

Planning Board Meeting Minutes – August 11, 2025

A meeting of the Town of Yorktown Planning Board was held on Monday, August 11, 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:

Bill Lascala

Judy Reardon, Alternate

Also present were:

John Tegeder, Director of Planning

Robyn Steinberg, Planner

Ian Richey, Planning Assistant

Nancy Calicchia, Secretary

Katie Krahulik, Esq., and George Burns, Esq. of Bleakley Platt & Schmidt, LLP

Councilman Sergio Esposito, Town Board Liaison

Correspondence

385 Kear Street; 37.18-2-86 - Reardon asked about the correspondence with respect to the condensers. Tegeder said that they are waiting for the applicant to submit an amended site plan application. Councilman Esposito said that it should be tentative for the next Board meeting.

Motion to Approve Meeting Minutes of July 14, 2025

Upon a motion by Bill Lascala, and seconded by Judy Reardon, and with all those present voting “aye”, the Board approved the meeting minutes of July 14, 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

Lowe’s Home Improvement

Discussion: Public Hearing

Location: 26.18-1-19; 3200 Crompond Road

Contact: Powerflex

Description: Proposed 754 Kw-DC / 560 kW-AC rooftop solar array on the existing Lowe’s building.

Comments:

Upon a motion by Bill Lascala, and seconded by Judy Reardon, and with all those present voting “aye”, the Board opened the Public Hearing.

Alexandra Wineholt and Natalie Wall, of Powerflex, were present. Wall said that the proposal is for a 754 Kw-DC rooftop solar array on the existing Lowes building that would exclusively offset Lowe’s existing energy load.

Fon said that the application has been before the Board a few times for review and noted that this is the type of solar project that they want to see.

Fon asked the public if there were any comments and there were none.

Fon asked the Board, Planning Department, and Counsel if there were any comments and there were none.

Upon a motion by Bill Lascala, and seconded by Judy Reardon, and with all those present voting “aye”, the Board closed the Public Hearing.

Upon a motion by Bill Lascala, and seconded by Judy Reardon, and with all those present voting “aye”, the Board approved the resolution approving a special use permit for a large-scale solar power generation system at Lowe’s Home Improvement.

Poggioreale

Discussion: Adjourned Public Hearing

Location: 26.20-2-3; 2829 Crompond Road

Contact: Vincent & Christina Poggioreale

Description: Proposed 4,000SF two-story day care/ preschool on a 33,403SF lot in the R1-80 zone.

Comments:

Steve Marino, Principal of Tim Miller Associates; Alan Sorkin, Project Engineer; and Vincent and Christina Poggioreale, property owners were present. Miller said they are present this evening for continuation of the adjourned public hearing. The proposal is for the construction of a 2,000SF addition to the existing building at 2829 Crompond Road with 19 parking spaces for use as a daycare center. The proposed daycare center is a relocation of an already existing center in Yorktown. The plans were reviewed by the town's traffic and wetland consultants. There is a wetland off-site to the south that will need a DEC permit. They need to go back to the DOT to confirm the relocation of the curb cut on Crompond Road.

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

1. Douglas Buschel, 2018 Crompond Road – Buschel submitted a letter to the Board dated 8/11/2025 with his concerns for the record. Buschel has no objection to the proposed daycare center itself; his concern has to do with the impact on the existing traffic conditions along this section of Crompond Road and the nearby residential streets. There was discussion at the last meeting about limiting turns to right turns in and out of the property only. He didn't hear anything about left turns onto the property (westbound on 202 towards 132 and the Taconic) and questioned if this will be permitted? From his observation, allowing left turns will result in stalled traffic as drivers wait for an opening to cross oncoming eastbound traffic. He also added that drivers become impatient and frequently circle the block using Locksley Road and /or Flagg Place to 132 where they will then have to make a left onto Route 132. Locksley Road is already congested with the drop-off and pick-up of the school children. He feels that the result of the additional traffic will also add to the noise and pollution. He is concerned that those restricted to a right turn out of the property but wish to head back toward the Taconic Parkway will have to turn left onto Flagg Place or go up to Springhurst Street at the entrance to the High School to turn left and then to Locksley and 132 in order to continue on 202 toward the Taconic. He is not sure if there was consideration for the additional traffic. He looked at the site plan for the daycare center and is concerned about congestion and possible back-up during drop-off and pick-up. He hopes that the traffic issues can be adequately addressed.

