

Planning Board Meeting Minutes – August 12, 2024

A meeting of the Town of Yorktown Planning Board was held on Monday, August 12, 2024, 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:

Bill Lascala

Bob Phelan

Aaron Bock

Also present were:

John Tegeder, Director of Planning

Robyn Steinberg, Town Planner

Ian Richey, Assistant Planner

Nancy Calicchia, Secretary

David Chen, Esq.

Councilman Patrick Murphy, Town Board Liaison

Correspondence

The Board reviewed all correspondence.

Chairman Fon acknowledged the letter of resignation from Board member Bob Phelan. On behalf of the Board, he thanked him for his service to the town and wished him well.

Motion to Approve Meeting Minutes of July 15, 2024

Upon a motion by Aaron Bock and seconded by Bill Lascala, and with all those present voting “aye”, the Board approved the meeting minutes of July 15, 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

Garden Lane Apartments

Discussion: Request for One-Year Time Extension

Location: 35.08-1-27; Old Crompond Road & Garden Lane

Contact: Dimovski Architecture, PLLC

Description: Approved 20 unit apartment units with associated parking and site improvements pursuant to a 1990 rezone of 1.56 acres to the R-3 zone by Planning Board Resolution #23-16 dated August 14, 2023.

Comments:

Anthony Pili, principal of Garden Lane Development, was present. Mr. Pili stated that they are requesting a one-year time extension for the approved project. 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 Aaron Bock, and with all those present voting “aye”, the Board approved a first one-year time extension for the Garden lane Apartments.

Volta EV Charging Stations at Staples Plaza

Discussion: Request for Second One-Year Time Extension

Location: 36.06-2-76; 3333 Crompond Road

Contact: Cuddy & Feder

Description: Approved electric vehicle charging stations in existing curbed islands adjacent to existing parking spaces by Planning Board Resolution #22-19 dated August 15, 2022.

Comments:

Allison Fausner, Esq. of Cuddy and Feder was present. Ms. Fausner stated that they are requesting a second one-year time extension for the approved project. 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 Aaron Bock, and with all those present voting “aye”, the Board approved a second one-year time extension for the Volta EV Charging Stations at the Staples Plaza.

Wipe Your Paws

Discussion: Decision Statement Special Use Permit
Location: 37.14-1-45; 2013 Crompond Road
Contact: Cristina Racanelli
Description: Proposed dog grooming and daycare facility at 2013 Crompond Road.
Comments:

Christina Racanelli, business owner, was present. A floor plan was submitted for review. Chairman Fon informed the applicant that the law was adopted with respect to pet care facilities as discussed at the prior meeting. Mr. Bock asked if the submitted application comports with the newly enacted law and Mr. Tegeder responded that it did. Chairman Fon asked the Board and Counsel if there were any issues and there were none.

Upon a motion Bill Lascala, and seconded by Aaron Bock, and with all those present voting “aye”, the Board approved the special use permit for Wipe Your Paws at 2013 Crompond Center.

Motion to close Regular Session and open Work Session

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

WORK SESSION

Savannah’s Restaurant

Discussion: Site Plan
Location: 25.20-1-3; 3901 Crompond Road
Contact: David Tetro, Architect; Gina & Paul DiPaterio
Description: Proposed outdoor dining patio and site improvements.
Comments:

David Tetro, Architect; and Gina DiPaterio, business owner, were present. Mr. Tetro stated that the project has two components. The application was before the Board a while back with a proposal to enclose the existing front porch seating area to provide year-round dining. The enclosure does not impact the occupancy. During their permitting process for this enclosure, the Planning Department performed a site visit and noted items observed that were not part of the originally approved site plan and requested an amended site plan. He is here this evening to provide the site plan update and added that they are also proposing a dining patio to the rear of the property. The permit for the first portion of the project was dependent upon the site plan amendment.

Mr. Bock asked what was amended. Tetro responded that fencing was installed around the mechanical equipment; the dumpsters were relocated from their originally approved location; and additional pavement was added to the rear parking lot. Tegeder asked if they were seeking approval for the front porch enclosure this evening. Tetro responded that he wasn’t clear on this; the front porch enclosure of the project is complete and they are waiting for a building permit that won’t be released until the site plan is approved.

Tegeder informed the Board that the last iteration is that the Board reviewed the front porch enclosure but the site plan issues needed to be corrected so they were delaying the release of the building permit until the amended site plan was submitted. The site plan was received so he thinks that the permit for the front porch could be issued. He noted that there is an additional outdoor dining patio proposed to the rear of the property that will need to be reviewed as part of the amended site plan.

Bock asked about the parking. Tetro responded that they relocated the parking on the site but didn’t lose any spaces; the amended site plan reflects the new parking layout. Bock asked if the 4 conservation spaces were shifted to the rear. Tetro responded that this was correct as they had more room in the rear. They relocated the parking that was consumed by the proposed rear outdoor patio area and also added more parking based upon the additional seating for the patio.

