

# Planning Board Meeting Minutes – October 7, 2024

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A meeting of the Town of Yorktown Planning Board was held on Monday, October 7, 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:

Aaron Bock  
Rob Garrigan  
Bill Lascala

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

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## **Correspondence**

The Board reviewed all correspondence and had no comments.

## **Motion to Approve Meeting Minutes of September 23, 2024**

Upon a motion by Bill Lascala, and seconded by Aaron Bock, and with all those present voting “aye”, the Board approved the meeting minutes of September 23, 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**

### **Dorchester Glen Subdivision**

Discussion: Request for Time Extensions and Reapproval  
Location: 15.20-3-6; 1643 Maxwell Drive  
Contact: Site Design Consultants  
Description: Requests for two 90-day time extensions, and a reapproval for a 5 lot subdivision on 24.26 acres in the R1-20 zone previously approved by Res #22-28 on November 14, 2022.

Comments:

Joseph Riina, P.E. of Site Design Consultants was present. The applicant is requesting two 90-day time extensions and a reapproval for the approved subdivision. Riina stated that they have the DEP approval and are just waiting on the Health Department approval. Chairman Fon asked the Board, Planning Department, and Counsel if there were any issues and there were none.

**Upon a motion by Aaron Bock, and seconded by Bill Lascala, and with all those present voting “aye”, the Board approved the request for the time extensions and reapproval of the Dorchester Glen subdivision.**

### **Home and Hearth**

Discussion: First One-Year Time Extension  
Location: 15.12-1-2; 1750 East Main Street  
Contact: Site Design Consultants  
Description: Approved site plan by Resolution #23-07 dated May 22, 2023.

Comments:

Joseph Riina, P.E. of Site Design Consultants was present. The applicant is requesting a one-year time extension for the approved site plan. Riina stated they are just waiting on the DEC wetland permit. Chairman Fon asked the Board, Planning Department, and Counsel if there were any issues and there were none.

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

**Savannah’s Restaurant**

Discussion: Decision Statement  
Location: 25.20-1-3; 3901 Crompond Road  
Contact: Gina & Paul DiPaterio  
Description: Proposed outdoor dining patio and site improvements.  
Comments:

Gina DiPaterio, business owner was present. Chairman Fon stated for the record that they received a memo from the Town Engineer dated 10/7/24 requesting that a diversion ditch be provided for the run-off from the grass parking area. He asked the applicant if they received it and DiPaterio responded that they did and had no issues. 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 Aaron Bock, 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 Aaron Bock, and seconded by by Bill Lascala, and with all those present voting “aye”, the Board approved the resolution approving an amended site plan, stormwater pollution prevention plan permit, and special use permit for outdoor seating at Savannah and Co.**

**Curry Honda - Renovation**

Discussion: Public 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 Rob Garrigan, and seconded by Bill Lascala, and with all those present voting “aye”, the Board opened the Public Hearing.**

Joel Greenberg, and Martin Stejskal of Architectural Visions, were present. Greenberg stated that they received the Westchester County Planning Board (WCPB) letter dated 10/2/24, NYCDEP letter dated 10/3/24, and the Town Engineer memo dated 10/7/24. They have no issues with the Town Engineer’s comments. With respect to the DEP’s comments, he noted that they don’t see the need for a SWPPP since there is no construction at the site; they are only proposing to improve the front façade of the building, landscape plan, and permeable pavers for the four car vehicle display. He added that he would like to hear from the Board with respect to the pedestrian sidewalk access comment. Fon asked the applicant to talk about the proposed project for the benefit of the public. Greenberg stated that the Curry Honda Corporation is instituting a new image program. The proposal is for the renovation of the showroom, front façade, front parking lot including vehicle display parking spaces, and landscape plan. The prototype rendering of the new image program was shown. Stejskal stated that there will be a white band that protrudes out like a canopy and blue band that forms an arch that comes down to create a modern look. 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 stated that it seems that they aren’t adding square footage or impervious area. Greenberg responded that this was correct. Ciarcia, Town Engineer, stated that the issue brought up the DEP is confusing as they approved up to this point what they called the permeable pavers which have wider gaps; they are asking for a 50% void space at the surface which at this percentage doesn’t look like a paver any more. Since this project is in a designated main street area any impervious area will trigger a DEP review so the site plan should provide details for the proposed permeable pavers. Ciarcia also noted that the lighting details should be shown on the plans as there were concerns. Greenberg responded that they will do what the DEP wants with respect to the permeable pavers at 50%. Stejskal added that they will provide the lighting