Marino responded that they are currently proposing a right turn in and out only; there will be no left turns in and out of the site. As they go through the DOT process they will ensure there is appropriate signage. With respect to the site plan, he noted that the drop-off/pick-off schedule is staggered throughout the day. Buschel asked if the DOT will prohibit left turns onto the property. Marino responded that the DOT had no objection to the left turn based on the traffic within the area but will leave it up to the Planning Board. As stated earlier, currently their proposal is right turn in and out only with no left turns. Sorkin noted that the Transpo traffic study dated June 2025 notes that restricting left turns will result in rerouting of traffic onto Flagg Place, Locksley Road, and Old Yorktown Road followed by a right turn from Old Yorktown Road onto Crompond Road but the increasing traffic should only be one more car every four to five minutes. Buschel said he was doubtful of the study as he sees the traffic and Locksley Road is already used as a cut through. He added that Flagg Place is a small residential street with a bus stop at the end; more traffic to this street would be hazardous in his mind.

2. Catherine Feder, 2594 Old Yorktown Road – Feder was concerned about the potential for re-routing if left turns are prohibited. She also asked if there was a guarantee prohibiting a left turn such as a barricade or curve on the property. She added that there is the potential to turn left into the tennis courts at Downing Park so that they can then make a left turn out and feels that this all needs to be thought out. She asked if there were any accident reports; she thinks there have been at least 20 accidents in the last 5 or 10 years. She understands that the drop-off/pick-up schedule will be staggered but noted that this will now be coupled with commuters to work as well as the intense school traffic. She feels that 202 is a crazy intersection and is concerned about their quality of life. She is not against the daycare center itself just not in this location. If this site plan is approved, she would like an enforcement guarantee prohibiting left turns. She noted that it was mentioned earlier that the new building is 2,000SF but it is actually 4,000SF; the footprint is 2,000SF. She feels that this will impact the neighboring property's view as there will be two levels. She also has concerns about the creek.

Fon said that the only guarantee for traffic enforcement would be the town's Police Department. He noted that it is a NYS roadway and are generally designed for this type of traffic.

Fon asked the applicant to review their operating plan. Christina Poggioreale said she submitted an operating plan that discussed the drop-off/pick-up procedure to the Board a while back. She never has more than two to three families dropping off at any given time in both the morning and evening. She noted that she is aware that the Board received correspondence from their Little Learner families stating this. Her daycare center is a small family run business that has been in business for more than 12 years and is currently located a mile and a half down the road (3565 Crompond Road in the Parkside Corners center). Christina Poggioreale said she understood the traffic concerns as she currently lives and raised her children in Yorktown but unfortunately no matter where they are, 202 is faced with traffic. She noted that her families are passing the same area to get to their current location.

Buschel noted that their current location in Parkside Corners allows left turns in and out. There is an extra lane for making left turns into the parking lot that avoids blocking traffic from 202. He doesn't feel it's the same.

3. Stephanie Reilly-Casey, Cortlandt Manor – Reilly-Casey submitted a support letter dated 7/16/2025 to the Board for the record. Reilly-Casey read her letter to the Board and the public. She and her husband have both dedicated their lives to public service and community protection. Her husband is in law enforcement for 14 years and she is an Assistant District Attorney at the Bronx DA's office currently working in the human trafficking unit. They currently have their daughter enrolled in Little Learners. When choosing a daycare center, they weren't just choosing a provider, they were choosing an extension of their family and a place that offered not only safety and structure but also love, warmth and a sense of community. She added that schools have set start and end times but daycares are completely different. With respect to the traffic, 202 is a main artery in their community and no matter what time of day it is always congested. She added that currently they cannot make a left turn into the existing daycare location during rush hour so they make a right and take the back roads. She noted that all the parents leave in the same direction and she has never seen more than one other family at drop-off and pick-up. She feels that the Police Department could put measures into place with respect to the road safety and congestion. She added that high quality infant care is not a luxury it is an essential and approving this site means more families could have what she has – peace of mind, stability and the best possible start for their children. She urged the Board to approve the proposed preschool center at 2829 Crompond Road. By doing so it will allow Little Learners to continue to serve and strengthen the community.
4. Catherine Feder, 2594 Old Yorktown Road – Feder reiterated that daycare centers are valuable but feels that this location is not a commercial hub and very different from where they are currently located. This is a residential area with no commercial buildings around them and feels that their quality of life will be affected.
5. Stacey Lanier, 2819 Hedge Street – Lanier submitted a support letter dated 8/1/2025 to the Board for the record. Lanier said that she is a teacher in the Katonah-Lewisboro school district and her daughter is currently enrolled at Little Learners. She strongly encouraged the Board to approve the application for the daycare center to allow them to do what they do best which is to nurture and care for their children. She feels 100% at ease with her child at Little Learners. She added that in terms of drop-off and pick-up, there is usually one other parent there and it moves quickly. She doesn't see a problem with congestion and noted that she expects to hit school traffic on 202 and plans for it. With respect to enforcement of the left hand turn she thought that this would be on the parents in prioritizing their children's safety and adhering to signage. She will make the right in and right out. She added that this is not a commercial business or large institutionalized daycare center rather it is a small local family-run business. It is nice to support this type of business. She hopes the Board will allow them the opportunity to build this new center.