Tegeger asked about the disposition of the portion of the rear parking lot that was paved after the original approval. Tetro responded that the applicant retained an engineer who is currently working with the Town Engineer. Tegeger stated that the town is looking for the amended site plan that would include the final disposition of the paved parking portion and stormwater scheme to be approved by the Planning Board. Tetro responded that they are working on this and the site plan submitted this evening was a general layout for the parking and outdoor seating area. Bock stated that conceptually he did not see an issue with the proposed layout as long as the technical issues are addressed. Tetro stated that his understanding was that a permit would be granted for the front porch enclosure as long as there was design work to address the site plan amendments. Bock asked if the front porch enclosure was dependent on the other. Tegeger noted that the front porch is part of the original approval and is shown as outdoor seating. During the Planning Department's site visit there were some issues observed such as the paving and some modifications to the site that would require an amended site plan. At that time the Board, had no issue with the front porch enclosure but requested an amended site plan. Phelan asked if it was fair to characterize that the site plan is basically agreed upon but just has to be created in final form, other than the engineering for the stormwater there is very little to be added. Tegeger stated that the addition of the rear patio area will create some additional parking and the paving not on the original approval will need to be reviewed as a single package. The submitted plan shows what is on the ground currently. They need to review the patio in terms of seating and demand. Tetro responded that a calculation table was provided for review on the plan. Bock noted that with respect to the seating there is a note on the plan that they are taking indoor seating and moving it outside seasonally and added that there is no reason that they can't keep both inside and outside. Tetro responded that the calculations were done with this in mind. Tegeger stated that the parking calculations need to be reviewed and clarified and the engineering details need to be worked out and put on the plan. Tetro stated that he will follow up on the engineering portion of the project.

Phelan stated that it looks like the plan shows a curb at the existing trash enclosure which would prevent a vehicle from approaching to pick up the dumpsters. Tetro responded that it wasn't a curb and was paved. Bock asked if the dumpster area was paved. Mrs. DiPaterio responded that the surface was gravel. Phelan thought it should be paved while the other improvements are done to make it more durable and permanent. Mrs. DiPaterio thought that there was a portion that was paved. Tetro thought it could be extended.

Tegeger stated that the plan needs to be submitted as a full package with the paved area and stormwater as part of the amended site plan. Mrs. DiPaterio stated that she had discussions with the Planning Department and submitted an EAF. Her understanding was that once the the site plan was submitted, the Board would be ok with the front porch enclosure while the other issues are being addressed. She noted that the application has been in for quite a while and they are trying to move forward and asked if the Board would grant the permit for the front porch enclosure separately. Tegeger again explained how the discussion left off from the last time they were before the Board.

Chairman Fon stated that the Board will approve the issuance of the permit with the caveat that the amended site plan will need to be submitted prior to issuance of the c/o. Mrs. DiPaterio stated that she cannot operate without the c/o. Mr. Ciarcia, Town Engineer, stated that the issue is the additional pavement not on the originally approved site plan that will now require stormwater mitigation. Mrs. DiPaterio stated that she thought there was a rule that anything under 5,000SF would not be an issue. Ciarcia explained that since it is in a designated main street area the DEP will be involved for the stormwater increase to the impervious surface. Fon informed the applicant that there are other agencies involved beyond the Planning Board. Mrs. DiPaterio understood and asked for a reasonable solution.

The Board had no issues with the front porch enclosure and the issuance of a permit for this portion of the project. The Board advised the applicant to meet with the Planning and Engineering Departments to sort out the next steps with respect to the amended site plan for the stormwater and patio detail. Bock asked if a resolution was required for the front porch enclosure. Tegeger explained that it was discussed and agreed upon during their last meeting with the applicant and is reflected in the minutes.

Curry Honda

Discussion: Site Plan
Location: 35.08-1-10; 3845 Crompond Road
Contact: Architectural Visions, PLLC
Description: Proposed renovation of showroom, front façade, and front parking lot including the addition of vehicle display parking spaces and relocation of the pylon sign and flag pole.

Comments:

Martin Stejskal; and Joel Greenberg of Architectural Visions, were present. Mr. Stejskal stated that the proposal is for a renovation of the exterior façade of the Curry Honda site. The Honda Corporation is instituting a new image program on all their dealerships and a prototype rendering was submitted with their package to the Planning Department. The application is proposing to achieve this look while working with the existing building. Part of the requirement for the renovation is a canopy overhang that protrudes from the face of the building to create a modern feel. The front parking area is proposed to be redone with concrete sidewalks, handicapped space, four vehicle display spaces on permeable pavers, and three vehicle display gravel pads in the existing lawn area.

Bock asked about the carport area facing the building. Stejskal responded that there are four parking spaces that will be used for display vehicles only and not customer parking. To the right, they are proposing 4 additional display vehicles on pervious pavers; there will be no additional impervious surface with this project. Fon asked about the vegetation in the front of the vehicle display. Stejskal responded that some of it will be removed to install the three gravel pads for the display vehicle. Fon advised the applicant to work on installing more landscaping.

Mr. Greenberg informed the Board that they received the Building Department memo dated 8/6/24 and noted that they were concerned with the fire access road, emergency vehicle access and standpipe system. He explained that to the rear of the building from the car wash to the fence is over 15-ft which is more than adequate for emergency vehicles to get by. The standpipe system is located on the front corner of the building.

Chairman Fon asked the Board and Counsel if there were any issues and there were none at this time. Mr. Tegeder stated that if the Board agrees they could move forward with a Public Informational Hearing. The Board agreed to schedule a PIH for the September 9th meeting. Fon advised the applicant to work on the landscape plan.

