

Zoom Teleconference Meeting of the Town Board, Town of Yorktown held on Tuesday, July 21, 2020 held in Yorktown Heights, New York 10598.

Present: Matthew J. Slater, Supervisor
Thomas P. Diana, Councilman
Edward Lachterman, Councilman
Vishnu V. Patel, Councilman
Alice E. Roker, Councilwoman

Also Present: Diana L. Quast, Town Clerk
Adam Rodriguez, Interim Town Attorney

TOWN BOARD MEETING

Supervisor Matthew Slater called the meeting to order.

EXECUTIVE SESSION

Upon motion made by Councilman Diana, seconded by Councilwoman Roker, the Town Board moved into Executive Session to discuss legal negotiations. Upon motion made by Councilman Lachterman, seconded by Councilman Patel, the Town Board moved out of Executive Session and proceeded with the meeting.

PLEDGE OF ALLEGIANCE

Supervisor Slater led the Pledge of Allegiance.

MOMENT OF SILENCE

Supervisor Slater asked everyone to join him in a moment of silence to remember Congressman John Lewis who passed away. He was a true American who fought for civil rights, civil justice, and was a leading figure in bringing equality to our nation. Councilman Patel also asked to remember those who lost their lives to COVID and their families.

INTRODUCTIONS

Supervisor Slater introduced the members of the Town Board, as well as Town Clerk Diana Quast and Town Attorney Adam Rodriguez.

REPORT FROM TOWN SUPERVISOR MATTHEW SLATER

Supervisor Slater gave a quick update on COVID in the Town of Yorktown. There are 19 active COVID cases in the Town of Yorktown, a total of 724 individuals have been diagnosed within the community. Supervisor Slater said on Thursday they talked about a continuing upward trend – 8 to a high of 21. He spoke with the Commissioner of Health, Dr. Sherlita Amler and Westchester County Executive George Latimer and were assured there were no clusters in the Town of Yorktown; this was a county-wide trend and until there is a vaccine, we should expect a “rollercoaster” when it comes to the numbers. Supervisor Slater said that ultimately it comes down to compliance, to social awareness and social responsibility, which means wearing a mask when you are in public and practicing social distancing. He said even though it may be hot outside, it still does not mean you cannot wear a mask. He implored the public to make decisions with others in mind when it comes to COVID 19.

Supervisor Slater announced the Jefferson Valley Mall is once again open and is in compliance with Governor Cuomo’s orders when it comes to air filtration for the mall. Their hours are Monday through Saturday, 11 a.m. to 7 p.m., and Sunday, 12 p.m. to 6 p.m.

Supervisor Slater said Governor Cuomo added ten states to the incoming travel advisory list. Anyone travelling from those states is required to quarantine for 14 days upon arrival in New York.

Supervisor Slater said the Shrub Oak Pool will be opening tomorrow and will be open Wednesdays through Sundays, closed Mondays and Tuesdays. The day will be split into an AM (10 to 2) and PM (3 to 7) session. In order to facilitate social distancing, the pool has drawn out 75 social distancing squares and single occupant “Xs.” Reservations for one of the squares or Xs will be \$5.00 per square or X per session. He announced the entrance fee for the pool.

Supervisor Slater reminded everyone that Town offices remained closed and encouraged everyone to utilize the new website and the new community calendar. He noted the J.C. Hart Library has provided some great outdoors and social distanced programming for our children.

Supervisor Slater said the Water department sent a notice out last week regarding a water test that was performed off of Crompond Road on a pipe that feeds three buildings: Central Garage, Refuse & Recycling, and the Records & Archive Center. It does not feed any residential areas or zones in the Town of Yorktown. It is believed that the pipe in question tested slightly above the standards because there was stagnant water that was not consumed during the height of the pandemic lockdown and at that time the Town was 50 percent staffed, so it was not being used. It took four weeks for the Water Department to get the results back. Once they received the results, they immediately retested and all of the levels were normal and that is where they stand at this point in time. The notice was sent out in conjunction with NYS and Westchester County Department of Health guidelines; it also required NYS and Westchester County Department of Health approval. The notification process is not a town-run process, but is actually a Department of Health process. The Water Department is working to install a new monitoring device at that specific site. The Town has quite a few of these monitoring systems across Town. It is believed that once it is retested, the levels will once again be at a normal level.

Town Hall phones remain down – the second time in two weeks. Verizon was called in and it was determined that lines had gotten wet and broken due to excessive moisture and they are repairing them now. Town Hall remains functional; email is the best way to get in touch.

Supervisor Slater said County Executive George Latimer said the two bond acts regarding Hilltop Hanover Farm were approved by the Westchester County Board of Legislators. The first bond in the amount of \$200,000 will fund a study to develop a Master Plan that will address the long-term needs of the farm, including renovations to parking, fencing, building exteriors, and public assembly areas. The study will also assess the needs of the gardens and pastures and the use for demonstrations. The second bond act, totaling \$675,000, will fund the construction of recommended improvements. Supervisor Slater thanked partners on the county level; this was initially announced last year and the Town appreciates the support of the Westchester County Board of Legislators in approving both bond acts. The County Executive also announced the Birdsall Bridge, which is part of the North County Trailway, has been completed and opened.

Supervisor Slater said last week he heard from Sustainable Westchester and we have submitted a catalog of potential Town properties for NYPA to review for potential sites for solar installations.

Supervisor Slater said they spoke again with the County regarding the Hallocks Mill Sewer District. The Town is providing additional data that was requested regarding some census data and cost estimates. The Town is trying to reduce the cost of the pumps so that if the Town has to include the cost of the pumps as part of the Phase 1 project, a more realistic cost estimate can be obtained. This was well received by the County and the Supervisor said he is planning to be in touch with them next week with more data in order to move the project along.

REPORTS FROM TOWN COUNCIL

Councilman Lachterman announced the Yorktown Lions has cancelled the concert series this year due to concerns regarding social distancing on the DeVito field. There has been an offer to do a drive-in concert with a local band, which they are reviewing.

Councilman Patel talked about the importance of wearing masks and controlling the spread of the coronavirus.

POET LAUREATE

John McMullen, Poet Laureate, read an original poem, “New Normal.”

PRESENTATION

Ken Belfer, Community Housing Board, came before the Board to discuss the sale of an existing affordable housing unit in Yorktown.

Mr. Belfer announced Yorktown is 1/10th of a percent away from the level of census participation it had ten years ago, so it will not take too many Yorktown residents who have not yet signed up for the census to get us over the edge. Yorktown is tied with three other communities that are just on the edge of reaching that level of census participation. He said it means a lot to the community because there are many resources that are allocated based on the census numbers.

Mr. Belfer shared his screen with the Board and viewers to begin his presentation. He gave a history of the Affordable Housing Program's units since it seems that one of the units will be coming available. He presented the following information:

- 13 affordable homes were created between 1988 and 1995
- Yorktown no longer has laws and policies that mandate the creation of affordable housing
- When existing affordable housing units are re-sold, they still must first be offered through the Yorktown program
- One unit is expected for resale
- There is a window for accepting applications of July 21-August 14, 2020
- Lottery to select order of waiting list

Information on the available unit:

- Expected sales price is approximately \$121,000 based on deed restrictions
- Single family house built in 1995
- Approximately 1,000 square feet
- Two bedrooms, one bathroom, kitchen, living room with dining area, foyer, deck, and attached one-car garage
- Homeowner's Association provides swimming pool and tennis courts
- Qualified applicant must be able to make down payment and obtain mortgage

Income Eligibility:

- Maximum income for eligibility is 80% of HUD area median income (AMI) for the current year (2020)
- Two-person household – maximum of \$80,560
- Three-person household – maximum of \$90,640
- Four-person household – maximum of \$100,640

Note: If there are no eligible households earning 80% of area median income or less, then income eligibility can be extended up to 90% of area median income.

Applications are available at www.yorktownny.org or Town Clerk (townclerk@yorktownny.org) or (914)962-5722, ext. 209.

