

# Planning Board Meeting Minutes – September 9 , 2024

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A meeting of the Town of Yorktown Planning Board was held on Monday, September 9, 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

Rob Garrigan

Also present were:

John Tegeder, Director of Planning

Robyn Steinberg, Town Planner

Ian Richey, Assistant Planner

Nancy Calicchia, Secretary

David Chen, Esq.

Councilman Sergio Esposito, Town Board Liaison

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## **Correspondence**

The Board reviewed all correspondence and had no comments.

## **Motion to Approve Meeting Minutes of August 12, 2024**

Upon a motion by Bill Lascala and seconded by Rob Garrigan, and with all those present voting “aye”, the Board approved the meeting minutes of August 12, 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**

### **Crystal Court Subdivision**

Discussion: Request for Time Extensions and Reapproval

Location: 27.11-2-43; Crystal Court

Contact: Panbar Realty

Description: Requests for two 90-day extensions, a reapproval, and a first 90-day extension to bring the project up to date. The project consists of a three-lot subdivision on 5.07 acres in the R1-20 zone approved by Resolution #21-19 dated 9/13/21 and reapproved by Resolution #23-03 dated 3/27/23.

Comments:

John Barile; and Louis Panny of Panbar Realty were present. Mr. Barile stated that they are requesting three time extensions and a reapproval for the approved subdivision in order to bring it up to date. Chairman Fon asked the Board, Planning Department, and Counsel if there were any issues and there were none.

**Upon a motion by Bill Lascala and seconded by Rob Garrigan, and with all those present voting “aye”, the Board approved two 90-day extensions, reapproval, and a first 90-day time extension for the Crystal Court subdivision.**

### **Envirogreen Associates**

Discussion: Request for Re-approval

Location: 15.16-1-30 & 31; 1833-1875 East Main Street, Mohegan Lake

Contact: Site Design Consultants

Description: Request for reapproval of Resolution #21-22 dated September 27, 2021, redevelopment of the property to construct a new 12,400 SF retail building with associated parking, landscaping, lighting, and stormwater improvements.

Comments:

Joseph Riina of Site Design Consultants was present. Mr. Riina stated that they are requesting a reapproval for the approved site plan. Chairman Fon asked the Board, Planning Department, and Counsel if there were any issues and there were none.

**Upon a motion by Bill Lascala, and seconded by Rob Garrigan, and with all those present voting “aye”, the Board approved the resolution reapproving site plan, stormwater pollution prevention plan and wetland permit for Envirogreen Associates.**

**Curry Honda - Renovation**

Discussion: Public Informational Hearing  
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:

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

Martin Stejskal; and Joel Greenberg of Architectural Visions, were present. The proposal is for the renovation of the showroom, front façade, front parking lot including vehicle display parking spaces, and landscape plan. Mr. Greenberg stated that since they were last before the Board, they appeared before the ABACA and received their comment memo dated 9/5/24. The ABACA was in favor of the proposed renovation. He noted that the previously submitted landscape plan was revised slightly to relocate some trees and the ABACA provided some comments to which they will incorporate in their plan. Stejskal stated that the landscape plan will consist of a mixture of grasses, shrubs, and trees to soften the entire area as shown on the submitted revised plan. Greenberg stated that the Curry Honda Corporation is instituting a new image program throughout the country and each dealership is slightly different. Fon asked if there were any changes outside of the aesthetics and Greenberg responded that there wasn't. Stejskal showed a prototype rendering from the Honda Corporation. He noted that the difference with the prototype as opposed to their proposed plans is that the signs are a mirror image. Additionally, the existing entrance door in the center of the building and existing glass will remain. They are trying to match the prototype as much as possible while working with the existing building. Fon appreciated the work put into the landscape plan and felt that it would be a nice addition to enhancing Route 202.

Chairman Fon asked the Board, Planning Department and Counsel if there were any comments and there were none.

Chairman Fon asked the public if there were any comments and there were none. Fon noted correspondence received from resident Rose DiGilio dated 9/9/24. Ms. DiGilio requested that all construction be performed in accordance with the Town's noise ordinance. Ms. DiGilio also noted that there were loud noises coming from this lot past 11:00PM.

Greenberg stated that they received the resident correspondence this evening and noted that they will abide by the Town's noise ordinance with respect to the construction. Stejskal stated that with respect to the noise beyond 11:00PM, the sanitation pick up would be during the day and Honda is not open during this time. He thought that it could be people rummaging through the garbage for metal during the evening hours in order to sell it. They will look into this.

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

The Board agreed to schedule a Public Hearing for the October 7<sup>th</sup> meeting agenda.

**Teatown Lake Reservation - Campus Renovation**

Discussion: Public Informational Hearing  
Location: 69.14-1-5, 6, 7, 8, 8.1; 1600 Spring Valley Road  
Contact: DTS Provident Design Engineering  
Description: Campus renovations including the Nature Center and the adjoining areas north and south of Spring Valley Road.