Nantucket Sound Sons LLC

Discussion: Amended Site Plan

Location: 37.18-2-86; 385 Kear Street

Contact: Joseph Thompson, JTA Architect

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

Comments:

Joseph Thompson, Architect; Marsel Praela, property owner; and Leroy Bartley of the Restaurant Clinic and Fire Protection, were present. Chairman Fon informed the applicant that there were only four board members present this evening. Mr. Thompson stated that they are here this evening for continued discussion of the site plan. As requested, a roof plan was submitted to the Planning Department by the applicant's mechanical engineer, however, he could not be present this evening. Mr. Bartley stated that the engineer's plan shows how the exhausts will work on the roof and it also shows that the condensers will not work on the roof with this equipment.

Mr. Phelan stated that they are proceeding with a conversation about duct work proposed in an area where the condensers were originally intended to be. He added that the Planning Board has not granted the applicant relief from complying with the approving resolution and is not sure why they are discussing this before answering what was discussed at the previous meeting. It sounds like the condensor units cannot fit with the proposed rooftop restaurant equipment from the engineer's report, however, in his opinion it is reverse in that the restaurant equipment cannot fit with the condensers because that is where the condensers are supposed to be. He feels that this was never addressed. Bartley responded that he understood the question and thought that the engineer report would help to show this. Phelan asked if they were saying that both entities cannot reside in the same space as they don't fit. Bartley responded that it was totally impossible. Phelan stated that the Board granted approvals that have been ignored thus far. The applicant has presented why the location is workable but the Board still hasn't approved this, and now they are proceeding to another solution to another issue of which he is uncomfortable. He doesn't see anything that shows him how the condensers cannot live on the roof or any dimension that shows how one cannot live with the other. He doesn't see the interference with those units and what is proposed. Bartley stated that his concern was the safety issue and explained why.

Lascala felt that the Board should take a vote with respect to the location of the condensers. Fon stated that there were four members present and informed the applicant that they could put the vote off until the next meeting. Thompson stated that the owner would like to proceed and not prolong the issue. Thompson stated that the applicant has put forth

his best efforts to produce a very nice project; the units are screened and not visible. While there is a significant amount of fencing on Kear Street, if they were to remove the fence and move the units to the roof they would be talking about a 10% net reduction in the fencing. In the owner's interest, they are requesting relief, if the Board grants it. In their opinion, the hardship this creates would outweigh the positive impact of the aesthetic improvement that it would make to move the units to the roof.

Fon asked what happens if there was a split vote. Mr. Chen, Esq. stated that it wouldn't pass. Fon stated that the Board was put in a difficult position not of their doing. They have been to the site quite a few times and noted that the site itself looks very nice. He agrees that it looks like there is room on the roof for both the condensers and restaurant equipment but will yield to the engineer's expertise. Phelan again stated that the request was for the applicant to show the condensers on the roof with the restaurant equipment and not the other way around.

Upon a motion by Bill Lascala, and seconded by Aaron Bock, and with all those present voting "aye", the Board opened a Special Session.

Chairman Fon asked for a motion to leave the mechanical equipment originally proposed and approved for the rooftop for Nantucket Sound Sons, LLC to remain in its present location on the ground. Motion by Bill Lascala, and seconded by Aaron Bock. Roll call as follows:

- Rich Fon voted "aye"
- Bill Lascala voted "aye"
- Bob Phelan voted "nay"
- Aaron Bock voted "nay"

Upon a motion by Bill Lascala, and seconded by Aaron Bock, and with all those present voting "aye", the Board closed the Special Session.

Fon informed the applicant that since the vote was split, the approved site plan will remain as originally approved and the ground mounted equipment will have to be moved to its originally approved location on the roof.

Thompson asked if a vote had to be taken for the revised details of the dumpster enclosure and other items discussed to date. Phelan stated that those items were approved during their meetings previously. This was the only outstanding issue other than the duct work. Phelan asked Tegeder if a bond still needed to be established. Tegeder responded that it will need to be established for the mitigation as this work cannot be done until next spring. Thompson stated that he will work with the Planning Department to establish a bond to be approved by the Planning Board. Tegeder informed the applicant that they will need an estimate of the work to be done before establishing the bond.

Guiding Eyes for the Blind - Crompond

Discussion: Site Plan

Location: 36.06-2-72; 3241 Crompond Road

Contact: Site Design Consultants; Zarin & Steinmetz

Description: Approved construction of a guide dog training facility/kennel/veterinary hospital and office space on 12.24 acres in the interchange zone by Planning Board Resolution #23-21 dated 12/4/2023.

Comments:

David Steinmetz, Esq. of Zarin & Steinmetz; Joseph Riina of Site Design Consultants; Tom Panek and Bill Ma of Guiding Eyes for the Blind, were present. Mr. Steinmetz stated that they received site plan approval and are on the final approach to commencement of construction. They secured the NYCDEP approval and are ready to proceed finalizing and signing of the site plan. They are waiting for Westchester County Department of Health and NYS Department of Health to agree and issue approvals for the sewer. This is the only item outstanding with respect to the finalized site plan. They would like to begin work on the wetland remediation that the Board previously reviewed and approved that includes repairing and replacing the culvert at the front of the property under the existing driveway that will also allow them access onto the property to commence tree removal. The tree removal and mitigation plan was previously approved by the Board. They would like to figure out a mechanism to allow some degree of work to take place while waiting for the Department of Health approval.

Tegeder informed the Board that they would need to do a wetland and tree permit; the scope of work would reflect the request and when ready they could come back for the general permit to cover the entire site. Steinmetz stated that this would work as it is the right time of the year to proceed and if they could bifurcate the process it would be appreciated.

