

Planning Board Meeting Minutes – April 21, 2025

A meeting of the Town of Yorktown Planning Board was held on Monday, April 21, 2025, at 7:00 p.m. in the Town Hall Boardroom.

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

Aaron Bock
Rob Garrigan
Bill Lascala
Judy Reardon, Alternate

Also present were:

John Tegeder, Director of Planning
Robyn Steinberg, Planner
Ian Richey, Planning Assistant
David Chen, Esq.

Correspondence

- 2145 Hunterbrook Road – Tegeder informed the Board that the property has been the subject of activity for the past few months that started out with some cleaning up of the property. An application was submitted for a proposed home on the property that has been inactive. They were then made aware that the property owner applied to the agricultural district for inclusion. To his knowledge it has not been brought to the town's approving agencies for a farm use for whatever is considered to be sold there. There is some neighborhood concern. Fon asked about the correct procedure going forward. Tegeder responded that a farm use would require a special permit from the Zoning Board. Bock asked if the Town Board is aware of this and Tegeder responded that they were.
- Dunkin 202 (SDML Realty) / 3735 Crompond Road; 35.08-1-11, 14, 15, 23 – Correspondence dated April 18, 2025. Tegeder explained that the applicant is proposing to install a 1,000-gallon propane tank underground as there is no access to natural gas at their commercial property. The proposed location is within the approved lawn area and will not interfere with the landscape plan as shown on the submitted plan. The Board had no issues. The Planning Department will submit a memo to the file, appropriate departments, and applicant for the record.

Motion to Approve Meeting Minutes of April 7, 2025

Upon a motion by Rob Garrigan, and seconded by Bill Lascala, and with all those present voting “aye”, with the exception of Aaron Bock who was not present during this meeting, the Board approved the meeting minutes of April 7, 2025.

Motion to open Regular Session

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

REGULAR SESSION

Little Sorrentos

Discussion: Special Use Permit Renewal – Outdoor Dining

Location: 36.5-1-15; 3565 Crompond Road

Contact: Gina DiPaterio

Description: Renewal of special use permit for outdoor dining previously approved by Resolution #16-08 dated May 9, 2016, and renewed by Resolution #19-08 dated April 22, 2019.

Comments:

Gina DiPaterio, owner, was present. Fon asked the Board, Planning Department, and Counsel if there were any comments with respect to the request for a renewal of the special use permit for outdoor dining and there were none.

Upon a motion by Bill Lascala, and seconded by Aaron Bock, and with all those present voting “aye”, the Board approved the renewal for the special use permit for outdoor dining at Little Sorrento's Restaurant located at 3565 Crompond Road.

Underhill Farm – Site Plan

Discussion: Site Plan Amendments

Location: 48.06-1-30; 370 Underhill Avenue

Contact: Site Design Consultants

Description: Proposed amendments to a mixed use development previously approved by Resolution #23-13 dated July 17, 2023 and amended by Resolution #24-13 dated July 15, 2024.

Comments:

Joseph Riina, Project Engineer of Site Design Consultants; and Paul Guillaro, property owner, were present. Riina stated that they were before the Board previously to review the site plan amendments. Fon asked if the shared parking was straightend out and Riina thought that it was. Tegeder said that the shared parking is on the corner property of the site (mansion and rental building property) and would be available to patrons of the proposed senior center during the hours of 8am to 5pm, Monday thru Friday. He added that there is a clause in the proposed resolution for a number of after hour events per year. There was an initial discussion of potentially 12 after hour events that could be reduced to 6 or 9 events. The Board will need to make a decision on the number of events. Other than this determination, the parking for the senior meetings is settled by virtue of being able to use any of the parking spots on the site during the previously mentioned timeframe; parking will not be available on the weekends. Fon asked if the senior center was closed on the weekends and Tegeder responded it was. Fon asked if the Parks and Recreation Department have after hour events currently. Tegeder thought they were thinking mostly about staff and commission meetings and added that he doesn't think the seniors have events that take place after 5pm. Fon asked if these events would be for town staff and Tegeder said this was correct. Reardon asked about the proposed use for the rest of the time and Tegeder said it would be closed. Garrigan asked where the parking was for the senior center. Tegeder said that the parking is on the site for the proposed senior center. Fon asked if the current senior center in the Capellini building was closed on the weekends. Tegeder said that the clubs are open during the week and he is not aware of anything on the weekend as it would usually require staff time. Bock asked about the timeframe. Guillaro said that when they started the discussion four years ago there was an agreement with the Town Supervisor that there would only be shared parking between the hours of 8am and 5pm weekdays for the proposed senior center. He added that currently the way the parking is arranged they do not have additional parking when they are at their maximum usage during nights and weekends and noted that there was no discussion about weekends or off-periods. They are working with the town and agree to six events but he added that when those events do happen they will be overloaded as they don't have the parking; it was always a shared parking arrangement. Fon asked about the proposed senior center building plan. Tegeder said that the building was originally proposed at 4,000sf but has been reduced to 3,000sf eliminating the office use for the Parks and Recreation Department so now it will just be meeting space. The Parks and Recreation Department will not be housed there. Tegeder noted that there is no pushback with respect to the six events versus twelve events. Fon asked if the Parks & Recreation Department had any comments. Tegeder said that the proposed senior center will not work for them and that they would like to have their own building. Currently they are housed in the Capellini building which seems to be working for them. Bock asked about the needs of the senior population and Tegeder said it was mostly daytime. Fon asked if the Parks & Recreation Department had the ability to use the shared spaces in the Capellini building during the night and Tegeder said yes. After discussion, the Board agreed to six (6) after hour events for the proposed senior center.

Tegeder noted that the landscape plan shows some changes in terms of the development of the outside spaces that shows a lawn and retaining wall in front of the building; and outdoor seating area between the new and old building. The Board had no issues with the landscape plan.

Fon asked the applicant if they reviewed the draft resolution and the response was yes.

Upon a motion by Bill Lascala, and seconded by Rob Garrigan, and with all those present voting "aye", the Board approved the resolution as amended with six (6) after hour events.

Motion to close Regular Session and open Work Session

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

WORK SESSION

Curry Honda Large Scale Solar

Discussion: Site Plan

Location: 35.08-1-10; 3845 Crompond Road

Contact: Michelle Walker, Freedom Solar Power

Description: Installation of a 253.17 kW Photovoltaic Solar System on the existing commercial building.

Comments:

Destiny Garcia was present. Garcia stated that she is present this evening with respect to their solar application as the town's solar moratorium expired at the end of March. Since they were last before the Board, they only had one change to the design which was the proposed method of inter-connection that was already reviewed and approved by the utility company. She would like to move forward with an approval by the Board.

Fon asked for an update on the solar moratorium. Tegeder said that the moratorium expired and has not been extended as the Town Board is proposing modifications to the local law and he believes that they will be closing this up in the next month or so. He noted that large-scale commercial as an accessory use will still be allowed in the current local law draft. Garcia said she believes that the moratorium is for projects under the 25kW and theirs is about 253kW for commercial not residential. Fon said that it seems based on the proposed amendments that this application will not be affected and Tegeder responded that he believes this to be correct.

Garrigan asked if the solar system was to be installed on the existing rooftop with no additional structures erected to hold the array. Garcia responded that this was correct. Bock asked about the next steps. Tegeder said that the application is returning to the Board for review and subsequent approval; a site visit was already conducted by the Board. Reardon mentioned that Cedar Ponds was directly behind Curry Honda. Fon said that the Board is always concerned with the visual aspect and recalled that they weren't able to see much during their site visit. Bock asked if a battery storage system was also proposed. Garcia responded that it was not and added that the solar panels are proposed to be flush mounted to the roof about 6 inches off.