Comments:

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

Andrew Tung, P.E. and Mark Gratz, P.E. of DTS Provident; and Alan Sorkin, Managing Director of Teatown; were present. Mr. Sorkin stated that Teatown is a non-profit organization. Since the early 1960s they have been working to inspire generations to care about the natural world. They are the largest community funded nature preserve in Westchester County with over 1,000 acres under active management. Their mission is to inspire life-long environmental

stewardship within the Westchester community. Their buildings are aging and the infrastructure needs improvement. As a result, Teatown embarked on a historic campaign to improve their campus. Teatown's primary objectives are to maintain the health of the preserve; strengthen their long-standing commitment to environmental education; invest in the aging infrastructure; and create a more safe and ADA accessible environment for the campus. Their goal is to enhance their mission not expand it.

Mr. Tung stated that the application concerns five parcels - three parcels north of Spring Valley Road and two parcels south of Spring Valley Road. These parcels form the core of the campus from which many of the trails emanate. There are three primary components to the site changes as part of the renovation. The first change is the separation of the education function from the other functions that are currently in the carriage house and nature center on the north side of Spring Valley Road. Currently, the education function shares a space with the exhibit area, gathering area, store, and animal care facility that at times cause an overlap. Going forward, Teatown has determined that it is in the best interest for both the educational program and the visitation program to be separate. The proposal is for a creation of a 5,900SF single-story education building that will be set in the center of the north side of Spring Valley Road. The proposed building will have a green roof, geothermal heating system, and in-door and out-door classrooms. The existing maintenance facility (red barn) will be relocated south to a new small building adjacent to the Croft Science Center in the former footprint of the old tennis court. The second change to the site will be the creation of a bus drop-off north of the proposed new building that will bring students directly to the new education building from a shared driveway at Blinn Road. Currently those bus drops occur at the front of the building or in the main parking lot adjoining the nature center which creates conflicts. The separation of the bus drop-off function to the north area around the nature center will improve the situation. The third change is to the main parking lot to the west of the nature center. This lot is proposed to be removed as it is no longer needed for bus drop-off and only has a limited number of spaces. Those parking spaces will be relocated across Spring Valley Road to the south. A new crosswalk and pedestrian signals will be located along Spring Valley Road to the west and east to improve the pedestrian circulation. There are also associated improvements proposed with respect to the trails, pathways and stormwater management. Landscaping is proposed in and around the buildings. The nature center itself is also proposed to undergo a facelift and complete interior renovation. Chairman Fon asked the Board, Planning Department and Counsel if there were any comments and there were none. Fon noted that the Board performed a site visit and feels that the proposed renovation will be an asset.

Chairman Fon asked the public if there were any comments and there were none.

**Upon a motion by Bill Lascala, and seconded by Rob Garrigan, and with all those present voting "aye", the Board closed the Public Informational Hearing.**

The Board agreed to schedule a Public Hearing for the October 7<sup>th</sup> meeting agenda.

#### **Ryder Subdivision**

Discussion: Public Hearing

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:

**Upon a motion by Bill Lascala, and seconded by Rob Garrigan, and with all those present voting "aye", the Board opened the Public Hearing.**

Joseph Riina, P.E. of Site Design Consultants; Steve Marino, Environmental Consultant of Tim Miller Associates; and Geroge Ryder, property owner, were present. Mr. Riina stated that the property is located at 532 Underhill Avenue and is zoned R1-40. The site was previously served by a single-family residence that was abandoned and has since been removed. The proposal is for a two-lot residential subdivision. The property will be accessed by the existing common driveway to be shared by both residences. The property is served by town water and septic. The septic systems have been tested and the septic areas were approved by the Westchester County Department of Health. The SWPPP has been prepared as part of the application. There is a local wetland on the property. As discussed with the Board previously, the tree removal permit will be sought at the time of construction for each individual residence.

Mr. Marino stated that as discussed in the past, there is a wetland at the lowest point of the property adjacent to Underhill Avenue that is generated by run-off coming down the hill. It is blocked at the street by the slight elevation of the road and for many years has been maintained as a lawn. Bruce Barber walked the site several years back and came up with the final wetland delineation. The pink area on the plan is the proposed crossing of the driveway to access the second lot. As a result, there will be a small amount of wetland fill to complete the driveway. They are proposing an expansion of the existing wetland between the new driveway and existing wetland. The lawn mowing will be ceased; the wetland is proposed to be reseeded with wetland seed and vegetation as well as landscaping of the proposed rain garden stormwater treatment basin with typical native species. The restoration of the wetland to the east of the driveway will be a significant benefit to the wetland system on the site. They met with the Conservation Board and there were no issues.

Chairman Fon asked the Board, Planning Department, and Counsel if there were any issues. Tegeder stated that he had no issues with the proposal but requested that the applicant create a boundary of the wetland for the second lot's front yard with a stone wall of some sort. The applicant agreed. There were no other comments.

Chairman Fon asked the public if there were any comments and there were none. Chairman Fon informed the public that this application has been before the Board since 2013. Mr. Ryder thanked the Board for their time and effort during the entire process.

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

**Motion to close Regular Session and open Work Session**

Upon a motion by Bill Lascala, and seconded by Rob Garrigan, and with all those present voting "aye", the Board closed the Regular Session and opened the Work Session.

