

Planning Board Meeting Minutes – August 16, 2021

A meeting of the Town of Yorktown Planning Board was held on **Monday, August 16, 2021 at 7:00 p.m.** at the Yorktown Town Hall Boardroom located at 363 Underhill Avenue, Yorktown Heights, NY 10598.

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

- Aaron Bock
- Rob Garrigan
- Bill LaScala

Also present were:

- John Tegeder, Director of Planning
 - Robyn Steinberg, Town Planner
 - Nancy Calicchia, Secretary
 - James W. Glatthaar, Esq.
 - Dan Ciarcia, Acting Town Engineer
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Correspondence

- There was no correspondence.

Motion to Open Work Session

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

WORK SESSION

Granite Knolls Solar

Discussion: Pre-Preliminary Application Solar Project

Location: 26.09-1-22; 2975 Stony Street

Contact: Bergmann PC

Description: Proposed 1.3 MW-AC community solar project including ground mounted solar panels, solar carport system, and a battery storage system at Granite Knolls Park.

Comments:

Adam Rodriguez, Town Attorney; and Eric Redding, P.E. of Bergmann, were present. Mr. Rodriguez stated that the Town Board issued a request for proposals for the development of a solar facility at the Granite Knolls facility. After a lengthy process, the Town Board selected Hess Solar for this project and have entered into a 25-year lease agreement. The proposal is for the installation of a solar carport, a ground mounted solar array system and battery storage system. The anticipated revenue to the Town is approximately \$145,000 a year. The Town Board passed a resolution to create a capital improvement trust for the Parks Department to ensure that the revenue is dedicated to capital improvement for the parks system. Another component of the lease agreement is that Hess agreed to provide an up front lump sum payment of \$500,000 that will be used toward the repaving of the parking lot.

Mr. Redding stated that the proposed system will produce a total of 1.3 MW-AC of power. The proposed solar carport system is approximately 1.7 acres in size and will be installed over the existing parking lot. The proposed ground mounted panel system is about 1.5 acres in size and is located in a mostly grassy area so no trees are proposed to be removed. There are some trees surrounding the array that are proposed to be trimmed in order to eliminate shading on the panels. The panels will be enclosed by a 7-ft high chain link fence with a 20-ft wide double swing gate for access. Since the disturbance is less than an acre, they do not need stormwater permitting from the DEC or DEP. All of the disturbed areas will be re-seeded with a wildflower pollinator seed mix.

Chairman Fon asked the Board and Counsel if there were any comments and there were none. The Board agreed to schedule a Public Informational Hearing.

Crystal Court Subdivision

Discussion: Subdivision

Location: 27.11-2-43; Crystal Court

Contact: Panbar Realty

Description: Proposed 3-lot subdivision on 5.07 acres in the R1-20 zone.

Comments:

John Barile of Panbar Realty was present. Mr. Barile updated the Board on the proposed project. He stated that he responded to all the Board's comments and revised the drawings. He also met with the Tree and Conservation Boards.

Chairman Fon asked the Board and Counsel if there were any comments. Mr. Tegeder stated that the Board could make a decision for a future meeting as long as all recommendations are met and noted the TCAC comment memo dated 7/11/21. Mr. Barile responded that he is only seeing this memo for the first time this evening but had no issues with the recommendations. Mr. Bock stated that his only concern was to finalize the conservation easement piece of the project. In order for an easement to take place, there should be an agency or entity that holds it to protect the easement and questioned if there are lands trusts that may be interested. Mr. Barile responded that they tried to donate it to the Town but the Town Engineer at the time (Mike Quinn) decided he didn't want it. He added that he reached out to various agencies but none were interested. Mr. Bock asked how the easement piece of this application should be handled. Mr. Tegeder stated that many are held by the Town. Typically they state that the Town has the right but not the obligation to monitor or perform maintenance within the conservation easement. The preference is for the Town to have the easement. Language could be created for the easement to be placed on the plat in addition to a written easement if the Town decides to accept it. Mr. Bock was in favor of this option. The Board advised the applicant to meet with the Planning Department to work on the tree and easement details.

3666 Old Yorktown Road

Discussion: Fence

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

Contact: Carmella Pervizzi

Description: Proposed 6 ft fence across the front yard of the property in the residential existing development located in the C-2 zone.