Tegeder informed the Board that a public hearing will need to be held for the application and the Board agreed. The applicant was advised to work with the Planning Department.

Lamp Subdivision

Discussion: Minor Subdivision

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

Contact: Zarin & Steinmetz

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

Comments:

Jody Cross, Esq., and Evan Lamp, property owner, were present. Cross stated that they are present this evening as a follow up to the 2/10/25 meeting. During that meeting they talked about the requirement for the width of the access drive. They made an application to the state and received a variance on April 10th of which a copy was submitted to the Planning Department. They are currently scheduled for the upcoming Zoning Board of Appeals (ZBA) agenda and are here this evening seeking a positive referral from the Planning Board to the ZBA.

Tegeder reviewed the process with the Board. Usually when an application requires a variance and is under the Board's review, the Board will get to a point where they are ready to support the variance. However in the interest of time, the applicant applied to the ZBA and are scheduled for the April 24th agenda. Bock asked what the variances are for. Cross replied that they will require variances from the ZBA for both the frontage requirements under the town's zoning code as well as from the NY Town Law Section 280-a. They already received the state variance for the access width and apparatus turn-around. Tegeder said that the ZBA hearing will be held in May so there is a time issue.

Tegeder stated that under the findings of fact in the state variance, item number 3 states that they had the benefit of a local fire district memo dated 8/1/24. He noted that there were other memos after that with one dated 2/11/25 that talked about the 20ft width requirement. Cross informed the Board that she submitted that memo to the state as well. Tegeder also noted that item number 5 states that the local code official has been contacted in this matter and does not object to granting of the variance and would like to confirm this. Cross said that this was her understanding but was not part of any conversations. Bock would like to see this with respect to future planning; if 16ft is acceptable here why would they

keep the 20ft standard. Cross said that the 20ft standard is under the fire code for the NYS code and they were able to demonstrate that it wouldn't be any less safe than it is today. She added that she can submit a copy of their state application to the Board. Fon said that he didn't have an issue with this since the state didn't have an issue. Tegeder stated that as a matter of course, they would like to get some verification from the Fire Commission for the record and before the ZBA hearing as there are conflicting memos.

Tegeder asked about the interim plan with the driveway. Cross replied that the applicant is proposing improvements on the existing house that includes improving the driveway, updating the septic system and adding a garage that is separate and apart from the subdivision proposal.

Bock asked about the ZBA recommendation response. Tegeder said that the Planning Department will engage the Fire Commission for confirmation and then draft a memo for the Board. He added that they will receive a formal referral from the ZBA. If they obtain the variances, the Board can then tie up the planning issues with respect to tree removal, etc. Bock thought that the overall plan didn't seem to have any issues.

Cross asked if they needed to return to the Planning Board prior to the ZBA hearing. She added that they received a Planning Department memo stating that they need the variances and was not sure if that was considered a determination but noted that she did submit the memo to the ZBA. Bock felt that the applicant should return one more time to receive the information and then they will send a memo to the ZBA.

Miraggio Restaurant

Discussion: Special Use Permit for Outdoor Dining

Location: 37.15-1-23; 90 Triangle Center

Contact: JMF Architects

Description: Request to construct a permanent 114 seating area for outdoor dining.

Comments:

Jim Flandreau, Architect, was present. Flandreau said that since he was last before the Board, the plans were revised to show the existing stormwater system. The plan notes where the grates are located on the property based off the survey. The Board also requested to show where the pipes run; he is currently researching the locations with the owner. If not found, when work commences at the site they will try to do most of their digging by hand until they locate the pipes. The access ramp was increased to 6ft from 4ft from what was originally proposed. The plans comply with the handicapped requirements of NYS based off the ICC. Lighting poles are proposed in six locations; the locations may change slightly due to the seating layout. Cut sheets were submitted for the lighting. As discussed at the previous meeting, the seating layout shown is just to show representation of the area; the applicant is proposing to have free form seating.