**WORK SESSION**

**209 Sandpiper Court (Maplebrook Townhouses)**

Discussion: Site Plan

Location: 16.20-2-29; 209 Sandpiper Court

Contact: Shell Construction

Description: Proposed sundeck extension leaving a rear yard setback of 10 feet.

Comments:

Eileen and Arturo Montesinos, property owners were present. Mrs. Montesinos stated that the application is for the extension of their deck. The application was submitted a while back and they are here this evening to answer any questions that the Board may have. She noted that she met with the Planning Department in June and thought that the extension was approved as she was not aware of the process.

Chairman Fon asked if there were any variances required. Tegeder responded that this is part of the Maplebrook Townhouses development. This development was approved under the flexibility standards in which the setbacks are set by the site plan. The applicant is proposing to extend into the originally approved setback so the Board will need to approve the proposed reduced setback. Fon asked what the setbacks were. Tegeder stated that the setback was 15-ft so with the proposed 5-ft extension the applicant would be requesting a 10-ft setback.

Fon informed the applicant that the difference with this application compared to others is that the Planning Board, at the time of their approval, determined the setbacks under the flexibility standards and any changes would require Planning Board approval. Fon asked Mrs. Montesinos if there were other situations like this within the development. Mrs. Montesinos responded that some of the neighbors have extended their decks in the past and there have been other slight changes. She noted that she added stairs to her existing deck 15 years ago with a permit; this application is for a deck extension only. Fon asked the Board, Planning Department, and Counsel if there were any issues and there were none.

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

**Upon a motion by Bill Lascala, and seconded by Rob Garrigan, the Board approved the resolution approving a deck extension for 209 Sandpiper Court in the Maplebrook Townhouses.**

**Upon a motion by Bill Lascala, and seconded by Rob Garrigan, and with all those present voting “aye”, the Board closed the Special Session.**

Fon advised the applicant to ensure that the appropriate procedures are followed with respect to the Building Department and to follow up with the Planning Department.

**Foothill Steet Solar Farm**

Discussion: Mitigation Plan

Location: 15.07-1-7; 3850 Foothill Street

Contact: Northeast Ecology

Description: Proposed installation of 1.875 MW ground mounted solar panel system and Tier 2 battery energy storage system disturbing 15.90 acres on 34.23 acre in the R1-20 zone.

**Comments:**

Jay Kaminski of Northeast Ecology was present via zoom. Mr. Kaminski stated that he is working on the 7-acre mitigation area north of Foothill Street for the approved solar project. They are proposing slight substitutions to the approved mitigation plan of August 2022. All the items are in the same spot but are proposed to be slightly revised. With respect to the trees, they are proposing to replace the 85 2.5 inch caliber trees with 5 gallon trees which will probably be about 1.5 inch caliber trees. Being that the trees are slightly smaller they increased the density by 1.5 times as shown on the revised plan. The reason for this change is that it would be difficult to plant the larger trees due to their size and the amount of rocks and boulders present on the site. They would have to bring in large equipment to the site causing significant disturbance to the existing cover and overstory forest canopy and to do this would cause a proliferation of invasives species. Additionally, being that this is a heavily forested area, some of the trees species originally selected are species that are more conducive to growth in high levels of sunlight so they are now proposed to be swapped out to more shade tolerant species.

Chairman Fon asked the Planning Department if they visited the site with the applicant and Tegeder responded that they had not. Tegeder explained that they discussed the proposed revisions with Kaminski via a zoom meeting. They talked about increasing the density of the number of plantings. They want to ensure that when they reach maturity they are not choking eachother. If they fit the 1.5 inch caliber trees and they reach maturity it should be fine. If not, it can and should be reduced so they are not competing with eachother. Fon asked if this would affect the visual impact. Tegeder responded that it wouldn't. Garrigan asked for the reasoning behind the change. Tegeder responded that installing the larger 2.5 inch caliber trees would require larger equipment and possibly compromise the existing trees by running over the root systems a number of times as well as causing the proliferation of the invasive species. This proposed revision will reduce the disturbance and the possibility of invasive species gaining a foothold. Garrigan asked if this was for the screening. Tegeder responded that this was the mitigation for the tree removal which is enhancing the existing forested area remaining on the site.

Kaminski continued that they have the same issue with the boulders with respect to the 2,000 shrubs proposed to be planted. He believes that the landscape architect at the time didn't understand the amount of boulders on site. As a result, they would like to reduce the shrub quantity by half because they don't want them to compete against eachother. They are proposing species replacements with native species.

Garrigan questioned what becomes of the other half as it was part of the mitigation plan. Kaminski responded that the shrubs will be planted in the same areas but will be reduced by half. Fon stated that this was all part of the mitigation plan and now they are seeking to reduce the number of proposed plantings which impacts the mitigation plan and questioned their intent to replace the loss of plants. Kaminski responded that they are trying to restore the forest to allow the native species to thrive and remove all the invasive species within the site. He added that there is a good amount of native species growing so they are trying to supplement the native species on site with these additional plantings. If they were to plant the density that the original plan proposes they will compete against eachother; less plantings will allow the plants to thrive. Garrigan asked about the formula derived for the number of plantings on the approved mitigation plan. Tegeder responded that with respect to the understory shrubbery there really is no formula; with the trees there is a formula. The point is to enhance the quality of the forest and the applicant is suggesting that they will do this in a higher quality way as the plantings will thrive and more likely to survive as opposed to cramming them all together. Fon asked if they could take some of the shrubbery and add it to the front for the visual impact. Tegeder

responded that they could look at this. Kaminski stated that he would look at other appropriate locations to see if they could add more shrubbery.