There were no other public comments.

Fon said that the Planning Board performed a site visit with the applicant and that the application has been under review for some time. Once the hearing is closed there is still work to be done; the application will then move into the Work Session for further review. He noted that the Board received correspondence both in favor and opposition of the application. He is confident in the Police Department's ability to do their work and does understand there is congestion on 202. He noted for clarity purposes that the Planning Board is in charge of reviewing and approving the site plan; the Zoning Board of Appeals will review and approve the special use permit application.

Fon asked the Board, Planning Department, and Counsel if there were any comments and there were none. Fon advised the applicant to work with the Planning Department.

Upon a motion by Bill Lascalea, and seconded by Judy Reardon, and with all those present voting "aye", the Board closed the adjourned Public Hearing.

Toll Brothers

Discussion: Public Hearing
Location: 35.12-1-2 & 35.08-1-45; 2302 & 2448 Catherine Street
Contact: Zarin & Steinmetz, LLP
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:

Upon a motion by Bill Lascala, and seconded by Judy Reardon, and with all those present voting “aye”, the Board opened the Public Hearing.

David Cooper, Esq.; Kevney Moses of Toll Brothers, LLC; Paul Dumont, Project Engineer and Lucille Munz, Senior Landscape Architect of JMC, were present. Cooper said he is representing Toll Brothers, the contract vendee, on the 50.51-acre parcel and are here this evening for a public hearing. The applicant is proposing to redevelop the site with a 118-unit townhome active adult community with associated amenities. They are before the Board seeking site plan, special permit, minor subdivision, tree and wetland approval. The site plan has already gone through SEQRA and several public hearings with the Town Board as well as a Public Informational Hearing with the Planning Board.

Dumont said that the plans were revised based on comments received from the Planning Department and Conservation Board with respect to the drainage basin located to the east of the property. This is the basin that straddles the two wetlands. This basin has been shifted over 40ft between the intermittent watercourse and the wetlands to the east placing it in the middle of the two buffers. The grading and retaining wall previously required for this basin have been eliminated as a result of the relocation. The proposed wetland mitigation plan was prepared for this area. They are required to mitigate on a one to one ratio so they are proposing a number of plantings.

Munz reviewed the mitigation plan with the Board. Once the basin was shifted, they recalibrated the perimeter landscaping (trees primarily) and then added different seed mixes that are lined with the different aspects of the basin (steep slope stabilization mix that consists of native plant material, mix of grasses and perennials; and a wetland bottom mix). This will work with the specific environmental conditions that are required or exist after the basin is constructed. Tegeder asked if this was part of the mitigation and the response was yes. Dumont said that they received the Barton & Loguidice (town’s environmental consultant) memo dated 8/8/2025 and will address their comments shortly. Tegeder asked if the mitigation proposed was more than the one to one ratio. Dumont said that he thought they were slightly above it based on their calculations. Tegeder asked if it was pursuant to wetland intrusion only or wetland and buffer intrusion and if there was a breakdown. Dumont said it was only for the wetland buffer. Tegeder noted that one of the sheets talks about invasive removal and asked for an explanation of where this is to be done and if it was extra to the areas where they are performing their mitigation and extra to the areas of buffer impact. Dumont said that B&L commented that they needed to address and identify this better on the plan. The idea is to focus the invasive removals in the area of the wetland work and buffer disturbance. Tegeder asked if there was any improvement to the wetland area to the east and Dumont said no.

Fon noted that they just received correspondence this evening from the Office of the New York State Watershed Inspector General (WIG) dated 8/11/2025.

Fon asked the applicant if they received the Beardsley report dated 8/6/2025 (Workshop #1) with respect to the Field Home reuse. Fon thought that there was a consensus for moving the subdivision lot line. Moses said that they just recently received the report and felt that the proposed alternative is fanciful and aspirational but hasn’t been market tested. Whether or not a hotel is something that the town wants on Catherine Street or if the market will absorb this has yet to be seen. He added that they need to absorb the proposed lot line change from a zoning perspective; it also raises marketing concerns for them as they are proposing to move the lot line closer to the townhomes diminishing their buffer. The sketch shows an access way that straddles the property line. As proposed, part of the access way is on their property and part on the Field Home property. Moses said that moving the property line is something they could consider but noted that this would represent a voluntary land contribution on behalf of Toll Brothers and would have value. They are open to discussing this but they have marketing concerns are are hoping there is some sort of compromise. Reardon asked

about what the bungalows would be used for in option #6 of the Beardsley report. Tegeder said that they are proposed as potential additional road count for the heritage/boutique hotel.

