

Planning Board Meeting Minutes – May 5, 2025

A meeting of the Town of Yorktown Planning Board was held on Monday, May 5, 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

Also present were:

John Tegeder, Director of Planning
Robyn Steinberg, Planner
Ian Richey, Planning Assistant
Nancy Calicchia, Secretary
Councilman Sergio Esposito, Town Board Liaison
Christine Kager, Esq.

Correspondence

No comments.

Motion to Approve Meeting Minutes of April 21, 2025

Upon a motion by Aaron Bock, and seconded by Bill Lascala, and with all those present voting “aye”, the Board approved the meeting minutes of April 21, 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

Miraggio Restaurant

Discussion: Decision Statement
Location: 37.15-1-23; 90 Triangle Center
Contact: JMF Architects
Description: Request for a special use permit to construct a permanent, 114 seat, outdoor dining area.
Comments:

Jim Flandreau, Architect, was present. Fon asked the Board, Planning Department, and Counsel if there were any comments and there were none. Fon asked Flandreau if he received the draft resolution. Flandreau responded that he did and 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 special use permit for outdoor dining at Miraggio Restaurant.

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

Coulter Site Plan

Discussion: Site Plan
Location: 70.10-1-29.1 & 70.10-1-29.2; 648 & 644 Pines Bridge Road
Contact: John Alfonzetti, P.E.
Description: Proposed site plan for a single-family home on a 3.83-acre lot within the R1-80 zoning district. Applicant proposes to merge lots 1 and 2 of the 650 Pines Bridge Road subdivision approved by Planning Board Resolution #22-08 dated March 14, 2022.

Comments:

John Alfonzetti, project engineer, was present. Alfonzetti said that they are seeking to merge the two separate lots created from the approved subdivision. The applicant (Janie Coulter) is currently under contract to purchase the two lots and would then like to construct a one-level, 4-bedroom single-family home on the combined property. The applicant is waiting for an approval before closing and at that point will combine the lots.

Alfonzetti showed the plans to the Board; the current approval is for a 3-bedroom home with septic on the upper lot (lot #1); and a 5-bedroom home with septic on the lower lot (lot #2). The septic for the now proposed 4-bedroom home will be in the exact location of what was approved for the 5-bedroom system on lot 2.

Fon asked about the procedure. Tegeder thought they could prepare a resolution adopting and approving a map that shows the combined property that would then be filed with the county. Bock asked if the Board would need to see the plans once they were combined to a single lot. Tegeder said that if the Board wishes they could return for the individual site plan but typically no; they would need to file the improvement plan that is then overseen by the Building and Engineering Departments. The Board advised the applicant to work with the Planning Department.

Toll Brothers

Discussion: Site Plan

Location: 35.12-1-2 & 35.08-1-45; 2302 & 2448 Catherine Street

Contact: Zarin & Steinmetz

Description: Proposal to subdivide the 50.51-acre lot into two parcels (48.05-acre parcel and 2.46-acre parcel). The 48.05-acre parcel is then proposed to be developed with a 118-unit townhome active adult community with associated amenity clubhouse and pool, roads, utilities, stormwater management infrastructure, landscaping and related improvements. The smaller 2.46-acre parcel will remain with the existing Field Home building.

Comments:

David Cooper, Esq.; Jaelyn Cohen, Esq.; Kevney Moses of Toll Brothers, Inc.; Diego Villarealle and Paul Dumont, project engineers of JMC, were present. The proposal is for a minor subdivision; site plan for a 118-unit townhouse development; special permit for the senior citizen development; stormwater, tree and wetland permit. The original proposal was for 131-units but over the course of the SEQRA review with the Town Board and the Planning Board as an involved agency, the project was reduced to 118-units. Toll Brothers agreed to create a 14.3-acre conservation area; and subdivide the property to carve out a 2.46-acre lot to preserve the Field Home building. In December 2024, the Town Board served as Lead Agency and adopted a Negative Declaration for the rezoning of the site into the RSP-2 district. Subsequently, the town rezoned the site to the RSP-2 district.

