

# Planning Board Meeting Minutes – February 10, 2025

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A meeting of the Town of Yorktown Planning Board was held on Monday, February 10, 2025, at 7:00 p.m. in the Nutrition Center located at the Albert A. Capellini Community and Cultural Center.

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

Aaron Bock  
Rob Garrigan  
Bill Lascala  
Bob Waterhouse  
Judy Reardon, Alternate

Also present were:

John Tegeder, Director of Planning  
Robyn Steinberg, Planner  
Ian Richey, Assistant Planner  
David Chen, Esq.  
Councilman Sergio Esposito, Town Board Liaison

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Chairman Fon informed the public that Alice Roker, former Town Clerk, Councilwoman, and Supervisor, passed away this afternoon. A moment of silence was held in her honor.

Chairman Fon informed the public that the meeting this evening will not be live; the video will be posted later in the week.

## Correspondence

The Board had no comments.

## Motion to Approve Meeting Minutes of January 27, 2025

Upon a motion by Aaron Bock, and seconded by Bill Lascala, and with all those present voting “aye”, with the exception of Rob Garrigan who abstained as he was not present during this meeting, the Board approved the meeting minutes of January 27, 2025.

## 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

### Envirogreen Associates

Description: Public Hearing  
Location: 15.16-1-30 & 31; 1833 & 1875 East Main Street  
Contact: Site Design Consultants  
Description: Proposed amendment to the site plan previously approved by Resolution #21-22 dated 9/27/22. The applicant is proposing two smaller buildings, one being 6,284SF and the second being 4,100SF in place of the approved 13,278SF building.

### 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, Project Engineer of Site Design Consultants; and Rick Cipriani, property owner, were present. Riina stated that the property is located on East Main Street in Mohegan Lake. The site plan was previously approved with a single building. The access will be off of Route 6 using the existing curb cut; an additional curb cut will be closed. There are two existing buildings on the site currently. Subsequent to the approval, the applicant was having difficulty obtaining tenants for the full size building and is now proposing to amend the approved site plan by splitting the approved single building into two buildings (smaller building will be a little over 4,000SF and the larger building will be a little over 6,000SF) removing about 2,000SF as shown on the plan. The smaller two-unit building is proposed to be occupied with

a drive-thru Dunkin. The entrance is in the same location as approved and they have a verbal approval from the DOT; once all the contractors insurance and fees are in place the permit will be released. The traffic pattern was reviewed with the Board. The rest of the site remains as originally approved. They picked up two more parking spaces over the currently approved 123 spaces. The shaded areas in gray are the parking locations that will be porous asphalt. Additionally, there is a banked parking area that will not be constructed at this time. The proposal is to construct the smaller building and entrance first as phase one. The DEC and Army Corp permits are in place. The extent of disturbance and perimeter of improvements have not changed from the original approved plan. At this time, the applicant is seeking an amended site plan approval for the plan before the Board this evening.

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

Fon noted for history purposes that this project was reviewed throughly by the Board when it was first proposed and subsequently approved. Fon asked the Board and Counsel if there were any comments. Bock asked about the signage for regulating the traffic flow within the site. Riina stated that stop signs are shown but will check to see if there are directional arrows; he noted that the DOT made sure that there was signage at the site. Cipriani noted that Dunkin has a plan with arrows and will be shown. Tegeder asked if there was signage exiting the drive-thru lane directing the cars to the right; he thought there should be a median and on the left side a “do not enter” sign. Riina stated that they could place this on the plan. Riina responded that they will have Colliers Engineering review the plan with respect to the signage. Cipriani added that they will have the required striping and more signage will be provided. Tegeder asked about the note stating that the access to the adjoining property will remain closed until there is an agreement between the two properties. Riina said this was the note approved on the previous site plan and will review it. Tegeder noted that the approval of both of these properties are dependent upon eachother and was designed at the very beginning whether both were developed or redeveloped to provide better maneaverability. He stated that if they look at most of the commercial properties that have adjoiners in which the parking lots are connected most of them do not have access agreements as they are connected and work well without that agreement. He thinks that the way they looked at this previously was to not require this agreement between the two properties and rather to let them operate naturally. Cipriani stated that he was fine with this. Riina stated that the note could be removed. Fon stated that they will wait to hear back from the applicant with respect to the signage.

