. Mr. Garrigan stated that the proposed dining establishment is intended to be open to the public and not just the residents of the development. He feels that this is a great reuse and is what they contemplated because the entire community can enjoy the interior of the mansion.

Mr. Thompson stated that the chapel will be reconstructed and repurposed as a private residence on the site. The integrity and appearance of the façade will be preserved and will be on a modern foundation. The only alteration proposed is a small rear outdoor deck area. Mr. Riina stated that the proposed location for the chapel is in the setback and noted that the Planning Board has the ability to vary this per the Overlay Zone. The plan was shown with the proximity to the property line. Mr. Phelan asked if the choice of the location for the chapel affects any of the existing approved parking. Mr. Riina responded that it would not as it is a vacant area.

Chairman Fon asked about the next steps. Mr. Tegeder stated that a resolution could be drafted for the next meeting to approve the changes and noted that they need to see the ongoing development and details of the mansion renovation which could also be noted in the resolution. The Board agreed.

Chipotle – Lowes Pad “C”

Discussion: Construction Details
Location: 26.19+-1-1; 3180 Crompond Road (Route 202)
Contact: Site Design Consultants
Description: Proposed amendment to the retaining wall details page.

Comments:

Joseph Riina of Site Design Consultants was present. Mr. Riina stated that the Chipotle site is at its completion point and they are seeking to obtain their certificate of occupancy. There were some items that the Planning Department noted during their site inspection. Originally, the retaining wall detail showed a railing at the top of the wall which is a standard detail that they put on if there is a pedestrian or patio area above the wall. In this case, they don't want anyone going up above the wall or accessing that area; it's not a code requirement unless it is a utilized space. They removed that detail and no longer show a railing and there is no railing installed. Second, during construction there were some heavy rainfalls that caused a stream of water coming in from the Taconic ramp and Route 202 onto the property causing heavy erosion issues. The DOT got involved and they had to mitigate this; riprap was added to the slope in two locations as shown on the plan. Third, there is some landscaping that needs to be completed that will be done in the Fall.

Mr. Tegeder stated that they are removing the railings as a requirement, it's not a code requirement in the condition that they constructed so it is why they felt it was best for the Board to officially remove it. Chairman Fon asked about the landscape issue. Mr. Tegeder stated that there is a \$5,000 performance bond and \$3,000 landscape bond left so they feel it is enough security for the installation of the remaining 10 deciduous trees on site and the 14 evergreen trees in the DOT right-of-way. Chairman Fon asked if this was the last piece of the development. Mr. Tegeder stated that the only item left was the monument sign which should come through shortly. Mr. Phelan stated that it appears the riprap work was outside of the property line in the state right-of-way and asked if there was permission. Mr. Riina stated that this was correct and they had to take out a permit from the DOT.

Chairman Fon asked about the next steps. Mr. Tegeder stated that a draft resolution could be prepared for the next meeting. He noted that a special permit application will be needed for the outdoor patio.

Nathan's/Mister Softee

Discussion: Special Use Permit
Location: 37.14-2-52; 1990 Commerce Street
Contact: Mike O'Neil
Description: Special Use Permit application for an outdoor seating area.

Comments:

Joseph Riina of Site Design Consultants was present. Mr. Riina stated that they just received the special use permit and fee from the building owner late this afternoon and noted that the ownership is not local. A site plan was prepared which is essentially an as built condition of the existing patio. The seating area is an elevated railroad tie structure with a gravel surface and stairwell from the parking lot to the patio and crosswalk that connects the building to the patio. An additional stairwell was constructed on the patio that connects to the community building. The circles on the plans show the evergreen plantings that are currently in place. They still need to add the pedestrian crosswalk signs.

Mr. Phelan asked about handicapped access to the patio. Mr. Riina stated that it wasn't feasible to access the patio and added that the patio itself is not conducive to this. He noted that there is a bench in front of the store that can be used for this purpose. Mr. Phelan asked if there was any lighting outside. Mr. Riina stated that there are string lights over the patio. Mr. Waterhouse asked if there was lighting on the steps. Mr. Tegeder responded that there are small solar lights on each tread and added that there is general lighting within the parking lot itself. Mr. Waterhouse asked if there was a building permit. Mr. Riina was not sure but thought there might be. Mr. Garrigan asked who did the work. Mr. Riina stated that it was the tenant with the landlord's permission.