Tegeder stated that the Board needs to accept the change for the trees and shrub species so that the applicant can move forward to produce an order as the end of the planting season is approaching. The Board agreed.

Garrigan noted that there was correspondence with respect to the run-off and questioned if some of the shrubs could be utilized to address potential erosion. Tegeder responded that they could look into this and noted that the Town Engineer is looking at the drainage.

Fon requested that the Planning Department schedule a site visit with the Board sooner than later. Fon advised the applicant work with the Planning Department with respect to the planting enhancement. Tegeder stated that they will prepare a memo accepting the change in the species and tree sizes.

### **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 1 conservation lot by extending High Point Drive and connecting to South Shelley Street.

#### Comments:

Joseph Riina, P.E. of Site Design Consultants; Steve Marino, Environmental Consultant of Tim Miller Associates; and Mr. Grishaj, property owner, were present. Mr. Riina stated that since they were last before the Board, they had a public hearing that was closed. They subsequently received a comment memo from the Planning Department to which they have addressed. They received the draft resolution and had no issues.

Chairman Fon asked the Board, Planning Department, and Counsel if there were any comments. Tegeder stated that he would like to make sure that the new outfall to feed the new wetland will get to the place shown on the plans. He noted the swale on the property that mirrors the other swale off the property along the western edge. Marino stated that they heard this comment before and made some adjustments to the grading in that mitigation of the area of the wetland. They relocated the pipe slightly more to the west so that the grading coming into the wetland will pick up that run-off and direct it into the new mitigation area before it spreads out through the remaining wetlands on the site and the conservation parcel they are proposing. Tegeder noted that he observed some farm tile flowing with some water on the southeastern side of the site during a visit some time ago. Marino stated that this was a farm parcel for a number of years and there was a barn essentially in the area where they are showing mitigation on the east side. It was actively farmed and there was old drainage out there and there was a drainage path in the southeast corner of the site. He noted that he walked the site many times and never observed water flowing there and doesn't doubt there was after a storm event. He also walked the site with Barton & Loguidice and there was no discussion on whether this should be considered a regulated wetland; he believes it is just a drainage path due to subsurface drainage. When that area is excavated for the residences, provisions will be made for taking care of that water as it moves through the site. He noted that from a regulated standpoint, it has never been identified. Tegeder asked if the deep tests encountered water in that area. Riina stated that he would have to look at this but if it did it would have been compensated with their stormwater system.

Chairman Fon asked the Board, Planning Department, and Counsel if there were any issues and there were none.

**Upon a motion by Bill Lascale, and seconded by Rob Garrigan, and with all those present voting "aye", the Board opened a Special Session.**

**Upon a motion by Bill Lascale, and seconded by Rob Garrigan, and with all those present voting "aye", the Board adopted the Negative Declaration.**

**Upon a motion by Bill Lascale, and seconded by Rob Garrigan, and with all those present voting "aye", the Board approved the resolution approving preliminary subdivision layout for the Grishaj subdivision.**

**Upon a motion by Bill Lascale, and seconded by Rob Garrigan, and with all those present voting "aye", the Board closed the Special Session.**

## **MJM Subdivision**

Discussion: Major Subdivision

Location: 17.18-2-2; 3232 Gomer Street

Contact: Site Design Consultants

Description: Proposed flexibility alternative for 13-lot single family subdivision on 12 acres in the R1-20 zone.

Comments:

Joseph Riina, P.E. of Site Design Consultants; and Tim Miller, Environmental Consultant of Tim Miller Associates were present. Mr. Marino stated that they received the Barton & Loguidice (environmental consultant) memo dated 1/15/24 to which they have addressed. Some of the areas of the wetland delineation were questioned. They visited the site to review the areas of concern; three areas were noted, two offsite and one on the eastern part of the site that required moving a few flags five or six feet. There was one area on the west side of the central wetland that they were asked to look at in more detail. They performed an inventory of the plants and checked the soils for that area and they did not find any wetlands or expansion of existing wetlands in that area. A response letter dated 7/25/24 was submitted to B&L with a copy to the Planning Department. They subsequently received B&L's letter dated 9/6/24 confirming the adjusted wetland boundaries. B&L did have some minor comments about potential mitigation with the road location as the plan moves forward.