*Upon a motion by Bill Lascala, and seconded by Aaron Bock, and with all those present voting “aye”, the Board closed the public hearing with a 10-day written comment period.*

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

Upon a motion by Chairman Fon, and with all those present voting “aye”, the Board closed the Regular Session and opened the Work Session.

### WORK SESSION

#### Lamp Subdivision

Discussion: Minor Subdivision

Location: 70.08-1-8; 357 Crow Hill Road

Contact: Zarin & Steinmetz

Description: Proposed 2-lot subdivision of a 4.463-acre lot in the R1-80 zone.

Comments:

Jody Cross, Esq. of Zarin & Steinmetz; Paul Lynch P.E.; and Evan Lamp, property owner were present. Cross stated that they were last before the Board in November and are here this evening to provide a follow up with respect to the application. Since that time, the plans have been revised twice in January to include the stormwater and dead-end fire apparatus access road turnaround. There was concern from the Bureau of Fire Prevention (BFP) early on with respect to the 16ft fire access road width and requested it to be widened (BFP memo dated 9/24/24). In their January submission, they showed the access road turnaround and they subsequently received a memo from the BFP dated 1/14/2025. Based on this memo, it is their understanding that the BFP is satisfied that they have provided compliance with the fire code. The proposal will require two variances for the frontage and they are hoping to get a positive referral over to the ZBA to move forward with the project.

Tegeder asked to explain the turnaround. Lynch stated that the access road will be 16ft and expand out to 20ft to the center line of the new new driveway; 60ft passed the new center line and expand to 70ft up to the new lot so there will plenty of room to maneaver a fire truck. He noted that the code states that they will be using a ladder truck which is

their largest vehicle and so this is how they set their turnaround radius. Tegeder asked if they were complying with one of the sketch examples in the code and the response was yes. Tegeder stated that the code requires the width of the road to be 20ft and for the last 500ft increase to 26ft. Lynch stated that the BFP has the right to override this which they did in their memo of 1/14/25. Tegeder noted that he didn't see an override of this requirement in their memo. Cross stated that the recent plan submitted showed the 16ft driveway and the turnaround as discussed so their reading of the 1/14/25 BFP memo is that they are content. Tegeder noted that if you look at Appendix D there is a chart that requires a 20ft width for the first 150ft and after 500ft it requires a 26ft width with a turnaround. This is part of the NYS code requirement and he doesn't think that the BFP can vary that and if they can they would need to provide documentation to the Planning Board stating they have the authority to do so. Fon added that they would have to seek a state variance. Cross stated that they will look into this with the Building Department. Tegeder noted that they have the width for the 20ft access and questioned why they wouldn't do it. Lynch responded that they would then get into issues with dropoff in the first several hundred feet of the road and there are wetlands to the north. Tegeder noted that they would have the availability to apply for a permit to work in the wetlands. Lynch felt that they can provide maneuverability for the fire trucks in and off the site with the 16ft wide access road and it seems the BFP agrees. Tegeder understood the proposition but questioned the approval authority for varying the code.

Tegeder stated this this comes up because typically a five home residential neighborhood, if they were seeing it for the first time, would be considered a major subdivision. The practice is that anything above four homes gets into public road specifications.

Cross stated that she will follow up with the Building Department and added that if they need to get a variance from the ZBA they will do so and if they need a state variance it could be conditioned on that as well.

Fon noted that the local government doesn't have the authority to override the code; they would have to get a state variance which is a longer process than a local variance. The Board agreed that they couldn't move forward until they hear back from the Building Department.

#### ZBA Referral #41/24 - Teatown Campus Renovation

Location: 69.14-1-5, 7; 1600 Spring Valley Road

Contact: DTS Provident

Description: Variance request regarding mandatory sprinkler system requirements for a proposed one-story, 5,920SF education building to be located north of the Teatown Nature Center.