Comments:

No representative was present.

Bird Bus Sales & Service

Discussion: Pre-Preliminary Discussion

Location: 35.08-1-21 & 22; 3805 Crompond Road

Contact: JMC

Description: Proposed Bird Bus facility at former car dealership site on 2.71 acres in the C-4 zone.

Comments:

Darius Chafizadeh, Esq. of Harris Beach Law Firm; Paul Dumont of JMC; Rick Reichenbach, CEO and Robert Reichenbach, VP of Bird Bus Sales & Service, were present. Mr. Chafizadeh stated that the applicant is proposing to redevelop the former Kia car dealership located at 3805 Crompond Road for a Bird Bus sales and service facility.

Robert Reichenbach stated that Bird Bus is the largest distributor of small and large size school buses in Long Island, New York City and Westchester. They currently have an operation on Long Island and Elmsford. They are seeking to make a move from Elmsford to Yorktown. They operate similar to a car dealership where they will procure the vehicles, prep them and deliver them off site to their new locations. They do not manufacture the vehicles. Their customers consist of all of the school districts in Westchester as well as third party operators and private contractors. Heavy duty maintenance is not performed at the site. All vehicles are inspected twice a year by the state. They sell diesel buses, but about 60 to 70% of their buses are gasoline, propane and now electric.

Chairman Fon asked about the delivery of the buses. Mr. Reichenbach responded that the buses are not trailored. They are driven to the site and dropped off. The drivers will then find their own way back home. He noted that 99% of the sales occur off site and the buses are delivered to the end user.

Mr. Dumont stated that the property is 2.74 acres in size and is comprised of two parcels in the C-4 zone. The site is bordered by Crompond Road to the north, Garden Lane and the 202 Diner to the west, single family homes to the south and the NY Bariatric building to the east. He noted that school bus sales is classified as an automobile sales use which is specially permitted within this zone. The applicant is proposing renovations to the building and the site. The front building will house the office and dealership and is proposed to have interior renovations and façade improvements. It is also proposed to raise the roof of the rear garage building that will serve as the service portion of the dealership to accommodate the height of the school buses to enter the service doors. The blue hatched area on the plan is the proposed school bus storage area that will accommodate 48 buses on the site. Landscaping and a fence are proposed to screen the storage area. Currently there are two curb cuts that will remain and the one way flow will be maintained. The existing parking spaces in front of the building will remain and be used for customer parking. Additional customer parking spaces are proposed in the bottom right hand of the corner of the plan. 10 employee parking spaces are also proposed to the rear of the property.

Mr. Dumont stated that under the special permit criteria, 10 spaces are required for customer parking and they are proposing 18 spaces. The storage area is required to be screened which they are doing. They are proposing a 19,000 sf storage area, 40% of the lot area is permitted and they are proposing 16%. Based on the lot area, 59 vehicles are permitted to be stored at the property and they are proposing 48.

Chairman Fon asked about the hours of operations. Mr. Reichenbach responded that the hours of operation are from 7:00 am to 4:00 pm, Monday thru Friday. Chairman Fon asked about Garden Lane and questioned if it was a private road. Mr. Tegeder responded that it is a private road located behind the property between the diner and this building and believed that the 202 Diner and this building each own a piece of this road. The Planning Department will look into it. Mr. Reichenbach stated that they are planning to purchase this property and operate from this location. Mr. Tegeder asked if there were any plans for the second piece of the property. Mr. Dumont responded that there were no plans at present for that parcel. Mr. Tegeder noted that the landscape and lighting plan will also need to be reviewed. Mr. Glatthaar asked about the school bus inspection schedule. Mr. Reichenbach responded that the inspections are fairly consistent throughout the year. During the summer, there may be a bit more activity as customers are looking for their vehicles before the start of school. The first inspection on every new school bus is performed at the site before delivery and after that further inspections are done at the users facilities. They do perform inspections for a few customers but they are scheduled in advance. He noted that there are a maximum amount of buses that can be inspected per day.

Chairman Fon advised the applicant to work with the Planning Department to review the details and discuss the road ownership for the strip of land behind the property. The Board agreed to schedule a Public Informational Hearing.

