

Planning Board Meeting Minutes – October 26, 2020

A meeting of the Town of Yorktown Planning Board was held on **Monday, October 26, 2020 at 7:00 p.m.** via Zoom video conference.

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

- John Kincart, Secretary
- Bill LaScala
- Aaron Bock
- Rob Garrigan, Alternate

Also present were:

- John Tegeder, Director of Planning
 - Robyn Steinberg, Town Planner
 - Nancy Calicchia, Secretary
 - James W. Glatthaar, Esq.
 - Councilman Ed Lachterman, Town Board Liaison
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In accordance with the Governor’s Executive Order 202.1, the Town of Yorktown Planning Board will not be meeting in person until further notice. All Planning Board meetings will be held via video conferencing, and the regular session portion of the meetings will be uploaded to the Town of Yorktown’s website and Yorktown’s YouTube channel after the meeting. All regular sessions will be broadcast on the Town of Yorktown Government Channel.

Correspondence/ Liaison Reports

- Chairman Fon informed all that John Savoca resigned from his position on the Planning Board. On behalf of the Board, he thanked Mr. Savoca for his years of service and wished him well.
- The Board reviewed all correspondence.
- There were no liaison reports.

Motion to Approve Meeting Minutes

Upon a motion by Bill LaScala and seconded by Rob Garrigan and with all those present voting “aye”, the Board approved the meeting minutes of October 5, 2020 with minor corrections. Aaron Bock abstained from voting as he was not present at that meeting.

Motion to Open Regular Session

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

REGULAR SESSION

Fiore Minor Subdivision

Discussion: Request for 90 Day Time Extension

Location: 26.15-1-69; 2797 Carr Court

Contact: Site Design Consultants

Description: A request for a 1st 90 day time extension for a 2-lot subdivision approved by Resolution #19-10 dated May 20, 2019 and reapproved by Resolution #20-04 dated May 11, 2020.

Comments:

Joseph Riina, P.E. of Site Design Consultants was present. Mr. Riina stated that the application has been filed with the Health Department but is currently on hold as they are requiring an easement to be filed with respect to the sewer connection that runs through the adjacent property to the right. The easement has been drafted and submitted to the adjoining property owner’s attorney. The adjoining property owner has consented to sign the easement and they are now waiting for it to be executed and filed. Chairman Fon asked the Board and Counsel if there were any comments and there were none. Chairman Fon asked the public if there were any comments and there were none.

Upon a motion by John Kincart and seconded by Aaron Bock, and with all those present voting “aye”, the Board approved the 1st 90-day time extension for the Fiore Minor Subdivision.

Mongero Properties, LLC

Discussion: Request for One-Year Time Extension

Location: 37.14-1-44; Saw Mill River Road

Contact: Site Design Consultants

Description: Request for a second one-year time extension of a site plan for a 3,848 SF bank on 2.2 acres in the C-1 zone approved by Resolution #09-28 dated November 9, 2009 and last reapproved by Resolution #18-17 dated October 15, 2018.

Comments:

Joseph Riina, P.E. of Site Design Consultants was present. Mr. Riina stated that the applicant is requesting a second one-year time extension to continue marketing the property for a potential tenant to fit with the approved site plan. The improvements to the right-of-way and related expenses has been a challenge with marketing the property. There are no changes with respect to the site plan.

Chairman Fon asked if there have been any changes with regulations. Mr. Riina responded that nothing has changed since the approval. The NYCDEP has updated their approval which is in place. The NYSDOT approval for the roadway entrance and Health Department approval for the extension of the water main to the property will need to be renewed. Since there is an expense associated with the renewal they have not done so as yet. Mr. Tegeder asked Mr. Riina if he looked at the tree law with respect to this application. Mr. Riina responded that he had not. Mr. Tegeder noted that they will have to review the tree law to see if it is applicable but has no objection to the extension being granted. Mr. Riina suggested that the Board could make it a condition that they address the tree law prior to the final signing of the map. Chairman Fon asked the Board and Counsel if there were any comments and there were none. Chairman Fon asked the public if there were any comments and there were none.

Upon a motion by Bill LaScala and seconded by John Kincart, and with all those present voting “aye”, the Board approved the 2nd one-year time extension for Mongero Properties LLC.

Roberta-Front Street

Discussion: Request for One-year Time Extension

Location: 48.07-2-11,13,15,17; Front Street

Contact: Site Design Consultants

Description: An approved site plan for a 2,108 SF one-story building and a 5,370 SF two-story building on 0.80 acres in the transitional zone.

Comments:

Joseph Riina, P.E. of Site Design Consultants was present. Mr. Riina stated that as part of the site plan approval, there are some extensive improvements which include a turn-around area and future access to the property to the south that will require a license agreement with the town. The language for this license agreement was prepared by the applicant and submitted to the town attorney for review and approval by the Town Board. Chairman Fon asked the Board and Counsel if there were any comments and there were none. Chairman Fon asked the public if there were any comments and there were none.

Upon a motion by Aaron Bock and seconded by Bill LaScala, and with all those present voting “aye”, the Board approved the 1st one-year time extension for Roberta-Front Street.