#### Comments:

Aaron Bock recused himself from this agenda item. Mark Gratz, P.E., and Amanda Morgan, Architect, were present. Gratz stated that they were last before the Board on 1/13/25 and are here this evening to provide an update with respect to their appeal to the Zoning Board seeking relief from a local code requirement mandating a sprinkler system for the proposed new education building. Since then, they received memos from the Bureau of Fire Prevention (BFP) dated 1/14/25 and the Building Department dated 1/17/25 in support of their appeal. They also had a productive site visit with the Zoning Board and were able to answer several of their questions. They made a submission to the Planning Department on 1/29/25 in response to their memo to the ZBA dated 1/22/25. They are seeking relief from the code as they find it unnecessary in light of viable alternatives which meet the intended objective. Gratz stated that the BFP memo dated 10/15/24 raised some comments with respect to sprinkling the proposed new education center; access to the maintenance facility; and a water source, that led to a series of meeting with the BFP since November of last year. This included a site visit with the Fire Department in December in which they brought their ladder truck to assess the navigation from the driveway to the maintenance facility. Based on this visit, they made several changes to the plan. First, Teatown agreed to remove an existing low stone wall to provide a little more width on the driveway and to remove about 2ft of a rock outcrop on the lower half half of the existing drive. When they get to the top of the hill by the existing science center, they are also widening that driveway by relocating an existing stone wall and providing a 20ft wide access driveway out to the maintenance facility. The maintenance facility parking lot was also widened to provide a code eligible fire access turnaround. They ended up adding about 10ft to what was a former tennis court to provide a 70ft depth necessary in Appendix D. This satisfied the BFP's concerns regarding access to the maintenance facility. Second, they turned their attention to the watersource per the BFP's provision to provide a dry hydrant. After working with the Fire Commission, the location of the dry hydrant will be along Spring Valley Road about a half mile down the road and is considered to be the safest location as it is a straight stretch with reasonable sight distance. The dry hydrant

will benefit not only Teatown but the community as well. The location works best for the Fire Department in terms of both the distance and the hydrology of Teatown lake where the water depth is about 7ft deep. The drafting of the water out of the lake will not impact the lake itself. The third concern was the access to the proposed new education center. The new bus loop will serve as a fire access route up to the new building. The teardrop would allow a fire access vehicle as large as a ladder truck to basically enter from Blinn Road and traverse up the bus lane and literally pull up in front of the education center. Operationally, there is a possibility that they might actually navigate the teardrop to back in if the ladder needed to be closer; either way a vehicle can get in and out. The portion that goes up to the education center is about 125ft long so it doesn't require a separate turnaround. Per the code, anything up to 150ft is permissible to have the vehicle back out or pull out forward if they back in. In terms of stabilization and trying to keep in character with the site, there will be an 8ft walkway. The center part will be a type of asphalt sufficient to withstand the weight of a fire truck but more pedestrian scale in look and feel for everyday use. The shoulders on both sides would be stabilized with a paved type system in which grass could be grown but would still be able to support the weight of a fire truck thereby meeting the 20ft road requirement.

Morgan showed views of the site to the Board. Plans were prepared to walk through the design and safety features of the building in the event of a fire that exceeds the NYS requirements creating a safe environment as possible for the occupants, fire fighters and property. The education center proposed is a construction type II-B non-combustible with a primary structure of composite concrete on steel roof deck supported by steel columns and beams. The building area is 5,920sf which is less than half of the 12,000sf maximum area that would trigger sprinkling per the NYS building code for an education use building. The total occupant load of the education center enclosed area is 185 persons (297 persons including occupiable roof space) which is less than the allowable occupant load of 300 persons per the NYS code for triggering sprinkling of the building. Several attempts have been made to create a safe building interior although it is not required. They created one hour fire separation walls between every single space within the building; and two hour separations between the two classrooms. For fire resistance for rooms and enclosed spaces in this type of education and storage use they are only required to have class C finishes and they are providing class A; everything is flame resistant with a low smoke development index. The egress doors and exits were shown on the plan. There are two primary entrances to the building at the north and south end with additional egress doors from each classroom and multipurpose space which seamlessly connect to the primary entrances and circulation space. The dark gray arrows shown on the plans are not egress doors but they are 6ft wide sliding glass doors that will open up the classrooms to the exterior. An operable window was added to the storage and office area to provide emergency escape and rescue. Per the NYS code, they are required to have 37 inches of width space in their egress doors. With all of their exits, they are providing 256 inches surpassing what is required. They also show that they are less than half of the maximum travel distance. Fire extinguishers are located at each of the main entries and classrooms; horns, strobes and smoke detectors are also provided.