Fon asked Tegeder to give a background on the process for the Field Home adaptive reuse. Tegeder said that the Field Home foundation has gone through several different iterations of site plans over the years. At one point there was an approval for an independent living facility consisting of one building with about 130 units near the Field Home building; the property at that time was zoned RSP-3. The last approval included the preservation and reuse of the Field Home building. At the outset of the Toll Brothers project there was discussion early on about the building's preservation and that this was a desire of the town. This is in the comprehensive plan and the reconnaissance survey as a historic resource. Toll Brothers took this into account and said they did not want to be involved in a preservation project for this property and proposed to subdivide the property and transfer it to the town for a nominal fee with a \$150,000 payment towards its maintenance. Over the last few years, they have been working at the Town Board level to rezone the property from RSP-3 to RSP-2 that was ultimately rezoned. The Field Home adaptive reuse was part of that entire review process. The applicant also hired their own historic consultant that provided an adaptive reuse study showing ideas of what could happen. Nearing the approval of the rezone, the town embarked on looking for consultants to figure out what could be done with the building to entice a developer. They did an RFP and received at least 3 proposals with Beardsley being the most complete with direction and financial projections. Beardsley was ultimately hired and they have been working on this project since June; they recently received the first draft of the report showing what they think is needed in order to make this potential heritage/boutique hotel work in an optimal condition while still respecting the needs of the Toll Brothers project. This was their first task and they are sensitive to the timeframe of the Toll Brothers project. The report was recently received and sent out via email with paper copies this evening. Fon asked about the age of the structure. Tegeder said that the first part of the building is 1800s and that the proposal is representative of the existing conditions. Cooper said that Beardsley didn't reach out to them in order to coordinate whether or not the proposal would marry with the Toll Brothers project currently before the Planning Board. The architect's drawings show the extension of the line which is new information to them. He added that they need to determine if moving the lot line is feasible and viable and whether it can be achieved with their project. The proposal before the Planning Board currently shows the original subdivision line. Fon said that they appreciate this and understand that land has value. Fon noted that part of the proposal showed the potential for an emergency access for first responders. Moses said they needed more time to absorb the report and will comment back.

Fon asked Tegeder about the application procedure for the record. Tegeder said that this application was in front of the Town Board for a requested rezone. He noted that when they have an applicant requested rezone there has to be some data given in order to make a determination on whether the rezone makes sense for the town that includes conceptual plans, site plans, and any other parameters pertinent to their decision process which was done. During the Town Board's SEQRA process, the application was referred out to all involved agencies for feedback. The Planning Board reviewed this application during that process as an involved agency. Once the rezone was approved, the application then moved on to the Planning Board for site plan review and approval. Fon asked about potential sidewalks and paths on the site and if this is something they should bring up during their review. Tegeder said that along with the wetland and tree mitigation, the pedestrian access and movement is pertinent to the site planning review process.

Tegeder noted that Beardsley included a schedule in their data for a potential meeting with Toll Brothers. Cooper said that they look forward to scheduling a meeting and noted that whatever is proposed needs to comport with their proposal. Cooper respectfully requested for the Board to consider closing the hearing this evening and go through the technical comments received during the work sessions. Reardon objected to closing the hearing this evening. Lascala felt they could close the hearing and work through the details during the work sessions. Moses said that there really wasn't any public participation during the PIH and didn't think there would be much if any this evening. Counsel said that the Board can adjourn the hearing if they felt they needed more time to digest the information. Tegeder informed the Board that they are now looking at the site planning issues that were not looked at in depth earlier that include the wetland and tree mitigation, access, and subdivision. The Board needs to build their own record to support their site plan decision.

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

1. Councilwoman Susan Siegel – Siegel said her comments are as a member of the Town Board but not as a representative of the Town Board. With respect to the Field Home building, this is the first time she has heard about the Beardsley report and feels that the Town Board needs to look at it. She noted that Tegeder was correct in that

they received three proposals and was disappointed that it took so long to advertise for the RFP as some of this information could have been available sooner to work on. She noted that the Town Board is not committed to a hotel; it was a proposal that was submitted and they then asked for more information. Her position is that they have to look at the feasibility. It may not be feasible from a market position. She thinks that the Planning Board should keep the hearing open as they need to hear back from the Town Board on the reuse. This will also involve the subdivision lot line and site plan as they are all related. She also feels that the WIG letter should be referred to Barton & Loguidice to identify the steep slope issue.

