

Meeting of the Town Board, Town of Yorktown held on Tuesday, April 19, 2022 held in Yorktown Heights, New York 10598.

Present: Matthew J. Slater, Supervisor  
Thomas P. Diana, Councilman  
Sergio Esposito, Councilman  
Luciana Haughwout, Councilwoman  
Edward A. Lachterman, Councilman

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

### TOWN BOARD MEETING

Supervisor Matthew Slater called the meeting to order.

### EXECUTIVE SESSION

Upon motion made by Councilman Esposito, seconded by Councilman Diana, the Town Board moved into Executive Session to discuss individual personnel issues, litigation, and negotiations. Upon motion made by Councilman Diana, seconded by Councilman Lachterman, the Town Board moved out of Executive Session and proceeded with the meeting.

### PLEDGE OF ALLEGIANCE

The Yorktown Police Department's Honor Guard and Police Chief Robert Noble led the Pledge of Allegiance. Chief Noble said after a twenty-year absence, the Yorktown Police Department's Honor Guard has returned and he proceeded to introduce its members. He said he is very proud to be able to bring the Honor Guard back.

### PRESENTATION

Chief Robert Noble, Yorktown Police Department, presented two civilian awards. He presented Michael O'Neill, from O'Neill Concessions, with an award honoring him for the support he gave the police department during COVID. He said that Mr. O'Neill supported them in doing community outreach events such as sponsoring a "Cops and Cones" event at Granite Knolls park and joined them at the National Night Out event. Chief Noble said Mr. O'Neill brought his truck to the police department and served ice cream to the police officers and their families. Chief Noble presented a Certificate of Appreciation to Mr. O'Neill and O'Neill Concessions. Mr. O'Neill said he appreciated the recognition and expressed his appreciation to the Town Board and the police department.

Chief Noble then presented a Certificate of Appreciation to Dr. Zuckerman from the Ardsley in Yorktown Veterinary Associates for the care they give to Yorktown's K-9 unit dog, Spar. Chief Noble said they have gone above and beyond in their care, at times pro bono. He said that the veterinary group also purchased health insurance for Spar to offset any future costs. Chief Noble said he could not thank him and his staff enough for what they do for Spar. He then presented Dr. Zuckerman with the Certificate of Appreciation. Dr. Zuckerman thanked the Chief and the Town Board for their support.

Chief Noble introduced a new appointment, Officer Domenico Dinotte, to the Town Board and gave a brief biography of Officer Dinotte's background. Officer Dinotte was then sworn into his position by Town Clerk Diana L. Quast. Officer Dinotte thanked Chief Noble, the Yorktown Police Department, and the Town Board for the opportunity to serve Yorktown.

Chief Noble also introduced another new appointment, Officer Carl Nuccelli to the Town Board and gave a brief biography of his background. Officer Nuccelli was then sworn into his position by Town Clerk Diana L. Quast. Officer Nuccelli thanked Chief Noble, the Yorktown Police Department, and the Town Board for the opportunity to serve Yorktown.

Chief Noble said there was a press conference last week to introduce the First Responders Alert Registry and said that, so far, they have about 30 registrants. The Registry is a plan to assist Yorktown residents with special needs during emergency situations. The goal of the program is to reduce emotional trauma, fear, and conflict when first responders make contact with special needs residents by providing the responders with essential information before arriving. Chief Noble said police agencies are constantly seeking ways to improve relationships with the special needs community whose members may be more likely to be misunderstood or injured during law enforcement actions. He said it is a volunteer and secure database that contains personal

information about individuals with special needs and will help police officers respond more effectively. He said it is 100% voluntary and gave directions how to sign up for the Registry. Information is posted on both the Town's website and the YPD website. All information on the Registry is confidential. Chief Noble explained how the Registry would work on an actual call.

Councilwoman Haughwout brought up, through her work on the Food Security Task Force, that there may be a correlation between those using food pantries and needing this service and they are looking at getting a computer so that they can register those people who may not have a computer.

Chief Noble spoke briefly of the fundraising efforts his department does and said that since 2017 they have raised approximately \$80,000 that has been distributed to causes in the community. He showed a picture of he and his officers with a young man named Devon Williams who had cancer. Members of the YPD took up a collection for the Williams family to help with their expenses. Devon was a SUNY Albany meteorology student. Chief Noble announced his passing on Easter Sunday.