Villarealle showed the existing conditions of the site; Catherine Street to the left, the central portion where the soccer field is located; and the Field Home parcel on the southern portion. The site is a little over 50-acres in size. The subdivision line for the 2.46-acre parcel is shown on the plans on the southern portion of the property. The subdivision plat was included in the site plan application that will ultimately be filed with the county land records once approved. The project is consistent with what has been presented to the Town Board and what was approved as part of the rezoning application; it has been advanced from an engineering standpoint to include all the necessary details. The driveway configuration remains the same; there are two points of access off of Catherine Street that navigates through the site and loops around. The curbing improvements along Catherine Street have been identified on the site plan as per the conditions of the resolution. The buildings consist of three and four packs each with their own garages, driveways, decks or patios. The topography and grading have taken a significant role on the site plan as it slopes down to the north and east. There is a wetland and wooded area off to the east side that is within the designated conservation area. They met with the Town Engineer and developed a full sanitary sewer and water system improvement plan. A full stormwater pollution and prevention plan was included in the submission that includes bio-retention basins, stormwater infiltration basins, and detention basins. A phasing plan was developed due to the size of the property; previously it was at 3 phases but has since been increased to 4 phases. The lighting and landscape plan was also included as part of the conditions of approval. The landscape plan consists of a significant number of plantings on the north side of the property to screen the trail, and provide plantings around the amenity areas. Additionally, landscaping is proposed throughout the development to supplement the areas in between buildings and open spaces. The tree removal calculations were provided and they have demonstrated how they will comply with various requirements.

Fon asked about the sewer and its capacity. Cooper responded that as part of the SEQRA process, Toll Brothers agreed to a \$170,500 contribution to the I&I (inflow and infiltration) mitigation in the sewer area. He noted that the added demand from their project is about 58,000 gallons whereas the I&I mitigation would take out 60,000 gallons so essentially it would be a one for one and they would gain a little more capacity. Fon asked if the funding was for future repairs of the system and Cooper said the system being installed on-site won't have the I&I, it would be off-site. The funding will help the existing neighborhoods that tie into the site.

Ciarcia said that the facility itself has adequate capacity to treat everything connected to it but it does encounter high flows during storm periods. They conducted an I&I study and identified the areas; there are two sub areas in Hunterbrook basically on the west side of Linette Court, everything else is on the east side. The I&I numbers show that the newer system (1990s) on the west side are higher; the older system (1960s) is on the east side. Because of this they need to identify where the leaks are so they awarded a contract to Cook for the sewer camera inspections and are prioritizing areas that are highly suspect and Toll Brothers will assist in mitigating this. Discussion followed.

Cooper said that during the SEQRA process they provided a fiscal analysis for the project that is projected to produce 1.017M in net revenue. The proposal is for a 55 and older housing facility so there will be no school age children. Toll Brothers is proposing to contribute \$150,000 to the town for the Hunterbrook soccer field upgrade; \$472,000 for the recreation fee; and \$55,000 to the volunteer ambulance corp. to help them purchase CPR machines for four of their vehicles. Additionally, the Field Home will be preserved and subdivided on its own parcel. They are proposing \$150,000 towards the maintenance of the Field Home while the town figures out the adaptive reuse for the building.

Bock noted that the materials use the phrase "targeting 55 and over" and asked what the legal framework is for age restricted communities in New York. Moses said that it was age-restricted and not age-targeted. The homes are age targeted towards the age-restriction meaning every unit would be offered with the master down floor plan. There would be no school age children. Bock asked if this restriction could be noted and Moses said yes.

Fon noted the traffic study and asked about the curbing on Catherine Street. Moses said that in coordination with various Boards and Departments they identified improvements on Catherine Street. The traffic study did not rise to additional meaningful outside improvements so what they are really doing is trying to better Catherine Street with re-curbing, re-setting of some catch basins; and installation of new riprap to alleviate any drainage concerns on Catherine Street as identified during the SEQRA process.