There were no other public comments.

Tegeder noted that the Beardsley report was the first step in the process and was submitted last Wednesday for a staff level discussion. Beardsley provided a schedule and it is not far out of alignment with what they heard from Toll Brothers. Reardon asked about the analysis received by the consultant and if there were any financial numbers in terms of renovation and uses for the building. Tegeder said that the Beardsley response included financial data with respect to potential renovation and operational costs of a boutique hotel, number of rooms to yield a certain cash flow, etc. He will provide the document to the Board members. Reardon asked who technically owned the Field Home building currently. Tegeder said it was owned by Field Home currently, they are the contract vendee. The proposal as part of the rezoning is to hand it over at some point and is reflected in their resolution.

Moses said that Siegel's comment to have B&L review the WIG letter is creating a third level of review beyond the DEP and is odd to him. He feels that the idea or suggestion that the jurisdictional organization who has control of approving or denying the stormwater aspects of this project, being the DEP, is either feckless or inept. They are the jurisdictional agency that reviews and approves all stormwater aspects of this project. Tegeder noted that there is a third level of review which is the Planning Board. Moses agreed but noted that WIG is a jurisdictional advisory agency whose scope of review is entirely duplicative of the DEP. Their comments are topical in nature and will be responded to. Ultimately their charge is to obtain DEP approval which is their team's focus and is well underway; they recently made a second submission to the DEP.

Cooper said that he reviewed the WIG comments and noted that there were only one or two comments with respect to the steep slopes. He added that this issue was raised and vetted during the SEQRA review process and was incorporated into the Negative Declaration which determined that there would be no significant adverse environmental impacts associated with disturbance on the slopes on this property - that hasn't changed. Just because WIG submitted a letter changing the date and wording doesn't make it a whole new issue before this Board or anybody else. Cooper added that emotions run high when they receive letters like this because it makes it look as if there is all this stuff that they haven't covered so he could see why the applicant is fired up. They spent a lot of time and resources answering those questions in the first instance and doesn't want this Board to come away with the feeling that this is something new and hasn't been looked at.

Cooper said that from a procedure perspective they would like to see the process moving forward. They are asking to close the public hearing and proceed on a work session level as done with the applicant before them.

Fon said that the Board understands the amount of work put in by the applicant but with the potential change to the subdivision line along with other comments, he would be more comfortable adjourning the hearing at this time. Fon advised the applicant to work with the Planning Department.

Upon a motion by Judy Reardon, and seconded by Rich Fon, who both voted "aye", with the exception of Bill Lascala who voted "nay", the Board adjourned the Public Hearing.

BJ's Wholesale Club, Inc.

Discussion: Special Use Permit Renewal

Location: 36.06-2-75; 3315 Crompond Road

Contact: Graham Luce

Description: Request for renewal of a special use permit for outdoor display and sales originally approved by Planning Board Resolution #10-13 dated July 12, 2010 and reapproved by Planning Board Resolutions #15-09 dated August 10, 2015 and #20-15 dated September 4, 2020.

Comments:

No representative was present. The application will be adjourned to the next meeting agenda.

Coulter Site Plan

Discussion: Site Plan
Location: 70.10-1-29.1 & 70.10-1-29.2; 648 & 644 Pines Bridge Road
Contact: MGM Burbon, LLC
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. The proposal was last before the Board on 5/5/2025. At that time, the applicant (Janie Coulter) was under contract to purchase the two lots in the approved subdivision and was then proposing to merge the two lots into one lot to construct a single-family residence for herself. During that meeting, they received positive feedback from the Board so Coulter went ahead and purchased the property. They are here this evening to complete the merger process. They submitted an amended plat and amended site plan to the Planning Department on 8/1/25.

Fon asked Tegeder about the procedure. Tegeder noted that the subdivision was approved a few years ago. The lot merge will consist of approving and filing an amended plat and approving the amended site plan. He added that the impacts are now reduced with one less lot so they see no issues. Procedurally, the Board could vote on it this evening as there is a retraction of the associated impacts. The Negative Declaration is already associated with the original SEQRA process.

Fon asked the Board if there were any comments and there were none. Fon asked the applicant if he reviewed the draft resolution. Alfonzetti said he did and had no comments.

Upon a motion by Bill Lascala, and seconded by Judy Reardon, and with all those present voting “aye”, the Board approved the resolution approving a subdivision plat, stormwater pollution prevention plan permit, and tree permit for the Coulter Site Plan.