Hilltop Hanover Farm Subdivision Lot #10

Discussion: Decision Statement Site Plan & Stormwater Permit

Location: 48.19-1-27; 1220 White Horse Lane

Contact: Site Design Consultants

Description: Proposed change in finished floor elevation and requested approval of a Stormwater Permit for Lot #10 in the Hilltop Hanover Farm Subdivision approved by Res #04-09, dated May 10, 2004.

Comments:

John Kincart recused himself from this agenda item. Joseph Riina, P.E. of Site Design Consultants was present. Mr. Riina stated that they conducted a site visit with both the Planning and Conservation Boards on October 17th.

After the visit, the property owner decided to push the house 25 feet to the north and in addition lowered the house by 2.5 feet. This change eliminated the need for the retaining walls and reduced the amount of fill required. The driveway entry point is the same. The plans were shown to the Board depicting a red outline for the original approved house location as per the subdivision approval with the new house location directly behind it. The septic area is in the exact location per the original subdivision approval. The applicant is currently waiting for the NYCDEP approval on the amended SWPPP. In addition, they are addressing the mitigation work as discussed and agreed to between the Town Engineer and NYCDEP for the buffer area that was disturbed in part of the conservation easement.

Chairman Fon asked the Board and Counsel if there were any comments and there were none. Chairman Fon asked the public if there were any comments and there were none. Mr. Tegeder stated that this plan is better than what was previously proposed as there is less of an impact. Mr. Tegeder asked about the amended SWPPP. Mr. Riina responded that the SWPPP was amended due to the relocation of the house and driveway and will need NYCDEP approval. Mr. Tegeder noted that the resolution should be amended to include language stating that this approval is subject to the NYCDEP approval for the amended stormwater permit. The Board agreed. Mr. Riina had no issues.

Upon a motion by Bill LaScala and seconded by Rob Garrigan, and with all those present voting “aye”, the Board approved the resolution approving a site plan, wetland, and stormwaer management permit for the Hilltop Hanover Farm Subdivision, Lot #10 as amended.

Ricciardella Estates fka Dubovsky Site Plan

Discussion: Decision Statement Amended Stormwater Permit

Location: 59.14-1-18; 702 Saw Mill River Road

Contact: Site Design Consultants

Description: Request for re-approval and submission of amended Stormwater Pollution Prevention Plan.

Comments:

Joseph Riina, P.E. of Site Design Consultants was present. Mr. Riina stated that since the last meeting they have addressed the Town Engineer’s comments as noted in the 10-23-2020 memo. The applicant is requesting a re-approval and amendment to the site plan with respect to the stormwater. As discussed at the previous Board meeting, the applicant cannot tie into the drainage system along Saw Mill River Road as it was discovered by the NYSDOT that the drainage pipe does not continue thereby providing no connection point. Therefore the applicant is now proposing to increase the size of the on-site stormwater detention system and rain garden. The applicant has prepared and submitted an amended SWPPP to reflect this change. There are no changes to the proposed buildings or septic system. The driveway and entry point are the same. The change is centered around increasing the detention on site and not having a physical pipe discharge off site. Chairman Fon asked the Board and Counsel if there were any comments. Mr. Kincart stated that he liked this plan better than the previous plan. Chairman Fon asked the public if there were any comments and there were none.

Upon a motion by John Kincart and seconded by Bill LaScala, and with all those present voting “aye”, the Board approved the resolution approving an amended site plan and special use permit for Ricciardella Estates, LLC fka Dubovsky Site Plan.

Par 3 Golf Course

Discussion: Adjourned Public Hearing

Location: 16.07-1-38; 795 Route 6

Contact: James Martorano Jr.

Description: Proposed Par 3 golf course on Town owned Parkland.

Comments:

Upon a motion by Aaron Bock, and seconded by John Kincart, the Board opened the adjourned public hearing. James Martorano, Parks & Recreation Superintendent; Joseph Falcone, Parks & Recreation Commission; and Sean Murphy were present. Mr. Martorano stated that all the notices are complete and have been submitted to

the Planning Department. The SWPPP and NOI are complete. They are currently working on the greens and tees as noted at the last Board meeting.

Chairman Fon asked the public if there were any comments. Public comments as follows:

Susan Siegel, resident – Ms. Siegel read a prepared statement to the Board. She firmly supports the re-development and re-opening of the Par 3 Golf course. Her concern is the approval process and her belief that all applicants should be required to follow the same rules and procedures. She is disappointed with how the Board has dealt with the review of this application and its environmental impacts and for letting the applicant proceed to modify the site before the Board has completed their review. She asked if there has been a discussion of a town wetlands permit and how the plan will impact the stream. In addition, has there been a tree permit application and mitigation plan, not only for the trees to be removed, but for the trees that were illegally removed. Both wetlands and tree laws apply to all land within Yorktown including town owned land. Does the amount of total site disturbance, not just to the tees and greens, meet the threshold for requiring a town stormwater permit? She seems to recall a discussion years ago that the site was in a flood plain and asked if anyone checked the current FEMA maps to see if a flood plain permit is required. Has the Board or ABACA reviewed a real landscape plan which includes the species of trees and shrubs to be planted and their locations? The applicant is counting on using the parking spaces in the state right-of-way parallel to Route 6 and questioned if anyone studied the extent to which those spaces are already being utilized especially on weekdays by commuters. The supplemental SWPPP calls for a forest conservation plan and conservation easement – has the Board discussed these documents. Does the Board want to consider setting conditions to its approval governing the use of pesticides, herbicides and fertilizers especially as the Shrub Oak Brook is part of the Peekskill Hollow Brook watershed. The supplemental SWPPP correctly states that the golf course is not in the Croton watershed but it fails to state that it is in the Peekskill Hollow Brook watershed. As the golf club can't open until possibly next spring, she hopes that the Planning Board looks at the application more thoroughly with the same level of care that is done with other applications.