Chairman Fon noted that they received an email from the Town Engineer dated 6/24/2024 noting that a site visit was conducted and it was determined that there was no impact to their sanitary under the seating area. The 14-inch line was

television inspected and the grades were checked. If approved, the Town Engineer requested that a paragraph be added to the resolution making the applicant responsible for restoration of the seating area if a repair of the sewer is required. Mr. Waterhouse wanted to know if the Town Engineer signed off on this with respect to the integrity of the project and not the sewer line. Mr. Phelan asked if there were construction drawings that caused this to be put into place. Mr. Riina replied that it was his understanding that it was constructed on site with no drawings and noted that he came into the project after it was constructed. Mr. Riina stated that he will update the plan to include the pedestrian crosswalk signs and solar lights. Mr. Tegeder stated that they will attempt to get the construction details and a draft resolution could be prepared.

Town Board Referral - Lake Osceola Rezone

Location: 6.14-1-2; 3000 Navajo Street

Description: Proposed zoning amendment to the Lake Osceola Planned Design District Overlay zone to add the property located at 3000 Navajo Street.

Comments:

Michael Grace, Esq. was present. Mr. Grace stated the proposal is to extend the Lake Osceola overlay district to include 3000 Navajo Street. As discussed at the previous meeting, they believe that the idea behind the overlay district was to reinvigorate and revitalize that stretch along Route 6N. The area is not served with sewers so there has been a degradation to the lake with the run-off. The properties along the lake are distressed as they cannot be repurposed or revitalized. The proposed project is offering to install a sewer line through that area which is a positive aspect. He understands that there are concerns about drainage but noted that this is a different watershed than what is on the south side of Route 6 so it will not impact the properties and in particular Jefferson Village. The applicant is amenable to address any concerns as part of their project.

Mr. Bock noted that the EAF indicates that there are eleven parcels involved for this extension and asked if they are all owned by the same entity. Mr. Grace responded that the original application was just for this 50-acre parcel to be developed. The Planning Department suggested rather than having a gap to have some continuity between what has already been designated and the proposed extension of the property. Mr. Tegeder stated that currently the application is for this 50-acre parcel only; originally there were some intervening properties between the current border and this property that were included but have now been taken out for various reasons. He added that there is document coordination that needs to happen and the applicant is aware of this. Mr. Bock noted that one of the EAF answers stated that there was no comprehensive plan appropriate for this and he thinks the plan does cover it. They have a partial fiscal and traffic analysis with claims for some financial benefits in the hamlet area. Other than this 50 acre parcel he believes that there are very few pieces along the lake which are suitable for further development regardless of whether sewers come in. There is an old public beach area that could be redeveloped and Vittoria Zs is already on sewers. He feels that the Town Board needs to address the environmental impact on the lake itself. Over the years the whole eastern side has silted in and has become more shallow. He also feels that the traffic needs to be addressed; they have impacts on East Main Street from the volume of traffic from the Taconic. His biggest concern is the cumulative impacts as they have quite a few proposals for this area - the proposed housing development on the west side of East Main Street fka Contractors Register, the extension of the overlay zone for this proposal, and the proposed recycling facility. From a planning standpoint he can't see separating each of these projects. He thinks that the recommendation to the Town Board is that they take a global view of all these projects in order to come up with a comprehensive solution in handling and mitigating the impacts. He is not saying that there are no benefits but feels that the analysis is incomplete and doesn't take the entire area into account. He thinks the projects together will have a significant adverse environmental impact on Jefferson Valley and recommends that the Town Board take a positive declaration and require a full environmental impact statement to properly assess this area.

Mr. Grace stated that he doesn't disagree that they should take a view of the entire corridor and feels that they will find out that this project has a lot of merit in terms of the future for this corridor. The traffic issue is pre-existing and has to be addressed with or without this development. There are pre-existing problems as far as the drainage and sewer that is not going away unless the town makes a major investment in those areas. He doesn't have an issue with the deep dive but they need to understand as to how they set up the legal infrastructure under which the application was referred. It is not a straight rezoning which would have a different procedural path instead this is the first step in whether or not the overlay zone is available to be used on this property. He feels that asking for an EIS to address all the problems in

the entire corridor is unfair especially since at this time it is only looking to apply the overlay zone to this property not that it is actually going to occur, this would be the second step in the process. A lot of the issues are pre-existing and will not be addressed unless a major investment is made to the corridor. He added that there was a development plan for the lakefront that never happened due to the unavailability of sewers. With respect to the stormwater and drainage there can't be any increase from the site and it will all be self-contained but it doesn't mean that there isn't an opportunity to do off-site work as well even in the watershed that is not part of this project. The pond and culverts on Route 6 also need to be addressed. He thinks to say at this point that there are adverse impacts is a premature assessment.