details. Fon asked the public if there were any comments and there were none. Fon asked the Planning Department about the next steps. Tegeder stated that the applicant will need to submit a lighting plan. Additionally, they will need to review some of the items discussed. The Board advised the applicant to work with the Planning Department.

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

### **Jacob Road Solar**

Discussion: Public Informational Hearing

Location: 35.16-1-4; 1805 Jacob Road

Contact: Nicholas Vamvas

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:

**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.**

David Cooper, Esq. of Zarin & Steinmetz; Nick Vamvas, P.E. of Labella Associates; and Ryan Hutcherson of Freestone Renewables, were present. Cooper stated that Freestone Renewables is the contract lessee of a 15-acre parcel, that is zoned R1-160, and owned by Featherbed Properties. They are processing a site plan and special permit to develop and operate a 3.125 MW AC solar facility on the site. A site plan application was submitted in February of this year; initially the proposal was to preserve a 20-ft wooded buffer area from the property line inward to the property, and a planting plan of about 6-ft trees around the perimeter of the solar facility for screening purposes. Since that time they have had subsequent meetings with the Board and Planning Department going through the visual analyses and different angles mostly on the western side and northern side to ensure that the buffering and screening is adequate and robust enough. As a result, they now have an 80-ft wooded buffer area from the property line all around the property, as well as a landscaping plan that has 10 and 12-ft trees in certain positions to provide screening from day one. They now feel that they have an abundant screening and buffering plan. He knows that there has been discussion at the Town Board level and the Planning Board level on how to best regulate this type of facility and feels that this design demonstrates how a properly screened project can occur. Garrigan asked if the 80-ft buffer was existing trees or plantings. Cooper responded that it was 80-ft of existing wooded area around the property line that would be left in place.

Vamvas stated that per their discussions they have enhanced the screening around the site and the current proposed plan differs from the originally submitted version quite a bit. The applicant gave back a significant buffer along the west and north of the site. The landscape plan was also revised; originally they were looking at 6 to 8-ft trees around the perimeter of the site except to the south where there is significant vegetation that is to remain and there are no homes within several thousand feet. To address the concerns from the west they raised the tree heights to 12-ft where they had potential line of sight issues. Image J1, southwest side of the site, shows the existing trees to remain, proposed trees, proposed panels and existing residence from the adjoining property. A 6-ft person is shown standing at the property line looking at the panels. Year 1 shows that the property line is completely intercepted by the proposed vegetation and this doesn't account for the remaining existing vegetation.

Fon noticed that a resident had concerns during the presentation. Cooper stated that they will take their queue from the Board with respect to continuing the presentation. Fon invited the public to speak. Public comments as follows:

1. Randy Pratt, resident (8 Nathalie Court, and owner of Wilkins Fruit Farm) – Pratt said that the applicant is proposing to plant arborvitaes, fraser fir and white spruce. He feels that the fraser fir will be eaten up by the deer within three months. During the Town Board public hearing for the solar law modifications he talked about the solar law having a one-year inspection clause and felt that this wouldn't work. The line of sight shows a 6-ft person standing at the property line and he feels that this isn't the view that the Cortlandt residents have of this property. Their houses are located higher and added that they sit on their decks. The line of sight shows a rise from the residence then down and he noted that most of the houses are not this way and there are no rises. His house is 125-ft from the property line; most of the profiles show houses that are 200 to 400-ft from the property line and he doesn't think that any of them are that far from the property line. Also, not all of them have trees and so he thinks the drawings are misleading. He is concerned that the topography is not depicted correctly as he and his neighbors do not have slopes. In March, there was a Labella representative at the site taking pictures from the property line but he feels that this

is not what the residents see from their home. He invited the representative to take pictures from his deck looking down but those pictures were never presented and thinks that the 12-ft trees won't help. In his opinion, this is a power plant and nothing like what was installed at the Peckham and Hemlock Hills properties to help with their farms. This is a commercial operation in a residential district. He hopes that the Town Board will consider some of these aspects during the moratorium.