Mr. Belfer displayed pictures of the available house and concluded his presentation.

Supervisor Slater asked how many affordable housing units there are in Yorktown and Mr. Belfer said he was not prepared this evening for a comprehensive review of Yorktown's Affordable Housing Program. He suggested that if they wanted to have a more comprehensive discussion, Yorktown Community Housing Board would welcome a work session with the Town Board or a public information session where they could discuss the entire Town and its affordable housing. He said units were developed years ago (he could not remember when Beaver Ridge – the affordable housing complex for seniors – was developed) but there are many different types of affordable housing within the Town and they would be happy to discuss that. He said they had asked the Town, going back to a previous administration, for a public hearing to consider a proposed set-aside law and would welcome having that opportunity as well.

Supervisor Slater asked if the Board had any questions.

Councilman Lachterman asked if Mr. Belfer knew how long it has been since one of the units came on the market and Mr. Belfer said he thought 18 years and that this represents a very unique opportunity.

Supervisor Slater thanked Mr. Belfer for his time and reminded the public that all of this information has been posted on the Town's website.

COURTESY OF THE FLOOR

The following members of the public spoke:

Jay Kopstein, resident, said he would not be talking on a particular topic because the final agenda is different than the one that he received; however, he sent everyone on the Board and the Town Clerk

an email and thanked the Supervisor, Councilman Lachterman, Councilwoman Roker, and Town Clerk Quast for responding to that email.

Marcia Stone, resident, said she is particularly concerned about a pattern she sees developing regarding commercial development projects that requires many, many trees to be cut down. She said instead of using commercial and light industrial sites that are already cleared of trees and are currently not being used, projects are being built where there are woodlands. She understands that not all woodlands are of equal value (old growth oak trees versus invasive species) and hopes the type of woodland on a proposed site is being taken into account when the Town approves the project. She said she also understands that sometimes decisions are made that are necessary (ex. building several homes on a site that is heavily wooded versus a solar farm) and that it is an owner's right to build on their property and it is the Planning Board's responsibility to make those decisions and make sure the developers are following the regulations. She applauds the Board's efforts in addressing a solar law and that the new draft of that law states, "a priority will be placed on areas that are presently cleared and on commercial properties and roofs and parking areas over vacant parcels that are in a currently naturalized state." Ms. Stone asked, however, that the Town Board start looking more broadly at the naturalized spaces of Yorktown. She proposed that the Open Space Fund be re-started for the purpose of purchasing parcels of land that are currently in their naturalized state and keeping them that way in perpetuity. She strongly disagreed with previous supervisor Michael Grace when he disbanded the Open Space Fund and said that there was no more land to purchase. She quoted from the 2010 Town of Yorktown Comprehensive Plan: Yorktown's natural resources are integral to the long-term health, safety, and well-being of not only Yorktown but also the neighboring towns in the region. The Town should expand efforts to preserve open space and natural resources throughout Yorktown. The ecological integrity of Yorktown's natural resources including groundwater, streams, wetlands, trees, and woodlands, steep slopes rich in biodiversity must be maintained and protected even as new development occurs. Ms. Stone said Yorktown's trees are disappearing at a rapid rate, forever changing the landscape of Yorktown. She said there is plenty of commercial property that is available that is already cleared of trees. Our priority in development should be those properties, not on properties that are in their natural state. The reinstatement of the Open Space Fund can make it possible to keep some of the currently natural spaces from being developed and thereby maintaining our natural landscape for future generations of Yorktown residents. Ms. Stone said we have the responsibility to be stewards of this land to keep Yorktown a beautiful town and asked to please reinstate the Open Space Fund.

Upon motion made by Councilman Lachterman, seconded by Councilwoman Roker, Courtesy of the Floor was closed.

Councilman Lachterman said there has been a lot of discussion regarding the regulatory reach of the Planning Board. The Planning Board is in place to approve the plan of a proposed project. He said there has been a lot of conversation about the Planning Board trying to steer people away from projects on land that they own and this would be quite a violation of their public trust. He said if he was a property owner that had a deal going on and the Planning Board tried to steer my buyer away, I would have good recourse to go after the Town and the Planning Board based on the fact that they are unduly influencing the deal. He thinks it is great idea that the Town focus on existing properties, as was discussed at last week's meeting and the plans to bring people up from the city who are looking to reinvent their corporate landscape. He said the Town is already planning to do marketing regarding this (Thompson & Bender's presentation last week). He said the Town has to be careful how it messages property owners, as well, because there are property rights. As long as they are doing things within their rights and with proper mitigation (i.e., Atlantic Appliance)...He said that sometimes mitigation effects can go beyond what the current state of the property is and be more beneficial. Councilman Lachterman also reminded anyone with a commercial property that the Town still has the 45(b) Tax Exemption, which was started about 3 years ago under ex-Supervisor Grace's administration that entices people to clean up their property and make it rentable. He then proceeded to explain 45(b) and its benefits.

RECONVENE PUBLIC HEARING TO AMEND CHAPTER 300, ENTITLED "ZONING" BY ADDING A NEW ARTICLE VII, SECTION 300-81.5 "BATTERY ENERGY STORAGE SYSTEMS"

Supervisor Matt Slater reconvened a public hearing to consider amending Chapter 300 of the Code of the Town of Yorktown entitled "Zoning" by adding a new Article VII, Section 300-81.5 "Battery Energy Storage Systems."

Director of Planning, John Tegeder, updated the status of the legislation. He said this has been before the Board for nearly a year and is a result of a number of inquiries and a couple of applications. Knowledge of this is coming as a series of initiatives, mainly by the state, to provide some resilience to the electrical grid. This particular legislation regards battery storage systems, which are designed to actually store energy and could be something for your own home (a smaller system) all the way up to something large enough to add resiliency to directly to the local electrical grid. He proceeded to review the changes that have been made, per suggestions and comments that were made.

Mr. Tegeder said the first one is in the Special Use Permit Standards. It originally offered a minimum lot size of 30,000 square feet and has now been changed to 40,000 square feet – roughly about one acre. Also lot coverage was revised to limit the maximum size of these installations that will be allowed here in Yorktown – maximum size will be about 33,000 square feet on a 5-acre or more parcel.

The height was reduced from 20 feet to 15 feet because the ones that he has seen do not exceed the 15 foot height.

Under Safety, the first paragraph, A. System Certification, last sentence, now reads: The system shall comply with the following codes and regulations along with all other applicable local, state, and national codes for installation, operation, and emergency procedures.

In that same section, No. 6 was added that cites specifically the National Fire Protection Association's Number 855, which is called the Standard for Installation for Energy Storage Systems. This is a specific code that is specific to and peculiar to battery energy storage systems.

Below this is Section B, which a sentence was added to the end stating “all battery energy storage systems must undergo regular inspections at intervals specified in the plans and documents approved under this section.”

Last, a last paragraph was added (No. 12) after Severability entitled Conflict with Other Provisions of this Chapter 300, Zoning: “Any provision of this section that conflicts with all other provisions of this chapter take precedence and shall be enforceable as it pertains to uses under this section only.” Mr. Tegeder said this was in response to particular comments that started in the model law from New York State and NYSERDA that required fencing of 7 feet, where our code limits it to 6 feet. In this case, the Town will be able to do the same.

Councilman Patel asked if there was a complementary law regarding solar panels and if there was any commonality between these two projects (battery storage and solar installations). Mr. Tegeder said he believed there is a commonality and he said at Staples Plaza, which is one of the battery storage systems that went in as an accessory use prior to the law being in place, has the battery storage facility in place to draw energy from the solar panels that were installed on the roof of the Staples Plaza. He said they can work together, they do not need to, but they do have commonality and they do operate from being applicable to single-family residences all the way up to grid scale installations. They can work together or independently.

Councilman Patel said he believed there will be more commercial enterprises compared to residential and there should be a complementary tree law that will protect the land, trees, and wetlands. Mr. Tegeder agreed.