Chief Noble read a bulletin that as of April 1, 2022, 101 police officers have been shot in the line of duty – 17 of them fatalities. These numbers are increases since the year before. He thanked the Town Board and the community for their support.

Chief Noble said that the Unity Tour is back and officers will be pedaling from Ground Zero to Washington, D.C. on or about May 9. A fundraising page will be posted to help fund their trip; they also raise money for the Law Enforcement Memorial Wall that supports the families of fallen officers, as well as the Law Enforcement Museum.

Chief Noble announced that August 2 is National Night Out that is being held at the Albert A. Capellini Community & Cultural Center and welcomed all residents to stop by and say hello and meet the officers.

Supervisor Slater said it was heartwarming to see the Police presentation before the Town Board. He said the Yorktown Police Department displays an incredible level of professionalism and feels that the new initiative will take public trust to a completely new level.

#### REPORT FROM TOWN SUPERVISOR MATTHEW J. SLATER

Supervisor Slater reported on recent Town events and updates, including the following:

- Supervisor Slater joined partners from NYSEG at their Blue Sky meeting. He raised the issue of increasing costs. He said NYSEG informed them once again is a delivery service regulated by the Public Service Commission. The rise in supply is due to the electric market rate changes including inflation, the conflict in the Ukraine, and other factors. NYSEG does not make any profit on the supply rate, only the delivery charge that is regulated by the PSC.
- A letter was sent to the Department of Transportation last month asking them to address three specific items: excessive litter on Route 6 heading towards Baldwin Place; feasibility of a traffic light at the intersection of Route 35 and Quaker Church Road; feasibility of a traffic light at the southbound exit of the Taconic Parkway at Underhill Avenue.
- He and the Highway Superintendent visited Mohegan Avenue and recognized there is a significant flooding issue at Mohegan Avenue and Sagamore Avenue, due to lake runoff. Temporary signs have been ordered until a permanent solution can be found. Supervisor Slater urged caution when travelling in that area.

#### REPORTS FROM TOWN COUNCIL

Members of the Town Council reported on recent Town events and public service announcements.

#### REPORT FROM THE HIGHWAY SUPERINTENDENT

Highway Superintendent Dave Paganelli said, in response to Councilman Diana's comments about the situation at New Road and East Main Street in Shrub Oak by the Acme mall, they have been working on this for about 6 weeks, along with Code Enforcement. He said that the owner of the mall said it would be fixed as soon as the asphalt plant they use opens up. Superintendent Paganelli said all of the asphalt plants have opened and he does not know what is holding this up.

He said that there are legal avenues to pursue, if need be. He said that the Town could fix it and bill it back, the Town could take the road by “right of use,” the Town could further insist the owner take care of it, or the Town could take the road through eminent domain. Superintendent Paganelli would prefer to see the owner fix it because the Town does not need another piece of road to maintain. He said he would be doing a presentation on paving because there are some issues. He said that right now the cost is 23% more than last year, in addition to the amount of RAP that is in the asphalt is up by 12%. He explained that RAP is “recycled asphalt product” whereby they take millings, asphalt shingles, rubber tires, etc. and grind them up and add it to the asphalt, which denigrates the quality of the asphalt. The price is also based on liquid asphalt, which is very high right now and causes them to increase the amount of RAP they are adding into the asphalt. He said that you are lucky to get 8 or 9 years out of the roads with this combination.

Superintendent Paganelli addressed the Mohegan Avenue situation that Supervisor Slater raised. He said they are looking at different options for that area. He said that they have to raise the road adequately so that it does not flood during heavy rains.

Superintendent Paganelli said that the recycling yard is open (2200 Greenwood Street). He said that there is a new program where permits are issued (no fee) to expedite the entrance to the yard.

#### POET LAUREATE

John McMullen, Poet Laureate, read two of his original poems.