2. Jay Kopstein, resident – Kopstein read a prepared statement dated 10/7/24 that was provided to the Planning Department at the onset of the meeting for the record.
3. Dan Strauss, resident – Strauss said that a few years ago he talked about why they shouldn't put solar in Jefferson Valley and Foothill Street as he feels that they are disastrous. During that time, he stated that he did not want to see in-ground commercial solar in residential areas. He is a long-time resident and remembers when it was farmland but now there are a lot of trees. He doesn't understand why they would consider putting commercial solar in residential neighborhoods. He noted that the agenda states Colangelo subdivision which means housing not solar. He is against commercial solar in residential zones and is against changing the character and nature of the town for monetary gain. He is all for solar in appropriate places in commercial zones and noted that there are plenty of examples of it all over. He has talked about screening over the years and cited the Dell Avenue project. With respect to the screening he questioned how many trees will survive and noted that they can't wait a year to check them; he feels they should be checked monthly or every few months to ensure they are alive. He questioned if the energy will benefit the town as he just learned recently that it goes to a grid. He feels there are two issues - a developer wanting to put something where it should not be and then trying to spin the screening. He feels that the Cortland people should not be able to see the project.

Fon asked Vamvas about the preparation of the profiles in coordination with the Planning Department with respect to the topography sources. Vamvas responded that the topography is a blend of sources; their survey team did the on-site topography and everything off-site is based on publicly available data sourced from the county. Fon stated that from the Board's perspective they are to believe that the grade shown on the various profiles are accurate and Vamvas responded that this was correct. Fon asked if their engineers estimated the height of the homes. Vamvas responded that the homes are all uniform in the profiles because they could not accurately measure the houses without getting on their properties; the eave height on each one of the homes is 20-ft above existing grade so each profile is consistent with the 20-ft eave height which is typical for a residential home. He noted that the location of each house is not the same on each profile and is measured accurately based on the aerial image. Fon stated that the trees shown in the buffer is an imaging to demonstrate the area. Vamvas responded that it was based on the aerial imagery looking at everything in plain view, an approximation of what could be and what would remain. In terms of the width where the trees are located it is accurate. Fon asked Vamvas to show the Pratt residence profile (J4).

4. Randy Pratt, resident – Pratt said that the applicant is saying his house is 175-ft from the property line but another drawing shows the house marked 125-ft from the property line so he feels that the drawings don't agree. The back of his house slopes down and there is never a rise in any place from his first-floor foundation to his fence and welcomed the applicant to come view this. He added that they are cutting down 1,000 trees and questioned if it was 1,000 trees from now or does it include trees cut down in the last two years on this parcel. Fon stated that this parcel was originally in front of the Board for a subdivision and Pratt responded that he was aware of this. Pratt continued that the house to the left of him has no trees between their house and the fence. His house is a high-ranch so his living space is on the second floor; the living space for the neighboring homes (Dedvukaj) is the first floor; and the other (Kasden) is the second floor. Fon noted that the buffer shown is not the property buffer, it is the wooded area from the property line to the proposed landscaping. Pratt disagreed and said that the profile shows a person standing from the fence line looking down and this isn't where they look rather they stand on their deck and look down. Fon clarified that what Pratt is saying is that there is no slope up before sloping down and Pratt responded that this was correct and he doesn't think there is any rise between any of the homes and their property line.

Fon informed the public that the Public Informational Hearing is the first of two hearings to introduce the project to the public to hear feedback and review the project in depth. Cooper stated that with respect to the County's topography being off he would suggest having their staff and experts take a look at this. Fon asked Cooper about the benefits of solar for the area. Cooper stated that climate change is a reality and solar energy is a critical piece particularly in New York State in getting them off fossil fuel and achieving the state's goals. They have identified that they need 10,000MW of distributed solar by 2030 on projects like this and they are now at 5,700MW. They are not talking about commercial roof solar or personal roof solar. With respect to the local benefit, the electrons generated do go to the grid but will end up in Yorktown homes and noted that more projects like these in local communities will make a difference.