Councilman Diana said that this should dovetail into the tree law, the wetlands, and the woodlands laws. Mr. Tegeder said yes.

Councilwoman Roker said that when projects go to the Planning Board, these applications would be referred out to the Tree Commission, as well. Mr. Tegeder said that if this is something the Town Board deems appropriate, language to that effect could be added to the legislation, but that would be up to the Town Board.

The following members of the public spoke:

Paul Moskowitz, resident, said that this law is necessary but has one reservation about these systems and that is the use of lithium batteries. He said in the recent past there were accidents surrounding the use of lithium batteries (i.e., explosions, fires, etc.) that had disastrous results. He said he would be uncomfortable if he had to live next to a battery storage system, especially large scale. He urged the

Town Board to move slowly on the introduction of such systems in residential areas. He suggested putting limitations on the use of large scale battery systems in residential areas.

Councilwoman Roker said that in a previous public hearing on this one of the concerns she had was similar to Mr. Moskowitz's and she believes that she was told the fire department had reviewed the law. She asked Councilman Diana if that was correct. Councilman Diana said they had some knowledge of these systems but the fire departments would be trained for the, hopefully unlikely, emergencies that may occur. They would also have to be equipped, as well as trained, for such incidents.

Councilwoman Roker asked Mr. Tegeder if, when an applicant comes in, if both fire departments would be trained in these systems. Mr. Tegeder said yes. She asked if any of these large-scale projects would be in residential areas and Mr. Tegeder said they can be utilized on a 33,000 square foot property on 5 plus acres and that's the limit. He said on smaller projects, the limit is 15%. He said they know on one of the applications up on Gomer Court that is in the moratorium right now had four storage units on a 2.5 acres lot that has a commercial building on the property and they are using about 7,000 square feet of their footprint.

Councilman Patel asked Mr. Tegeder if each individual application would be looked at separately by the Planning Board to make sure all requirements are met before anything goes forward and Mr. Tegeder said yes.

Susan Siegel, resident, said that she supports the concept of battery storage facilities but has reservations in the proposed law as it relates to commercial facilities. She urged the Board to re-think the very basic premise that would allow these facilities on any residentially zoned parcel that meets the one-acre minimum. Ms. Siegel said these sites should be looked at on a case by case basis and, if appropriate for the proposed location, the Town Board should rezone the site for a new energy zone that would be created and then have the Planning Board approve a special permit. She said she sent the Town Board a detailed memo laying out the rationale for a site-specific zoning approach. By giving a blanket green light to battery storage facilities in residential neighborhoods, the Town Board is "copping out" of its primary responsibility to make critical land use decisions for the Town – they are passing the buck to the Planning Board and avoiding having to make potentially controversial decisions. She said she would like to know if the Town Board has even considered the pros and cons of this rezoning approach between the June 16th meeting when she proposed it and tonight before this latest version was approved. In addition to the rezoning issue, she had comments/questions that applied only to the Tier 2 facilities. Could the Board clarify if the facilities are allowed as a main use or an accessory use? She said she was not sure in reading the law. The existing facility at the Staples Plaza was approved as an accessory use. Is the proposed Gomer Court facility a main use or an accessory use? She asked this because there is already a main use on the Gomer Court property and did not know if a parcel can have two main uses. Ms. Siegel said the difference between a main use and an accessory use is important primarily in residential zones when you look at the setback requirements. This becomes more problematic when dealing with a side yard. The battery law says the area surrounding the unit has to be cleared for 20 feet on each side, which does not allow for landscaping and screening on the residential property because you have already used up your 20 feet and that 20 feet has to be cleared. She also asked how the front yard and the side yard are determined for a battery storage facility. Front and side yards are built into the zoning code because they deal with houses or commercial buildings but battery storage facilities are rows of containers. This is an issue that has come up in residential issues that could potentially be significant here because of the differences in the setbacks. Mrs. Siegel also pointed out the setbacks in the zoning code refer to buildings, not structures, and in the proposed battery storage law there is no definition of what a structure is. The zoning code has one. She said there is also some ambiguity in the language that says the combustible vegetation and growth has to be cleared (that is the 20 feet clearing), but it also exempts certain trees and shrubbery. She said she would have thought that any trees or shrubbery is combustible. Mrs. Siegel also questioned how the lot coverage is being calculated. The law says "lot coverage shall be the area formed by the outer most perimeter of the footprint of all of the equipment of the battery storage equipment, including the clearance spaces between the individual equipment." She asked if equipment meant the fencing around the equipment. If yes, she asked how far the equipment would be from the fencing. Will the fencing be at the 20 feet perimeter (the equipment plus the clearance)? She said this should be clarified when you are calculating lot coverage. Ms. Siegel also reiterated comments she made at the June public hearing, which are not included in this latest draft. The battery storage legislation prohibits facilities in flood zones and flood plains. She suggested that the Board seriously consider prohibiting them in wetland buffers, which are critical to

the continued health and viability of the abutting wetlands. Contamination can easily make its way into the buffer area, particularly the foam that is used in fire suppression. She said the law also talks about requiring screening. She feels that it should be made clear that the screening has to be four-season screening.

Councilwoman Roker raised an issue regarding spot zoning and the creation of the energy zone Ms. Siegel suggested. Ms. Siegel said the Board has frequently created zones based on need.

Supervisor Slater asked Mr. Tegeder if he had any thoughts on the rezoning issues and Mr. Tegeder said he thinks that it is similar to spot zoning but the Town does have floating zones, as Ms. Siegel said. He said that he thinks, for instance, when you have the RSP zone, you are determining a long-term use, you are looking at all of its impacts, and you are putting it in specific areas in your Town, in this case, the special permit allows it in all areas provided that it rises to the standards that are set forth in the permit. He does not think it needs to be a discretionary approval and said if you look at other communities, such as Ossining, their zone for Tier 3 floating zone speaks directly to the need to preserve and consider trees. Mr. Tegeder suggests that if there is a discretionary denial that stops a battery storage facility or solar farm from going on a particular property, it still can be cleared of trees for the underlying uses. He also said these are temporary uses (although they last about 25 years) and will eventually be decommissioned and then you will have a zone that allows no other. It is not a long-term use such as an RSP-1 (Jefferson Village), which the Town has had for 50-60 years; it's something that will likely be much less, not to mention that it will possibly be in areas you would not want to entertain for other types of uses. Mr. Tegeder said he thinks that having a special permit, once the use goes defunct, allows the underlying zone to still be there and that will be either residential or commercial. He understands Ms. Siegel's rationale, but believes the idea of an energy zone adds a layer and mischaracterizes it as an industrial use because it is infrastructure. It is profit making in some cases, not all, just as all of the Town's telephone and electrical lines that run through all of our neighborhoods, as well as our telephone exchange buildings and our wireless communications towers – all of that is a profit-making situation, but necessary to the viability of the grids. This is part of the electrical grid and necessary and the special permit is in keeping with how these types of infrastructures have been handled in the past. Mr. Tegeder said he does not believe the rezone has the protective quality other than for a very narrowly focused issue that can be handled within other sections of our laws and within this special permit, as well.

Ms. Siegel said she would still like the Board to look into this further and hear from others.

Councilwoman Roker said she looked at this from a utility standpoint and asked if we had a separate zone for Con Edison and Mr. Tegeder said the Town does not have a separate zone for Con Edison or NYSEG. Councilwoman Roker addressed Ms. Siegel and said she read Ms. Siegel's memo but this is the perspective in which she looked at this – from a utility standpoint.

Councilman Diana said this would be on a case-by-case basis where, most likely, the Planning Board will have to take a look at the locations and the site plan before a decision is made. These processes validate what is in the law by having the Planning Board review and determine what the right thing to do is. He said the Town was in unchartered territory when these things first came to them a little over a year ago and now at least they will have a law that they will be able to dovetail onto so they can get things done properly.