Fon noted that NYS has a minimum code and that the applicant has gone above and beyond to prove the fire safety of the structure and working with the Building and Fire Departments. Fon asked the Board and Counsel if there were any comments or objections and there were none. Tegeder stated that the Planning Department will prepare a memo for the ZBA.

#### ZBA Referral #35/24 - Poggioreale

Discussion: Site Plan and Special Use Permit

Location: 26.20-2-3; 2829 Crompond Road

Contact: Vincent & Christina Poggioreale

Description: Proposed Day Care Center/Preschool on a 33,403SF lot in the R1-80 zone.

Comments:

Steve Marino, Environmental Consultant of Tim Miller Associates; Gary Sorkin, P.E.; and Vincent and Christina Poggioreale, property owners were present. Marino stated that the applicant is seeking site plan and special use permit approval for a proposed new daycare center/preschool to be located at 2829 Crompond Road. The wetland has been delineated and flagged on the site. There is a watercourse on the western part of the property. They appeared before the Conservation Board and received a positive comment memo dated 2/6/2025.

Sorkin stated that the proposal is for the construction of a proposed daycare/preschool on the site. There are several existing non-conformities along the eastern property line. The property is currently improved with an existing residence

that is about 6ft from the eastern property line. They are proposing a breezeway and construction of a building that will be about 8ft from the property line. There are some other existing non-conformities such as the frontage along Crompond Road and some other general site aspects. They will require a special use permit from the Zoning Board. The applicant is proposing a parking lot with 12 parking spaces that will include 1 ADA parking space as well as a sidewalk leading to the breezeway into the daycare center. There is an existing curb cut wide enough to allow two cars to pass through for drop off and pick up. They are calling for a right turn only coming out after drop-off so they are not interfering with traffic to the west. The wetland has been delineated. As requested, they are providing pervious pavers for the entire parking area. The sidewalk is proposed to be concrete. Due to the grade, from west to east, they are proposing a small fieldstone retaining wall (about 2 ½ feet) along the western edge of the drop-off line. The drainage calculations and plans were discussed. Three light poles are proposed throughout the parking area and exterior lights are proposed for the new and existing buildings. A foot-candle analysis was provided for review. The water and sewer lines are shown on the plan.

Marino stated that they received the Town Engineer's memo and will address the items. The formal applications will be submitted shortly. As stated previously, there is a watercourse along the western edge of the property that has been flagged and will need to be confirmed by the town. The area between the proposed construction is currently maintained as lawn area with some sporadic trees. The proposal is to remove one red maple that is in poor health; other than this there aren't any trees in the proposed development area. As mentioned earlier, they are proposing a retaining wall along the edge of the parking area which will create a separation for the parking area and the stream. As they go further to the south there will be a post and rail fence at the 50ft line to create a separation from the site's operations and the buffer in order to restore it and make it more effective. That area is also a limited mow area; appropriate trees and shrubs are proposed for that location.

Reardon asked about the staff parking and where it was reflected on the plan. Christina Poggioreale stated that they have a total of 12 employees and noted that an operations plan was included with their submission. Bock asked about the parking requirement. Sorkin responded that he looked at the code and determined that they fall under "all other permitted uses" which allows the Planning Board to determine the required number of spaces. The 12 spaces gives them enough parking for the staff and additional drop-off spaces if needed. Bock stated that there are no parking calculations provided showing how they came up with this number and requested to see this.