Bartosch Subdivision Lot 2

Discussion: Request for a first one-year time extension
Location: 59.10-2-10; 520 Vine Road
Contact: Site Design Consultants
Description: Approved site plan by Planning Board Resolution #24-16 dated August 12, 2024 for Lot 2 of the Bartosch minor subdivision.

Comments:

Joseph Riina, Principal of Site Design Consultants, was present. The applicant is requesting a first one-year time extension. Fon asked the Board, Planning Department, and Counsel if there were any comments and there were none.

Upon a motion by Judy Reardon, and seconded by Bill Lasala, and with all those present voting “aye”, the Board approved the first one-year time extension.

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

AMS Yorktown Active Adult Community

Discussion: Site plan
Location: 5.19-1-15; 800 East Main Street
Contact: DelBello Donnellan Weingarten Wise & Wiederkehr, LLP
Description: Proposed redevelopment of a 35.53-acre parcel with 180 dwelling units in two 4-story buildings consisting of 60 one-bedroom units and 120 two-bedroom units. The property was rezoned from OB to RSP-2 by a Town Board Resolution dated May 13, 2025.

Comments:

Anne E. Klein, Esq., Peter Feroe, Vice President of AKRF; Joseph Riina, Project Engineer and Allison Marino of Site Design Consultants; and Michael Beattie of AKRF, Planning and Transportation Services, were present.

Klein said that she is present on behalf of AMS Yorktown. Since they were last before the Board, the plans have been modified as a result of comments received. Additionally, their traffic consultant is present this evening to provide an overview of the traffic mitigation plan. Klein respectfully requested for the Board to consider scheduling a public hearing for the September meeting.

Riina said that they made a submission to the Planning Department on 7/30/2025 that included a response letter, revised site plan, landscape plan, and updated SWPPP. The plans were revised to address comments received from the Fire Commission, Planning Department, and Building Department. Some of the changes made were a result of the memo received from the Fire Commission. Subsequent to this, they met with the Lake Mohegan Fire Chief and Fire Commissioner last week which led to other changes that will be reflected in their next submission. The plans were revised to include the vehicle turning paths for the biggest ladder truck at the Lake Mohegan firehouse along with access lane locations. The center aisle median previously proposed at the entryway has now been eliminated; all access lanes are a minimum of 24ft wide which is comparable to a town road. The north parking lot was reconfigured to provide an access lane for the fire apparatus. They need to provide a setup area for the ladder truck which by code requires an area of 26ft wide by 50ft long; and the truck has to be no closer than 15ft from the building and no more than 30ft from the building. In order to do this, the parking area close to the north side of the building was shifted over 7ft to meet the dimensional requirements. As a result, the landscape aisle in between those parking spaces was widened. Additionally, the parking lot to the east has also been reconfigured to provide access for the ladder truck. There will also be access to the courtyard area to allow for equipment from the vehicles parked there as well as the south and west sides. Based on their recent meeting, they have identified where the fire connections will be on the building and relocated a few hydrants for direct access. The site currently meets the requirements of the Fire Commission. Other changes include the rotation of the tennis court to work better with the grade; regrading the existing stormwater ponds; and updating the landscape plan to include the tree mitigation and retaining wall and fence details. Per the Planning Department's comments, they provided details and catalog cuts for the proposed lighting on sheet C-205; site signage detail on sheet SD-1 of the landscape plan; details for the retaining walls above and below the tennis court on sheet C-202; and details for the fencing surrounding the pickleball and tennis courts on sheets SD-2 of the landscape plan.

Fon said that it seems all the comments have been responded to and noted that the Building Department comments were fire related and addressed. Fon thought they could move towards a public hearing. Tegeder said that there are still some items to work through as done with the previous application but felt they could move forward.

Feroe said that they will review what was studied in the DEIS and the Town Board's decision in their statement of findings with respect to the traffic mitigation. For background purposes, the process was started in 2022 with a petition for rezone that was ultimately approved in May of 2025. During the SEQRA review process with the Town Board, the project was reduced in size and scope from 250 units to 180 units and is now within the footprint of the existing disturbed areas of the site.