Chairman Fon responded that the Planning Board has no enforcement and this is left to various departments through the Town staff. Ms. Siegel noted that the Town was cited with a violation from the NYSDEC and then received a general permit. The stop work order was lifted for the violation. The Planning Board could have told the applicant to not do any work at the site until the site plan was approved and feels that the approval will now become a moot point. Chairman Fon responded that the application is before the Board and is currently under review. Mr. Martorano responded that they are working on getting the project done properly and this is why they are before the Planning Board. The NYSDEC deemed that the joint wetland permit was not necessary and all that was required was the NOI and SWPPP of which they completed. He noted that the applicant is in constant communication with the NYSDEC. Ms. Siegel questioned why the NYSDEC would not require a wetland permit for a state wetland that's part of a watershed and is not sure why the project received a general stormwater permit and not a state wetland permit. She added that it still needs a town permit as there is stormwater dumping into the stream.

Mr. Tegeder stated that the entire project is being reviewed by the Board and is not sure why it appears that this isn't so. The Board has spent time on the parking, the building addition and its function. There was discussion on two or three missing parking spaces that could be taken up in the commuter lot. He reminded everyone that this is a golf course that has been in existence for four decades or more. He noted that everything is being looked at with care by the Planning Board and the NYSDEC. The NYSDEC did issue a stop work order and are requiring remediation. The Town Board was also involved with this project.

Ms. Siegel stated that the trees that were illegally cut down are still the responsibility of the applicant and need to be dealt with. She feels that the supplemental SWPPP is confusing with the tree situation. Mr. Martorano responded that a tree permit application will be submitted for any additional trees proposed to be removed. Ms. Siegel asked Chairman Fon to read the Tree Advisory Commission memo and County letter to the Board. Chairman Fon responded that all correspondence is part of the public record.

Mr. Martorano shared with the Board and public that he received phone calls to his office with the following questions:

1. Will there be stadium style lights on the course? Mr. Martorano responded that there are no plans for those type of lights at this moment.
2. Will there be outdoor music past 10:00 PM? Mr. Martorano responded that the Town ordinance does not allow outdoor music past 10:00 PM.

Chairman Fon asked the public if there were any other comments and there were none. Chairman Fon asked the Board and Counsel if there were any comments. Mr. Bock stated that he reviewed the record and shares Ms. Siegel's concerns about the level of environmental review that they may have taken and may still need to take. He did not see any feedback from the Conservation Board and any response by the applicant to the Tree Commission memo that originated in 2018 and was re-submitted in September. He is concerned about the safety of the stream that flows through the site and wants to make sure that when the project is complete, measures to protect the stream are taken.

Chairman Fon asked Mr. Tegeder about the Conservation Board referral. Mr. Tegeder stated that this project started with the Town Board and has been reviewed by the Town and interested agencies for a number of years before it was referred to the Planning Board, as it is Town owned property. The process has been unconventional but stated that they will send it to any interested parties including the Conservation Board.

Phyllis Bock, Conservation Board Co-Chair stated that she does not recall the Conservation Board reviewing this application in the past few years or recently. She feels it would be advantageous to review the environmental impacts at this point. Mr. Bock stated that he does not want to obstruct the project, but wants to ensure that the Planning Board performs their due diligence with respect to the environmental impacts. Chairman Fon agreed. Mr. Kincart stated that the project should be reviewed by the Conservation Board and should also include future plans for remediation. He noted that the record will show that the Planning Board was not the first stop for this application. It was referred to this Board as a result of the tree removal at the site. He added that Mr. Martorano became involved with the site not too long ago and has been diligent in trying to move the project along in a proper way. This is a sensitive site with the stream and tree mitigation but should be relatively low impact once these issues are resolved. This application is not being carelessly treated by the Board. He thanked Ms. Siegel for her comments and Mr. Bock for his concerns.

Mr. Tegeder stated that they will move to get everything in order for this application prior to making a decision. The Board requested that the applicant create a formal site plan and planting plan with remediation for its review and the record. Chairman Fon advised Mr. Martorano to meet with the Planning Department to discuss the next steps.

Upon a motion by Bill LaScala and seconded by John Kincart, and with all those present voting "aye", the Board closed the adjourned public hearing.

Taco Bell – Mohegan Lake

Discussion: Public Informational Hearing

Location: 15.16-1-21; 3571 Mohegan Avenue

Contact: JMC Site Development Consultants

Description: Proposed Taco Bell restaurant and drive-thru on 0.83 acres in the C-2 zone, at the corner of East Main Street and Mohegan Avenue.