Swarnov Pujari, resident and member of the Climate Smart Communities Task Force (CSC), said the CSC worked on this and is happy to see that the battery storage legislation has been drafted the way it is and believes that implementing this within the Town in the way that it has been written up will be beneficial towards the development of the electric grid while also providing significant benefits towards resiliency and aiding New York State and the Town's internal focus on trying to move towards a renewable and sustainable posture. He said, effectively, when it comes to battery storage and safety concerns, most of that is being addressed through the setbacks and other restrictions. He said that in terms of safety the technology has gotten significantly better to the point where incidents are so infrequent and will likely never happen. He believes all bases have been covered in the legislation on the technical side of things. Mr. Pujari said he and the CSE Task Force are in support of the battery storage law.

Councilman Patel expressed a concern about vandalism at battery storage sites, both residential and commercial. Mr. Pujari said he understands the concerns people have but believes that if people read a little more about the advancements that have been made in battery storage (software to predict trouble

spots), new chemistries that reduce risks from fire, explosions, etc., they may feel more comfortable with the facilities. He said we are not ten or twenty years back when even he would have said we should be treading very cautiously with this. Mr. Pujari said Yorktown is coming into the stage of battery storage when he believes it is safe and has been proven and will be providing not only resilience to the Town but also accelerating our progress toward sustainability and meeting our renewable energy goals not only as a Town but also as a state.

Mr. Pujari and Councilman Patel continued a discussion regarding natural disaster strategies that utilities utilize to shut systems down in order to keep people safe.

Councilwoman Roker said Ms. Siegel mentioned keeping battery storage facilities away from wetland buffers, not necessarily because of the units but if there were an accident, the materials used to contain the accident would cause contamination. She wanted to know if this was true.

John Tegeder and Mr. Pujari both said they were not qualified to answer questions about materials used by the fire department. Mr. Tegeder said he thought the fire department primarily used water but there is a wetland law and restricting it from the buffers is contrary to the wetland law. He said they go through this all the time with buildings that are also subject to firefighting apparatus and methods. He said he did not think Yorktown's fire departments uses anything but water. He said he did not think firefighting protocols for the battery systems uses particular types of toxic chemicals.

Councilman Patel said he did not think this was true because there is the chance that water coming in contact with the batteries could cause them to ignite. He said a chemical is used.

Mr. Tegeder said what they have been told and what they have learned in the case of a system on fire is that the fire department should let it burn. The system is separated from one another so the unit on fire should burn out without damaging the other units. They do not use water but they can use water to cool other parts of the area.

Councilman Diana said he recalls from a previous presentation that water is used to cool the outside of the container, the power is shut off to the grid, and it burns itself out inside that container.

Mr. Tegeder said this does not preclude the site plan from requiring additional protections if it is near a wetland buffer in that event. He said you could impound any firefighting material or any other material that might be associated with any of these units from getting in there. He said that they are restricted from flood plains because you cannot hold back the water in a major flood and that will affect the unit because of the water around it. Conversely, it being in a wetland buffer you can have some measures taken that will prevent anything getting into the wetland and contaminating it. If you are in a flood plain and there is a flood, you have no choice – you have contaminated something.

Supervisor Slater announced a written comment period for this public hearing would be allowed through Friday, July 24, 2020.

All those present having been given the opportunity to be heard and there being no further discussion, the hearing was closed. Upon motion made by Councilwoman Roker, seconded by Councilman Diana and carried.

RECONVENE A PUBLIC HEARING TO AMEND CHAPTER 300 ENTITLED “ZONING” BY ADDING A NEW ARTICLE VII, SECTION 300-81.4 “SOLAR POWER GENERATION SYSTEMS AND FACILITIES”

Supervisor Slater reconvened a Public Hearing to consider amending Chapter 300 of the Code of the Town of Yorktown entitled “Zoning” by adding a new Article VII, Section 300-81.4 “Solar Power Generation Systems and Facilities.”

Supervisor Slater said this is a balance of competing interests of those who understand the importance of clean and reliable energy and the need to protect the aesthetic attraction and character of our community. He said both goals are critically important to the future of Yorktown. Supervisor Slater said that they are not addressing a specific project this evening, but taking comments on the proposal of this law, which strives to achieve the long-term goal of Yorktown, which is clean, viable energy balanced out with protecting the aesthetic attraction of the community. Supervisor Slater said that today Governor Cuomo announced the largest combined solicitations for renewable energy ever issued in the United States to combat climate change in the state of New York. As part of his announcement,

Governor Cuomo also launched a process for local communities to identify build-ready sites for large-scale renewable energy development – an important next step in implementing the Clean Energy Resources Development and Incentive Program under the Accelerated Renewable Energy Growth and Communities benefit.

Supervisor Slater said that the Board has received written comments regarding the proposed law, and they have been submitted as part of the public record.

Councilman Diana said this is not to bolster the progress of any one project, but try to put into effect a law we did not have and to provide guidance of what the Town will allow and not allow. He said the Planning Board will deal with the applications on a case by case basis. Councilman Diana said Mr. Moskowitz had previously brought up a point, which he agrees with, regarding the large facilities – what about the water runoff if it is on a hillside? He said these types of things need to be addressed and will be addressed.

Councilman Patel said (to John Tegeder) Yorktown is surrounded by many reservoirs that serve millions of people, and he wanted to ensure that all of Yorktown's laws (tree, wetlands, woodlands, stormwater, etc.) would be looked at before a solar facility is given a permit. Mr. Tegeder said Councilman Patel is correct and to the extent that anything is changed about any particular piece of property from any type of vegetative cover or impervious surface will be required to treat the stormwater accordingly, according to our laws and, often enough, NYC DEP laws. These facilities will not be exempt and to the extent that they change any drainage patterns, they will have to deal with that appropriately.

Councilwoman Roker said she had spoken to Mr. Tegeder earlier, specifically about trees. He told her while the Planning Board would receive the application, it would be referred out to agencies, in particular, the Tree Conservation Advisory Committee.

Supervisor Slater asked Mr. Tegeder to update everyone on the updates that were made to the proposed amendment.

Mr. Tegeder said under "Statement of Purpose and Intent" a clause was added, which he read. He said under the section "Small-Scale Solar Energy Systems," paragraph C that deals with ground-mounted solar energy systems, IV, was changed to read "all such systems in residential districts shall be installed on properties that are a minimum of one acre in size or more and shall be installed inside rear yards." He said these are the two changes made since this was last discussed; however, he did have some other suggestions that he proceeded to lay out for the Town Board:

- Statement of Purpose and Intent, No. 4 – lays out items as to why the Town is adopting the law. There have been suggestions to add to the three items listed or strengthen them as to the environmental benefits of solar. Mr. Tegeder thinks this would be a good addition to the section.
- Applications should go to the Tree Committee, as stated before, but it can be added in specifically to this law.
- Ground-mounted solar energy systems in under "Small-Scale Solar Energy Systems," which would be for small-scale residential and commercial systems, an additional roman numeral can be added to list screening is required; it is not explicit in those particular cases that it is required. (A discussion took place regarding screening and accessory uses.)
- Special Use Permit Standards – Large-Scale Systems, II – Lot Size. Mr. Tegeder said there has been some discussion that it may work better to talk about the difference between residential zones and commercial zones here and so there should be a minimum lot size in residential zones of (right now it is 2 acres) something different from what is listed. He suggested that in commercial zones a minimum lot size is not required because they would typically be part of or on already developed commercial properties and would already be dealt with as part of the original site plan.
- Same section – Item 7. Mr. Tegeder said underneath the ground-mount type systems you will have cleared land and that it needs to be stabilized with some type of plantings and vegetation so that there is something in this section that speaks to the type of groundcover and that it is environmentally friendly (pollinators, natural and native species, etc.). Councilwoman Roker asked if screening was for all seasons and Mr. Tegeder said that is correct. He quoted from the section that supported this. Councilman Patel asked if the installation is for 25 years, will the landscaping be returned to what it was, and Mr. Tegeder said that after decommissioning,

they do have to replant but it does not specify yet that it has to be replanted with any specific type of vegetation. It does not say that it needs to be restored in the way that it was prior to the development, but it does need to be replanted with something selected and approved by the Planning Board.