Fon stated that the current NYS administration is pushing to be off of fossil fuel by a certain deadline and added that major power plants such as Indian Point were shut down. Part of the planning process is infrastructure and these solar applications are coming in. Applications before the Board are reviewed as submitted and he reminded the public that there is a moratorium in place so the applicants are proceeding at their own risk. He added that they don't draft the zoning but are asked for their input by the Town Board. This application was before the Board for a proposed subdivision and now the property owners are proposing a solar farm. The Board's biggest concern with respect to solar facilities is the visual impact. The topography may have to be field verified by the Planning and Engineering Departments.

Tegeder clarified that the property owner has not abandoned the subdivision; the housing portion and trail connection will proceed with the exception of one lot. The area in which the solar array is proposed is the area that was planned for the community farming plot. Cooper stated that this was correct and noted that the Colangelo subdivision is going forward. He noted that as part of the review, this parcel was contemplated for farming and discussed the environmental benefits between solar and a farm. This project is proposing to remove 1,141 trees (85 dead and 1,056 living) and the replanting of 782 trees. The difference from a carbon sequestration comparison was discussed. The project using the EPA is removing 3,103 metric tons of carbon annually from the atmosphere compared to what is being removed from the atmosphere right now from those 1,141 trees which is 17.89 metric tons annually which is an exponential difference in the environmental benefit. Another benefit is that this use will generate \$1M in tax revenue without any school children, traffic or recreational demand.

Bock noted that the affidavit of mailing seems to be missing an adjoining property owner (Cohen). Cooper responded that he was unaware of this and will look into it. Resident, Pratt, added that he did not receive any notification as well and thought he should be on this list too. Chen stated that if this is the case, the applicant will then have to re-notice. Cooper responded that they will re-notice if necessary.

5. Jay Kopstein, resident – Kopstein said that Cooper is correct that electrons move. They have 16.54MW but how many of those electrons currently stay in Yorktown; what is the Con Ed system load in Yorktown. If it is more than 16.54MW they stay in Yorktown, if it is less they go elsewhere. If the applicant has any information let them bring the data forth. If not, let them get the information from Con Edison to which he is certain they have.
6. Susan Siegel, Councilwoman – Siegel said that they heard presentations from this applicant for the past year and she thinks it is close to a final public hearing as most of the issues have been resolved other than the topography. The Town Board is going to extend the moratorium and the Public Hearing is set for October 22nd and it looks like there will be a 6-month moratorium. The applicant is proceeding at their own risk but they already know that the Town Board is thinking about a 200-ft setback. The applicant noted at the last meeting that this would seriously change their project. She added that there are other issues that the Town Board is also considering changing. She is wondering what else is there to talk about over the next six months and if there is anything to be gained by more presentations about a plan that may change because she doesn't know how long it will take the Town Board to adopt the new law. She feels that this is something that the Board and applicant may want to consider.

Fon stated that the Planning Board was presented with the application and it is being reviewed on its merits. Bock stated that the moratorium doesn't stop the Planning Board from processing these applications; the law says they have to proceed and if the applicant signs a waiver they move forward. Fon added that the process requires a review and noted that the applicant will work on some of the concerns discussed this evening that may take a while. Bock noted that this hearing will most likely be repeated as a result of the mailing notices.