Comments:

Upon a motion by John Kincart and seconded by Aaron Bock, the Board opened the Public Informational Hearing. Paul Dumont of JMC Engineering was present. Mr. Dumont stated that they are before the Board on behalf of Keystone Mohegan Lake LLC who is in contract to purchase the property at 3571 Mohegan Avenue to construct a Taco Bell with a drive-thru and associated appurtenances. This subdivision was approved in 2008 as a 4-lot subdivision. Lot #1, which is the lot in question, was approved as a 4,000 sf bank with drive-thru; Lot #2 was approved as the 4,000 sf Credit Union building; Lot #3 was approved as The Learning Experience building; and Lot #4 was conservation space that was given to the town. In 2009, construction was completed for the Credit Union and Learning Experience. The parking lot, stormwater management facility and utility stubs for Lot #1 were installed, but the building pad was never constructed as the owner did not have a bank tenant for the property. In 2018, the owner successfully re-zoned the property to the C-2 district, which permits a variety of retail and restaurant

uses in order to market the property to more tenants because they were having difficulty obtaining a bank use for this site. The applicant is now before the Board with a formal amended site plan application for the undeveloped lot. The proposal is for the construction of a 2,000 sf Taco Bell fast food restaurant with a drive-thru and associated site improvements that include a menu board, additional parking facilities, site lighting, and landscaping. The site plan as proposed is zoning compliant and meets all the setbacks and parking requirements. Mr. Dumont met with the Conservation Board and ABACA and received their comment memos. The landscape plan has been expanded to include more plantings, native species, and additional screening on the site. The proposed lighting fixtures will match closely to the existing lighting fixtures on the site as approved by the ABACA.

Mr. Dumont stated that he received some written comments that the Town received from residents with respect to the traffic impacts. He noted that in 2007, as part of the original site plan application, his firm prepared a traffic study that studied the impacts of the proposed site plan, which included analysis of the four adjacent intersections on Route 6 and the connected roadways. It was found at the time that the existing roadway was strained. As a result, as part of the applicant's site plan approval, they worked with the Town and the NYSDOT to propose improvements to the roadway to improve the existing conditions and mitigate the impacts of the proposed project. All the required improvements were completed at the intersection of Mohegan Avenue and Route 6. The roadway was widened and a dedicated right-turn lane was added. The traffic signal was re-built and re-timed in coordination with the NYSDOT. In addition, the Lakeland Street and Mohegan Avenue phases within the signal were split to improve the intersection operation. In 2018, when the property owner pursued the re-zoning from the Town Board, their firm conducted a further traffic study with new counts and including any future development that might now need to be considered. The analysis looked at the trip generations for all the different uses (*bank, retail, and fast food restaurant*) and applied them to the roadway. The study determined that there was no change or greater impact resulting from changing the use of the building on Lot #1. The study was reviewed by the Town Engineer and the NYSDOT.

Chairman Fon asked the public if there were any comments. Public comments as follows:

Thomas Maietto, 3249 Mohegan Avenue - Mr. Maietto stated that he is a resident of Mohegan Lake for 20 years. He noted that Mohegan Lake is not a big town. From the start of Mohegan Lake on Route 6 to the Cortlandt Town Center it is less than one mile long and noted that there are approximately 23 restaurants in this one mile distance. He questioned the addition of one more. He is disappointed in the Board's decision to even consider it when so many existing restaurants are currently struggling, especially with the COVID-19 pandemic. He added that traffic is a concern and does not agree with the traffic report that was discussed previously. He hopes that the Board considers the residents within the area and not just the tax dollars that this restaurant will supply the town. He feels that the local restaurants would not approve as well. He also questioned the re-zoning and how this was even allowed.

Councilman Lachterman clarified that he doesn't think this project came before the Town Board and asked Mr. Tegeder about the re-zoning. Mr. Tegeder responded that in 2006 the site was changed to an office zone and the owner was successful in obtaining tenants for the two pads, however, the bank proposed for the third pad was never built. As mentioned previously, the owner was having difficulty obtaining a bank to occupy this site and petitioned to re-zone the property to the C-2 district, which was followed by a public hearing and then granted by the Town Board. Mr. Kincart added that for clarification purposes and the record, the Town Board approved the re-zoning only but have not approved this application or this restaurant use. The Planning Board has not approved anything as yet.

Chairman Fon asked the public if there were any other comments and there were none. Chairman Fon asked the Board and Counsel if there were any comments and there were none. Chairman Fon stated that the purpose of the Public Informational Hearing is to introduce the project to the public for comments and concerns. There will be an additional opportunity for public comment at the Public Hearing.

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

Yorktown Energy Storage Tier 2 Battery Storage System

Discussion: Public Informational Hearing

Location: 6.17-1-24; 3901 Gomer Court, Jefferson Valley

Contact: Melissa Samaroo, PV Engineers, P.C.

Description: Proposed Tier 2 (5,000kW/15,000kWh) battery energy storage system which will be no more than 15% of the lot coverage with a maximum of five containers.

Comments:

Upon a motion by Aaron Bock and seconded by John Kincart, and with all those present voting “aye”, the Board opened the Public Informational Hearing. David Kenny, Esq. of Snyder and Snyder; Melissa Samaroo; and Mike Conway of PV Engineers were present. Mr. Kenny stated that this project first came to the town a year ago under a different town code at the time. The town then enacted a moratorium to update the zoning code for this particular use. The applicant then amended their plan to comply with the Town’s new energy storage code and came back to the Planning Board on October 5th. Since then they conducted a site visit on October 17th with both the Planning and Conservation Boards. They also met with the ABACA and Conservation Board and received their comment memos.