Supervisor Slater said making these changes accomplishes suggestions made by the Conservation Board, as well as satisfying some of the Tree Conservation Advisory Committee's suggestions.

Councilman Lachterman said if the Town allows a solar farm on a 20 acre property and they are using 5 acres and cutting trees and we are going to make the developer commit to putting trees into our tree bank to take care of other issues, and now at the back end the Town is saying you already did mitigation and now we want you to mitigate something else – it seems like a double charge at the front and the back.

Mr. Tegeder said this is a valid point. What this says is that there is some restoration that needs to take place; it does not specify that it needs to be restored to what it was – it says that it needs to be reseeded with different types of approved mixes (non-invasive). He said at the end of 25 years there is also the possibility that it will be ripe for another type of development such as housing or other type of development that would be allowed in that zone.

Councilwoman Roker wanted to acknowledge what the Conservation Board said, which is planting native seed mixes does not restore the site to its former natural state. Supervisor Slater said he believed that work needed to be done on that portion of the law.

The following members of the public spoke:

Jennie Sunshine, resident, said that it is very important to have a solar law in Yorktown, as it is the future. She agrees with putting solar panels in already-cleared land, rooftops, residential, etc. She does not agree with cutting trees down to install solar. She feels that Yorktown does not enforce the Tree Law, as evidenced by tree cutting in her neighborhood and some upcoming development projects. Once a piece of land is disturbed it is a permanent disruption to the environment and cannot really be mitigated. She suggested if you make it part of the law where a portion of trees can be cut, at least limit the amount that can be cut and not cut trees that are connected to a forest. She suggested that if a company does come in to install panels, Yorktown should be paid adequately. She also suggested providing for future technology in the law so that if something is invented that really works well, the Town can accept and utilize that as well.

Supervisor Slater asked Mr. Tegeder if once we see the new generation of technology, will the Town need to go back to the solar law to amend it to make sure that the future generation of technology is covered. Mr. Tegeder said a lot of the future generation in technology will be in building integrated systems that are already allowed and would be embedded in a building system and we would not have to change the law; however, there may be amendments in the future.

Councilman Lachterman said that mitigation is extremely important and that restoration needs to be done both prior and post installation. He said that laws and mitigation are there so if it is deemed okay to go into a wetlands buffer, what are we going to do to mitigate that to protect the wetland. He said the tree law is a great example of how to address and protect the environment.

Ms. Sunshine said you cannot compare a forest that has been there for a hundred years to landscaping. The trees that are put in for landscaping are beautiful but really do not count much in comparison to mature 40-foot trees. Councilman Lachterman said that back in the day much of Yorktown was farmland, to which Ms. Sunshine reminded Councilman Lachterman that before farmland there was forest. She said if you do not have the habitat, you do not have the animals and then you do not have the beauty that is Yorktown – so, yes, it has to be a balance. Ms. Sunshine said Yorktown is doing a lot of building right now, and we know that we are and that there is a lot of cement in this town and there is only going to be more. The Town has to balance it out now and make good decisions or live with the consequence of changing where we live. She said we will not have the beauty that is Yorktown; we will have more of an urban setting.

Councilwoman Roker said that although the Town has a new tree law it is only as good as what is seen or reported and asked Ms. Sunshine that if she sees something that is wrong, please let the Town Engineer know so he can investigate it. There are a limited number of town employees that cannot be

everywhere so they also rely on what is reported.

Ms. Sunshine agreed but said this is a difficult thing to do. If the tree has already been cut, unless you have a picture of what was there before, it is difficult to prove the damage done. Unless you catch someone in the act, it is a difficult thing to do.

Sarah Wilson, member of CSC Task Force, but speaking as a resident, said she is, of course, concerned about the clearing a wooded parcel to accommodate a solar farm but also recognizes that the Town is overdue enacting a law that governs solar installations and we need to support the expansion of solar energy to combat climate changes. She said the solar carport at IBM and the proposed solar project at Granite Knolls are exactly the right type of renewable energy projects that we want to see in Yorktown but they cannot move forward without the legislation. Ms. Wilson said she is in support of passing the legislation. She asked the Board how they could ensure that all open spaces are considered and promoted as placement sites before approving the clearing of wooded areas. She suggested a list of suitable open spaces be prepared to support the Town's expressed prioritization and preference and that this list be used as a reference in evaluating projects that come before the Planning Board.

Supervisor Slater said that the language from B(5) was borne from a conversation he had with the Westchester Land Trust and this was very much on the radar. They provided insight on the idea of road map vs. roadblock. They would prefer to see a road map of preferences from the Town as opposed to a roadblock that prohibit these types of projects from being considered. He said this is what B(5) is; it is a road map of preferential land that the Town would prefer to see used when applicants are exploring large scale solar projects. Mr. Tegeder said that typically a developer, particularly these types of solar developers, would seek out these preferential properties because it makes the process easier for them. He thinks making up a list is a good idea.

Councilwoman Roker said the Open Space Committee may be able to assist with this list. Supervisor Slater said they have already been in touch with the Committee and the CSC Task Force about a list.

Corby Patel, resident, asked about solar farms in residential areas and what screening actually means. What does the fencing look like? She expressed concern about clearing mature, established woodlands for a project that may only last 25 years and questioned if it is the right thing to do. She said the wetlands and the water runoff have to be considered because the woodlands help to prevent flooding.

Mr. Tegeder explained the screening is landscape screening that can be supplemented by earth berms and other features, fencing (fencing that will enhance and in keeping with the character of the area). He said you would not see screening like what is used on the parkways (Taconic) – that is far and above anything that the Planning Board would accept and it would be too expensive for anybody to offset the costs of the electrical generation. If you are screening in a residential area and it is a wooded lot, the idea is for that wooded lot to be regarded as a wooded lot even though the interior is used for solar panels. It would be supplemented with four-season screening. The Town has a tree law, a wetlands law, and a stormwater law and these developments are subject to those laws, so there will be requirement to gather up the additional runoff from the change from the original; it would be either treated or impounded long enough so that it does not run off at a greater rate than it did in its prior condition. He said as far as the wetlands, the first order of business is avoidance. The Planning Board will do their best to ask and require that the developer, at all costs, avoid wetlands and wetland buffers. Wetland buffers often are intruded upon but then are mitigated so they still function as well as possible in their intended water purifying aspects and protection of the actual wetlands. He does not believe the Town will see solar panels in actual wetlands; that would not be cost effective for anybody and would not be environmentally responsible and it is a much rarer occasion that any development in Town goes forward in encroaching on actual wetlands. It does happen on occasion, but it is the much rarer case.

Cheryll Smith, resident, said she would like more information as to sites that may already have been identified. She said there was an article on TAPinfo that spoke about a proposed solar farm in Mohegan Lake on Lockwood and Foothill Road. She said it seems this law is being proposed to address specific projects versus what has been outlined regarding preferential lots. Is the Town evaluating and recommending those other lots other than the one she read about. She wanted to know how this law affects that project or does it signal a green light for this project to continue.

Supervisor Slater said this is not about any specific project. Regarding the Lockwood/Foothill project, he encouraged Ms. Smith to go back to the June 9 Town Board meeting when a representative for that

applicant came before the Board asking for a specific erosion and sediment control permit, which the Board denied because they wanted to complete the solar law. The solar law they are addressing this evening provides a much more comprehensive view, safeguards, and parameters to be considered. This law provides a regulatory framework so that when applications are presented to the Planning Board, they have a framework to work within.

Councilwoman Roker said the Town Board has been working on this law for over a year and they heard about that application (Lockwood/Foothill) a few weeks ago because it is not before the Town Board; it is before the Planning Board. The Town Board wanted to finish this law and that application did not have any effect on the proposed law.