He noted that they already have the wetland and tree removal plan but asked if anything else was needed. Tegeder responded that it is already shown on the plans submitted which would suffice. A temporary permit to this scope of work could be issued and signed by the Chairman. Tegeder asked if the DEP approval generally reflects what the Planning Board originally approved with no significant changes. Riina responded that they have full DEP approval which includes the letter, signed and stamped plans and approved SWPPP report. The footprint of the site is the same as what was approved and the stormwater area is in the same location. Steinmetz stated for the record that they are requesting a modified permit to bifurcate the process giving them authorization to begin work at the site based on Tegeder's comments that he already has the various pieces of paper.

Chairman Fon asked the Board and Counsel if there were any issues and there were none. The Board agreed to approve a modified wetland and tree removal permit to allow work to begin at the site.

Upon a motion by Bill Lascala, and seconded by Aaron Bock, and with all those present voting "aye", the Board opened a Special Session.

Upon a motion by Bob Phelan, and seconded by Aaron Bock, and with all those present voting "aye", the Board approved a modified wetland and tree removal permit for the Guiding Eyes for the Blind.

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

Bartosch Approved Subdivision

Discussion: Site Plan
Location: 59.10-2-3; 520 Vine Road
Contact: Site Design Consultants
Description: Approved subdivision by Planning Board Resolution #11-01 dated January 24, 2011 and Planning Board Resolution #12-09 dated June 7, 2012.

Comments:

Joseph Riina of Site Design Consultants; and Mr. Bartosch, property owner were present. Mr. Riina stated that the application is for the development of a lot that was created as part of a two-lot subdivision that was approved by the Planning Board; the map was filed in 2012. The property owner is seeking to construct the first residence on the property. The home proposed is to be ranch style with a full basement foundation. They have the Health Department approval. The stormwater permit originally issued on the subdivision has since expired and they are requesting a renewal.

Bock asked if anything has changed. Riina responded that the house, septic, and stormwater are the same. Bock stated that since the approval is the same all that is needed is the renewal of the stormwater permit. Tegeder stated that that the resolution requires that each individual site needs to be approved but noted that there aren't any significant changes that would require any new engineering reviews. Riina stated that they submitted the plans to the Engineering Department as well. Tegeder informed the Board that nothing has changed from the original approval so the Board just needs to reapprove the stormwater permit and 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 opened a Special Session.

Upon a motion by Aaron Bock, and seconded by Bill Lascala, and with all those present voting "aye", the Board reapproved the stormwater permit and site plan for the Bartosch subdivision.

Upon a motion by Bill Lascala, and seconded by Bob Phelan, and with all those present voting "aye", the Board closed the Special Session.

Ryder Subdivision

Discussion: Minor Subdivision
Location: 48.06-1-12; 532 Underhill Avenue
Contact: Site Design Consultants
Description: Proposed two lot residential subdivision to be served by a single (existing) common driveway. Each home will have a septic system and will be served by Town water.

Comments:

Joseph Riina of Site Design Consultants was present. The proposal is for a two-lot residential subdivision. They received the Health Department approval. A SWPPP, mitigation plan and subdivision plans were submitted for review and the subdivision plat was prepared. A public informational hearing was held in May. They also met with the Conservation Board. He is here this evening to request to move forward with a public hearing.

Chairman Fon asked the Board and Counsel if there were any issues and there were none. The Board agreed to schedule a Public Hearing for the September 9th meeting.

Grishaj Subdivision

Discussion: Major Subdivision

Location: 16.17-2-77; 3319 Stony Street

Contact: Site Design Consultants

Description: Proposed to subdivide an 8.07-acre parcel in the R1-20 zone into 10 single-family residential lots and one conservation lot by extending High Point Drive and connecting to South Shelley Street.

Comments:

Joseph Riina of Site Design Consultants was present. Mr. Riina stated that since they were last before the Board, they had a public hearing which was closed. Subsequently, they received a comment memo from the Planning Department to which they have addressed. Some of the changes taken place are that they officially designated the conservation parcel as a separate lot and proposing for it to be part of an HOA for ownership and maintenance of it. They created more of a physical barrier between lot 1 and the conservation area with the extension of the stone wall along the property line. In the corner, where it joins up to High Point Drive there is an existing catch basin that discharges directly to the north and that water follows the channel and goes down Scofield road. They are punching through into the catch basin with an additional pipe which will divert some of that water and provide additional hydrology to the created wetland within the conservation lot. That discharge will be spread throughout with the grading proposed as part of the mitigation. Lots 3 and 4 have been pulled forward to give them a more substantial rear yard. The stormwater retention system was explained and shown on the plan. The infiltration system is for the water quality portion of the stormwater discharge and the detention system is for the attenuation of the storm events. Due to the topography they stepped the system to follow the grade. These were the major changes made and he would be happy to address all the comments one by one. A subdivision plat was submitted to the Planning Department.

Bock asked if the conservation area (lot 11) would have an easement and what kind of protection were they envisioning. Riina responded that it will be an independent lot and they are proposing an HOA so that each property owner will be responsible for sharing the cost of the maintenance for that lot. Bock asked if there was a conservation easement on that lot and Riina responded that there was and the HOA will hold it; they are not transferring the responsibility to the town. Phelan asked who will own the property for the stormwater detention area. Riina responded that it will be within an easement that the HOA will be responsible for. Fon asked if there was a management plan in place. Riina responded that it was on the mitigation plan.

Chairman Fon asked the Board and Counsel if there were any other issues and there were none. Tegeder stated that a draft resolution could be prepared for the next meeting.