#### COURTESY OF THE FLOOR

The following members of the public spoke:

- Dan Strauss, resident, said that if the Town would enforce the codes at the Town’s parks, maybe the people would not leave litter. He spoke of a false accusation of prejudice against himself and other residents when speaking about a mitigation issue at previous meetings. He quoted Councilman Diana at the March 22 meeting regarding the mitigation issue at the Barger Street gas station owned by Diah Hamed. Mr. Strauss felt Councilman Diana insulted residents. He asked for proof of the backlash Mr. Hamed allegedly received, as stated by Councilman Diana.
- James Mecca, resident, said that on March 22 the Town Board passed two resolutions. One was in opposition to the closing of three VA hospitals in New York. He said closing these hospitals is a great disservice to our veterans, particularly those with disabilities. He thanked the Town Board for passing the resolution. Mr. Mecca said the second resolution that was passed was to make March 29 Vietnam Veterans Appreciation Day. He said that, as a Vietnam veteran, both he and his brother Vietnam veterans very much appreciate this. He said that Senator Harckham invited him and 8 other veterans to go to Albany on March 29 to see his sponsorship of the resolution to make March 29 Vietnam Veterans Appreciation Day state-wide. He suggested to the Town Board to meet with the Veterans Advisory Committee and the leaders of the VFW and American Legion to hold a ceremony or gathering every March 29 to recognize the day.
- Sarah Wilson, resident, announced that the Yorktown Repair Café will be held at the Grace Lutheran Church between 11:00 a.m. and 3:00 p.m. on Saturday.

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

Members of the Town Board responded to some of the issues raised by residents at Courtesy of the Floor.

#### APPOINT KIERAN CARNEY TEMPORARY MOTOR EQUIPMENT OPERATOR IN THE HIGHWAY DEPARTMENT RESOLUTION #192

Upon motion made by Councilwoman Haughwout, seconded by Councilman Esposito,

BE IT RESOLVED, that Kieran P. Carney is hereby appointed temporary to the civil service title, Motor Equipment Operator, job class code 0427-02, within the Highway Department,

effective April 25, 2022 to be paid from Yorktown CSEA Salary Schedule A, Group 10, Step 3 which is \$61,942.00 annually.

Slater, Diana, Esposito, Haughwout, Lachterman Voting Aye  
Resolution adopted.

APPOINT ROBERT REDDY TO MOTOR EQUIPMENT OPERATOR IN THE HIGHWAY DEPARTMENT

RESOLUTION #193

Upon motion made by Councilwoman Haughwout, seconded by Councilman Esposito,

BE IT RESOLVED, that Robert J. Reddy Jr. is hereby appointed Motor Equipment Operator, job class code 0427-02, within the Highway Department, effective April 25, 2022 to be paid from Yorktown CSEA Salary Schedule A, Group 10, Step 1 which is \$55,903.00 annually;

BE IT FURTHER RESOLVED, that this appointment is subject to a probationary period of no more than 12 weeks, commencing on the first date of appointment on April 25, 2022.

Slater, Diana, Esposito, Haughwout, Lachterman Voting Aye  
Resolution adopted.

APPOINT MICHAEL STIGELL TO MOTOR EQUIPMENT OPERATOR IN THE HIGHWAY DEPARTMENT

RESOLUTION #194

Upon motion made by Councilwoman Haughwout, seconded by Councilman Esposito,

BE IT RESOLVED, that Michael J. Stigell is hereby appointed Motor Equipment Operator, job class code 0427-02, within the Highway Department, effective April 25, 2022 to be paid from Yorktown CSEA Salary Schedule A, Group 10, Step 2 which is \$58,918.00 annually;

BE IT FURTHER RESOLVED, that this appointment is subject to a probationary period of no more than 12 weeks, commencing on the first date of appointment on April 25, 2022.

Slater, Diana, Esposito, Haughwout, Lachterman Voting Aye  
Resolution adopted.

APPOINT JAKE ARCARA TO MOTOR EQUIPMENT OPERATOR IN THE HIGHWAY DEPARTMENT

RESOLUTION #195

Upon motion made by Councilwoman Haughwout, seconded by Councilman Esposito,

BE IT RESOLVED, that Jake A. Arcara is hereby appointed Motor Equipment Operator, job class code 0427-02, within the Highway Department, effective April 25, 2022 to be paid from Yorktown CSEA Salary Schedule A, Group 10, Step 2 which is \$58,918.00 annually;

BE IT FURTHER RESOLVED, that this appointment is subject to a probationary period of no more than 12 weeks, commencing on the first date of appointment on April 25, 2022.