Reardon asked about the staff ratio inside and outside the building during drop offs. Christina Poggioreale responded that this is not a new business and noted that she currently has an existing business located at 3565 Crompond Road in the Parkside Corner Shopping Center. They have staff to bring the children into the building and staff inside the building waiting to receive them. They keep to the state ratios that are set by OCFS. Reardon asked if the 12 parking spaces were for the staff and parents. Christina Poggioreale responded that the spaces are for the staff and the parents would utilize the drop-off circle. Bock asked if there are ever any visitors to the facility or an open house. Christina Poggioreale responded that they stopped open houses but they do have parents that come in once a month for a special read and noted that they could increase the parking spaces to 14. She added that the staff works in shifts. Reardon thought that there should be a few spots designated for parents in case of an emergency. Sorkin stated that they could look into providing a few more parking spaces. Garrigan asked if the existing residence is part of the operation and if not where would those residents park. Vincent Poggioreale stated they haven't determined this yet but based on the parking issues he believes they may be able to get a few more spaces.

Waterhouse asked about the width around the loop. Sorkin stated that he believes it was 14ft which should allow for two cars side by side. Waterhouse stated that he would like to hear from the Fire Commission. He added that he was concerned about the traffic coming in from east to west off of Old Crompond Road and how they would deal with the back-up of potential traffic. Vincent Poggioreale noted that there was a traffic light. Waterhouse stated that it was 100 yards away from the entrance so he is concerned about the potential back-up as there is a limited amount of space for vehicles. Christina Poggioreale stated that the drop off and pick up times are staggered and noted that she also has part time students. Marino stated that they could provide a written description of how the operation works. Waterhouse was concerned about the width of the driveway. Sorkin stated that they could look into this.

Bock asked Tegeder what the Board's role is for the application. Tegeder responded that the ZBA has the special permit approval but asked for the Planning Board to conduct a formal site plan approval. Fon advised the applicant to work with the Planning Department. The Board requested for the Planning Department to schedule a site visit.

### Chairman's Note

Chairman Fon informed the public that the Town Board referral with respect to the proposed amendment to Chapter 300 – Battery Energy Storage Systems will be moved up one agenda item before the RIC Development LLC Battery Energy Storage System proposal.

### Town Board Referral - Amending Chapter 300 – Battery Energy Storage Systems

Description: Proposed amendments to Chapter 300 regarding battery energy storage systems

Comments:

Fon stated that it seems the proposed amendment is to eliminate Tier 2 battery energy storage systems. Councilman Esposito informed the Board that it hasn't been eliminated as yet but is in discussion. Bock stated that the Planning Board already approved a few Tier 2 systems and would recommend that the Town Board consider this during their discussions for the proposed new legislation to ensure that whatever regulatory provisions apply to these existing systems remain somewhere in the record so that they can continue to monitor them. Councilman Esposito stated that they could discuss this with Counsel. Fon stated that they would yield to the Fire Commission as this is a hot topic throughout Westchester County. Councilman Esposito stated that the primary issue of concern is the safety of the lithium ion batteries as there have been many issues with fires. During their discussions, they looked at the possibility of technology changes but the concern currently is the fire aspect. Tegeder stated that the Planning Department will draft a memo to the Town Board for review.

### RIC Development - Battery Energy Storage System

Discussion: Site Plan and Special Use Permit

Location: 16.11-1-60; 3666 Old Yorktown Road

Contact: RIC Development, LLC

Description: Proposed 5MW battery energy storage system on a 4.4-acre property in the C-2/R1-20 zone.

Comments:

Doug Warden, Esq., Andrew Welch, Project Development Manager of RIC Energy Group; Christina Zolezi, P.E. of Langan Engineering; and Sean Morris, Fire and Safety Consultant (ESRG), were present. Fon noted the previous discussion with respect to the proposed local law amendment and informed the applicant that if the law is approved Tier 2 BESS proposals will no longer be permitted. Warden responded that they did hear the discussion and noted that if the law was approved as proposed they would then apply for a use variance. Tegeder stated that if this were the case, they would then have to make a case for valid reasons to be granted the use variance. Warden stated that public utilities in NYS have a different standard for use variances that apply to them because they are essential to their way of life; they see this very often in the context of wireless telecommunications. He noted a recent case and thought that this was something to think about as they craft their recommendation to the Town Board as to whether or not this kind of use should be forbidden from the town as they may wind up with a situation with some unforeseen consequences. He added that he would be happy to discuss this after the meeting.