Northern Westchester Executive Park aka GHP Strang, LLC

Discussion: Site Plan

Location: 26.19-1-2; 2651 Strang Boulevard

Contact: Kellard Sessions Consulting

Description: Proposed expansion of parking lot to provide flexibility for lower level tenant(s).

Comments:

Joe Cermele, P.E. was present. Mr. Cermele stated that he is here this evening as a follow up to comments made at the Public Informational Hearing held on August 9th. Since that time, an inspection was performed at the site. A comment response letter and inspection report was submitted on 8/12/21. All of the work that is currently ongoing at the site for the building renovation is being done in accordance with permits from the Town. The road that was mentioned is a temporary construction access road that was built to gain access to the lower level for the construction vehicles. The construction access road is made out of typical crushed stone and is stable. All downgraded areas are stabilized and protected with a silt fence and there were no signs of erosion. The soil stock pile that was mentioned is directly related to the removal of an existing 20,000 gallon underground fuel oil storage tank that is immediately adjacent to the upper parking lot in the area of the proposed ADA access ramp. Since the tank is not used, they took the opportunity to remove it and is permitted by the Town. The material is being stockpiled on plastic liners in the existing paved parking lot and is covered daily with plastic tarps to provide protection from erosion. With respect to the condition of the existing trees, many if not all of the trees north of the project are largely deciduous. There are some evergreens that border the property that seem to be in fair condition and are around 50 to 60 feet tall. Some of the trees have vines on them but he does not

think they pose any danger. There was a resident question about whether the parking lot expansion was necessary and noted that it can be quite a walk from the south end of the property to the northern building let alone the lower level. This expansion will provide more flexibility and opportunity for a new tenant. From a visual standpoint, there are three neighbors to the north, two of which are well over 200 ft away through the wooded area. The neighbors who were at the hearing are the closest of the three to the nearest point of the driveway. Everything will be below the level of the existing parking lot and the topography was shown to the Board. The applicant is willing to work with the Board to extend or relocate the evergreen screening to provide additional screening between the driveway and the residence. He stated that there was a discussion about a site visit and would be happy to join them.

Chairman Fon asked if there were any rails proposed and noted that their preference would be wood rather than steel for aesthetic purposes. Mr. Cermele responded that they are still working on the details but there will be guide rails along the drive. The Board felt that a site visit was not necessary as they could all assess the site individually. Mr. Tegeder asked to describe the temporary access road in relation to what is shown on the proposed plans for the final road. Mr. Cermele responded that the temporary access road starts a little further up from the connection and follows the same alignment and noted that there was very little regrading of that area for the construction vehicles. No work has begun for the grading that would be required for the parking lot. Discussion followed. Mr. Cermele requested to move forward with a Public Hearing. Chairman Fon stated that the screening should be looked at and advised the applicant to work with the Planning Department. The Board agreed to schedule a Public Hearing.

Par 3 Golf Course

Discussion: Site Plan

Location: 16.07-1-38; 795 Route 6

Contact: James Martorano Jr.

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

Comments:

James Martorano, Parks & Recreation Superintendent; Joseph Falcone, Parks & Recreation Commissioner; and Sean Murphy, were present. Mr. Murphy stated that a narrative and mitigation plan was presented to the Board for review. They are proposing to remove all the invasive species on the south side of the property between the fringe of the golf course and the brook which ranges about 10 to 25 feet. All the invasives will be removed by hand and no pesticides will be used. Low lying native shrubs and flowers are also proposed to be planted for this area. On the north side along Route 6, they are proposing to plant trees and shrubs that will consist of Eastern White Pines, Hemlocks and low lying plants such as hollies, lilacs, etc. to fill in the gaps along Route 6. The plan also includes mitigation for the brook that runs directly through the center of the golf course. He noted that when they took over the property there was nothing but weeds growing along the brook. There is no shade along the brook and it is filled with algae which is not good for the ecosystem. A portion along the brook is proposed to be a flower garden. They are also proposing plantings to hold the banks of the brook together and contribute shade to the water. On the flood plain, the "terrace zone" they are proposing River Birch, Magnolias, Sycamores and Red Oaks to provide shade. In the "bank zone", they are proposing to plant Winterberry, Swamp Milkweed, sunflowers and Mountain Mint which are all native species. In the "splash zone", they are proposing to plant Cottontail and Common Reed Sage. All of these plantings will help to enhance the ecosystem of the brook and the surrounding areas.