Chairman Fon cited the Route 202 development and stated that it was looked at holistically especially with the traffic and was well done. Mr. Grace responded that he was there when it was going on and welcomes the overall analysis but resists the conclusion that it will have an adverse impact. Chairman Fon thought that they should look to see if there are other possibilities for redevelopment once the sewers are installed. Mr. Grace stated that it does provide an opportunity on the shoreline for an enhanced hamlet area and noted there are some environmental restrictions of properties to the north of 6N. Mr. Tegeder stated that when this overlay zone was first created a report was produced that delved into the growth inducing impacts and covered development if sewers were available, all those numbers are within the document. A copy of the report was provided to the Board members by Mr. Tegeder.

Mr. Garrigan asked what aspect of this project would benefit from or require it to be part of the overlay district. Mr. Grace stated that the whole corridor has always been a sore spot in terms of existing conditions and this project will not only revitalize that corridor but it will also address the infrastructure issues. The applicant is proposing to redevelop the property with a residential development that also has a recreational component and make a major contribution to the town.

Chairman Fon noted that they received a Conservation Board memo dated 6/18/24 and a Planning Department memo dated 6/24/24. Mr. Grace noted that a lot of the issues brought up by the Conservation Board are pre-existing that need to be addressed regardless of this proposal especially with the stormwater, etc. Those issues are looking for a major infrastructure investment that will not happen but could with this proposal; its not unusual that existing municipal issues are addressed in the private sector and development or they would never be addressed at all. He feels that this is an opportunity to address those issues and understands that further analysis needs to be done. They need to abide by the legal infrastructure that is in place; this is a multi-step process, first for the overlay then the site plan.

Chairman Fon stated that in his opinion he would like to look at this proposal more holistically and has seen governments do great things with funding and there may things that the town and developer should be doing. Mr. Bock stated that they need to respond to the Town Board and the global issue is a concern for him at this stage.

Mr. Garrigan stated that the development creates an opportunity to address the Planning Board's concerns with respect to poor planning and issues caused by neglect so he thinks rather than just throwing out the negative maybe focus on the benefits of things that can be done to address the area such as the lake, pond, sewer, etc. This should be an opportunity. Mr. Bock didn't disagree but noted that some of these issues have not been addressed and should be under SEQRA. He is hoping that they can come up with a unified plan for the area that can accomplish things for the benefit of the community without adverse impacts and feels that there isn't enough analysis to support this. Mr. Grace stated that any time you put something in place there is an impact of which they will address and noted that this is a major opportunity to address this area of the town that has been a dilemma for decades. Mr. Phelan stated that his only comment is that he believes that a comprehensive review is what is needed here but there are different property owners. How do they invite or compel them to be inclusive in this comprehensive review but it doesn't mean that they can't have the comprehensive review without their participation.

The Planning Department will draft a memo for to the Town Board for review by the Planning Board.

Atrac Recycling Facility

Discussion: Site Plan and Special Use Permit

Location: 6.18-1-37; 76 Route 6 Holdings

Contact: Margaret McManus P.E.

Description: Construction of a 40,000 SF recycling center with 1,672 LF of road, associated parking and office space. The proposed accessory storage for the recycling facility requires a special use permit.

Comments:

Jaclyn Cohen, Esq.; Pat Cartelemy, property owner; and Margaret McManus, P.E. were present. Ms. Cohen stated that they appeared before the Zoning Board of Appeals in May with respect to the question of whether a 200FT or 100FT setback applies to the eastern boundary line that borders a property in the Town of Somers. The ZBA opined that a 200FT setback does apply and that the variance would be required from that boundary line with the proposed layout of the project. Their team did look at other layout options and determined that they could move the recycling facility to the southern portion of the property closer to Route 6 (*sketch #2*) that would comply with the setback regulations based on the opinion of the ZBA. However, they will show that this option is inferior to the proposed preferred layout (*sketch #1*) because of the proximity to Route 6 as well as the reduced screening. Based on this, they will pursue the area variance from the ZBA to permit it to maintain the building in the currently proposed northerly location as submitted. The ZBA will commence their review of the area variance during their June 27th meeting. They are here this evening to get the Board's take on both options and endorsement for their proposed layout. This is an as-of-right use and is surrounded by similar uses and they feel it is an appropriate use for the property. Ultimately they are asking the Board to issue a recommendation to the ZBA to grant the variance for the eastern boundary line setback.