Warden stated that they are here this evening on behalf of RIC Energy in connection with the site plan and special use permit application to develop a public utility battery energy storage system at 3666 Old Yorktown Road. On 9/25/2024, they submitted a pre-preliminary application and met with the Planning Board on 10/7/24. A site visit was conducted on 11/16/24 with comments received. They also met with the Conservation Board and received their comment memo dated 2/6/2025 stating that there were no adverse environmental impacts. They made a full submission on 1/28/2025 to the Planning Department that included the required applications, narrative, full EAF with supplement, multiple reports, site plan, and the Tesla Megapack 2XL data sheet. They are aware of the town's pending moratorium on battery energy storage facilities and they have provided the required moratorium acknowledgment indicating their understanding that they run the risk of the applicable regulations being changed and that RIC Energy assumes the consequences of those risks.

Welch gave an overview of the proposal to the Board. RIC Energy is an international energy company providing renewable energy throughout the world; their North America presence is substantial. They have been in business for a dozen years with their heaviest activity in New York where they specialize in distributed generation and are pressing more into battery storage. To date all of their projects have been separate, they do not do solar with battery. The proposed system is to be located at 3666 Old Yorktown Road in Shrub Oak (Pervizzi residence). The property includes

the existing 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 zoned C-2/R1-20. There is a flood plain along the pond which they are avoiding; the wetland has been delineated and they are outside of the buffer zone. They are proposing to utilize the existing DOT access from Old Yorktown Road into the site. The existing access will be improved to include more gravel to increase its strength and will remain pervious. After discussion, a turnaround was added for emergency vehicles. The system is proposed to be surrounded by a 7ft fence and stacked stone wall. Signage is proposed at the fence line and driveway entrance. The proposal is for the Tesla Megapack 2XL iron phosphate battery which is the newer type of battery that is more robust and reliable and is less likely to have impacts. Tesla's design with separate units does not have any impacts from one unit to the next. Six units are proposed that will be remotely monitored daily. In addition to the code requirements, there will be a thermal imaging camera to detect any anomalies in temperature changes. The batteries are on a four-hour release and are capable of delivering 20,000kw hours on a 5MW project. The system will connect to Con Edison through a manhole located near the entrance off of Old Yorktown Road. Con Edison then takes the responsibility underneath the road to the pole lines; no new pole lines are required. Landscaping is proposed around the system that will include shade trees and evergreens (30 in total) and will be planted between 8 to 12ft in height to create immediate screening. Lighting is proposed at the site for security purposes but could be turned on and off with a switch; all lighting will be facing downward and there should be minimal visibility from outside the site. Benefits of the project include vital support for local distribution networks; the creation of tax and potential other revenues that could be discussed with the town; and no impact on the schools or traffic. Once constructed, the system will be unmanned except for occasional maintenance visits. The proposal will help to meet NYS goals. The NYS Inter-Agency Fire Safety Working Group put forward a series of recommendations with respect to safety that they are fully committed to. Their view is that they are fully compliant with the existing law which is the only basis they have for now.

Lascala asked about the maximum discharge and timeframe if there was a power outage. Welch responded that the batteries are designed to have a maximum discharge of 4 hours. The batteries are designed to charge and discharge daily during the peak periods to help meet the peak level of the area. It is a peak load machine to help offset the peak demands. He noted that New York has several nuclear power plants that aren't very dispatchable as they don't turn down. When the load goes down in New York they are struggling to keep enough people on line to maintain the proper voltage on those plants. These batteries would essentially be storing up the nuclear power created overnight and dispatched during the peak of the day when needed.

Fon asked Tegeder if the Planning Department heard back from the state for this application and Tegeder responded that they did not.