Mr. Riina showed the flexibility layout plan that was used during the public informational hearing. This plan shows two access points off of Gomer Street and Cordial Road with 7 lots on Gomer Street and 6 lots on Cordial Road. The alternative plan was also shown coming in off of London Road on the deeded town right-of-way; the road splits in two directions with no connection to Gomer Street or Cordial Road. This plan was previous to the granting of the flexibility standards so it can be tweaked to tighten up some of the lots and reduce the impacts. The road crosses the toe of the wetlands but they feel there is ample opportunity on the east side of the property for mitigation if the Board chooses this alternative. Another variation has the same approach but with the connection to Gomer Street with two access points. They have established the wetland line and the impacts are shown with all the alternatives. They are seeking direction from the Board with respect to the plan alternative and noted that they do not have a preference.

Fon noted that the proposal was last before the Board a year ago and asked if it was because of the wetland delineation. Riina responded that this was correct as they were waiting for B&L to do their study and provide a report which they received in January that required Marino to go back to the site. However, due to the conditions and amount of rain during this period it was pushed back. Once they had a more stable weather pattern, the wetlands were delineated which is represented on the current plans.

Fon asked if the Highway Superintendent had any concerns with Cordial Road. Riina stated that there was a concern with how narrow Cordial Road is; during the PIH this seemed to be a concern amongst the neighbors and the Highway Superintendent. Fon noted that the neighbors on Gomer Street, especially the neighbor directly across, were concerned with the access and had safety concerns. Fon asked to see the plan connecting to London Road and Gomer Street. Fon noted that the area near London Road seemed to be wet. Riina explained that the wet area drains from a culvert that goes through the development which empties into a detention pond further down the stream. Fon asked if the lot counts between the plans were the same and Riina responded that they were. Fon noted that the Highway Superintendent had a concern with Cordial Road but there seems to be no issue going out through Gomer Street. Garrigan stated that if they remove the access from Gomer Street then there will be no additional emergency access. Riina stated that they could create an emergency outlet on this plan going out to Cordial; they could do the same for Gomer Street although it would be a little steeper. Tegeder thought some analysis would help and noted that Cordial Road at some point tapers and gets narrower but when you initially turn on to the road it is the proper width. He suggested that they provide a study that shows where the road necks down and where the grade gets steeper. He thinks that the grade issue starts after the proposed connection. Tegeder thought the road should be shown as it sits today.

Tegeder asked for a comparison of the wetland and wetland buffer impact for all three plans. Marino responded that they will provide this information and noted that they will have to fill the wetlands to implement the alternative plans. Riina stated that they are seeking direction from the Board before working on the details; the issue is whether to cross or not cross the wetlands. Garrigan didn't think it was the case here but with the connection to Cordial and Gomer they want to see if it could create a potential cut-thru. Riina stated that it would have to be this plan with a permanent cut-thru; or another variation is the first plan or this plan connecting thru on both ends and going thru the wetlands.

Fon noted that there were only three members of the Board present this evening and thought they should wait until the next meeting to make a determination. He would also like to hear back from the Highway Superintendent with respect to the road. Tegeder requested that the applicant also provide a traffic trip generation estimate for the homes towards Cordial.

### **Jacob Road Solar**

Discussion: Site Plan and Special Use Permit  
Location: 35.16-1-4; 1805 Jacob Road  
Contact: Nicholas Vamvas, Labella Associates  
Description: Seeking site plan and special use permit approval to develop a 3.125 mega-watt AC solar facility on a 15 acre portion of Lot 4 of the Colangelo Subdivision.

#### Comments:

David Cooper, Esq. of Zarin & Steinmetz; Nick Vamvas, P.E. of Labella Associates; and Ryan Hutcherson of Freestone Renewables, were present. Mr. Cooper stated that they are present as a follow-up to the previous meeting. At the request of the Board, they met with the Planning Department to identify locations primarily along the western side of the property to augment the plantings in order to further shield the views of the solar panels. They were originally proposing to plant a line of 10-ft trees that are now proposed to be increased to 12-ft from certain viewsheds. He noted that the taller trees will cost more so they are trying to focus on the areas necessary. Part of the request was to identify the types of trees to be planted and their growth rates. A submission was made to the Planning Department that includes the updated landscape plan and line of sight profiles with the 12-ft trees.

Cooper stated that he noticed that one of the agenda items for this evening was a Town Board referral with respect to the solar zoning amendment. He requested to provide some input in terms of why they believe the proposed 200-ft setback is not necessary to achieve screening. He feels that the mitigation for the visual impact is actually the plantings regardless of where the panels are. Fon asked Counsel if it was appropriate to discuss this during the review of their application and the response was yes. Tegeder agreed and thought it would be appropriate as it is pertinent to this application.

Vamvas discussed the landscape plan and line of sight profiles. With the suggestion of the Board, they modified the landscape plan to include three different species of white spruce, fraser fir and green giant arbovitae with a variety of planting heights. On the eastern side where they expect visibility they are limiting it to a 6-ft planting height (fraser fir and white pine) to screen the view from trail walkers. 10-ft trees (white spruce and fraser fir) are proposed on the north and west side to screen the views from the neighbors. On the north and some areas to the west side, the arbovitae will be planted at 10-ft. He noted that they did identify a few places along the west side where a taller tree would be appropriate to achieve full screening year round. Also included on the plan is the average growth rate (white spruce and fraser fir would be 1 to 2-ft per year; arbovitate would be 3 to 4-ft per year). Along the north side they are proposing a row of alternating groups of fraser fir and white pines planted at 10-ft that will be backed by 10-ft high arbovitae to create a green wall. To the west, there will be some instances where they will be looking at 12-ft high arbovitae to provide additional screening. Fon asked if the proposed species were deer resistant and Vamvas responded that they were.