Jacob Road Solar

Discussion: Site Plan and Special Use Permit

Location: 35.16-1-4; 1805 Jacob Road

Contact: Nicholas Vamvas; Zarin & Steinmetz

Description: Applicant is seeking site plan and special use permit approval to develop a 3.125 mega-watt AC solar facility on a 53-acre project site in the R1-160 zone. This property is Lot #6 Colangelo Subdivision.

Comments:

David Cooper, Esq., and Jaclyn Cohen, Esq. of Zarin & Steinmetz; Nick Vamvas, P.E. of Labella Associates; and Ryan Hutcherson of Freestone Renewables, were present. Mr. Cooper stated that he is here this evening for continued review of the site plan. At their last meeting, they were asked to provide more visual analyses with respect to screening from various vantage points around the site. They have since submitted a visual impact analysis and simulations to the Planning Department that includes 18 different viewsheds. Also included in the submission was an updated landscape plan. The applicant is proposing to plant a double row of evergreens (700 trees at 8 to 10-ft in height at delivery) around

the entirety of the solar array that would be directly adjacent to the solar array. Photos of the existing conditions were taken from the property line looking back towards the array for the 18 locations. He noted that there is an 80-ft undisturbed buffer around the property so they will be looking at the buffer, the landscaping plan beyond, and the solar array beyond that. The visuals will also include cross sections to show the topography and line of sight. Their belief is that with the buffer, landscape plan and solar array perimeter the arrays will be fully screened. A few of the viewsheds have been selected for review this evening but they can review more if the Board wishes.

Bock informed the applicant that the application is being processed under the solar law moratorium and noted that they are moving forward with the understanding that things may change as they progress. Cooper responded that they are fully aware of the moratorium. Bock asked Councilman Murphy for an update. Councilman Murphy stated that nothing has changed with respect to the moratorium but they are in discussions with respect to the details such as the buffer, etc. Cooper stated that they are hoping to inform them what a good buffer might be with their project and added that there is a balance with respect to the lots. They believe that their 80-ft buffer and landscape plan provides a significant buffer. Bock asked what their understanding of the requirement was. Cooper responded that he is not sure if there is an actual buffer requirement other than the 100-ft setback. They originally proposed a 20-ft buffer but moved it to 80-ft. Fon stated that the definition they are struggling with is the fully screened requirement from a residential zone.

Vamvas noted that with respect to the “green wall” discussion at the prior meeting, they packed the trees as tightly as they could with a variety of arbovitae; in front of the arbovitae will be a series of pine trees. The arbovitae will provide day 1 screening to create the green wall and over time the pines (8 to 10-ft at planted height) will grow fairly quickly at 5 to 10-ft over the first five years so they will overtake the arbovitae and provide the visual barrier. They are doing this only on the neighboring residential properties as this is where they will have the largest visual impact. The proposed double row of vegetation along the eastern side where they have a much larger buffer bordering the nature preserve will remain but won’t be as dense as to where they are joining the residential neighbors. With respect to the visual analyses, a photographer was sent to the site to take photos of the all the neighboring parcels including the proposed subdivision lots northeast of the site. They selected five viewsheds that are representative of the overall screening for presentation this evening. Each viewshed includes existing photos, simulations and line of sight profiles to demonstrate how the vegetation and topography will screen the proposed facility. The profiles to be reviewed from the proposed subdivision are J1 (extreme southwest corner); J4 and J8 (west); J13 (north); and J14 (northeast and closest to the panels). He noted that they simulated the proposed landscaping where there may be visibility, however, from many of the views there was almost nothing to simulate because there is significant vegetation that will remain. Phelan asked what was the ground height that the photos were referenced to. Vamvas responded that it was 6-ft in height at eye level and noted that the distance to the panels and screening are shown on the simulations for a sense of scale. The following viewsheds were discussed:

1. J14 – Northeast of the solar array. There is a significant amount of vegetation to remain and with the proposed trees they don’t expect visibility of the solar array. The line of sight profile shows the distance of 600-ft to the existing trees and 500-ft to the proposed trees with year 1 and year 5 expected tree growth.

Bock asked if the point of the simulations were to block the undergrowth of the mature trees with the new trees. Vamvas responded that this was a graphical representation and noted that the vegetation may vary. There is significant undergrowth shown in the photos but they are not able to represent every plant on the ground. They are leaving a significant amount of vegetation along with the new plantings; from this view they are nearly 300-ft from the panels. Tegeder asked if the plantings in year one, provided it is dense enough, would fully screen the array from this vantage point. Vamvas responded that it would and noted that they don’t want to lose sight that the vegetation is to remain.

2. J13 – A little north of the solar array. Due to the location and proximity to the panels there will be some visibility due to the tree removal. However, even with the tree removal all they will see is the proposed vegetation. The line of sight profile shows a distance of about 140-ft to the new trees and 190-ft to the panels behind. Even with the loss of the vegetation they will still be fully screened from this vantage point.
3. J8 – From the end of the cul-de-sac against the property line. With the 80-ft buffer in place and the proposed trees behind they are fully screened. The line of sight profile shows a distance of 135-ft to the proposed vegetation and 157-ft or so to the panels.

Tegeder asked how tall would the landscaping need to be if they drew a line of sight from the viewer to the highest panel. Vamvas responded in that case it would need to be about 12-ft or so. Tegeder asked if the growth would

reach that point within a year. Vamvas responded that the trees would be between 8 and 10-ft at planted height and the simulation shows the planted height and no visibility. Tegeder stated that the line of sight can establish the height needed in order to fully screen everything as it moves up the hill and the simulation tells him that they would need to get to about 12-ft roughly in order to fully screen the panels from this vantage point at 6-ft eye level from the property line.