Bock asked how much in-depth do they need to review this again and how much do they rely on the environmental analysis that was already performed. Moses said that the SEQRA process was extremely in-depth in collaboration with the town staff and external agencies. The volume of record created was about 468 pages. He feels they could rely on that record with a great level of confidence as they process the application. Fon noted that it was very detailed.

Tegeder informed the Board that they are required to review the site plan according to the Town Code land use development chapter, tree, wetland, and stormwater chapters in accordance with NYS enabling this application. He doesn't think anything is closed except for some of the findings under the SEQRA process that may revolve around the scope and mitigation but in terms of the site plan layout, roads, etc. this all needs to be looked at under the code.

Fon asked about the next steps with respect to the subdivision and site plan. Tegeder said they may be able to approve the subdivision before the site plan but thinks they should look at the parameters of the subdivision with respect to its best layout of the development, siting of buildings, roads, etc. that could cause a little shift in property lines.

Cooper said that their approach was to review everything together as they go hand in hand. They are requesting for the public hearing to cover the subdivision, site plan, special permit, etc. all together. They believe that what the Board has before them addresses what is happening with the Field Home site and the development.

Fon asked about the on-site pedestrian movement with respect to sidewalks and paths. Moses said that he is licensed landscape architect and gave a background of sidewalks and how it relates to the real world in urban and suburban context. Toll Brothers have developments all over the country and a long history in Westchester County (NY) and Connecticut. He noted that their residents prefer to walk in the road reason being the HOAs; sidewalks become a maintenance burden and costly. If given that option, 9 times out of 10, the residents would prefer not to have them. Additionally, they would need to take in the suburban context with respect to the topography, and traffic speeds within the community which is very low and not many cars. There are also curb cuts that are adjacent to each other throughout

the site plan that would create an endless path of ups and down as they traverse these driveways and doesn't create a walking surface. For these reasons they are not proposing sidewalks.

Garrigan asked about the fire access for the bottom cul-de-sac. Moses said it was a fire compliant cul-de-sac. Garrigan noted that there was no way to get to that cul-de-sac from the Field Home lot; the only two entrances to the entire development are the curb cuts on Catherine Street which is a long run. Moses said they could look into providing an emergency access.

Fon asked Moses if he received the Tree Commission memo and he responded that he did.

Cooper said that they have had multiple public meetings and a four-hour public hearing with the Town Board during their SEQRA process. In terms of procedure, he asked the Board if they could move forward with a public hearing and waive the public informational hearing. They feel that the plan and mitigation details have been well vetted throughout the past few years that the purpose of the public informational hearing is done. Fon and Lascale seemed to have no issue. Tegeder said that he would need to look into this to see if a PIH is required.

Bock questioned if the subdivision had a hearing. Tegeder said it was always part of the proposal. Bock asked if the Town Board made any findings with respect to the subdivision. Cooper said that the subdivision was one of the actions that they reviewed; the issue from a substance perspective was what would happen with the Field Home building. Bock asked about public participation. Cooper said the entire proposal was before the Town Board and discussed. Fon asked if there was anyone in the audience this evening for this application and there were none.

Bock asked the Planning Department to identify any planning issues for the Board to review and Tegeder replied that they would provide a memo.

Moses asked when they could expect to hear back from the Planning Department with respect to the public informational hearing, next steps, and if they will receive a memo. Tegeder said that he will follow up with respect to the hearing and that they should expect to receive an initial memo from the Planning Department within 30 days or sooner.

ZBA Referral #15-25 - Lamp 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. Applicant is requesting a frontage variance from the Town Zoning Code, and from N.Y. Town Law Section 280-a.