Mr. Tegeder asked if the brook mitigation was in addition to the proposed trees. Mr. Murphy responded that it was and noted that the brook was the most important part of the mitigation plan. The north side on Route 6 will also be tied in to the plan as a priority. The mitigation plan will be a two or three year program to remove all the invasive species. Mr. Tegeder asked if the tree planting discussed previously and what was discussed this evening on the north side will be done all at once or will it be phased. Mr. Murphy responded that it will be done in the beginning between the fairways and other areas.

Mr. Bock asked if the profile of the stream bank submitted with the mitigation plan was referencing the actual site or a general schematic diagram. Mr. Murphy responded that it was a general diagram. Mr. Bock noted that the diagram has no relation to the actual distance from the center line of the stream to the various zones depicted and asked if the distances were known. Mr. Murphy responded that it varies as it is not just one stream. Mr. Bock stated that there is one stream channel and whether it is braided or not, each channel has a defined width that they will be working with. He asked if

there was a plan that shows the actual layout and distances from the center of the stream to the various plantings proposed to be installed. Mr. Tegeder responded that there was no such plan. Mr. Bock noted that it was a flat open area and asked if they could they show the actual layout of how the stream will be planted and noted that in a normal landscape plan they see the specific plants going in on the streams. The goal is for the protection of the stream and its banks from erosion and restore it to something that is meaningful. He noted that the layout of the golf course shows planting areas of the fairways and greens that seem to butt up to portions of the stream and is not sure how much room they have to install these various levels of plantings and would like to see this information. He stated that according to the Westchester County government study, 50 feet on either side of a stream is what is needed to restore a bank and he is not sure this fits in with the fairways and greens because the plans have not been adjusted to show this information. Mr. Murphy responded that the plantings proposed are river birches and red oaks and noted that there is certain planting distance from the river or they will never grow. Mr. Tegeder asked the applicant if he could establish zones dimensioned from the center of the stream and the edge of the stream with an actual depth for the plantings. Mr. Murphy responded that he would work on this. Mr. Bock stated that he would like to see this information to assess the impacts to the stream and noted that a fairway or green may have to be moved to achieve this. He added that this area has been identified as a NYS wetlands on the mapping system and is not sure if they should consider this. The EAF also states that it is a wetlands area. It may not function as it did previously but it did function at one point. Mr. Tegeder noted that before it was a golf course it was likely swamp land. Discussion followed with respect to the water source for the stream. Mr. Garrigan stated that the height of the stream could vary throughout the year.

Chairman Fon asked Mr. Ciarcia about the cross section and a determined area for vegetation to protect the stream and questioned if there was a way to get more detail. Mr. Ciarcia stated that this used to be the brook but it isn't anymore. The brook was relocated. In some parts of the County they regulate certain water courses and noted that Shrub Oak brook is a regulated stream channel but not here. At some point, they moved the Shrub Oak brook and this is a leftover from where the brook used to flow. One of the issues was the contention that the work on the Hill Blvd. bridge was causing the water levels and flow to diminish. This was investigated and found to not be true. Discussion followed. Mr. Tegeder stated that the Planning Department will work with the applicant to unify the tree and mitigation plan and work on the parameters for further review. Mr. Ciarcia stated that he will look into the FEMA maps and report back. The Board requested for the applicant to work with the Planning Department to refine the mitigation plan to show more details.

Kitchawan Farm Solar Farm

Discussion: Solar Project

Location: 70.06-1-2 & 3; 716 Kitchawan Road

Contact: Ecology Kitchawan Community Solar Farm, LLC

Description: Proposed 2 MW ground mounted large-scale solar energy system.

Comments:

Julia Magliozzo of Ecology Energy was present. Ms. Magliozzo stated that since the last meeting, they submitted a letter dated 7/28/21 with photos of a ground mounted solar system that was installed in Pennsylvania for reference purposes along with spec sheets for the system to be used at the site. She noted that the spec sheets for the modules provided with that submission will no longer be used due to supply constraints. They have identified a different module from a manufacturer called Longi. They are still bifacial modules of a similar size with anti-reflective coatings. They also provided spec sheets for the inverters and racking. The access road shown on the site plan will either be gravel or item 4 and they will provide a spec sheet once it is designed. There will be minimal or no grading as there are no significant slopes on site. The photos submitted of the system follow the slight grades. A drawing of the wildlife friendly fence which includes a space underneath to allow small animals through was also submitted for review. Ms. Magliozzo requested to move forward with a Public Hearing.