Vamvas stated that they looked at the visibility from the west and noted that the blue areas are where they identified that they will need taller trees to provide screening. The following line of sights were reviewed:

1. J1 – southwest of the site. At the Board’s request they extended the profiles so that they are now including the existing residences. The existing vegetation will remain both on the neighboring parcel and the applicant’s side of the property line. The 6-ft eye level vantage point was shown with the proposed double row of trees and view to the solar panels. He noted that the solar panel heights would be a maximum of 10-ft.  
With this line of sight they determined that they would need a 12-ft height tree to ensure full screening. The growth rate is also shown as previously discussed. Garrigan asked if the private property noted was the residence property and Vamvas responded tht it was.
2. J3 – Existing residence. The 12-ft high trees will be necessary to provide full screening of the solar panels.
3. J4 – Existing residence. The originally proposed 10-ft planting height may have been sufficient but to be safe they increased the height to 12-ft to provide full screening of the solar panels.
4. J5 – Existing residence, neighbor to J4. The 12-ft high trees will provide full screening.



5. J8 – Existing residence. This is the view where it flips looking downhill to looking uphill. This is another case where they will provide 12-ft high plantings to ensure full screening at day 1.
6. J9 – The same reasoning as J8. They will provide 12-ft high plantings to ensure full screening.

Garrigan stated that in all cases it seems that they are showing a cluster or forest of mature trees between the property line and residences. Vamvas responded that in most cases they were but not all. Fon noted that he recalled during their site visit that it was heavily wooded and there were concerns at the top of the hill with respect to visibility from the residents. Cooper added that with respect to the screening, there is an 80-ft buffer area that will be maintained. Fon appreciated the profiles as they provide a story. Garrigan asked if there was a long term maintenance plan to ensure that the plantings will thrive as the goal is to screen these panels forever. Cooper responded that they assume it would be part of the landscape plan and required as a condition of approval.

Cooper requested to move forward with a Public Informational Hearing and the Board agreed to schedule this for the October 7<sup>th</sup> meeting agenda.

Cooper moved on to the proposed solar amendment with respect to the 200-ft setback. They are hoping to show, particularly with this site, is that the operative mitigation is the plantings and how much thought is put into it with respect to the locations and tree heights versus the location of the panels themselves. He feels that with respect to the viewsheds for example, even if you move the panels further back it wouldn't matter as to whether or not you can see it from standing at the property line and noted that if there is a 12-ft tree you won't see the panels. His point is that the setback for the potential visibility itself is inoperable but the impact for any future proposal if they double the setback from 100-ft to 200-ft could be a significant loss of output. For example with this project they would lose about 1MW or 26% of their output which is a significant loss; a 26% reduction equals about a \$1M loss of NYSERDA incentives or funding. It would make it more challenging from a financial perspective to bring this type of development on line; the landscaping plan couldn't be as robust as it is now. Additionally, it may not necessarily result in less tree removal because in order to make up that loss of efficiency they need less shadows cast on the panels. Even with the 200-ft setback they would be looking for areas with lower trees or no trees. He feels that the policy behind the proposed amendment and the idea of how they achieve the most reasonable but maximum practical screening is to look at the landscaping, planting heights, locations, etc. He noted that they will provide this information to the Town Board as well.

Fon stated that with respect to solar, there are so many moving parts with the state mandates, tree removal, locations, etc. He questioned if the state looks at their measured goals in terms of megawatts and if they could get a report. Tegeder thought that they did and sure there was a way to get a report. Fon felt that this was not unique to Yorktown but all over and noted that the applications keep coming. He also questioned if Westchester County came up with any numbers. Cooper thought that the state may have the numbers but may not want to broadcast them as they may be behind and is why there are incentives and a push for solar not only in Yorktown but all over the Hudson Valley.

Garrigan asked how many acres were proposed for the array. Vamvas responded that it was an 11.5 acre array with 21 acres of disturbance.

Councilman Esposito stated for the record that there is a moratorium in place and just wanted to make it clear that the applicant is aware of this and still proceeding with the proposal. He also thought that the applicant brought up the idea of the 200-ft setback. Cooper responded that they did not and noted that in this case it would severely harm the project financially. Fon thought it may have been brought up in other discussions.

Lascala felt that the loss of financial gain should not be considered by the Board. Cooper stated that if you make something financially infeasible in general then it would box out future projects not just this one. He felt that if the town is looking for ways to achieve a laudible policy to bring in solar energy because of the demand from NYS and the United States in general, the idea is not to put in a setback to achieve visual mitigation because it won't; he feels that it's a balance. Garrigan stated that the concern is that this is essentially viewed as an industrial use and that the 200-ft setback is being considered in residentially zoned areas and thought that this setback might be the right limiting factor. Cooper stated that by virtue of what they are looking at this evening the 200-ft setback is inoperable. Whether you move them back another 100-ft is not the dispositive analysis rather it is where the screening would be and how sufficient the screening is. Tegeder agreed and stated that the further away the screening is from the viewer is really less effective. Garrigan stated that what he is hearing is if the setback is moved back 200-ft the project will go away. Tegeder agreed with Lascala in that what happens with the project is not this Board's concern. However, he does question how effective

the increased setback will be. He understands what Cooper is saying in terms of moving it farther away as it really doesn't achieve anything; the viewshed will get smaller and may become more difficult to screen. Fon questioned if this was the solution for the screening.