Tegeder informed the applicant that they were able to find an old drawing (not sure of its accuracy) that shows the water and drain lines that he thinks they can use to place on their plan with a note stating that they will hand dig. Tegeder asked about the height of the light poles. Flandreau responded that it was 10ft. Tegeder said that they will require 3,000k color temperature and no higher. Fon asked the Board and Counsel if there were any other comments and there were none. Tegeder stated that a draft resolution will be prepared for the next meeting.

Town Board Referral - 1825 & 1829 Teatown Road

Location: 69.17-1-4 & 5; 1825 & 1829 Teatown Road

Contact: Alfonzetti Engineering, P.C.

Description: Request for a stormwater management and tree permit for a proposed gravel driveway, pool, patio, tennis court, associated improvements, and stormwater detention system.

Comments:

Ralph Alfonzetti, P.E. was present. Alfonzetti said the site is a total of 7.6 acres. The site is located on the corner of Teatown and Spring Valley Roads. The site is currently improved with an existing residence, septic system, and pool that is in disrepair. They are proposing to remove the existing pool and install a new pool, tennis court, gravel driveway, stormwater management, and associated improvements. Stormwater testing was performed in two locations and a SWPPP report was submitted. There is a wetland on the site that they are not encroaching. The plans were shown to the Board.

Tegeder asked if the two lots were being used as single-family residence with the amenities and Alfonzetti said that they were. Tegeder asked if there was any reason for the lots not to be combined. Alfonzetti said there was none. Bock asked if combining them would be an advantage. Tegeder said that sometimes it is an advantage but didn't think the use of the two lots would change drastically with these amenities. The Board had no concerns with the application. The Planning Department will submit a memo to the Town Board.

Town Board Referral - 2285 Saw Mill River Road

Location: 37.11-1-42; 2285 Saw Mill River Road

Contact: Site Design Consultants

Description: Request for a stormwater management and tree permit for a proposed single family residence served by a new asphalt driveway. A new public sewer line is also proposed.

Comments:

Joseph Riina, P.E. of Site Design Consultants was present. Riina stated that the site is located on Saw Mill River Road as outlined in red on the plan. The property is owned by Mr. & Mrs. Balan. To the left is Broad Street and across from Broad Street is what was known as the Spano subdivision. The proposal is to construct a single-family residence. The property is a flag lot which received a zoning variance for frontage in 1986 by the ZBA and is currently a vacant lot. Tegeder asked if there was a decision statement and Riina said that there was. Reardon asked how many homes were off that driveway and its access. Riina replied that this would be the only home off that driveway and is accessed off Route 202/35. Riina said that as part of the project, the property owner is extending the public sewer from the Spano subdivision (shown as a green line on the plan) and has obtained easements thru all the properties; they are providing sewer connections to the three homes west of the site. This was approved by the county health department. Fon felt that the area would benefit from this. Riina said that the homes in the Spano subdivision are already connected, the three homes up front can connect and anyone on Brookside by virtue of pumping can get up to the sewer. Also, the sewer easement will extend through the owner's property to the next property to the east so if they want to extend the sewer it would be available and it's a town sewer easement. The Board agreed that this was a great benefit. Riina stated that they are here this evening on a town board referral seeking a stormwater and tree permit for the proposed work.

Tegeder noted that he hasn't been able to find how the lot was created and thought it may have been through some sort of mortgage through a mortgage holder and owner. They were able to find some deeds but couldn't find a plat that the lot was created under. Riina said that they have no indication that it was part of a larger subdivision but noted that it does refer back to Amawalk nursery gardens as the origin of this lot and all the other lots alongside it; there seems to be a gap of information with the larger parcel and the other parcels that were created. He noted that there are quite a few parcels that were created by deed many years ago that are still building lots with houses on them. Tegeder said it looked as though it was created in 1962 so the original lot may have been prior to and after the Amawalk nursery which makes sense. Garrigan asked if there was a deed and Tegeder said there was. Riina said at one point the property was sold through foreclosure. Tegeder noted that there is a 1957 deed in their packet that establishes the original sale and mortgage of the lot and a 1962 deed that seems to lop off this flag lot. Garrigan questioned if that was when the different tax lots were created and Tegeder responded that this was correct and since 1962 it has been a lot. Discussion followed with respect to deeds. Riina noted that this was in place before the Westchester County realty subdivision regulations were put in place. Reardon asked if it was transferred or just released; Bock said it was bought. Riina said it has passed hands several times.