Slater, Diana, Esposito, Haughwout, Lachterman Voting Aye  
Resolution adopted.

APPOINT DENNIS FLYNN III TO HEAVY MOTOR EQUIPMENT OPERATOR IN THE HIGHWAY DEPARTMENT

RESOLUTION #196

Upon motion made by Councilwoman Haughwout, seconded by Councilman Esposito,

BE IT RESOLVED, that Dennis M. Flynn III is hereby appointed Heavy Motor Equipment Operator, job class code 0429-02, within the Highway Department, effective April 25, 2022, to be paid from Yorktown CSEA Salary Schedule A, Group 12, Step 1 which is \$64,385.00 annually;

BE IT FURTHER RESOLVED, that this appointment is subject to a probationary period of no more than 12 weeks, commencing on the first date of appointment on April 25, 2022.

Slater, Diana, Esposito, Haughwout, Lachterman Voting Aye  
Resolution adopted.

APPOINT ANDREW A. HEADY MAINTENANCE MECHANIC IN THE REFUSE AND  
RECYCLING DEPARTMENT  
RESOLUTION #197

Upon motion made by Councilman Esposito, seconded by Councilman Lachterman,

BE IT RESOLVED, that Andrew A. Heady, is hereby appointed temporary to the civil service title, Maintenance Mechanic (Sanitation), job class code 0496-02, within the Refuse & Recycling Department, effective April 25, 2022, to be paid from Yorktown CSEA Salary Schedule A, Group 13, Step 3, which is \$73,471.00 annually.

Slater, Diana, Esposito, Haughwout, Lachterman Voting Aye  
Resolution adopted.

CONVENE PROPOSED LOCAL LAW TO AMEND CHAPTER 300 “ZONING” ENTITLED  
“ELECTRIC VEHICLE (EV) CHARGING STATIONS”

Supervisor Matt Slater convened a public hearing to consider a proposed local law to amend Chapter 300 “ZONING” entitled “Electric Vehicle (EV) Charging Stations.”

Town Clerk Diana Quast displayed the Affidavit of Publication for the public hearing.

Kristen Motel (Cuddy & Feder – attorney for the applicant) introduced applicant Sam Lee from Volta Charging. Ms. Motel gave a brief review of the zoning amendment they are asking for in order to move forward with their project to install electric vehicle charging stations with electronic displays at the Jefferson Valley Mall. She said that the limited conditions that would be applied to the project include limit in size, auto-dimming, refresh rates, and carve-outs for offsite advertising prohibitions that are currently in the zoning regulations and illumination provisions, as well. She said they met with the Planning Board last week and left with a favorable recommendation. Ms. Motel said that in the proposed amendment it states “compliance with these standards shall be regulated and maintained through site plan or special permit approval.” She said that the Planning Board would retain control over all of these proposals going forward for the EV charging stations.

Supervisor Slater reviewed the comments from the referring boards. The Conservation Board said that the size of the EV charging stations were out of character for the Town and result in visual pollution if sited in multiples at any one location and the placement of EV charging station screens should be limited so that no more than two of the screens be visible from any given point of view. Ms. Motel said that the site plan approval process would address all of these issues. She discussed setbacks and proper location of the stations.

Members of the Town Board reviewed the project with the applicant in terms of lighting. Supervisor Slater asked Planning Director John Tegeder regarding the site plan approval. He said that the Town Board oversees the site plan for the mall and wanted to make sure the Town Board was not forfeiting that authority. Mr. Tegeder said no, they would not be forfeiting their authority.

The following members of the public spoke:

- Susan Siegel, resident, questioned the way the law is presented to the public because it is difficult to understand. She questioned the wording of the proposed amendment and the addition of a new section. Ms. Siegel made suggestions that would make the proposed amendment clearer.
- Jay Kopstein, resident, said that the Town should not place into legislation the number of charging ports because the number of electric vehicle owners is going to increase and the law would have to change every time the need for an increase of stations comes up. He said that there is a difference between private property that is not open to the public and private property that is open to the public. Mr. Kopstein said that content is an issue and if the Town Board or Planning Board put into a permit something restricting content, there should be something in the legislation requiring the vendor to indemnify the Town if the Town has to go to court to protect content.