Chairman Fon asked the Board if there were any issues. Mr. Tegeder stated that he had no issues with moving forward with a Public Hearing but noted that the screening is a priority and will need to be reviewed. He asked about the plantings in and around the solar array. Ms. Magliozzo responded that within the actual array they are proposing to re-seed the area with a pollinator friendly seed mix. Between the rows of the array will be mostly grass, meadow and seed mix. A landscape plan was submitted for the areas around the array, particularly along the driveway. Mr. Tegeder asked the process for the seeding, will they over seed or remove what is there and loosen the soil to re-seed between and underneath

the arrays. Ms. Magliozzo responded that she believes they will re-seed the areas that are disturbed but will check with her team and report back. Chairman Fon advised the applicant to work with the Planning Department with respect to the details. The Board agreed to schedule a Public Hearing.

Arcadia Farm Solar Farm

Discussion: Solar Project

Location: 47.11-1-4; 1300 Baptist Church Road

Contact: Croton Energy Group

Description: Proposed 800 kW ground mounted large-scale solar energy system.

Comments:

Julia Magliozzo of Ecology Energy was present. Ms. Magliozzo stated that since the last meeting, they submitted a letter dated 7/28/21 with photos of a ground mounted solar system that was installed in Pennsylvania for reference purposes along with spec sheets for the system to be used at the site. As mentioned for the Kitchawan submission, due to supply constraints, the modules will now be provided by a new manufacturer called Longi. Specs for the inverters and racking were also provided. They also provided a stormwater analysis to the Town Engineer which states that the addition of the solar modules will not create a significant increase in stormwater run-off. They have not proposed any post construction mitigation as they are waiting to hear back from the Town Engineer. Ms. Magliozzo requested to move forward with a Public Hearing.

Chairman Fon advised the applicant to work with the Planning Department with respect to the details. The Board agreed to schedule a Public Hearing.

Old Hill Farm Solar Farm

Discussion: Solar Project

Location: 16.08-1-4 & 17; 571 East Main Street, Jefferson Valley

Contact: Hillside Solar LLC

Description: Proposed 3.75 MW ground mounted solar panels disturbing 15 acres on a 19.4 acres in the R1-20 zone.

Comments:

Kathryn Hoenig, property owner; Hannah Steffens of PowerFlex fka EnterSolar; and Eric Redding, P.E. of Bergmann, were present. Ms. Hoenig stated that her family are the owners of this property located at 571 East Main Street between Hill Boulevard and Lee Road also known as Old Hill Farm. She is here in support of the application for a special use permit to convert what once a dairy and vegetable farm into a solar farm. The property has been in her family for over 180 years. Her grandfather Ted Hill ran the farm with his brother until he passed away in 1987. Since then it has basically become abandoned farmland and parts of the property that they didn't continue to mow is now covered with invasives, brush and a few invasive trees. She noted that she has been before the Town over the past 20 years with different ideas on how to develop this land. The property is currently zoned half acre, residential. The proposed community solar project will keep the property in the family and also provide environmental and economic benefits to the community and the residents in the area. It would involve no new buildings, traffic or additional school children. In addition, there are no wetland impacts. They have been working with the Planning Department with respect to the Town's solar law requirements for the trees, landscaping and visual aspect.

Ms. Steffens distributed copies of a written presentation to the Board for review. The proposal is for a ground mounted solar system at the former dairy and vegetable farm. A portion of the property has become overgrown with invasive species and secondary growth. The existing curb cuts will remain, one of which will be used for the entrance. The existing stone wall along East Main Street will remain and is proposed to be restored. Two gates are proposed for the entrance. A farm style gate is proposed at the front of the entrance for aesthetic purposes with a safety gate behind. The environmental benefits were reviewed with the Board. The community solar will allow members of the Yorktown community to participate in the project which would then allow them to receive cash savings on their monthly Con Edison bills. They are expecting that the benefits will support about 890 residents in the area. It will also allow for local grid resiliency.