Chen thought that the Board could flag the issue in their response memo to the Town Board. Fon asked the Board if outside of the subdivision there were any issues and there were none.

Town Board Referral - Chapter 300 – Accessory Dwelling Units

Description: Proposed local law to amend Section 300-38 to regulate accessory dwelling units in single-family homes by modifying several bulk requirements related to the size of accessory dwelling units and lot area on which they may be allowed.

Comments:

Fon noted that the discussion this evening is a continuation from the prior Board meeting. Bock said that he was not present during that meeting but read the comments. He reviewed the proposed amendment and EAF and feels that there are potential environmental impacts associated with the proposed changes that are not reflected in the documents filed

by the Town. He thinks that there is a potential for a rezoning of all these districts and lands without considering the impacts and effects on public services, sewers, and traffic, etc. He also doesn't know how many lots will be affected and feels that they need all this information before going forward. He thinks that these issues should be pointed out looking ahead for the long term and what could happen. Lascala agreed. Reardon thought they also needed clarification on the setbacks and what it means (i.e. – garage or shed versus a house). Reardon also questioned if there was list of current permits and renewals and was also concerned about the enforcement policy.

Sarah Wilson, Chairperson of the Yorktown Community Housing Board, was present to address the Board's concerns from the previous meeting. Wilson shared a slideshow presentation with the Board to cover the six proposed changes to the existing law. Yorktown voted to participate in the NYS ADU Plus program in 2024 that provides up to \$125,000 in grant money to homeowners to create a new accessory unit or to legalize an existing one. There are currently two Yorktown homeowners that are already in the program. This was a spark to make some changes to the existing code to provide flexibility to enable additional homeowners to take advantage of the program. The Town Board suggested that it was time to review the existing law to see if changes were required; the Housing Board's role is to advise the Town Board on housing policy issues. The intent of the existing law is that neighborhoods zoned as single-family primary maintain their single-family character; provide affordable rental housing in Yorktown; ease the financial burden of homeowners, particularly senior citizens; and lastly to ensure that accessory dwelling units meet the minimum health, fire, and safety standards. She reiterated that the existing code mentions the importance of maintaining the character of the neighborhood and gives the ZBA the authority to deny any permit that would adversely affect the character of a neighborhood.

Wilson continued that the proposed amendments to the law include changing the lot size to 40,000sf or greater and would only relate to existing detached accessory buildings; removing the requirement that the ADU in an attached existing building be on the second story and would therefore displace the original accessory use; increase the maximum square footage from 800sf to 1,000sf; eliminate the requirement that the home owner must occupy the larger unit; and lastly deal with the enforcement, penalties and violations with new and renewal applications to get them assessed properly on the tax role. She added that the accessory unit would be limited to two bedrooms. She noted that currently there are 1 and half spaces per unit, so if there are two units there would be 3 spaces. The Board also discussed the definition of family and noted that the current law states that no boarders shall be permitted in a dwelling which has an accessory unit; a dwelling unit may not receive a permit for a tourist home, rooming house or boarding house. The Town Engineer must issue a sewer permit and Board of Health approval will be required for septic systems. The law pertains to converting existing detached dwelling units; new construction cannot be converted to an accessory dwelling unit until two years after the c/o is granted. Setbacks may be different from a primary dwelling unit; the detached unit will never be the primary dwelling unit and she added that the ZBA can waive and amend the setback requirements. She informed the Board that a public hearing is scheduled for May 6th.