Comments:

Jody Cross, Esq., was present. Cross stated that she is here as a follow-up to the previous meeting with respect to the question as to who was contacted internally by the state for the state variance. They since learned that Niel Collier, NY Department of State, reached out to both Jason Zeif and John Landi. She didn't think they heard back from Zeif but they did hear back from Landi in an email dated 3/24/25 stating that he had no problem with this application. At this point, she thinks that this is what the Board was waiting for and is hoping for an official referral to the ZBA as they are scheduled for the May 22nd agenda. Bock thought they were looking for something from the Fire Commission and questioned if the Building Department was sufficient. Tegeder said that they left off their discussion with who they spoke with because the variance approval cited that they spoke to someone in the town and they wanted to get this information into the record. He added that they have a number of memos from the Fire Commission, etc. This passed the state so that they can vary it from the code. Tegeder added that they are going to the ZBA to allow for the frontage requirements under the town code as well as from the town law section 280-a only as they already received the state variance for the access width. Fon asked the Board and Counsel if there were any issues and there were none. Tegeder said that the Planning Department will prepare a memo for the ZBA.

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:

Tegeder informed the Board that a draft memo based on their discussions was included in their packet for review and approval to release to the Town Board. Fon noted that Reardon provided comments via email. Fon asked the Board,

Planning Department, and Counsel if there were any issues with the draft memo and there were none. The Board approved the memo for release 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:

A draft memo based on the Board's discussions was included in the meeting packet for review and approval to release to the Town Board. Bock thought that the environmental analysis for both the battery storage systems and solar facilities are fairly limited as they only talk about the Town of Yorktown; it doesn't talk about the energy needs that are identified for the state. He questioned if they met their obligations to this and was wondering if this was an issue they should think about as there was discussion amongst the Board with respect to future needs. Fon wasn't sure about future technology. Councilman Esposito noted that he heard there is new technology coming out with a type of nuclear plant that is smaller, more efficient, and with less waste.

Esposito said that he reviewed the prior meeting video and heard the comments and hopes that their memo incorporates facts. He is aware that there were opinions with respect to the Town Board's review by the Planning Board and attorney David Cooper of Zarin and Steinmetz. He felt some of the comments were unprofessional and inaccurate.

Esposito noted that battery energy storage systems are getting banned pretty much everywhere around them. He also thought that there was some incorrect information with respect to the solar where the energy they would be producing here ends up in the grid and how that energy is going to lower costs here. He noted that he and the Town Board haven't made any decisions as they are waiting to hear from the public. He added that there were comments made that they already made a decision which is not the case.

Lascala had concerns with the battery storage facilities near residences and the fire hazard. Fon noted that from what he has learned these facilities are improving quickly; the issue is that these applications came in fast and furious and the state has imposed a 2030 state mandate. He added that the Town Board is rightly reviewing the code and feels there needs to be a balance. He thought that if the applications are vetted correctly they can be done. Garrigan added that to Lascala's point, a Tier 2 battery storage system may not be appropriate in a residential area.

Bock stated that he stands by the memos that were drafted. Garrigan noted that they look at every project on its own merits and challenges. He feels that there may be a place and need for these type of facilities if done responsibly and also stands by their memos. Fon added that he stands by the memos as well and read each memo so the contents could be heard for the record. The Board agreed to take a vote.

Rob Garrigan made a motion to approve and release the memo to the Town Board, seconded by Aaron Bock, with the Board members voting as follows:

Rob Garrigan voted "aye"; Rich Fon voted "aye"; Aaron Bock voted "aye"; and Bill Lascala voted "nay"

The majority ruled and the memo will be released to the Town Board.

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:

Tegeder informed the Board that a draft memo based on their discussions was included in their packet for review and approval to release to the Town Board. The Board agreed to take a vote.

Aaron Bock made a motion to approve and release the memo to the Town Board, seconded by Rich Fon, with the Board members voting as follows:

Aaron Bock voted "aye"; Rich Fon voted "aye"; Rob Garrigan voted "aye"; and Bill Lascala voted "nay"

The majority ruled and the memo will be released to the Town 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 8:07PM.