Ms. Steffens stated that part of the New York solar incentives are rebates provided by NYSEERDA. The project can receive allocation when they receive interconnection approval which they have from Con Edison. A negative SEQRA

declaration for the DEC is also required. She noted that these incentives are on a first come first serve basis and requested for the Board to consider reviewing the SEQRA process and granting the declaration prior to their final decision of the project. The proposed system will have no negative impacts on the Town's wastewater system, traffic patterns, curb cuts, and site lines. Nor will there be noise or light pollution. They will continue to work with the Planning Department and Board on the project details which include the tree inventory, mitigation plan, landscape plan, visual aspects, stormwater design and decommissioning plan. They are proposing to reseed the disturbed areas within the array with a pollinator friendly seed mix as part of the landscape plan. The trees along the property on East Main Street will remain and they are proposing additional plantings as necessary to eliminate any visual impacts.

Mr. LaScala asked if the existing house would remain on the property. Ms. Steffens responded that it will be removed. Chairman Fon stated that the impact from the proposed farm seems to be a lot less than the previous residential proposal and noted that the screening is important. Mr. Tegeder stated with respect to the Negative Declaration, all the details need to be sorted out in order for the Board to make a final determination that there are no environmental impacts to the community. Ms. Hoenig stated that the Negative Declaration is important to the economic viability of the project and will work on submitting all of the plan details for the Board's review and comments. Ms. Hoenig requested to move forward with a Public Informational Hearing. Chairman Fon questioned if they should engage the use of the Town's environmental consultant. Mr. Tegeder responded that this property is mostly regenerated fields and farmlands. It is not a forested area and is likely not a protected woodland. It is basically just transitional regrowth and they are also completely out of the wetland area. The trees along the border will remain and the majority of the old growth will be left intact. The Board advised the applicant to work with the Planning Department on the details before scheduling a hearing.

Strawberry Road Solar aka Ciuffetelli CDG Solar Project

Discussion: Solar Project

Location: 15.12-1-12 & 30; 1654 Strawberry Road

Contact: Green Street Power Partners

Description: Proposed 2.4 MW-DC ground mounted solar panels disturbing 9.10 acres on 21 acres in the R1-20 zone.

Comments:

Craig Dwyer and Brian Matthews of Green Street Power Partners; and Quin Ciuffetelli, property owner, were present. Mr. Dwyer stated they submitted an application in July. They obtained their utility interconnection approval from Con Edison and secured all items necessary for the NYSERDA rebate for the proposed solar farm. Most of the engineering is complete with the exception of the SWPPP. They are scheduled to meet with the Conservation Board on August 19th. The property consists of two parcels – 1645 Strawberry Road and RPC Industries. They are proposing a vegetative screening for the residential abutters to the northern side of the property. There is dense foliage coming in from Route 6 to prevent any line of site into the project and are open to additional landscaping. The access will be off of Route 6.

Chairman Fon asked the Board if there were any comments. Mr. Bock asked if the property was all wooded. Mr. Dwyer responded that it was and a tree inventory report prepared by a certified arborist was submitted with the application. There are a little over 600 trees that need to be removed measuring 8 inches or larger in DBH. There are about 70 invasive species. He noted that the trees proposed to be removed will be re-purposed for lumber to help support development within the County. They are proposing to plant 80 trees along the northern side of the property to create a dense screening buffer for the residents and are open to the Board's suggestions. Mr. Bock stated that the issue is the difference between sparsely forested areas versus forested areas such as the proposed Foothill Street project and feels that the Board needs to review all of the impacts in order to make an informed decision. The Board agreed to refer this application to the Town's environmental consultant and informed the applicant of the expense. Walt Daniels requested for the application to be referred to Open Space. Mr. Ciuffetelli stated that the property has been vacant for quite some time and they feel that the solar proposal as opposed to a residential proposal would be less impactful to the area. The Board agreed to refer the application to the Town's environmental consultant and advised the applicant to work with the Planning Department.

Motion to Close Meeting

Upon a motion by Bill LaScala and seconded by Rob Garrigan, and with all those present voting "aye", the Board closed the meeting at 9:00 p.m.