Mr. Tegeder said regarding letter “F” in the proposed legislation, “Video and Sound is prohibited,” this was done purposely so there is no open-ended belief on the part of the vendor that they can change the static advertising to video, at will. He said that in this way the approving Board (mostly the Town Board regarding gas stations) will authorize the video and the sound, if they so choose.

Members of the Town Board continued to discuss the project, video displays, and promoting electric vehicles and their needed infrastructure.

- John McMullen, resident, spoke about the need for planning for the future.
- Paul Moskowitz, resident, said that he is happy to see the Town Board dealing with a 21<sup>st</sup> Century issue. He suggested legislating that all new construction in commercial areas must include charging stations – starting with the new overlay districts.
- Susan Siegel said that she supports the electric charging stations but the issue is the advertising and it being free or subsidized. She said that when people buy electric vehicles, they should understand what their costs would be. Ms. Siegel said that maybe the legislation should say that audio and video is okay on gas station pumps, but maybe not on the other ones.

Members of the Town Board addressed issues raised by Ms. Siegel.

Supervisor Slater said he wanted to make sure the Town Board understood that there still is an opportunity for someone to come in with video and, at that time, the Town Board or the Planning Board would be able to make that decision. He said that based on the site plan approval process, the Town Board or the Planning Board would still be able to take restrictive action, based on a site by site plan.

Ms. Motel said that Volta would be happy to provide a list of advertising partners for the locations of the stations, if that is something that would give more comfort regarding the types of advertising they use. She said the free charging topic is a federal and state policy initiative because of the future 50% of electric vehicles on the road by 2030.

Mr. Lee spoke about the industry as a whole. He said that some of their competitors who favor a more traditional model where they charge for the charge and do not advertise are investing close to \$500,000 - \$700,000 to put 4 to 6 charging stations in a parking lot. He said that this builds up as they move to expand to many sites. He said that right now the industry average is a 5% utilization, so they are barely making any money from that business model. Mr. Lee said that reason why they are proposing this is so Yorktown gets to invest in the community for 10-20 years when ownership of electric vehicles will grow rapidly. He said that all other EV companies who build charging stations that are not around in 5-10 years leave infrastructure that cannot be used on parking lots anymore and they are really of no use to the community. He said this is where their business model stems from.

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

ADOPTION OF LOCAL LAW NO. 4 OF 2022 AMENDING CHAPTER 300 BY ADDING  
“ELECTRIC VEHICLES”  
RESOLUTION #198

Upon motion made by Councilman Lachterman, seconded by Councilman Diana,

NOW, THEREFORE, BE IT RESOLVED that Local Law No. 4 of 2022, amended and annexed hereto, be and is hereby adopted.

Slater, Diana, Esposito, Haughwout, Lachterman Voting Aye  
Local Law No. 4 of 2022 was thereupon declared adopted.

ACCEPT THE AUDIT REPORT RECEIVED FROM THE YORKTOWN JUSTICE COURT  
FOR FISCAL YEAR 2021  
RESOLUTION #199

Upon motion made by Councilman Lachterman, seconded by Councilman Diana,

RESOLVED, that the audit of the Town of Yorktown Justice Court prepared by PKF O'Connor Davies, LLP, for the fiscal year 2021, submitted to the Town on April 11, 2022 be and is hereby accepted by the Town Board. A copy of the audit is filed with the Town Clerk and is available for public inspection.

Slater, Diana, Esposito, Haughwout, Lachterman Voting Aye  
Resolution adopted.

AUTHORIZE THE PURCHASE OF A KYOCERA COPIER/SCANNER/FAX MACHINE FOR THE PLANNING DEPARTMENT  
RESOLUTION #200

Upon motion made by Councilman Lachterman, seconded by Councilman Diana,

Resolved, that the Town Board authorizes the purchase of a Kyocera Copier/scanner/fax machine, model number TASKalfa 4053ci with attachments DP-7110, DF-7110, PF-7110, PH-7A Fax system, Ak-7110 in the amount of \$6,953.98 as listed on NY state contract #PM68141 and to be installed in the Planning Department. Maintenance will be \$16.75 per month with excess copy charge of \$.0067/per BW copy and \$.0435/per color copy in excess of 2,500 copies per month.