Reardon noted the change to the owner-occupied requirement with the owner now having the ability to occupy the smaller unit. She said that she commented about this at the previous meeting with respect to families staying together for childcare, etc.

Bock said that the presentation noted some items not in the law such as the two-bedroom limitation and two-year period for potentially new detached buildings. Bock asked if the law already permits detached accessory use apartments. Tegeder explained that the existing law permits ADUs in the R1-80 zone which is 2-acres or greater and only in existing detached accessory buildings and only on the second floor; not a conversion of the first floor. With the proposed amendment you will now be able to convert it and can be done on a property 40,000sf or greater regardless of the R1 zone (*R1-10, R1-20 and R1-40*) you are in. He added that the R1-20 and R1-40 zones have the largest number of single-family units and would expand the cumulative impact potential greatly.

Bock asked about potential builds of future detached structures. Tegeder said that it is his understanding that it will have to remain the intended use for two years before it can be converted; you cannot build an accessory dwelling unit purposefully.

Lascala had concerns about the grant money allocation and how it would benefit the homeowner. He also felt that the proposed amendment would affect the neighborhood character and that 1,000sf is too large for an accessory dwelling unit. Fon noted that the grant program offered is not through Yorktown and is a state program. Wilson explained that

there are two Yorktown homeowners currently enrolled in the program. She added that a variety of neighboring communities are also participants in the state program and that there are 10 slots left.

Bock said that he understood the need but feels that they need to look at the whole picture to determine what the potential could be and thinks that the Town Board needs to look at this. Reardon felt it would be helpful to have a redline copy of the existing local law and proposed amendments to make it clear. She is concerned about enforcement. Bock would like to see an analysis of the amount of homes with ADUs. Reardon agreed as they currently don't have a baseline. She added that as she reads the law, it seems that the ZBA has the ability to make the determination not to proceed further if there is a saturation of units. Fon questioned how they determine what is and what is not legal within a neighborhood. Wilson informed the Board that they did speak with the ZBA and went through the process. She added that they went through the last 3 years of activity to try and identify the nature of the applications made as well as the number. They identified that it was less than 10 applicants appearing before the ZBA each year either for a renewal or new applications. When she compares that to the number of Class 215 in the tax assessment role for single-family homes with ADUs there are a total of 179 listed; so, if there are 179 in the tax role and only 10 a year coming in for renewals clearly they need an enforcement policy. She added that this has been on the books since the 80's and through all these properties they do have less than 200.

Fon asked for the red-lined copy of the law for the Board to review. Wilson said that she will submit it to the Planning Department. Reardon asked how many times this ordinance has been revised and for what purposes since its inception. Wilson said that this is noted in the red-lined copy with dates. Tegeder said that the addition of the R1-80 and detached accessory units was in 2005 and is fairly new.

Tegeder noted that there is a character and saturation issue but he thinks that they are two different things. Saturation is difficult number wise; how do you justify the amount of homes allowed to have ADUs within a neighborhood. For example, when you get to 5 would 6 be too many; he feels that this would be subjective and difficult to support.

Tegeder reminded the Board that comments are due back to the Town Board prior to their May 6th public hearing; the next Planning Board meeting is May 5th. Fon again asked for the red-lined copy for the Board's review and comments. Tegeder stated that the impacts that the Board is talking about would be pursuant to SEQRA in terms of cumulative impacts of buildout under this law and the Board agreed. The Planning Department will draft a memo for the Board. The Board agreed that they should see the information again before submitting the memo to the Town Board.

Town Board Referral - Chapter 300 – Battery Energy Storage Systems

Description: Proposed amendments to remove Tier 2 battery storage systems from all zoning districts in the Town of Yorktown.