Waterhouse noted that when they performed their site visit they mentioned that the area housing the battery system would have protection bollards from the parkway. Welch stated that there is an existing stone wall. Waterhouse felt that this wasn't secure enough and was concerned with cars exiting the parkway. Welch responded that they could have their traffic engineer look into this.

Bock asked about the size of the fence enclosure area for the system. Welch responded that it was about 7,500sf and the height of the proposed fence is 7-ft. Bock requested that the dimensions of the fence (length and width) be shown. Bock noted page 16 of the Emergency Response Plan stating that the staging area needs to be 100ft from the system if there is a fire at the beginning. He asked what the distance was from the back fence to the traveled portion of the Taconic Parkway. Welch responded that it was 100ft. Sean Morrison, fire and safety consultant, introduced himself to the Board. He stated that he is not an energy person but is a Fire Chief for 25 years. His role this evening is to be a translator with their main priority being safety. With respect to the 100ft distance, the draft emergency response plan is designed for their Fire Department to have a firm idea as to what they want to do when they respond to an incident. The 100ft distance isn't saying it is a safe or unsafe area; this is where they recommend that emergency personnel stop and assess the situation and determine zones, etc. This information is provided as early engagement with the Fire Department. The 100ft distance is designed for recognition to pull up, stop, assess, and then continue to whatever incident might be occurring. Bock requested to see the distance between the rear of the battery system area and anything else over there such as the trail and the traveled portion of the Taconic on the drawings. Morrison and Welch responded that they will provide this information.

Fon stated that the Board is always concerned with the visual impact of these proposals and noted that the viewshed from the parkway should be addressed to ensure that it is not seen and requested for the applicant to provide their landscaping plan. He added that they will also need more details on the fencing, stone wall, and bollards.

Garrigan asked if RIC Energy was the operator of this site. Welch responded that RIC Energy is the developer and IPP (Independent Power Producer) company and will contract out (24-hour center) for the operations, maintenance and inspections under the direction of the owner. Garrigan asked if they will disclose this information. Welch responded that they didn't have anyone lined up yet as they still have a lengthy process ahead of them. Garrigan asked how many similar systems of this size in similarly zoned areas have they installed. Welch responded that with respect to the battery energy storage systems, this is the most advanced of this size. They have done utility scale in Texas and other larger ones in their parent company in Spain but this is the first of this size. Garrigan asked if those other installations were more in industrial, commercial type zoning areas. Welch responded that this was correct; the big utilities in Texas are in open space. He added that this property is split zoned with the residential portion in the rear and the commercial portion in front; their proposed facility will be situated in the commercial portion. Garrigan asked if they ever saw this type of installation in this zone. Welch responded yes and noted that there is a distance requirement. He added that these type of installations are also placed on rooftops in cities.

Tegeger asked about the lithium iron phosphate battery. Welch responded that these batteries have become in large part the predominant company across multiple vendors including Tesla due to its robust safety profile in addition to some of the marketability of the parts. The safety profile is great because it has a higher level of thermal inertia to resist changes in temperature. It also has an extended life cycle with the ability to recharge and is considered a more stable chemistry than some of the previous installations. Tegeger's understanding was that it is not brand new but a newer technology. Welch responded that it is the most predominant currently for these type of applications.

Welch asked the Board if they should provide another full submission or just respond to what was discussed. Tegeger responded that the Planning Department will provide a comment memo to the applicant including what was discussed this evening and maybe some other items that they may see at staff level.

Warden, Esq., asked if the SEQRA referrals were done and if not at what stage would this occur. Tegeger responded that the application will be referred appropriately as the submission is complete. Warden asked about moving forward with a hearing. Fon noted that Yorktown holds two hearing (public informational hearing and public hearing) and added that they could discuss this once they receive the details and advised the applicant to work with the Planning Department. Fon asked Warden to submit the information he had to the Planning Department with request to the variance discussed earlier in the presentation.

#### Meeting Closed

Upon a motion by Bill Lascala, and seconded by Aaron Bock, and with all those present voting "aye", the meeting closed at 8:45PM.