4. J4 – At the end of the cul-de-sac. Vamvas noted that before they took the photos they had a surveyor flag their limit of disturbance so they were able to accurately depict the trees proposed to be removed, however, from this photo they were unable to see the flagging so the loss of vegetation is not shown. The silhouette of the trees and panels behind were shown on the profile. Even without the existing vegetation in place all they will see is the proposed screening. From this vantage point they are looking down but with the proposed tree line they are obscuring the view of the panels on day one.
5. J1 – extreme southwest. The vegetation is so dense that they don't expect to see any removal of vegetation. The line of sight profile shows that even to the highest panel the initial planting height will eliminate the view.

Fon requested that views J8 and J4 be worked on with respect to the line of sight. He noted that the Board's mission with respect to solar arrays are to ensure that they are fully screened and it appears that this could be done. Fon asked the Board if there were any other comments. Tegeder stated that he would like review the line of sight sections in more detail and possibly have a meeting with the applicant to ensure they are clear on what is being presented. Additionally, the stormwater still needs to be reviewed. Lascala asked about the amount of trees to be removed. Cooper responded that 1,141 trees are proposed to be removed, 750 new trees are proposed to be replanted leaving a deficit of about 400 trees over 24 acres. Cooper noted that they also submitted a carbon sequestration study. Fon stated that from a public utility perspective the state is pushing for solar and noted that Con Ed is not installing new infrastructure so they are looking to offset this with solar and wind. Unfortunately, trees will be removed.

Fon advised the applicant to meet with the Planning and Engineering Departments to go over the details. Tegeder stated that if the Board agrees they could move forward with a Public Informational Hearing. Cooper requested to wait until after their meeting with the departments to sort out the details.

Town Board Referral – AMS, LLC

Location: 5.19-1-15; 800 East Main Street, Jefferson Valley (Contractors Register property)
Contact: DelBello Donnellan Weingarten Wise & Wiederkehr, LLP; Site Design Consultants
Description: Referral for review of the DEIS for the proposed rezone of 35.53 acres in the OB zone to RSP-2 for a active adult residential community consisting of 250 units including a mix of rental and for-sale townhomes, together with amenities, parking, and related infrastructure.

Comments:

Janet Giris, Esq.; Joseph Riina, P.E. of Site Design Consultants; Peter Feroe of AKRF; Ryan Sutherland of AMS; and Stuart Lachs, Architect of Perkins Eastman, were present. Ms. Giris stated that on behalf of the applicant, they filed a petition with the Town Board in October of 2022 for some modifications to the zoning ordinance that would affect the property that is currently known as Contractor's Register at 800 East Main Street. The petition is seeking to rezone the property from OB to RSP-2 to allow the redevelopment of the property with an age restricted multi-family development. Since then, the Town Board issued a positive declaration as the Lead Agency under SEQRA. Subsequently they approved the scope of work and a DEIS was prepared in response. The DEIS was accepted by the Town Board as complete and adequate for public review in July. A public hearing is scheduled for September 3rd. They are here this evening as a referral to present the DEIS to the Planning Board as an involved agency for feedback.

Mr. Feroe stated that the project site is a total of 35.5 acres and located north of Route 6 and east of the Taconic State Parkway. Currently about 10.7 acres of the site is disturbed with the existing development that includes two vacant three-story office buildings (63,000SF) and 288 parking spaces. The developed portion of the site is about 10-ft higher than Route 6. The proposal is for an age restricted multi-family residential community that would consist of a total of 250 one or two bedroom units; 200 of the units are proposed for rentals and 50 are proposed for sale. Multiple buildings of varying types of up to 4-stories are proposed. As mentioned previously, they would require a zoning change to remap the site from OB to RSP-2 as well as a text amendment to permit greater density and height on RSP-2 sites greater than 25 acres to allow design flexibility in order to reduce the visual impact. The third component of the project is to improve the intersection of Route 6 and East Main Street. The site plan and rendering was shown to the Board. The existing

access drive will remain in place and the site will be redeveloped. The club house is proposed to be in the center of the site with the residential housing. The site's amenities would be mostly on the eastern portion of the site that would include walking trails, tennis and pickleball courts, etc. A pond is also proposed to act as a water feature within the site. Feroe continued that the DEIS process was reviewed previously by Giris. Once all comments are received, they will prepare a final statement with written responses to all substantive comments from the Town, Planning Board and public. Once complete, the Town Board would be in a position to issue a findings statement to summarize the environmental impacts and mitigation associated with the project and set forth their rationale for their decision. Once concluded, and if the Town Board approves the rezoning, they could ultimately start the site planning process. He noted that the DEIS is quite long and consists of many chapters. The project is consistent with the Town's comprehensive plan. While the 2010 comprehensive plan recommends promoting office development near the Taconic it is clear that the market has changed dramatically and campus office parks are struggling. As a result, they looked elsewhere in the comprehensive plan with respect to housing and different types of housing within the community. The demand for housing remains strong especially for housing other than single-family detached to balance future development with open space and natural resources so they took those elements and developed the proposed project. There is a whole chapter in the DEIS with respect to the visual character of the site along with photo simulations. A color coded topographic map was shown with red being the highest elevation and green being the lowest that shows that the developed portion of the site sits about 100-ft higher than Route 6. The site slopes down towards the Taconic a little bit compared to when it eventually gets to the Taconic another 40-ft down from the property line. He noted that they are isolated at the top especially with the vegetative cover. Photo simulations for the proposed project from seven different vantage points were prepared for the site. The project buildings are relatively obscured by the existing vegetation. A portion of the roof of one of the buildings may be visible at or above the tree line from the Taconic heading northbound. From the Taconic southbound, buildings are visible in leaf-off condition below the tree line but will not be seen in leaf-on conditions. The buildings could be seen through the trees but it was noted that you could see the existing buildings through the trees currently. There are no regulated wetlands or floodplains on the site. As mentioned previously, about 10.7 acres was previously disturbed; the proposed project would include the re-disturbance of those 10.7 acres plus another 9.5 acres. The impervious coverage of the site would increase to about 9.3 acres from 5.2 acres and would require the removal of approximately 1,320 town regulated trees with a mitigation plan that would be pursuant to the town code as described in the DEIS. There is an existing stormwater system on site that captures the water from the currently developed area and travels to the south of the site. The water from the undeveloped wooded area flows downhill from east to west. Their engineer prepared a preliminary design for the project's stormwater and they are working on the final engineering details. They will have to add underground detention and other elements to make up all the space needed for the water quality requirements.