Slater, Diana, Esposito, Haughwout, Lachterman Voting Aye  
Resolution adopted.

AWARD BID FOR AN AVANT 640 ARTICULATED LOADER FOR THE HIGHWAY DEPARTMENT  
RESOLUTION #201

Upon motion made by Councilman Lachterman, seconded by Councilman Diana,

WHEREAS, invitation to bid for a 2022 or newer Avant 640 Articulated Loader for use by the Highway Dept., was duly advertised, and

WHEREAS, said bids were received and opened on the 18th day of April, 2022, with the bid amounts as follows:

Westchester Tractor, Inc.                      \$116,175.68  
60 International Blvd.  
Brewster, NY 10509

Ground Equipment, Inc.                      \$120,753.00  
1805 Avenue  
Watervliet, NY 12189

Now, Therefore Be It Resolved, that upon the recommendation of the Superintendent of Highways, the bid be and is hereby awarded to Westchester Tractor, Inc., 60 International Blvd., Brewster, NY 10509, the lowest, responsible bidder.

Slater, Diana, Esposito, Haughwout, Lachterman Voting Aye  
Resolution adopted.

RENEW CARLO MINUTO CARTING CO., INC. COMMERCIAL GARBAGE LICENSES FOR 2022  
RESOLUTION #202

Upon motion made by Councilman Lachterman, seconded by Councilman Diana,

RESOLVED, that Carlo Minuto Carting Co., Inc. be and is hereby granted renewal of their Garbage License to service commercial properties in the Town of Yorktown for the year 2022.

Slater, Diana, Esposito, Haughwout, Lachterman Voting Aye  
Resolution adopted.

BUDGET TRANSFER FOR PAYMENT TO LABERGE GROUP FOR 2021 AND 2022 GRANT WRITING SERVICES INVOICE  
RESOLUTION #203

Upon motion made by Councilman Lachterman, seconded by Councilman Diana,

RESOLVED, the Comptroller is hereby authorized to process the following budget transfer:

From: A1990.499.1	General Fund – Capital Contingency	\$60,500.00
To: A.1220.490	Supervisor - Professional Services	\$60,500.00

for payment to the Laberge Group for 2021 and 2022 grant writing services invoices.

Slater, Diana, Esposito, Haughwout, Lachterman Voting Aye  
Resolution adopted.

RECONVENE PROPOSED LOCAL LAW TO AMEND CHAPTER 300-81.4 ENTITLED  
“SOLAR POWER GENERATION SYSTEMS AND FACILITIES

Supervisor Matthew Slater reconvened a public hearing to consider a proposed local law to amend Chapter 300-81.4 entitled “Solar Power Generation Systems and Facilities.”

Supervisor Slater said the issue of renewable energy versus national assets is not an easy balance to achieve, but one they are striving for and the Town Board deserves credit for taking the time and not blindly passing things, despite what they believe are their best intentions. He said that they have taken the time to gather input, listen to input, research, and investigate some of the points that have been made and despite that, the Town Board has been accused by some of being deaf to the public hearings. Supervisor Slater said this is not the case. Supervisor Slater said one of the things that they have frequently heard is the cutting down of trees in protected woodlands for the installation of large-scale solar systems. He said that the Town Board has to grapple with the question of how to help advance renewable energy in the form of solar. He said the solar law does prioritize where the Town wants to see these installations; the last priority on that list is woodlands. He said that he would like to discuss with the Board putting additional weight onto the woodlands criteria. Under the tree law there is the protected woodlands designation, which is more than 10,000 square feet. He said that one of the things that they have seen through some of the applications that are before the Planning Board is a more in-depth analysis of the functionality of the woodlands. He said what he would like to discuss with the Board members first the idea of large-scale solar projects that encroach more than 50% of the project on a protected woodlands should be required to have a level of analysis done to understand the functionality of the woodlands. Supervisor Slater used the Kitchawan Farms (a farmland with protected woodland) solar installation as a need for the applications to have a threshold because he said that he thinks it would help future applications progress through the process and accomplish what was set out in the solar law.

The Town Board discussed the above and agreed to include this into the amendments in order to restrict large-scale solar in residential neighborhoods and large-scale projects that encroach 50% or more into protected woodlands to have an in-depth analysis of the functionality of the woodland.