Comments:

Tegeder informed the Board that a public hearing is scheduled for May 6th. The proposal is to remove Tier 2 large-scale battery energy storage systems from the town code. The Planning Board previously commented on this in their memo dated 3/5/25 to the Town Board noting that the code should not be removed in its entirety; existing systems that were approved under the current law that will now become legal non-conforming must be regulated and should remain in the code as a separate section.

Fon asked about the presentation to the Town Board, Planning Department, local fire officials, etc. with respect to the these facilities. Tegeder said that the takeaway was that if you monitor and design these systems properly they should be safe and it was cited that NYS to date has had no incidents. They did talk about the Warwick, New York battery storage facility fire incident. Reardon said there was discussion between the expert and local fire officials. There were some concerns with fire fighting, training, provision of hazmat suits, etc. She noted that the proposed legislation doesn't address any of this. She was concerned that we rely on the the applicant's experts and felt that we should have our own experts and we don't have one in Westchester County. She thought that we should require emergency planning, training, inspections, etc. and list it in the resolution and site plan. Tegeder said that we do have these requirements, whether it is in the law or not, in which the applicant submits an emergency plan; fire training is also required. He thinks it seems probable that there should be periodic inspections by an expert and our own town officials with this type of knowledge to inspect the installations to see if there is anything amiss during construction and before it goes online. Reardon felt it shouldn't be the applicant's expert.

Tegeder informed the Board that there is a webinar on this subject on May 7th. Fon noted that a recent county meeting there was discussion about the Taconic parkway and its proximity to a proposed facility with respect to a potential fire and its affect for example if there was a car impact. He felt there was lots to think about and different perspectives. Fon asked if they expect this to be settled on May 6th. Tegeder said that this was his anticipation. Bock felt that the proposal to eliminate this use across the board is short sighted and thinks it is poor long range planning on the town's part as it is ignoring the reality of electric uses and where our energy is coming from. He thinks that rather than saying we don't want these facilities we instead make better plans for them that includes safety. Fon felt that it was more of an infrastructure issue with the closing of Indian Point, and the state pushing for this. Garrigan agreed that this may be short-sighted. Reardon felt that they need a method for the safety controls of the systems. Bock thought from a planning perspective there is a need for these facilities as long as they are done right. The Planning Department will draft a memo for the Board's review and approval for the next meeting.

Town Board Referral - Chapter 300 – Solar Power Generation Systems and Facilities

Description: Proposed amendments to remove Large-Scale Solar Generation Systems and Facilities from residential zones.

Comments:

David Cooper, Esq. of Zarin and Steinmetz, was present. Cooper thanked the Board for letting him speak. He submitted a letter dated 4/18/2025 to the Board with respect to the proposed amendment. He noted that he has been before the Board in connection with a solar proposal of which they have been working on to address the Board's concerns with respect to the visual aspect, etc. The proposed amendment would completely eliminate solar farms within the town; he understands it refers to associated use but it is a complete ban which he feels is a complete repudiation of what the Planning Board has done in the past year and a half with their application and others. He feels that it really is a site by site review as to what is an appropriate location. He noted that when the town adopted the moratorium they agreed to continue processing their application at their own risk because they believed that their application could be an example of how to select the right site and how this use could be introduced at appropriate locations. He added that the Planning Board's comment memo dated 9/30/24 captures this perfectly in which they state that "through proper visual analysis using site sections, the Planning Board feels that they can achieve an optimal site layout based on the specific conditions and topography of each site". He thought that they were taking this into account, not what district it was in but the site itself. He feels that along with some of the items in terms of future planning, this proposed amendment does not seem to have any analysis or planning behind it. For example, at the same time the Town Board is evaluating this law, residents have been complaining about their electric bills rising. The law currently in place is to help create energy independence for community members and reduce bills; this is what community solar is for. It is not about individual rooftop panels and not everyone can do this. Community solar provides another source of electricity into the grid and they can require utility companies to use that solar. If the town bans solar farms then the utility companies will have to get their energy from far away and those transmission costs will be passed to the user. He is here this evening to request that they comment to the Town Board to take a pause and not just ban all solar applications and to not forget about all the work done that was done with current applications.