Ms. Smith said the article was from October 2017 and she recognizes that this law has been discussed since last year.

Councilman Diana said since that time, the Board has had multiple iterations of the tree law.

Ms. Smith asked, from a residential perspective, if the tree law is being taken into consideration with allowing these projects into residential neighborhoods.

Supervisor Slater said they are absolutely trying to protect the natural beauty, the aesthetics, and integrity of our community but you cannot do that without regulations in place. He said this is a balance between embracing new technology that allows for clean and reliable energy sources while protecting the sanctity of our community. He said if this law was not in place and a permit was issued through another method, there would be no safeguards for the community. He said this is what they are trying to accomplish here.

Supervisor Slater said he received a written comment from resident Michael Epting (could not connect via Zoom) that he will submit to the Board and the Town Clerk, as part of the record. He read Mr. Epting's comments regarding his concerns about continued development of Town properties (he cited examples of single family homes on his street that were built through variances on lot size, removal of trees, loss of habitat, etc.). He also voiced his opposition to the development of Atlantic Appliance on a wooded lot. Mr. Epting stated that although these developments may be legal, he does not believe it is the right thing to do given the amount of empty commercial spaces in Town. Mr. Epting wrote that when making the decision regarding solar farms, the Board should do it through zoning and not to allow battery storage facilities in any residential neighborhoods.

Nicholas Merrian, resident, said the first paragraphs of the proposed law state the objectives of promoting the quality of life for the Town residents and preserve the Town's forest. He said these objectives are then disregarded by proposing a commercial venture on land that is zoned as residential and also allowing the clear cutting of mature forests in a residentially zoned area. He wanted to know the purpose of having a master development plan in establishing zoning districts if they are blatantly trashed. Is it because of the promise of an expanded tax base? He thinks the Town should stick with the zoning plan that truly has meaning and protects the residents of Yorktown and respects forested land, especially in residential areas. He said when a commercial project is allowed to be built in a residential zone but not in a commercial zone, it sounds as if the Town is playing games with definitions and this gives rise to skepticism and the motivation becomes suspect.

Councilman Lachterman said he hears a lot about financial motivation and his perspective, as a homeowner with solar panels, is the need for clean and renewable energy and feels that is the important aspect of this law. He finds the insinuation of financial motivation a little bit insulting. The Board wants to find renewable energy for the Town and for future generations.

Councilman Diana said he hears the same type of comments regarding financial motivation. He said the Town Board has spent numerous months on this and it is not a financially motivated law, nor is it given any body access to any type of property. It is a comprehensive law that has gone through numerous drafts.

Mr. Merrian asked why residential zones are being allowed for these solar developments. Mr. Tegeder said this is considered electrical infrastructure, like transmission towers and substations and supply wires that are allowed in residential neighborhoods so this is that type of commercial enterprise, as in Con Ed, NYSEG, Verizon, etc. – it is necessary infrastructure. Solar energy and battery storage are part of a larger “spearhead” that the country and New York State is going through and so they are

necessary to be in certain neighborhoods that have low demand right now.

Supervisor Slater said this is actually the Town's 12th public hearing since May 12th and it is not like it was pulled out of thin air and put on for any type of transparency reasons. The Town Board has followed a very aggressive schedule and has more sessions/hearings scheduled between now and August 4 and despite the challenges of COVID, the Town Board is making sure the wheels of government keep moving.

Councilwoman Roker said in terms of residential areas, Councilman Diana was concerned about the look of ground-mounted systems in those areas. At this point, this law would prohibit them from any properties under 2 acres and has to be screened from the neighbors. Supervisor Slater mentioned that it would require four-season screening.

Mr. Merrian said although he understands Mr. Tegeder's explanation, the solar facilities are a lot larger than the size of transformers, transmission towers, etc.

Paul Moskowitz commented on the commercial developments of solar energy that are being undertaken in Yorktown, which he favors. He cited the Jefferson Valley Mall roof panels, the IBM solar carport project, and the proposed solar carport at Granite Knolls as examples of favorable solar project. He said Lowes has no solar panels on what is a very large building. He suggested that the Town put wording into the law that any big box stores with large parking lots install solar energy. He wanted to discuss some of the wording in the law that he found confusing when comparing it to the battery storage law, which he supported. He quoted from "Approval Standards," Section F: "large scale solar energy systems are not permitted as a sole principal use on properties within non-residential zones." He said this is the same thing as saying it is only within residential areas. Mr. Moskowitz gave the example of wanting to tear down the Food Emporium to put up self-standing solar panels and not being allowed to under this law. He said the battery law does not say this. He does not believe it should be limited to residential areas. He also suggested that proposed solar facilities be community solar facilities so that area residents can directly benefit. He said in parallel with the battery storage law, a compromise was reached on how large they should be and he believes that a limited size should also be placed on solar facilities in residential areas. Mr. Moskowitz showed that he has a set of plans for the Lockwood/Foothill project that calls for the bulldozing and clear cutting of 15.5 acres of woodlands that cannot be replaced through mitigation; it will just be gone. Installing a solar facility on 15.5 acres turns the property into an industrial area.

Supervisor Slater said he agrees with Community Solar and said it is a major incentive for large-scale solar projects because behooves the developer not to be a community solar project because they would not get the same credits, especially with the utility companies. Mr. Tegeder said that sounds correct and added that he believed the Lockwood/Foothill project is a community solar project. Supervisor Slater agreed with Mr. Moskowitz in encouraging community solar, which can be done through Sustainable Westchester. Encouraging community solar is mutually beneficial for residents and for potential large-scale solar arrays, he said, and would have no problem including language to encourage community solar as part of a project. Supervisor Slater said, for example, the original proposal for Granite Knolls was a community solar project that would provide a 10% discount for Con Edison customers. He said on the green energy requirement, and was not sure if it should be included in this legislation, but should it be only solar or green energy (ex. geothermal)? Should a green energy component be added in for new construction? Mr. Moskowitz said he does not believe the two are antithetical. You can have thermal energy and you can have solar at the same time, but why waste such large parking lot spaces. He cited the use of solar collectors on the roofs of the Jefferson Valley Mall and said why not require at least a consideration of that on new large-scale projects. Mr. Moskowitz said in Section 4 (iv) of the proposed law it says "all ordinances, local laws and parts thereof inconsistent with this local law are hereby repealed," and he said he thinks this is dangerous language. He said if the tree law somehow conflicts with this law, the tree law is repealed. He said this is not good language and hoped that the Town Attorney would look at this and find a better way to say it.

Mr. Tegeder said this does not mean what it sounds like it means; however, it can be removed. He suggested checking with the Town Attorney first. Town Attorney Adam Rodriguez said it is there just to make sure all the town laws are in harmony with one another. Supervisor Slater asked to have this section reworded to make it clearer since he does understand Mr. Moskowitz's point. Mr. Rodriguez said that it is pretty standard in every local law.

Supervisor Slater questioned a green energy component and asked Mr. Tegeder if it would make sense to add it into this law. Mr. Tegeder said it would make more sense to add it to Chapter 195, Land Development, where you could put in a preference and a desire for green energy on developments.

Susan Siegel repeated an earlier point about what guarantee is there that preferred locations would be honored. She said two sites have already been identified by developers, neither of which meets those criteria. She also stated that you can make a list of preferred locations, but you cannot tell a developer where to choose or have a site that is not on the Town's list. By allowing solar farms on any property, you are basically opening the door and allowing it on a site that is not where you wanted it and the Planning Board has to follow the guidelines for a special permit. As long as the site meets the special requirements, you cannot deny the special permit. If the Town rezoned the site, the Town Board can say they do not like it on the site because that is not one of the preferred sites. She said, in fact, the Town Board does not even have to accept or entertain an application for rezoning. Ms. Siegel said the whole question of preferences sounds good and uses "feel good" language, but realistically you have no guarantee that those preferences will be followed unless the Town Board makes it rezoning and not the special permit.