Ms. Samaroo stated that the proposal is for the installation of a battery energy storage system to be located on Gomer Court off East Main Street to the north and Route 6 to the south. The site contains an existing autobody shop and is zoned (O) office. The rear of the property is currently being leased to a line company for vehicle storage. The proposed battery storage area was reconfigured to meet the lot coverage requirement per the new code and is just under the 2 ½ acre requirement. The proposal includes the installation of five battery containers. The existing access to the site is from Gomer Court. They have completed their environmental due diligence by completing a Phase I study of the property. A letter of map amendment from FEMA stating they are no longer in a flood zone was also received. The NYSDEC does not require a permit. The Phase I study showed no environmental concerns on the site. The proposal meets all of the Yorktown bulk requirements of the new code. They received the ABACA’s comment memo dated 10-22-2020 and the Conservation Board’s comment memo dated 10-22-2020. Most of the discussion centered around the addition of trees, improving the watercourse, and providing more screening around the systems in such a way so as not to impact the Fire Department requirements with respect to visibility into the fenced area. In addition, a letter dated 10-19-2020 was received from the Westchester County Planning Board stating that there are no objections to the Planning Board assuming Lead Agency. Mr. Kenny added that the Westchester County Planning also stated that under the general municipal law, this is a matter for local determination and issued no substantive comments on the application.

Chairman Fon asked the public if there were any comments and there were none. Chairman Fon asked the Board and Counsel if there were any comments. Mr. Kincart stated that he understands the applicant’s need to not obstruct visibility to the site for fire and safety issues, but that there should be some screening. Mr. Kenny responded that this is a balancing act as they want to appease the Board’s comments with respect to screening but they also have to address the concerns of the Fire Department with respect to visibility of the site. Mr. Kincart responded that they are concerned about visibility but also concerned with the safety of the project in terms of the energy and cooling efficiency for the units as they operate unencumbered.

Chairman Fon stated that the location is nice but the site needs work. The screening and landscaping need to be addressed, the stream needs to be cleaned up and the Route 6 side is filled with debris. With proper maintenance, the site itself could be better. As noted at the previous meeting, the Board is requesting a peer review by the State to look at the fire suppression system and code compliance as well as training for the first responders within the area to learn how to deal with emergencies at the site. Mr. Kenny responded that the comments are well received.

Mr. Bock stated that given the proximity of the battery storage site to the streambed to the west, what precautions are being taken in the event that there is a problem on the site to ensure that nothing runs down the slope into the stream. This is a major concern and needs to be addressed. In addition, the site is zoned office and he is not sure what the legality of the current uses are and feels that this may need to be looked at by the Town. Mr. Kenny responded that he will address all comments in the next submission.

Mr. Lascala asked the applicant if they could contain the units within a concrete vault to protect any contaminants from getting into the stream. Mr. Conway responded that having a secondary containment involved is something they explore on sites for utility transformers that feature mineral oil, etc. On this particular installation, there are no hazardous materials. The only two compounds on site that can take a liquid form are the refrigerant that goes through the air conditioning units and the fire suppression units themselves. These substances are not classified as hazardous. A material safety data sheet will be submitted to the Board for their review. In addition, they will discuss a plan to protect the existing watercourse. Ms. Samaroo stated that they are also submitting a wetlands permit application as they are within the 100 ft stream buffer. Mr. Glatthaar asked the applicant if they were considering a Phase II environmental study. Ms. Samaroo responded that they were not because the Phase I study did not indicate there were any concerns on the site that required further investigation. Mr. Glatthaar asked if there were any contaminants in the soil currently that are finding their way into the watercourse and, if so, will that be exacerbated by the work they are proposing. Ms. Samaroo responded that based on the Phase I study, no contaminants were found in the soil that would be subject to further investigation. They are disturbing less than 5,000 sf for the strip footings and equipment pads.

Upon a motion by John Kincart and seconded by Bill LaScala, and with all those present voting “aye”, the Board closed the Public Informational Hearing.

Motion to Close Regular Session and Open Work Session

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

WORK SESSION

Hansmann Major Subdivision

Discussion: Subdivision
Location: 6.13-1-10, 6.17-2-63; 280 East Main Street, Jefferson Valley
Contact: Ralph Mastromonaco, PE
Description: Proposed 5 lot subdivision on 11.43 acres in the R1-80 zone.
Comments:

Ralph Mastromonaco, P.E. was present. Mr. Mastromonaco stated that the proposal is for a 5-lot subdivision with a cul-de-sac on 11.43 acres located on East Main Street. The lot is currently wooded and a tree survey will be provided. The proposed total disturbance for the site is 4.75 acres. The septic system locations have been perc tested and meet Westchester County standards. A stormwater detention system is proposed and will be detailed in the SWPPP. The grading plan was discussed. The entrance shows two retaining walls so as not to encroach on the neighboring properties. The erosion control measures are shown where necessary. Mr. Mastromonaco received the Town Engineer’s comment memo dated 10-26-2020 and will submit their responses shortly.