Reardon asked if they were suggesting that. Cooper said the code states that solar systems will not be permitted in any residential districts but is permitted in non-residential districts as an accessory use.

Fon asked Councilwoman Siegel about the Town Board's direction. Councilwoman Siegel said that the Town Board has been grappling with this issue for some time and did change their thinking. She noted that a public hearing is not scheduled at this time.

Fon noted that they have been reviewing these applications and learning as they go along. He understands the concerns but does feel that there is a need for these systems for purposes of public infrastructure and is sure at some point there will be state mandates. Garrigan added that the Planning Board looks at the merits of every project including solar farms and cited the recent Old Hill Farm solar farm project that was approved. He noted that the facility looks different but doesn't look bad. He feels that an outright ban is short sighted and that instead they need to take into account safety, appearance, and local impacts. Fon also feels there is a disconnect between the battery energy storage systems and solar facilities as they are both different. Tegeder said that there is a lot of emphasis on clean and alternative energy and cited the closing of Indian Point. He added that the impacts with these type of facilities opposed to subdivisions and housing projects are that they are quiet and don't pollute; they also don't have the fire hazard issue as opposed to the battery

energy storage systems. The only requirement is to screen them to the greatest extent possible so as not to change a neighborhood and cause an eyesore. He noted that the approved solar projects will be more successful once the required screenings mature.

Tegeder said that they seem to cause trouble for some people as they are lumped in with the notion of an industrial use. He doesn't think it qualifies under commentation of an industrial use although it can be considered part of the electrical industry which they need.

Bock said that he understands that the Town Board responds to the citizens as part of their role as elected officials, however, the Planning Board's role is different. He thinks that from a planning perspective the proposed amendment is short sighted and poor planning for the future of Yorktown. He noted that all kinds of infrastructure are done with planning, foresight, long term commitment and benefit to the town. He added that upon reviewing solar applications they have worked through specific issues that can be dealt with such as screening and changing the setbacks. He noted that he does have a problem with large tracks of wooded areas being cleared for these installations. He feels that this is cutting out every opportunity for a solar facility and cited Wilkins Farm as an example where land is already cleared that could be used for this kind of use in a residential district that would now be unavailable under the proposed amendment. He also noted that solar would be unavailable to school districts for their parking areas. He feels that there is a whole host of residential areas that could be suitable for this use and thinks they can address those issues. For example, if the land is 80% open space then it would be acceptable to remove the remaining trees; if the land is 80% trees then it would not be acceptable. They can address these issues and make the law different.

Bock also thought that it should be a main use on commercial properties and not an accessory use. Tegeder said that the thought behind this was that to have a commercial property become a solar farm where most of the public life is spent may not be the right idea in terms of what those areas might be whereas in the residential zone it forestalls permanent development and you can hide it.

Garrigan said that with respect to Bock's comment about tree clearing and farms, if for example an existing farm hasn't been farmed in 50 years it would essentially become a forest so the reality of cutting down trees for any purpose may make sense as in this example it would be restoring the land back to what it was.

Lascala thought we should regulate the size of the area in a residential district to reduce the impacts. Fon felt if there were more tools to work with it would work better.

Councilwoman Siegel said that the Town Board was considering a floating zone concept which would operate in general like the overlay zone law with criteria. An application would be made to the Town Board for review and if it met the criteria it would then be referred to the Planning Board. She noted that it was presented as an option. Fon asked Cooper if he ever heard about a floating zone. Cooper said he hasn't seen a floating zone in this context for solar.

Tegeder informed the Board that the Planning Department will prepare a draft memo for review by the Board.

Meeting Closed

Upon a motion by Bill Lascala, and seconded by Aaron Bock, and with all those present voting "aye", the meeting closed at 8:58PM.