Mr. Cartelemy reviewed the operation of the site with their proposed preferred layout. All trucks will access the site from Navajo Road. At the beginning of the property there is a scale house where all the trucks will be weighed. The trucks will then enter the facility and be directed to a bay that will be equipped with fast acting bay doors that open and close in between 8 and 12 seconds and there will be no dust. The bottom portion of the site will house the parking lot for the vehicles. All disposal and processing of materials will occur within the closed facility. The material will be processed and loaded onto bigger trucks inside the facility. They are also requesting outside storage for empty containers that will be used later on in the facility. The facility will be regulated by the Westchester County Solid Waste Commission as well as the NYSDEC and requires permits from both agencies. The DEC is a lengthy process and would be subject to routine inspections; they also review noise and dust. He feels that their preferred layout (*sketch #1*) is the better option as it is further away from nearby residences and Route 6.

Chairman Fon asked about the largest truck size. Cartelemy responded that the largest truck size will be a 53FT trailer and noted that the building is 100FT deep. Fon asked if there will be noise from the gates. Cartelemy responded that there wouldn't be and added that this will be regulated by the DEC. Fon requested for the applicant to provide plans for the truck turning radius and building interior layout. Bock asked how many trucks can the building accommodate at one time. Cartelemy stated that at any given time there will be five trucks inside the building (construction debris has three doors and the recycling has two doors). The trailers will back into the building, get loaded and leave.

Mr. Lascala noted that there is a transfer station on Route 100 in Somers and thought it might be a good idea to set up a site visit to get an idea of what is proposed. Cartelemy stated that the Somers site has been there for about 50 years and they are currently reconstructing their facility to comply with the DEC.

Chairman Fon asked what type of machines will be used to load the materials. Cartelemy responded that they will use an excavator and wheel loader. Fon asked about the building height. Cartelemy responded that it was about 35FT. Mr. Phelan asked about the length of the trailer with the cab. Cartelemy responded that it was 67FT. Mr. Phelan stated that it is his understanding that the trailer will stay inside the facility, get loaded from the material brought in by the other trucks and then leave the site. Cartelemy responded that this was correct. Phelan asked about the size of the trucks coming in. Cartelemy responded that they were about 30 to 35FT roll-off trucks as well as garbage trucks with the recycling only. He noted that there will be no garbage at the facility. Phelan asked if the roll-off truck was inclusive of the cab. Cartelemy responded that this was correct.

Mr. Garrigan asked about the hours of operation. Cartelemy responded that it will be regulated by the DEC and the Planning Board but they are proposing 6:00AM to 6:00PM, Monday thru Friday and 6:00AM to 3:00PM on Saturday.

Garrigan asked if the facility was for commercial use only. Cartelemy responded that it is open to the public. Mr. Garrigan asked if the public would be paid to dispose of their copper, etc. Cartelemy responded that it varies but noted that most of the process of the facility will be paid to them.

Mr. Tegeder asked if the recycling trucks were different from the regular household pick-up trucks. Cartelemy responded that the trucks vary between recycling and garbage pick-up days and are cleaned out. Tegeder asked if there was a maximum number of trucks to perform the operation. Cartelemy responded that the limits of disposal will be regulated by the DEC.

Mr. Phelan asked if the parking area to the front was for the trucks utilizing the facility or normal household garbage. Cartelemy responded that it was exclusively for their operation as they will move their office there as well. He added that the building will contain 4 parts that will include a two-story office, two bay maintenance garage, four bay construction & debris recycling center, two bay recycling center and loading dock for outbound recycling material. Mr. Bock asked about the maintenance. Cartelemy responded that it will be for the vehicles and equipment.

Chairman Fon stated that the Board didn't have enough information as to how this will work to make any determination on the proposed layouts. They need more information with respect to the interior flow and operation as well as the traffic thru the site. He also feels that a site visit to the Somers facility may be useful.