### **Town Board Referral - Residences at Lafarge**

Contact: Site Design Consultants, Zarin & Steinmetz

Location: 1700 East Main Street, Route 6

Description: Proposed rezone of a 21.64 acre lot from R1-20 to RSP-2 to accommodate a 144 unit active senior community with onsite medical support services.

#### Comments:

David Cooper, Esq. of Zarin & Steinmetz; Joseph Riina, P.E. of Site Design Consultants; and Chris Raffaelli, Architect of Studio Architecture, were present. Mr. Cooper stated that the proposal is to rezone the 21.64 acre property from the R1-20 to RSP-2 zone to develop a 144-unit active senior complex with an on-site medical office amenity for the residents of the development. They had a meeting with the Town Board in August to discuss the conceptual plan and they were then referred to the Planning Board for feedback. Fon asked if there was a former solar application for this site. Steinberg responded that it was and the application was withdrawn.

Mr. Riina stated that the site is located on Route 6 in Mohegan Lake and showed an overview of the site. The property has frontage on Route 6, Strawberry Road in the northwest corner of the property, and another 50-ft right-of-way in between two homes on Strawberry Road. To the west of the property is the Fieldstone Manor development. The property is a total of 21.6 acres and is currently zoned R1-20 which normally requires half-acre density lots. During the 90s there was a proposal submitted for another senior living facility for this property as well as the most recent solar application. Along the western edge of the property there is a wetland boundary that was delineated by Steve Marino of Tim Miller Associates. The yellow area is the buffer area. There is a town sewer line that runs through the property and makes it way back down to Route 6. The property slopes up from Route 6 to the northeast corner of the property; it is steeper as they are along Route 6 and is moderately sloped at the top. The proposal is to construct a 144-unit (apartment style) development. There is an existing abandoned residence on the property. They will follow the existing driveway to access the property. The driveway comes up and loops around the facility. The 144 units are broken out into three buildings with parking underneath. There will be some on-site overflow parking for visitors and additional parking as needed. The common facility will be located in the center of the site that will provide amenities as well as the healthcare component for the residents of the development. Healthcare professionals will rotate through providing options to make an appointment on site as well as in-house care. Fon asked if the center building was proposed for the medical services. Riina responded that this was correct but it would also be used for recreational amenities. Garrigan asked if this was considered assisted living and Riina responded that it was not and is an active senior community. Riina showed how the parking underneath the buildings will be accessed and noted that the topography of the site lends itself to this type of parking. It also eliminates a lot of surface area for paving. There is a gated emergency connection out to Strawberry Road. He noted that there is an 80-ft right-of-way that extends from the Fieldstone Manor property as a potential future connector road from Lexington Avenue out to Route 6. They made a provision where this section of roadway and continuing down could at some point facilitate a connective road if this was entertained. Preliminary stormwater areas were shown and it was noted that it is all conceptual at this point.

Fon stated that the town is looking for more housing diversity. He asked if the proposal is for an active senior living community composing of one and two bedroom units with no children on site. Cooper responded that this was correct. Fon asked if the residents are living independently without constant care. Cooper explained that with independent or assisted living there are certain licenses required from the state and stated this is not one of those applications. The proposal is for an age-restricted apartment building complex. Fon asked if the medical facility will work for the development. Cooper thought that at this point it hasn't been vetted out but he doesn't think that's how it would work. He thinks it would be an offer for a resident to have their medical provider go there or some type of arrangement with the facility owner for providers to rent space. The purpose is not for it be a public medical office. Fon asked if a housebound resident could expect a house visit from the doctor coming to the facility. Cooper responded that they could and noted that house visits have fallen by the wayside. Fon asked if there were other facilities like this around. Riina stated that it was a growing concept and noted that Mike Orifici, the owner's representative who is very knowledgeable with this concept, couldn't be here this evening. Orifici works on a lot of these facilities that are popping up in this

region. It's a new concept and makes a lot of sense especially the aspect with the house visits for immobile residents. Fon asked if would be staffed full time. Riina responded that the medical professionals will rotate. Fon asked if the residents had to sign into that one healthcare provider. Riina stated not necessarily and added that they are free to go off-site and see whoever they want. This is a concept where the healthcare is provided for the residents of the development so they don't have to leave the site. Fon noted his personal experience with respect to his father's medical issues and thought that this concept could work in theory. Riina stated that it wouldn't be just one room, there are multiple rooms so they could have multiple professionals there at one time and the arrangement would be made with the facility. Councilman Esposito was concerned with the concept that a doctor will take time from his practice to come on site for residents that could potentially book an appointment and would like to hear more about this aspect of the proposal.