Chairman Fon asked the Board and Counsel if there were any comments. Mr. Kincart stated his concern is the stormwater with the grade. The proposed density does not look unreasonable. Mr. Bock stated that getting to this site is rather difficult. There is one street serving this site and the corner of that access street is very tight and difficult to navigate. This will need to be addressed in terms of construction equipment and staging work for the site. In addition, there are small water mains in this neighborhood and the Board needs to ensure that the lots can be served properly by the existing water supply. The narrow ditch that is draining the retention pond will also need to be reviewed. There is an easement or right-of-way east of the property. Given the fact that the property will be developed as shown, can that easement be abandoned to avoid access coming into that area from the major road. He also noted that work started on this site before any plans were filed with the Town. The end of the road was cut through pursuant to a driveway permit and a stop work order was placed on this property.

Discussion followed with respect to the grading and drainage. Mr. Tegeder requested that the applicant produce a plan that shows what is tributary to the swale and an analysis of how it works. Mr. Mastromonaco responded that they will submit a complete drainage report.

Mr. Bock stated that he appreciates the applicant's attention to maximizing the buildable lots, but given the steepness of the site, if the number of houses were reduced it might change the need to use a very narrow steep road to get into the site. Mr. Mastromonaco responded that the grade issue will be the same and he feels the proposal is the most logical plan to develop the property. They are proposing to disturb 4.75 acres out of the 11.43 acres. Mr. Tegeder asked about the grade of the road. Mr. Mastromonaco showed the driveway profiles to the Board and discussion followed.

Mr. Tegeder asked about the 10 ft. reserve strip at the end of Osceola Road. Mr. Mastromonaco responded that the applicant is trying to figure out what the reserve strip is and if there are any restrictions associated with it. He doesn't see any reason why they can't use it as it doesn't appear to have any meaning and is not a separate lot. In this case, the map was filed in the 1920's as a right-of-way, the reserve strip was shown on the map and it is not clear of its purpose. In his opinion, the right-of-way touches his client's property and the 10 ft. reserve strip is within the right-of-way. Mr. Mastromonaco will submit any documents he has with respect to the reserve strip. Discussion followed. Mr. Bock added that the subdivision was laid out by Lester Perry and there was a homeowner's association formed in the 1940's to manage common properties and does not know if they have any interest in this piece.

Mr. Tegeder requested that the applicant provide a tree survey showing the trees to be removed including the trees that were already removed pursuant to the driveway permit.

RPG Properties aka Mohegan Court

Discussion: Approved Site Plan

Location: 15.15-1-22; Lexington Avenue

Contact: Brandon Zappi

Description: Proposed changes to the stormwater plan for the approved residential site plan for 8 units on 1.102 acres in the R-3 zone by Planning Board Resolution #18-22 dated August 13, 2018.

Comments:

Brian Zappi, P.E., Brandon Zappi, and Jim Zappi were present. Mr. Zappi stated that his company recently acquired this property having approval from the Planning Board, ABACA, and the Building Inspector. When they reviewed this plan, they spoke with the Town Engineer, Westchester County Department of Health, and the former Design Engineer regarding the utilities that were approved. They are proposing to make a few minor modifications to the plan with respect to water, sewer, and drainage. He noted that the approved plan shows two fire hydrants on the property. It is unclear to him why a hydrant was needed on Lexington Avenue, as there is one across the street less than 100 ft. away. He feels that it is unnecessary to have two additional fire hydrants on the site. They are now proposing a 2 inch water service line to serve the two buildings. In addition, instead of having the sewer connections for each building going to two separate pumps, they are now proposing to eliminate one pump and provide a duplex system. Both buildings will connect to a single pump system that will then connect to the sewer line up the street. With respect to the stormwater design, they are now proposing a 4 ft. deep stormwater basin at the front of the site and to eliminate the underground culvert units. The proposed basin will allow for more storage volume.

Mr. Tegeder stated there are two points of discussion. The first is to ensure that the Fire Inspector has no objections to eliminating both hydrants on the property and reducing it to the hydrant across the street. Second, there was much discussion with the Town Board and Planning Board with respect to the view of the development from Lexington Avenue. The concern is to make sure that the surface basin does not take away from the work that was approved. The landscaping for the basin should be known and presented to the Board. Mr. Kincart added that the stormwater basin maintenance may become an issue and some sort of maintenance bond may need to be posted.

Mr. Zappi stated that with this new stormwater design, there will be 25% more storage volume than what was approved. The basin will be mowed and they are not opposed to providing some landscaping. Mr. Tegeder asked what plantings were to be used for the basin. Mr. Zappi responded that it could be planted with a flowering seed mix, some dogwood trees, and native species as it will be predominately wet soil. He also noted that they are not opposed to placing a fence around the basin. Mr. Tegeder stated that they will need to do an amendment to the landscape plan to show the basin, plantings and maintenance plan to ensure the basin is maintained. Mr. Tegeder asked what the infiltration rate is. Mr. Zappi responded that it is has not changed from the original SWPPP report.

Chairman Fon asked Mr. Zappi if the Town Engineer signed off on this plan. Mr. Zappi responded that he had not signed off on it but stated that he thinks it will work. Mr. Tegeder stated that he will request a comment memo from the Town Engineer and Fire Inspector with respect to these changes.