Beattie gave an overview of the traffic study and proposed mitigation to the Board. The traffic study was built with a combination of existing traffic that was grown into the future. The study incorporates their original proposal of 250 units. Additionally, four projects in particular were added to their traffic study that includes 3000 Navajo Street, Roc Shrub Oak, 670 E. Main Street, and The Links at Valley Fields. Using the original proposal of 250 units, the number of trips generated in the PM at its highest was 128 vehicles in and out. For comparison, if the building today was used as an office space the trips are generally in the same realm but with the current plan the trips will drop further. Currently, the East Main Street intersection is known as a poor failing intersection without these projects. Without the proposed mitigation, it will continue to be an unsafe intersection especially in the PM eastbound to East Main Street. The crash history doesn't show a large crash trend. The side streets navigate 5 lanes of conflicting traffic with a significant cut through route to Mahopac and Carmel. The AM/PM peak hours for the existing conditions were reviewed. A traffic model (Vissim) which is a simulation that is used and accepted by the DOT to analyze traffic was shared with the Board. They showed the future without the project (no build) in the PM peak hour. They went to the intersection and broke down the volume on what they could experience in the future with their focus in the PM peak hour which shows existing at about 3,500 vehicles past the intersection at the peak hour, background growth at about 100 vehicles, background development at about 243. With their project of the original 250 unit count it shows 122 trips so they aren't adding much to the intersection compared to existing traffic, only 3%. They looked at a few traffic improvement options with the DOT that included building a driveway off the Taconic as opposed to using Route 6 but this led to physical constraints

due to the grade and operational impacts that the DOT was not in favor of. They also looked at a two-lane round-about based on the daily trips but this would consist of a right-of-way impact and realignment of Route 6 and East Main Street so this was also dismissed given the impacts of trying to fit this into that space. As mitigation, the applicant is proposing clustered signalization for the intersection. This will allow a protected eastbound left turn and side street approaches. It will also coordinate with signals at the Taconic Parkway and Lee Boulevard which will maintain platoon vehicles and queues from backing up to the Taconic or Lee Blvd. The level of service will improve the existing conditions to a D or better. The simulations with the proposed signalization at peak hour was shown to the Board.

Reardon asked if they were proposing to have a light for people to turn left and then extend that left lane going up to Lee Blvd and have those lights timed. Beattie said this was correct and explained the signalization proposal. There will be one system in place for the timing and coordination of the traffic lights to keep the platoon of vehicles together. Discussion followed with respect to the proposed mitigation and traffic flow. Reardon asked if the Navajo Street proposal was included in their study and Feroe said it was.

Reardon said that she recalls discussion about sidewalks not being built because they weren't ADA accessible and asked if this could still be done to provide active adults to walk down the hill to access the supermarket, etc. Feroe said that there was discussion about sidewalks from the bottom of the driveway up to the main buildings that would not be ADA accessible due to the slope. He noted that there is no sidewalk connection that would be feasible plus there is no sidewalk at the bottom. There was discussion about this being too much and that they would look at the feasibility of what could be done in the area that they are touching at the East Main Street intersection during the DOT permitting process. Tegeder noted that although the DOT will provide input, it was also discussed in the resolution and negative declaration that the sidewalks would be looked at during their site plan review. Fon noted that part of the struggle for this sidewalk is the grading and hill. Tegeder said he didn't think it would qualify as ADA accessible but doesn't preclude them from reviewing it however there is something to be said for the grade. Feroe added that the tree mitigation and narrative will be provided in their next submission for the Board's review.

The Board agreed to schedule a public hearing for the September 8th meeting.

Envirogreen Associates

Discussion: Amended Site Plan
Location: 15.16-1-30 & 31; 1833 & 1875 East Main Street
Contact: Site Design Consultants
Description: Proposed amendments to approved site plan by Planning Board Resolution #25-04 dated February 24, 2025. Applicant is proposing to relocate air-conditioning condenser units from roof to ground-mounted locations behind each of the retail units. Additionally, Dunkin Donuts proposes outdoor refrigeration/freezer units behind the store. Aluminum fencing will be used as screening.

Comments.

Joseph Riina, Principal of Site Design Consultants; and Rick Cipriani, property owner, were present. Riina said that the applicant is seeking to amend the approved site plan to relocate the air conditioning condensor units from the roof to a ground mounted location behind each of the retail units for the two buildings. Additionally, the applicant's tenant, Dunkin Donuts, require two condensor units that supply the walk-in freezer and refrigeration unit at the back of the store. The units are proposed to be screened with an aluminum fence with horizontal slats and access gate. The units are proposed to be located to the rear of the building and won't be visible from the road but the fencing will be visible from the drive-thru; details for the fencing was provided in their submission. Cipriani said that he also submitted an explanation to the Planning Department for this request and noted that the change is due to an issue with the structure as well as maintenance. Cipriani also added that at the time of approval he wasn't aware that Dunkin Donuts would need the additional condensers for the refrigeration unit.