Mr. Bock stated that sketch #2 shows the building flipped into the parking lot with a setback of 112FT from Route 6 and asked what the zone of the area was immediately to the south. Ms. Cohen responded that it is a residential district but the building frontage does not adjoin the residential district so it's a 75FT setback. Mr. Bock asked if Route 6 has a 200FT setback requirement. Mr. Tegeder stated that he will look into this and added that Ms. Cohen was correct in stating that it was 75FT without answering the Route 6 setback question. Ms. Cohen stated that sketch #2 was the alternative option. The preferred layout (*sketch #1*) is setback 574FT from Route 6 and 873FT from the closest house on Gay Ridge Road. There is a dense vegetative buffer of over 500FT that will remain and provide screening of the building. The alternate layout (*sketch #2*) locates the building to the south closer to Route 6 and would lose the dense vegetative buffer. Additionally they would be encroaching into the wetland buffer areas. They feel that the preferred layout shows the least amount of disturbance while still accommodating the as-of-right use.

Chairman Fon stated that the previous agenda item is proposing a residential development under the overlay zone on the neighboring property and questioned the proximity of their building to the proposed development. Ms. McManus responded that it will accommodate the 200FT setback from that property. Mr. Tegeder stated that the question is if they overlaid the proposed development what would be the dimension to the nearest resident in that case. Ms. McManus responded that it would be 250FT.

Chairman Fon felt that the Board needed more information. Mr. Lascala questioned if the roads could handle the weight limit of the trailers. Cartelemy responded that the majority of the traffic to the facility will be from Route 6 or 6N.

Mr. Lascala reiterated that a site visit to the Somers facility should be conducted by the Board. Cartelemy suggested a facility in Mamaroneck and added that there are other facilities more comparable to his proposed project. He noted that the Somers facility accepts solid waste and theirs will not. He will provide a list to the Planning Department.

Ms. Cohen stated that she expects the ZBA to refer their application to the Planning Board for comments. She questioned what sort of information the Board may need in order to make their recommendation. Chairman Fon stated that they will need to review the application holistically with the other proposed residential development as previously discussed. They will need more information with respect to the building details and operation, and the truck turning radius. Mr. Lascala added that they need to check on the dump height as well.

Mr. Phelan stated that the alternative sketch appears to show the parking lot with a 100FT setback to the property line on the easterly side and questioned if they will need a variance. Ms. McManus responded that the setbacks are to the building; there is a 50FT buffer requirement between the property line and parking areas.

Chairman Fon asked if it was possible to get a copy of the DEC permit for the facility in Somers. Mr. Tegeder responded that they could. He reminded the Board that to support a variance they need to do a deep dive to understand what is the best layout and he doesn't think they are there yet. They need more information to understand the parameters of the project such as the DEC information. The alternative layout needs to be looked at in depth to see if it could be tweaked to possibly be the better alternative and noted that there are wetland impacts in both layouts. For example, sketch #2 can be moved around a little bit to enhance its operational quality. He feels that they need more information in order to make

a recommendation to the ZBA. Mr. Bock agreed and thought that their role is to point out the planning issues that they need to consider in dealing with the variance and doesn't think they should endorse either layout at this point. The Planning Department will work on a comment memo for the applicant.

Nantucket Sound Sons LLC

Discussion: Amended Site Plan

Location: 37.18-2-86; 385 Kear Street

Contact: Joseph Thompson Architect

Description: Proposed changes to previously approved site plan by Res #21-14, dated August 9, 2021.

Comments:

Joseph Thompson, Architect was present. Mr. Thompson gave an update to the Board with respect to the most recent site visit. The units were checked for sound and it was noted that they were very quiet and almost inaudible compared to the surrounding ambient noise levels. The applicant is willing to make a sincere effort to try and finish up the property with the landscaping and screening measures. They identified some additional opportunities to shield the electrical panels with removable screens and the potential future propane tank pad location. The applicant is prepared to implement this so that the Board can provide feedback.

Chairman Fon stated that he attended the site visit and felt that the sound from the units both inside and outside the building was quiet. However, as he stated out in the field, the Board is concerned about changes taking place after a lengthy review process and approval. He felt from the beginning that the units should be moved to the roof. He is also concerned about the potential restaurant equipment and feels that there are more improvements that can be made. The Board would like to see the location of all the proposed restaurant equipment (vents, ducts, etc.). The electrical equipment and proposed tanks should be screened; the dumpster enclosures need to be addressed and more landscaping is needed around the seating areas. There was also discussion at the site about the sidewalk area and contacting the DOT. He noted that the building itself is impressive but more work needs to be done to further enhance the area.