Ms. Siegel raised the issue of financial interests said the developer, whether doing the project as community solar or some other way, wants a financial benefit. She said the Town has been somewhat disingenuous by saying this law is not for any specific project. She said this law was written because the Town had two specific projects that were submitted.

Councilwoman Roker said Supervisor Gilbert was in office when this law went into effect and she knew nothing about Clean Energy (company proposing one of the facilities). Ms. Siegel said she attended Town Board and Planning Board meetings during that time and at one meeting, Clean Energy even provided input to the Town on the preparation and design of the law. She said you cannot divorce this law from the two projects because the law was written because these two projects were already proposed.

Councilwoman Roker said you cannot say that; she did not know there were proposals on the Town Board's table, whether or not it was on the Planning Board's table is another story.

Councilman Diana said this law is being put into effect because the Town did not have one and there is new technology that is coming into play. He said this is not something they are doing because there is a project; they had to do something and they "pumped the brakes" and put a moratorium on it.

Ms. Siegel responded by saying the moratorium was on the battery storage law, not on the solar law. The solar law was only developed because Clean Energy came in with a proposal and it became obvious the Town did not have a law to deal with this, which makes sense.

Ms. Siegel said she sent the Town Board a draft of a memo that went through, line by line, her suggested changes and comments to the law, so she would not repeat those here. She mentioned considering changing the lot size from 2 acres to 10 acres, which is something the Planning Board recommended. She said the Planning Board also recommended decreasing the lot coverage from 80% to 60%. She said in her draft, she outlined some items that did not make sense.

Ms. Siegel said after the July 9, 2019 public hearing (the first), the Town Board had a discussion about two weeks later about having a site visit so they could see what these solar farms actually looked like. She said that again in February of this year the Town Board talked again about setting up a site visit. She assumed the first visit in 2019 did not happen and questioned if the one in February took place, even though there was time before coronavirus shut everything down. Ms. Siegel said the Town Board is trying to regulate something, but have they actually seen a large-scale solar farm in a residential neighborhood. She asked the Town Board to consider the rezoning option and asked to be allowed to join a work session discussion, given her background.

Ms. Siegel also raised the same issue as Mr. Moskowitz regarding the language in Section 4(iv) and noticed that the Battery Storage Law had some different and probably more acceptable - if there is a conflict between local laws, the provisions of the Battery Storage Law takes preference.

Michael Grace (former Supervisor and legal representative of Clean Energy) commented that whether the law came about because of the projects or not, it does not make a difference. He said when he was supervisor, the position was that a specific law was not needed and was a redundancy since excavation,

tree law, etc. already existed that address environmental concerns. He said the easiest way and most expeditious way to resolve the whole issue is to make the solar energy farms as a permissible accessory use without a primary use in a residential district under a schedule of regulations that are also permitted in commercial districts because a lot of uses under a special use permit in residential districts are allowable uses in commercial districts under the zoning code. He said, fundamentally, the Town Board has to decide if they are committed to alternative energy with sources such as solar farms and if you are, the law as written, which is basically modeled after the NYSERDA model, suits that purpose...as far as commercial versus residential, you are only going to get solar farms in residential areas because commercial properties are limited in the Town. He said this is not a very complicated issue.

Swarnav Pujari said from the CSC standpoint, they have agreed to try to modify the legislation and as part of that, the CSC also agreed to help with any kind of effort to try to locate both property owners and sites that might be ideal. They agreed on the priority of looking for open space and commercial lots that are open for solar and going further from there in helping mitigate the impact should trees be removed. The way it was proposed and the way it has been implemented definitely supports what the CSC was trying to do in terms of incentivizing developers to look towards open land because the economics of it would become significantly tougher, even with this. It is a form of putting a tax towards the EPCs but it does help incentivize development of solar in different parts of the Town that are better suited or more financially viable.

Mr. Pujari said he wanted to address some of the other concerns, particularly assuming systems are only for 25 years. The 20 to 25 year mark is typically the given length of a system that is being financed. Usually the financial instruments being used via Community Solar, which is a financial instrument, or things call PPAs (Power Purchase Agreements), which is typically the financial instrument used when people are building farms and are selling power back into the grid – a lot of these systems can go 35-40 years. He commented on the financial value the Town could gain from this by saying this depends on the financial mechanisms that are available today. He said working with Sustainable Westchester, something the CSC supports wholeheartedly, brings together the idea of community solar, which would not only benefit the EPCs, the utilities, and every party involved in the growth of such a solar farm, but it would also help the residents financially as well.

Mr. Tegeder said it was discussed about adding a section that would require a detail of the system and the amount of energy it would take in terms carbon being sequestered by trees on a particular piece of property. This is a typical method and comes up in most of the solar applications and he thought it was agreed that it was something that would make sense to do. It would be a statement the developer would have to provide that would evaluate the number of trees, the type of trees, the general age of the trees, and the amount of carbon they would have sequestered so then you could get a comparison of the amount of carbon that is being supplanted by the system as it relates to other fuel systems that are electrically generated. He said the second part of this is asking the Planning Board to look at the mitigation for the loss of the trees with an eye towards carbon sequestration loss.

Mr. Pujari said on the financial end, a number of people assume that there might be incentives for developers to come in but solar, even still today although the economics really do work, it is still very tight for the developers.

Supervisor Slater asked if he could provide any insight on property values. Mr. Pujari said property value is such a subjective thing, but he spoke about two different conversations around this topic. There have been third party studies by real estate companies that demonstrate that there are property value increases but there is also the counter-argument that the property value increase is not as good – and this refers to a solar panel system on the roof. More people are looking for more sustainable kind of components and energy efficiency in their homes, which is an adoption he has seen across the board. He said property values for individual properties have definitely gone up from what research has shown. Mr. Pujari said the technology has developed to a point that a much smaller amount of property is needed to run a larger installation. He said he has not heard or seen any issues regarding property values from the numerous projects that he has seen go up in the Bay Area and Los Angeles areas of California.

Supervisor Slater asked if either Mr. Tegeder or Mr. Pujari has seen any studies or reports on health impacts from large-scale installations and both said no. He thanked the CSC Task Force for their insight and partnership.

Councilwoman Roker said the hearing could not be closed since Mr. Tegeder is going to make some

changes that he spoke about at the beginning of the meeting. She said she would like to see those changes first.

All those present having been given the opportunity to be heard and there being no further discussion, the hearing was adjourned. Upon motion made by Councilwoman Roker, seconded by Councilman Patel and carried.

CONVENE A PUBLIC HEARING TO AMEND CHAPTER 198, ENTITLED “LANDMARK PRESERVATION” BY REPLACING THE WORD “LANDMARK” WITH THE WORD “HERITAGE”

Supervisor Slater convened a Public Hearing amending Chapter 198, entitled “Landmark Preservation” by replacing the word “Landmark with the word “Heritage.”

Lynn Briggs, chair of Landmark Preservation Commission, said this change is being proposed because the word “Landmark” has a limiting and restrictive connotation and pushes people away from an interest standpoint. She said given what they do is in a much broader venue – designation, outreach, education, etc. – they felt that naming themselves Heritage Preservation Commission was apt, better, and more relevant to today’s world and so it is in this context that they would like to change the code to reflect that.

No Public Comments Received.

All those present having been given the opportunity to be heard and there being no further discussion, the hearing was closed. Upon motion made by Councilman Lachterman, seconded by Councilwoman Roker and carried.

ADOPT LOCAL LAW 9 OF 2020 AMENDING CHAPTER 198, ENTITLED “LANDMARK PRESERVATION” BY REPLACING THE WORD “LANDMARK” WITH THE WORD “HERITAGE”

RESOLUTION #248

Upon motion made by Councilman Lachterman, seconded by Councilwoman Roker,

WHEREAS, a public hearing was held on the 21st day of July, 2020 pursuant to notice duly published as required by law to amend Chapter 198, entitled “Landmark Preservation” by replacing the word “Landmark” with the word “Heritage”

RESOLVED, that Local Law No. 9 of 2020, as annexed hereto, be and is hereby adopted.