7. Dan Strauss, resident – Strauss said that Cooper mentioned the county map and thought that the drawings would have been prepared going out to the property line and looking at the houses where they are situated to see if there is a rise. He questioned if the county map shows the sloping. He cited the Foothill Street solar farm with respect to the solar versus housing proposal. He feels that property owners and developers are playing with solar and housing. He feels that the attorneys are advocates for Governor Hochel. He stated at the Town board meeting that he doesn't care if the Governor has a goal, he just doesn't want it here in residential zones.
8. George Campolo, resident – Campolo said he is a hand operator and wanted the Board to be aware that there is radio frequency interference from solar systems. If there are defective, poorly designed, or poor installed systems and components, there can be very strong radio frequency interference that will affect the AM broadcast, shortwave radio, and their frequencies as well. He handed out some information to the Board for the record. He noted that there is an entity known as the American Radio Relay League and they actually have an RFI engineer. Bock asked if the technology exists to do this in a way that doesn't create interference. Campolo responded that this would be a question for the project engineer but his understanding is that there is a variation in the types of panels, inverters, etc.

9. Jay Levy, resident (1767 Jacob Road) – Levy said that he looked at the plans and has questions with respect to the fire suppression. He didn't see anything in the drawings about transformer sizing, battery storage quantity, and fire suppression handling. He noted that there is documented information with respect to fires. He is concerned about installing this power facility with battery storage next to the Hunterbrook preserve with a wildlife habitat. His rear property is wooded and active. He asked if there was an acoustical analysis performed on the equipment. The simulation description notes that the electrical power lines would be buried underground but the graphics show overhead so there is an inconsistency in the design that needs to be flushed out. The work hours (until 11PM) are a concern. He thinks there should be a merged plan of the subdivision with the solar as it is not clear to him. There is also a wetland shown on the property with no buffer. He noted that he had to mitigate his wetland which is a class B and spent a lot of money to reinvigorate it. He feels that there is more work to be done for risks to the community and the habitat.
10. Randy Pratt, resident – Pratt stated that he was not notified of the hearing and his name is not on the affidavit list. He said there was discussion a while back about putting solar in other places such as rooftops, parking lots but it was noted that there aren't enough areas to do this. He feels that they don't know this because they haven't used those areas first. In the ordinance that was originally drafted there is a priority listed that is a directive to the board as to where they should be placing solar. This type of land is the last priority; they should be looking at other areas first.  
Fon clarified that they don't pick what comes to them nor do they choose where the solar goes; they review the applications before them. Pratt felt that they have the ability to do this by priority per the ordinance. He thinks that maybe this will be the change that the Town Board makes in giving them the ability to say no to one location and offer another location.
11. George Campolo, resident – Campolo stated that he would like to speak for the Curry Honda solar application as he missed the presentation. Fon informed Campolo that the Curry Honda application was for the renovation and not the solar.

Cooper informed the Board that they took notes and will respond to some of the comments. Fon asked the Board, Planning Department and Counsel if there were any other comments and there were none.

**Upon a motion by Aaron Bock, and seconded by Rich Fon, and with all those present voting “aye”, the Board adjourned the Public Informational Hearing in order for the applicant to re-notice.**

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

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

**WORK SESSION**

**RIC Development, LLC - Battery Storage**

Discussion: Site Plan  
 Location: 16.11-1-60; 3666 Old Yorktown Road  
 Contact: Andrew Welch  
 Description: Proposed 5 MW battery energy storage system on a 4.4 acre property in the C-2/R1-20 zone.  
 Comments:

Robert Gaudioso, Esq.; Andrew Welch, Project Development Manager of RIC Energy Group; Alexa Marinis, Environmental Project Manager of RIC Energy Group; and Christina Zolezi, P.E. of Langan Engineering; were present. Bock asked the applicant if they submitted a waiver letter to proceed with the application as there is currently a moratorium in place on battery energy storage systems. Gaudioso responded that they are happy to execute a waiver letter as prepared by the town.

Gaudioso stated that a pre-preliminary application was submitted to the Planning Department for review. The proposal is for a 5MW AC battery energy storage system on a 4.4 acre property in the C-2/R1-20 zone. They understand that a moratorium allows the processing of the application with the understanding that they are proceeding at their own risk and they consent to this.