Mr. Thompson stated that the tenant is in the process of hiring a mechanical engineer to prepare a roof plan with all the equipment. The site plan will be updated for the next meeting. He added that he didn't foresee any issues with locating the make-up air and exhaust duct penetration on the roof. There are current exhausts that will need to be moved but it can be done.

Mr. Bock stated that he has a problem with legalizing the cooling units in their current location as opposed to where they were originally intended. He has no particular issues with having to accommodate changes in tenancies and equipment and would like these two issues to be dealt with in a separate manner.

Mr. Phelan asked how the restaurant equipment would get to the roof. Mr. Thompson responded that there are shafts within the building that will accommodate the duct work but the actual operating equipment will be craned to the roof. Mr. Phelan stated that the original argument was that the existing cooling units could not be relocated to the roof due to the expense of the crane. He is not in favor of allowing the cooling units to remain on the ground as they were approved to be installed on the roof. He added that the Board has worked with the applicant with respect to other changes at the site that include the siding, dumpster location, and adjusting for a propane tank as a temporary solution to a permanent gas connection. He feels that the location of the units was not an adjustment, it was a choice made without the Board's approval and therefore is against granting permission for this portion of the project.

Mr. Garrigan stated that there is an approved site plan that shows the units on the roof. He noted that during the site visit he went through the hatch to the roof and feels that there is enough room for all the equipment. He requested that the mechanical engineer show a plan with the restaurant equipment and the cooling units on the roof. If this is not possible, then they need to show a plan for that as well. His feeling is that the cooling units belong on the roof as originally intended.

Mr. Thompson asked the Board if the dumpster consolidation and relocation was allowed to move forward. The Board had no issues with this request but requested to see the details.

Curry Honda Large Scale Solar

Discussion: Site Plan

Location: 35.08-1-10; 3845 Crompond Road

Contact: Michelle Walker, Freedom Solar Power

Description: Installation of a 253.17 kW Photovoltaic Solar System on the existing commercial building.

Comments:

Michelle Walker was present. The proposal is for the installation of a 253kW flush-mounted rooftop solar system that is to be located over the showroom and service center of the existing commercial building occupied by Curry Honda. There will be no battery on site; a 97% energy offset from the system is expected. At the 5/6/24 meeting, they were asked to provide visibility photos from the street that were provided to the Planning Department. An additional packet was handed to the Board during the meeting. The front view shows that the solar panels are shielded from the parapet wall. The east and west views on Crompond Road with the panels superimposed on the roof were shown to the Board. It was noted that there is existing equipment on the roof that is visible. The roof is proposed to be covered with solar panels and will go around the existing equipment. There are some trees to the rear of the property. They could install a 2FT parapet wall but it still wouldn't shield the solar. There is a 10 degree pitch to the roof and all the other existing equipment will still show.

Chairman Fon asked the Planning Department if the site was inspected to see if it was compliant with current approvals. Mr. Tegeder responded not as yet. Ms. Walker informed the Board that there is another business (Signs Ink) within a mile and half of this site that has rooftop solar with no screening from the road.

Mr. Bock asked Councilman Murphy if the Town Board was considering modification to portions of the solar law affecting proposals like this one or are they mostly concerned with the ground-mounted arrays. Councilman Murphy responded that it was mostly ground-mounted and they encourage roof-top solar. Mr. Lascala asked if the proposal was for Honda or being sold to the grid. Ms. Walker responded that it will mainly offset Honda's electrical bill.

Chairman Fon asked about the next steps. Mr. Tegeder stated that the Planning Department will conduct a site visit for compliance. Given this type of installation, he doesn't think there are a lot of screening issues. They could install a parapet wall but there are other items on the roof that will dominate the viewshed more than the solar panels. The Board is nearing a decision statement but can't with the moratorium and will need to see if there is an appeal process as the Town Board is mostly concerned with the impact of large scale ground mounted systems.

Mr. Bock stated that he would like to see views from Route 202 and Old Crompond Road. Chairman Fon requested that a site visit be scheduled for the Board.

A&S / Common Grounds Café (Not on the agenda):

Mr. Phelan requested that the Planning Department schedule a site visit for the proposed outdoor seating for A&S and the Common Grounds Café.

Meeting Closed

Upon a motion by Bill Lascala, and seconded by Aaron Bock, and with all those present voting "aye", the meeting closed at 9:04PM.