Fon stated that he thought this was an interesting concept. Lascala stated that he would like to see this work and noted that it is always hard to see a doctor these days and thought this concept made sense. Fon asked about the parking. Riina stated that there will be at least one space per unit. Riina noted that this proposal is not like the Fieldhome project where they had independent living and permanent on site amenities. The doctors here will rotate through and are not associated with the ownership. Fon asked if the owner's representative could attend a future meeting to go through the healthcare model.

Mr. Raffaelli stated that the proposal is for three residential buildings with three floors each over the parking. The two on the top of the site are the same and the third one below is slightly different. The two similar buildings are slightly under 60,000sf and the third building is about 68,000SF. The total of the three buildings comprise of 144 units. Those units range in size from 750SF to about 1,250SF each. The configurations vary from a single-bedroom, single-bath to a two-bedroom, two and half bath with a den. They are scattered and the mix is about the same for each building. Each building will have a common entrance with an elevator and stairwells flanking the ends to each of the floors. The center wellness building is a little under 10,000SF and will house some of the medical offices, recreational facilities, transportation coordinator and administrators. There will be a transportation coordinator to provide a shuttle service for the campus. The wellness center is proposed to be a single story with parking adjacent to the building. The buildings will carry the same design and each until will have either a patio or balcony. The wellness center will be flanked by the three buildings. Garrigan asked if this was purchase to own. Cooper responded that it would be rentals. Fon asked about the apartment layouts. Raffaelli stated that they only had the general configuration for the square footage at this time which ranges from 750 to 1,250SF.

Fon thought that this was an interesting concept and Lascala agreed. Tegeder stated that it is currently in the conceptual state and thinks there is a lot of work to be done but at this point he didn't have anything to add other than what was already brought up. Garrigan asked if the Town Board was seeking their opinion on the rezoning only. Tegeder responded that they are seeking their opinion on this type of use for this property and the potential impacts to the area. Fon stated that they walked the property and noted that with any application they want to ensure that it doesn't impact Strawberry Road and traffic on Route 6. Tegeder thought it may be better to have an ingress and egress from Strawberry Road but these are things that will be discussed during the review process. Fon would also like to see the business plan. Lascala thought that they could agree on the concept. Cooper stated that the property owner is seeking direction from the town to see if this is something that they would be interested in entertaining then they would dive into the weeds with the marketing, traffic, etc. Fon stated that with respect to housing diversity this seems to fit in with the comprehensive plan.

#### **Town Board Referral - 2291 Hickory Street**

Contact: Panny Industries Inc.

Description: Referral of MS4 Stormwater Permit and Tree Removal Permit for a single family home, driveway, septic system and connection to municipal water at 2291 Hickory Street.

Comments:

Lou Panny of Panny Industries was present. Mr. Panny stated that he is proposing to build a single-family residence on this lot located on Hickory Street. They were referred by the Town Board with respect to stormwater and tree removal permit. They have the Board of Health approval.

Chairman Fon asked the Board, Planning Department, and Counsel if there were any issues and there were none. The Planning Department will prepare a memo to the Town Board stating that they had no issues and requested that the Town Engineer provide a sign-off with respect to the application.

**Town Board Referral - Amending Chapter 300 – Recycling Facilities**

Description: Proposed amendments to Chapter 300 regarding recycling facilities.

Comments:

The Board agreed to delay review of the proposed amendment to the next Board meeting when all Board members are present.

**Town Board Referral - Amending Chapter 300 – Solar Law**

Description: Proposed amendments to Chapter 300 regarding solar power generation and facilities.

Comments:

The Board agreed to delay review of the proposed amendment to the next Board meeting when all Board members are present.

**Town Board Referral - Battery Storage Facilities Moratorium**

Description: Proposed local law to establish a six month moratorium regarding “Battery Energy Storage Systems.”

Comments:

The Board agreed to delay review of the proposed amendment to the next Board meeting when all Board members are present.

**Grishaj Subdivision – Lead Agency**

Comments:

Chairman Fon motioned to open a Special Session in order to declare Lead Agency and redo the vote for the Grishaj subdivision discussed previously on the agenda.

**Upon a motion by Bill Lascala, and seconded by Rob Garrigan, and with all those present voting “aye”, the Board opened a Special Session.**

**Upon a motion by Bill Lascala, and seconded by Rob Garrigan, and with all those present voting “aye”, the Board declared themselves Lead Agency.**

**Upon a motion by Bill Lascala, and seconded by Rob Garrigan, and with all those present voting “aye”, the Board adopted the Negative Declaration.**

**Upon a motion by Bill Lascala, and seconded by Rob Garrigan, and with all those present voting “aye”, the Board approved the resolution approving preliminary subdivision layout for the Grishaj subdivision.**

**Upon a motion by Bill Lascala, and seconded by Rob Garrigan, and with all those present voting “aye”, the Board closed the Special Session.**

**Meeting Closed**

Upon a motion by Bill Lascala, and seconded by Rob Garrigan, and with all those present voting “aye”, the meeting closed at 9:10PM.