Welch stated that RIC Energy is an international energy company performing green energy throughout the world. They have been in existence for 20 years and are based in New York; most of their activity is in the upstate region of New York State. The project location is 3666 Old Yorktown Road in Shrub Oak. The property owners, Daniel and Carmela Pervizzi, are leasing part of the property to them for this project. The property was a former commercial nursery and is

zoned a mix of commercial and residential. The property includes the Pervizzi residence to the west; a wooded area and pond to the north; and the Taconic Parkway to the east and south. The property is currently improved with an existing house, driveway, pool, existing DOT access, and wetlands to the north. They believe they are in the commercial zone by the boundary. The proposal is for a 5MW AC battery energy storage system using the megapack 2XL that is the newest technology on the market. The proposed system is designed to discharge 5MW over a 4-hour period to make up the peaking power at the highest load periods of the local distribution area. There will be a 24-hour remote monitoring system in place. The system is located over 200-ft from the nearest residential property line. They are proposing to connect to the existing Con Ed distribution lines through a new underground manhole; they will run the power underneath Old Yorktown Road and then up to the existing overhead pole system. The benefits of the project include supporting the local distribution network to provide power when there is a draw; tax revenue to the town; and no additional school children or increased traffic. The proposal supports NYS's 2030 goal of generating 70% of energy by renewable sources. The proposed battery storage system is small and will take up less than an acre of land.

Welch continued that they are aware of the current moratorium and understand that the biggest concern is the health and safety issue. NYS created an inter-agency working group that made a series of recommendations that may be a big part in what the Town Board is considering. He noted that the reason they are willing to proceed with the application is that they designed their project with all of the recommendations that they could from this group. They are proposing to bring in a peer review to evaluate the system's safety, manufacture design for explosion control; dispatchable personnel 24-hours a day; signage at the facility and near the entrance; central station monitoring; and an emergency response plan before commissioning.

Fon informed the applicant that there is an active bike path next to the property line which is not shown on the plans. Welch responded that he was unaware of this and will look into it.

Bock noted that the site map identifies three different types of flood areas (flood way area, flood way line, flood hazard area). One of the battery packs seems to be sitting in the flood hazard area as the FHA line cuts the battery in half and asked the applicant to address this. Marinos, RIC Project Manager, explained the flood plains. The FHA is the shaded x zone and unshaded x zone. The x zone is the 500-year flood and is not regulated by FEMA; it is above the 500 year .2 annual chance of flooding. The special flood hazard areas (AE) closer to the pond are completely avoided. Bock thought that given the current weather situations they should revise the location a little to eliminate all risks. Fon asked if the information was pulled off of FEMA and Marinos responded that this was correct and it is from 2011. Fon noted that the maps are over 13 years old and this area floods considerably. Fon asked Tegeder if there were setbacks for a park and Tegeder responded that there wasn't but that there are normal setbacks from property lines. Bock thought that the system could be moved to the corner of Old Yorktown Road. Tegeder asked if there was an AE zone on the property. Marinos responded that she is not sure if this was determined. Fon stated that this is an area of concern and requested that the applicant provide a certificate of elevation with more detail. Fon asked if the DEC wetland setback was delineated. Welch responded that it was field delineated and confirmed by the DEC. Tegeder informed the applicant that it will also need to be confirmed the Town of Yorktown.

Ciarcia, Town Engineer, informed the Board that he reviewed the application and is familiar with the flood zones in that area. The proposal isn't in the floodway as this is an area that needs to be avoided; it is an area where FEMA did the detailed modeling so elevations are established. It's not an absolute prohibition as you get into the 100 and 500-year flood zones but you have to build it in such a way that it is not prone to damage from flood waters. Bock asked if they could move it further. Ciarcia responded that they could do so or elevate the pad to ensure all the equipment is a foot or more above the established foot elevation. Bock felt that the plan needed to be further studied and developed.

The Board requested that the Planning Department schedule a site visit with the applicant. Gaudioso stated that back in 2020 the Town adopted a new code with all of NYSERDA's suggestions which they are well aware of. He noted that they haven't submitted more detail as they were waiting to hear the Board's initial feedback. He thinks the site visit will be valuable and looks forward to working with the Board.

### **Meeting Closed**

Upon a motion by Aaron Bock, and seconded by Rob Garrigan, and with all those present voting "aye", the meeting closed at 8:38PM.