The following members of the public spoke:

- Mark Lieberman, resident and Co-chair of the Yorktown Democrats (representing that organization this evening) said that he published an opinion that asked the Town Board to put a moratorium on the destruction of woodlands due to solar farms. He said that solar farm developers are offering to buy propriety, oriented woodlands, throughout the Town. He said that before any more commitments are made, now is the perfect time to reevaluate the Town’s solar law. He spoke of the impact of destroying woodlands.
- John McMullen, resident, said that it is difficult to make judgements because technology changes rapidly and some of the things we are worried about now may not be an issue in the future.
- Paul Moskowitz, resident, said that he thought the Town Board was moving in the right direction; however, there is one fact that is always left out: trees have been storing carbon for 50 or more years. It would take years to catch up in carbon sequestering when trees are cut down. Mr. Moskowitz said that the solar law was written in such a way to prioritize the cutting down of forests. He cited the Foothill/Lockwood proposed solar farm as an example of this.
- Susan Siegel, resident, thanked the Board for listening to the public and recognizing the need for the solar law to consider the functionality of woodlands. She proceeded to point out some ideas if the Board is going to add the functionality into the amendment(s). Mr.

Tegeder joined the conversation regarding functions and asked Ms. Siegel if she could provide examples of what she suggested so they could be reviewed.

- Linda Miller, resident, said that she was pleased to hear the language the Town Board was talking about having to do with cost-benefit analysis because she feels that is exactly what is needed when trying to achieve a balance between the benefits of a woodland and the benefit of solar. She said that, however, it is somewhat difficult to do because of the way the solar law is written. She said that the solar law only requires an analysis of one function of the woodlands – carbon sequestration. It is appropriate that the calculation be done and makes sense but what does not make sense is that the solar law does mention any of the other functions of the woodlands. Members of the Town Board discussed the language being introduced this evening with Ms. Miller regarding the 50% encroachment.
- Michael Beakes, resident, spoke to the Town Board about the proposed language introduced this evening. He said that the Town has so much land that is already cleared and developed and the Town should give incentives for solar companies to develop those areas rather than woodland areas. He said too much environmental damage has been discovered after the fact. He said that it is too easy to underestimate the value of woodlands.
- Dan Strauss, resident, spoke about three projects that are already done in Town: Foothill, Strawberry, and Underhill. He said that, in his opinion, the solar law was written to accommodate landowners. He cited Mount Kisco limiting to 35% what you can do with a large-scale solar in a residential neighborhood to the amount of property. He said the law should be amended to limit, as of right, movement on a project.
- Ms. Siegel said there were two very different issues: the issue of large-scale solar in residential areas and how to regulate them and then the issue of function. She said, at this point, she has dropped the large-scale installations in residential neighborhoods in order to move ahead with the functionality issue. She urged the Town Board to then go back and consider the residential issue. She said this law would always need tweaking.

Supervisor Slater asked the Town Board how they felt about dropping or lowering the threshold. Board members discussed the changes.

- Mr. Kopstein suggested 0% encroachment in protected woodlands with a full analysis.
- Mr. Lieberman asked for an example of the 50% encroachment. Councilwoman Haughwout gave the example.

Mr. Tegeder spoke about aesthetics of woodlands and that an analysis for this would be unachievable.

- Ms. Miller said that a view shed (the area that is visible from a certain location – or aesthetics) analysis is a recognized environmental and ecological aspect of a category that is in environmental impact statements.

The Town Board discussed other possibilities for changes and the proposed changes with Mr. Tegeder and Town Attorney Adam Rodriguez, as well as drafting new language. Supervisor Slater read the following: “For large-scale solar projects that are proposed to be installed on protected woodlands shall require an in-depth analysis of the functions of woodlands to include, as appropriate, the items listed in 270-3.” He said that there is a little flexibility there for the Planning Board while requiring the analysis. Mr. Tegeder said his point has always been when you get into analysis to compare in a cost-benefit fashion, it is going to be impossible – there is no number. He said that what the Supervisor read is fine.

Upon motion made by Councilman Lachterman, seconded by Councilman Diana, the public hearing was closed.

#### ADJOURN

Upon motion made by Councilman Esposito, seconded by Councilman Diana, the Town Board meeting was adjourned.

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