Bock stated that there are some references in the reports that talk about the impact of forcing the reduction in density and asked if this was the conclusion set forth. Feroe responded that the conclusion is to make the stormwater work either with the reduction of the density or to go through a significant engineering design. Bock asked what is the number they are working with based upon the impact of the stormwater. Feroe responded that they developed an alternative plan of 185 units with a different footprint that can handle the stormwater that is in the DEIS aside from the proposed 250 units. Bock stated that from an environmental review, the rezoning is tied into the underlying site plan which is reviewed by the Planning Board and not necessarily the Town Board and questioned how locked in are they after the environmental review is complete for the rezoning based upon this site plan. Feroe responded that the Planning Board would come in during the site plan review process and now would be the time to weigh in as the SEQRA process is set up to study alternatives at the request of the Town Board. The review would come in now between the DEIS and final EIS. There is an opportunity to refine the project and for the Town board to weigh in on what is more appropriate for the site so they don't get into a position down the road of having a site plan that doesn't work. Phelan's understanding is that the site plan will determine the density approved.

Feroe continued with the socioeconomics and community aspect of the project and noted that there are several studies within the DEIS. The new residents will support the local businesses. The site currently generates about \$270K a year in property taxes as a vacant office building. When redeveloped the project is anticipated to generate approximately \$1.274M in taxes which is an increase of over \$1M a year with no additional costs to the school district as this is an age restricted proposal. A traffic and transportation study is also included within the DEIS. They looked at 11 different

intersections that were identified by the Town Board and the public during the scoping session. They included four (4) no-build projects within their traffic study. They took their existing base traffic volumes and added the traffic from those proposed projects to the existing conditions and then from there they put their proposed traffic on top of this. The report includes the background growth and the percentage of growth per year that could happen on the network. Their project would generate a little more than 100 trips per peak hour during the morning and afternoon which is a little less than what the existing office building would have generated. The project would impact the East Main Street and Route 6 intersection if it wasn't mitigated. Currently, the intersection experiences a level of service "F" and would experience that in the future with or without this proposal. Improving the intersection is part of the proposal and the mitigation proposed would improve the level of service to a "C"; it would eliminate the project impact and improve the current conditions. The mitigation proposal is to signalize the intersection on Route 6 and East Main Street; the two signals would act together. They are also proposing to extend the left hand turning lane onto East Main Street within the existing right-of-way that would help it to function better. Discussion followed with respect to the improvements, functionality and safety. Bock asked what the level of service would be for someone coming out of the Jefferson Valle area onto Route 6. Feroe responded that it would be about the same and noted that they are measured differently as detailed in the DEIS. Tegeder stated that currently as it operates coming west onto East Main Street from Jefferson Valley there is no stop sign or signal at that intersection. They could make the turn at the stop bar onto Route 6 and noted that this is a significant difference to those travelers in the am peak hours. There is a potential for some queuing at the new light for commuters in the morning trying to get to the Taconic from points easterly. Fon asked about the pedestrian movements and if sidewalks were proposed. Feroe responded that due to the grade change sidewalks were not proposed. To get up to the site they are climbing about 100-ft, the slopes on the sidewalk wouldn't be ADA accessible. Additionally, once the site ends it doesn't connect to anything. He noted that it would have to be a significant extension and they don't feel they would have walkers.