Mr. LaScala asked Mr. Zappi if they are required to have sprinklers for each unit and Mr. Zappi responded they are not required as they have fire rated walls. Mr. Zappi stated that he has a permit pending for the service tap with the Town of Cortlandt.

The Board requested that the applicant prepare a landscape plan with maintenance schedule for the infiltration basin and to follow up with the Fire Inspector with respect to the fire hydrants.

Hemlock Hills Farm - Solar Farm

Discussion: Preliminary Site Plan

Location: 46.08-1-1 (Yorktown) & 45.12-1-4 (Cortlandt); 500 Croton Avenue, Cortlandt Manor

Contact: Badey and Watson Surveying and Engineering, P.C.

Description: Proposed solar farm on a portion of the 50 acre Hemlock Hill Farm property that is situated in the Town of Yorktown.

Comments:

Margaret McManus, P.E. of Badey and Watson and Steve Marino, Wetlands Consultant of Tim Miller Associates were present. Ms. McManus stated that a concept plan was submitted to the Board for their review. The property is accessed off of Croton Avenue in the Town of Cortlandt. The parcel that will have the solar farm is within the Town of Yorktown. The Yorktown parcel is about 50 acres and the entire farm is a total of 118 acres. The area for the proposed solar farm will be a total of 4 acres. The majority of the solar panels are located within the 100 ft. buffer area. The stream as it exists will be widened on the south side of the stone wall and receive some treatment from the Watershed Agricultural Council (WAC). McManus will contact the WAC to obtain more specific information on their plan. They also met with the Conservation Board and received their comment memo dated 10-22-2020. All comments will be addressed with the application submission.

Mr. Marino stated that the wetland immediately to the north is an old field that is sparsely treed with meadow grasses, is generally wet, and slopes down to the east. The intermittent watercourse down the center of the site is the overflow from the two farm ponds to the west. Then there is the additional watercourse to the south. The buffer throughout this site is an old pasture area with sheep meadow and seasonal herbaceous plants now that the use of the pasture has ceased. There is no woody material and the area is very flat. Although it's shown as a buffer, it does not really drain into any of the water courses as it is all relatively flat. Most of the water at the site just seeps into the ground as there are no slopes. The proposal is to install the piers that hold the panels and leave the existing vegetation underneath. Mr. Marino measured that the Hunterbook is about 1,200 ft. away. Ms. McManus stated that the Conservation Board suggested adding pollinator seed mix to the entire field and they are fine with doing that.

Mr. Garrigan asked how the widening of the stream will impact the solar farm. Ms. McManus responded that they do not believe it will have any impact to the solar installation because the work will be on the south side of the stone wall. Chairman Fon asked about the memo regarding the conservation easement. Mr. Tegeder responded that it refers to the county program that bought development rights on farms within the agricultural district. This farm possibly participated in that program. He requested that the applicant submit the documentation to the Board.

Chairman Fon asked the Board and Counsel if there were any comments. Mr. Glatthaar stated that he would like to see the conservation easement for review. The Board advised the applicant to develop a more detailed plan and submit an application to the Planning Department in order to move forward with a Public Informational Hearing.

650 Pines Bridge Road

Discussion: Subdivision
Location: 70.10-1-29; 650 Pines Bridge Road
Contact: Ciarcia Engineering, P.C.
Description: Proposed 3-lot subdivision on 8.06 acres in the R1-80 zone with one existing residence.

Comments:

Daniel Ciarcia, P.E. of Ciarcia Engineering and Alex Cochran, property owner were present. Mr. Ciarcia stated that they were last before the Board on 2-24-2020 for a Public Informational Hearing. The property is zoned R1-80 and currently improved with one home on a little over 4 acres. The other two lots are just shy of two acres. A tree survey has been prepared for these two lots. They are showing 85 trees to be removed with possibly a few more as there was a concern by the neighbor with respect to some of the trees that pose a danger to their home across the street should they come down in a storm. He has responded to the Planning Department's comment letter of 2-27-2020 and most of the Town Engineer's comments. He met with the Conservation Board and received their comment memo dated 10-22-2020. He is currently working on meeting with the Tree Advisory Board to discuss mitigation for the project. A completed SWPPP will be prepared and submitted. Mr. Tegeder asked about the proposed tree mitigation. Mr. Ciarcia responded that the area is limited with respect to tree planting so they may need to contribute to the tree fund or propose mitigation elsewhere. Mr. Tegeder stated that as part of the mitigation plan, they could incorporate invasive removal and improvement to the forest in terms of ground cover and understory on the adjacent property also owned by the applicant's family. Mr. Ciarcia stated that he will follow up with the Planning Department.

Lowe's Home Center - Pad A

Discussion: Site Plan - Pad A
Location: 26.18.1-17; 3240 Crompond Road
Contact: Site Design Consultants
Description: Proposed amended site plan for a 12,500 SF building to accommodate a specialty grocer on the site.

Comments:

Joseph Riina, P.E. of Site Design Consultants and Abigail Adams, landscape architect, were present. Mr. Riina stated that not much has changed since they were last before the Board. Since then, the architect provided elevations for the trash enclosures with details and a comparison between the two pad sites (*A & B*) that shows how the building materials and color palette relate to one another as requested by ABACA. The trash enclosures will be totally enclosed and the exterior details will match the building. The eaves of the roof have been modified to the proper height. Ms. Adams stated that they added a box to sheet L-1 related to maintenance of the planting areas between Old Crompond Road and Pad A. The landscape plan and maintenance plan were reviewed with the Board. The cross sections were updated to show the parapets correctly and how the rooftop equipment will be shielded.