Slater, Diana, Lachterman, Patel, Roker Voting Aye.
Resolution adopted.

APPROVE CREATION OF AN ARTS AND CULTURE COMMITTEE

RESOLUTION #249

Upon motion made by Councilwoman Roker, seconded by Councilman Patel,

RESOLVED, that the Town Board hereby creates an Arts and Culture Committee in collaboration with the Yorktown Chamber of Commerce for the purpose of: (1) advising the Town Board on how best to support the arts and culture community in the Town; and (2) raising awareness of and coordinating support for the artistic and cultural institutions in the Town; and

BE IT FURTHER RESOLVED, that the Committee shall consist of seven (7) volunteer members; and

BE IT FURTHER RESOLVED, that four (4) of the Committee members will be appointed by the Town Board, and three (3) of the Committee members will be appointed by the Chamber; and

BE IT FURTHER RESOLVED, that there shall be two (2) co-Chairpersons of the Committee appointed from the Committee membership, one appointed by the Town Board and one appointed by the Chamber; and

BE IT FURTHER RESOLVED, that all Committee meetings will be open to the public, the public will be permitted to participate in the Committee’s discussions, and the Committee’s meeting dates are to be posted on the Town's website; and

BE IT FURTHER RESOLVED, that detailed minutes will be prepared of all Committee meetings; and

BE IT FURTHER RESOLVED, that the Committee shall submit a report, on or before the 31st day of January, setting forth for the prior calendar year: (1) the dates the Committee met, (2) all votes taken by the Committee, (3) all memoranda prepared by the Committee and submitted to the Town Board, (4) all activities undertaken by the Committee, and (5) all minutes of the Committee's meetings.

Slater, Diana, Lachterman, Patel, Roker Voting Aye
Resolution adopted.

AUTHORIZE SUPERVISOR TO SIGN CONTRACT AMENDMENT NO. 1 IN THE AMOUNT OF \$19,500 TO ELQ INDUSTRIES FOR REMOVAL OF SUCTION PIPING FROM THE CATSKILL AQUEDUCT

RESOLUTION #250

Upon motion made by Councilwoman Roker, seconded by Councilman Patel,

WHEREAS,

1. In December 2019, the Town Board passed a resolution that authorized the award of bids for the Drinking Water Fluoridation Project. For the General Construction Contract, the bid was awarded to ELQ Industries Inc. in the amount of \$687,155.
2. The work of this project will be occurring in a structure that is located on NYCDEP-owned property. The Town has a land use permit from NYCDEP to use the site, however, under terms of the 2019 permit renewal the Town is required to remove an old/abandoned suction pipe that leads to the Catskill Aqueduct. The Town obtained pricing to perform this work under Bid Alternate C. The Town received two bids for the General Contract; prices for Bid Alternate C was as follows: (1) ELQ Industries \$19,500 and (2) OCS Industries \$24,849.
3. The Consolidated Water District requested the work of Bid Alternate C be done now; while the site is being disturbed and contractors are already mobilized on site with the necessary equipment and manpower to perform the work.
4. This work will be charged to Fluoride Capital Project Cost Code HI.8340.004 Contractual Expenditures. We are requesting the Comptroller make the following budget transfer: \$19,500 from Cost Code SW.8340.0201.0002 Equipment Vehicles to HI.8340.004 Contractual Expenditures.

NOW, THEREFORE BE IT RESOLVED, that the Town Board authorizes the Town Supervisor to sign Contract Amendment No. 1 in the amount of \$19,500 to ELQ Industries for removal of suction piping from the Catskill Aqueduct. Additionally, the Town Comptroller is authorized to transfer \$19,500 from Cost Code SW.8340.0201.0002 Equipment Vehicles to HI.8340.004 Contractual Expenditures.

Slater, Diana, Lachterman, Patel, Roker Voting Aye.
Resolution adopted.

AUTHORIZE SUPERVISOR TO SIGN A PROFESSIONAL SERVICES AGREEMENT WITH WSP USA INC., PROFESSIONAL SERVICES TO PERFORM ON-CALL INSPECTIONS IN THE AMOUNT OF \$10,000

RESOLUTION #251

Upon motion made by Councilwoman Roker, seconded by Councilman Patel,

WHEREAS,

1. As per a Town Board resolution dated 5/28/19, the Town entered into a professional services contract with WSP USA Inc. for professional services to perform on-call inspections that will help ensure the Town is fully compliant with the rules and regulations of NYSDOT and safeguarding the traveling public.

2. The Engineering Department, the Highway Department and WSP plan to continue working to address various deficiencies and infrastructure issues that arise from time-to-time along with ongoing monitoring of Town-owned bridges, culverts, retaining walls and roadways.
3. As under the prior agreement, the Town will only incur cost when services are performed. All work will be as directed by the Highway Superintendent or Town Engineer. Under this arrangement WSP would be paid at the firm's normal hourly rate schedule that will be included as part of the Agreement.
4. This work will again be assigned to Budget Code A.1440.490 Professional Services and will require the following budget transfers:
 - \$5,000 from A.1440.490.1 Professional Services Stormwater
 - \$5,000 from A.1440.490.2 Professional Services Environmental Consultant/Wetland

NOW, THEREFORE BE IT RESOLVED, the Town Board authorizes the Town Supervisor to sign a Professional Services Agreement with WSP USA Inc., for the scope of work as described in the preceding section in the amount of \$10,000. And the Town Comptroller is authorized to transfer \$5,000 from A.1440.490.1 Professional Services Stormwater and \$5,000 from A.1440.490.2 Professional Services Environmental Consultant/Wetland.

Slater, Diana, Lachterman, Patel, Roker Voting Aye.
Resolution adopted.

AUTHORIZE COMPTROLLER TO RELEASE BOND #WP-078-06 POSTED FOR WORK DONE AT 830 SWED CIRCLE
RESOLUTION #252

Upon motion made by Councilwoman Roker, seconded by Councilman Patel,

WHEREAS:

1. Mr. Gloade as applicant, posted \$500 which was deposited to the T33 account on May 11, 2007.
2. Mr. Gloade has requested his money be released as the site is now complete.
3. The Town Engineer has informed this Board that a representative of his department has inspected the property and determined that the work has been satisfactorily completed, and that the above referenced monies may be released.

NOW, THEREFORE BE IT RESOLVED, the above referenced \$500 bond be and is hereby released to Mr. Gloade, 830 Swed Circle, Yorktown Heights, NY 10598.

Slater, Diana, Lachterman, Patel, Roker Voting Aye.
Resolution adopted.

AUTHORIZE COMPTROLLER TO RELEASE BOND #BSWPPP-043-18 POSTED FOR WORK DONE AT 1879 FRENCH HILL ROAD
RESOLUTION #253

Upon motion made by Councilwoman Roker, seconded by Councilman Patel,

WHEREAS,

1. Gilda Aronson & Steven Wirz as applicants, posted \$250 which was deposited to the T33 account on August 11, 2018.
2. The applicants have requested their money be released as the site is now complete.
3. The Town Engineer has informed this Board that a representative of his department has inspected the property and determined that the work has been satisfactorily completed, and that the above referenced monies may be released.

NOW, THEREFORE BE IT RESOLVED, the above referenced \$250 bond be and is hereby released to Ms. Gilda Aronson & Mr. Steven Wirz, 1879 French Hill Road, Yorktown Heights, NY 10598.

Slater, Diana, Lachterman, Patel, Roker Voting Aye.
Resolution adopted.

ADJOURN MEETING

Upon motion made by Councilman Lachterman, seconded by Councilwoman Roker, the Town Board meeting was adjourned.

DIANA L. QUAIST, TOWN CLERK
TOWN OF YORKTOWN
CERTIFIED MUNICIPAL CLERK