Bock noted the access and asked if this was their preferred way of accessing the site or if there was a better way to access the site from the ramp at the Taconic northbound exit. Feroe responded that this is addressed in the DEIS and this area was investigated as a secondary access. He noted that if it were flat it would be a different story and showed the secondary access investigation with the grade changes from the Taconic. If they were to go straight in they would have to cut about 30-ft of rock; if they went in at an angle they would have to cut about 15-ft of rock. Additionally, they would have to make improvements to the cul-de-sac. Riina noted that to the left they don't reach grade and would be tunneling at this point; on the right they do reach grade coming across the orange dotted line shown on the photo and hitting the existing cul-de-sac but there is a significant amount of cutting to be done and feels they have a much better route and grade with the current access. Tegeder stated that the configuration of the existing access is a difficult situation and feels it may be subject to some issues in queuing in the piece into the site during pm peak hours now that it is a residence; as an office during the pm peak hours they were coming out of the site. Feroe stated that they can look at the queuing in more detail. Tegeder asked if they performed subsurface exploration. Riina responded that they have not but noted that there is obvious visual surface evidence of rock. Phelan asked if the cut was about 15-ft to make it work and Riina responded that this was correct. Phelan asked whose property it was. Feroe responded that it was partially the DOT and it is unclear as to whether the DOT would give permission to make a signalized driveway at that intersection and noted that it would be a significant project if they went that route. Phelan thought they would then be able to keep the traffic from interfering with East Main Street and bring their traffic out to a signalized intersection on Route 6 where people could go east or west from their project. Feroe stated that with this scenario they would give up access to East Main Street completely. Phelan thought the benefit would be taking the traffic away from that intersection so it could function on its own with minimal improvements just signalization and they would be creating a new signalized intersection; the lights could be timed to the new traffic light. Feroe responded that they sent their plan to the DOT but have heard back. He noted that if the topography wasn't an issue this would be the preferred option. Phelan asked if they explored other options to minimize the amount of cut. Riina responded that these were the two best scenarios.

Fon was concerned about a pedestrian walkway and questioned if there was some way to incorporate this even if it was meandered. Riina responded that it would be an extensive walk as it would meander down the hillside. Tegeder thought they could realign the access road. Fon thought this should be looked at.

Phelan questioned if there should be a secondary means of access to the property for emergency vehicles. Feroe responded that they looked at this and are proposing to take the existing access drive and widen it slightly up the hill a

few feet to get about 26-ft to get two lanes in each direction with a landscaped median so that the emergency vehicles can go over it to have that extra lane that will be striped. He noted that there is a cross section for this in the DEIS. Riina stated that there will be a mountable curb around it.

Fon asked about the drainage with respect to the density. Riina responded that they performed testing and found good areas for infiltration to the north side of the site. He noted that they are more confident in the alternative versus the current plan as a result of the amount of rock to the south end of the site.

Fon stated that the traffic will need to be reviewed and informed the applicant that the next agenda item is to discuss the Route 6 corridor and intersection. Feroe responded that they looked at this with the other proposed developments and proposed something that works not just for them but works for the intersection today and the other proposed future developments; the details are provided in the DEIS. He noted that Transpo Group (Town's traffic consultant) is also involved. Fon thought the area is ripe for a complete redo. Feroe responded that they are happy to be a part of making the situation better to ensure that it works.

Feroe stated that they looked at alternative layouts for the site. The alternate site layout is for a total of 185 units that minimizes the impacts to the rest of the site. They looked at two variations of the 185 unit plan. Both would be under the existing RSP-2 with no extra height or density and the same building footprints. One variation shows shorter buildings (3 stories) and would lose 40 units. The building would be exactly the same and would not generate as much traffic with less of an impact on the East Main Street intersection. If they kept the larger building footprint of 185 units at 3 stories, the building gets bigger with more disturbance. The proposed alternate layout would include a total of 185 units (165 multi-family and 20 cottages with 278 parking spaces); on-site amenities, clubhouse, walking trails and open space. The multi-family would be constructed within the existing ring road. They would still need a rezoning to RSP-2 but would not need the extra density however they would still need the height increase for the 4th story. The stormwater would be retained and they would preserve more of the site. The layout and rendering of the proposed building was shown. Photo simulations of the proposed layout and alternative site layout from different vantage points were also shown. The alternate plan proposes 8.65 acres of disturbance as they would not be disturbing the developed area and not going far north or east. The impervious coverage goes from 5.2 acres to 7.5 acres which is about 2 acres less than the proposed project. The tree removal would be reduced to 651. The stormwater design would use the existing drainage for the developed area and new systems would be developed for the cottages. They would have 17 to 20 fewer trips in peak hours so they are looking at 90 to 110 trips compared to 110 to 130 with the proposed project. The mitigation is similar. Taxes to the town are anticipated to be 1.3M instead of 1.8M. They feel that the alternative layout works well and is viable but the 250 unit layout is what they are proposing.

Feroe stated that at this point, they are looking for the Planning Board's feedback. They met with the Conservation Board on August 7th. As stated earlier, the public hearing is scheduled for September 3rd. The final EIS will include responses to all substantive comments. Based on this, the Town Board would issue their findings that would include picking the preferred site plan. Bock noted the comment period timeframe. Tegeder stated that the Board could provide their comments to the Planning Department that could be incorporated into a draft memo to be finalized by September 3rd.

Planning Board Discussion on Cumulative Project Impacts on Route 6 Corridor

Fon stated that he and Aaron Bock discussed this item with the Planning Department earlier this past week. The concern is that there are a number of projects currently proposed that will impact the Route 6 corridor. They feel that a holistic study of the area would be helpful to the Town and potential developers. Bock stated that the challenge is that there are two levels of Boards functioning in the same area.; the Town Board is involved in the rezoning and extension of the overlay district. From a planning objective, he would like to make a recommendation for the Town Board to review this on a regional basis. Bock asked if they were bound by the Town Board's findings for their site plan review. Tegeder responded they are bound by the findings of the Town Board as the Lead Agency and is why the Planning Board's commentary is important. Tegeder stated that the Planning Department could draft a memo to the Town Board with their concerns and suggestion for a further holistic study and the Board agreed.

Meeting Closed

Upon a motion by Bill Lascala, and seconded by Aaron Bock, and with all those present voting "aye", the meeting closed at 9:34PM.