Mr. Riina stated that, as discussed previously, they are proposing a dual track process for this application and is requesting to proceed with the construction of the retaining wall prior to finalizing the site plan approval. The plan with details was shown to the Board. Mr. Tegeder stated that if the Board agrees, he will prepare a memo to the Building Department stating that the Board has no issues with the applicant proceeding with the construction of the retaining wall. The Board had no objections. Mr. Glatthar stated that the Board will need to declare Lead Agency and adopt a Negative Declaration for the retaining wall.

Upon a motion by Bill LaScala and seconded by Aaron Bock, and with all those present voting "aye", the Board declared Lead Agency.

Upon a motion by John Kincart and seconded by Bill LaScala, and with all those present voting "aye", the Board adopted the Negative Declaration.

Fox Den Subdivision - Lot #27 aka Williams Contracting

Discussion: Site Plan

Location: 36.09-1-13; 1538 Jacob Road

Contact: Site Design Consultants

Description: Proposed single family home on a 0.98 acre lot in the R1-40 zone. Public sewer and water is available at this property and a rain garden is proposed for stormwater treatment.

Comments:

John Kincart recused himself from this agenda item. Joseph Riina, P.E. of Site Design Consultants was present. Mr. Riina stated that at the 9-14-2020 Board meeting they presented a site plan for the construction of a single family residence on Jacob Road which is part of the Fox Den Estates subdivision. A tree survey was submitted for review. The proposal is to remove 67 trees for the house site and sewer connection at the back of the site. The applicant is proposing to contribute to the tree fund as mitigation since there is not much that can be done with tree replacement. The Town Engineer's comments have been addressed. Mr. Riina stated that if the Board has no objections, they would like to move forward with a resolution of approval for a site plan.

Mr. Tegeder asked about the amount of soil to be imported to the site. Mr. Riina replied that whatever is excavated at the site will remain on site but they will need additional material to create a nice front and rear yard however this will be minimal. He will provide the information to the Board. Mr. Garrigan asked how the tree fund is calculated. Mr. Tegeder responded that it is \$300 for every 5,000 sf of disturbance and then \$100 per tree. Mr. Bock asked if the Tree Advisory Board should sign off on this application to confirm that the numbers are right. Mr. Tegeder stated that they should. Mr. Riina replied that he will work with the Tree Advisory Commission.

Chairman Fon asked the Board if there were any other comments and there were none. The Planning Department will prepare a draft resolution for the next meeting.

Colangelo Major Subdivision aka Featherbed

Discussion: Final Subdivision

Location: 35.16-1-4; 1805 Jacob Road

Contact: Site Design Consultants

Description: Approved 6-lot subdivision in the R1-160 zone by Resolution #18-23 dated November 19, 2018.

Comments:

Joseph Riina, P.E. of Site Design Consultants, Mark Blanchard, Esq. and John Colangelo were present. Mr. Riina stated that, as discussed at the last meeting, the trail location was changed as shown on the plans. Mr. Tegeder noted that the trail goes out along Jacob Road into the wetland and follows along the neighbors' driveway and house. Mr. Tegeder asked if this decision was made so that people would not walk through the subdivision. Mr. Colangelo stated that the location was moved as it was in the way of the bioswale that they are building out for the road. Mr. Bock asked about the easement and if it was already in place. Mr. Riina replied that this is what they are working towards and has not been dedicated as yet. Chairman Fon asked Mr. Colangelo if Walt Daniels was fine with the new location. Mr. Colangelo responded that he was. Mr. Glatthaar asked which side of the wall would the trail be on and the response was on the south side of Jacob Road, the trail will skirt the wetland.

After discussion, the Board requested that the applicant provide a map with the existing farm road, proposed farm road, and proposed trail clearly defined and color coded. In addition, the applicant is to supply confirmation from the neighbor that they have no objections to the placement of the trail near their home. Mr. Kincart stated that at some point the Board will still need to discuss the southern portion of the property with the Westchester Land Trust where the trail meanders through until it connects with the trail system.

Mark Blanchard, Esq. stated that the Westchester Land Trust donation and the dedication of the conservation easement from the applicant's perspective is clearly not something they are objecting to and happily accept as a condition of approval, however, they may not be dedicated simultaneously. As part of the resolution for approval, they will require some flexibility for the actual recording as it is a matter of how the IRS will classify the donation from the applicant/owner to the Westchester Land Trust and what the timeframe will be. Mr. Colangelo stated that this will happen in two separate transactions and the trail will happen much sooner.

Mr. Tegeder stated that this is a final subdivision approval and there may be more questions going forward in this process. Mr. Riina responded that all the details required by the Health Department are shown on the plans. He is waiting for the final plat to be generated in order to get back to the Health Department to sign the plat. At that point, all the technical aspects will be taken care of unless the Planning Department/Board have additional comments for the plan.

Motion to Close Meeting

Upon a motion by John Kincart, and seconded by Bill LaScala, and with all those present voting “aye”, the Board closed the meeting at 10:53 p.m.