Tegeder asked if there was a tenant for the other building and Cipriani said there wasn't as yet. Tegeder asked if they could create an alcove in that building for the units. Cipriani said that it is already built and would be an issue. Tegeder asked if they were proposing to place the equipment on the sidewalk behind the building. Cipriani said yes and noted that it is an 8ft sidewalk and the units will be screened. Tegeder asked if a person was able to move around on the sidewalk without having to step off the curb. Cipriani said there was enough room. Riina said that other than servicing the back building, he didn't think there would be much pedestrian use. Tegeder agreed and didn't think the average

pedestrian would be walking back there but noted that there will be employees moving in and out. The more they can stay on the sidewalk, the better. Riina said they have about 8ft and didn't see it taking more than 5ft. Tegeder asked for the applicant to provide catalog cuts and a partial plan to hone in on the clearance for each unit along with screening fence details. Riina said they could supply this and noted that the fence details were included in the submission.

Fon noted that the Board is consistent with the screening and location of mechanicals and have pushed for roof mounted placements. He appreciated that the applicant came in this evening to request consideration for an amendment to the plan and cited another application (Kear Street) that did not do so. He also noted that they received photos of the neighboring property that mounted their condensers on the ground.

Fon thought that more details are required and that bollards may be necessary. Cipriani said he would work with the Board to do whatever was necessary. Cipriani thought that maybe they could make the sidewalk larger. Tegeder asked if the siding was hardiboard and the answer was yes. Riina added that he didn't see the refrigeration units being on the roof due to their size. Tegeder asked if Dunkin Donuts made their own plans in terms of the order board. Riina said the floor plans were submitted to the Planning Department. Riina asked if the 202 Dunkin refrigeration units were located outside. Tegeder said he wasn't sure and would look at it but added that the site is larger and it may all be in the building. Cipriani asked how much room they would need for the sidewalk. Tegeder thought 3ft would be normal as he doesn't want someone to step off the curb. The Board advised the applicant to work with the Planning Department.

ZBA Referral #29/25 - Pervizzi

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

Contact: Snyder & Snyder, LLP and RIC Energy

Description: Application for a Use Variance to permit a 5MW public utility Tier 2 Battery Energy Storage System in the C-2/R1-20 zoning district where such use is not permitted pursuant to Section 300-81.5G of the Town Code.

Comments:

Leslie Snyder, Esq., and Tom Saunders of RIC Energy were present. Snyder said they are present this evening on a ZBA referral for a use variance to permit their battery energy storage system proposal. She noted that in April the Planning Board wrote a memo to the Town Board suggesting that they don't ban battery energy storage facilities that are greater than 80kw hours but rather that they consider adding additional measures for safety. The Board also acknowledged the importance of electrical infrastructure and the need for renewable energy. She feels that the proposed facility will benefit the community and is hopeful that the Planning Board will indicate to the ZBA that they have no objection to the use variance. If approved, they will then return to the Planning Board for site plan review.

Fon said that he attended a Westchester County Planning Federation class a few months ago in which Paul Rogers of the PGR Group (Energy Safety Fire Consultant) gave a presentation using this particular application. During the presentation, it was noted that if this battery system caught fire the traveling public along the Taconic would potentially be driving through a hazardous plume of smoke and questioned how this would be mitigated. Fon noted that there is also a walking/bike path in close proximity to the property along the Taconic. In his opinion, he doesn't feel that this is a good location for this system and he also wasn't sure how a fire event could be mitigated. His concern is the proximity of this system to both the parkway and path.

Snyder said she was at that class and thought he raised some valid points but this particular project has been designed not to have that affect. She feels that the possibility of this happening is remote and almost impossible to occur. If there was a fire it would be contained. She noted that there are safety measures in place; they also have to comply with the fire code requirements. This project is on 4-acres of land and distanced from residences and the Taconic. She added that they could note their concern to the ZBA. She noted Governor Hochel's goals for renewable energy and added that they need this infrastructure and meet all the criteria.

Fon said he appreciated the design but he felt that placement and location is very important and again noted that the proximity to the parkway and path is concerning. He also thought that this application should be referred out to the County to advise on its proximity to the parkway, path, etc.

Reardon noted that Paul Rogers also gave a presentation to the Town Board, Planning Department/Board and Fire Department/Commission a while back and there seemed to be serious concerns with the training of the local Fire Department and not having a specialist to contact, etc. Snyder said that Westchester County is working to catch up. She

added that in New York City, battery energy storage systems are located within 10ft of occupied structures and have adequate safeguards. She understands their concerns and agrees that there will have to be training. Reardon said that it seemed like the consultant didn't feel comfortable with the city or state regulations from a safety point.

Fon again noted that this application was referenced in particular during the Westchester County Planning Federation class creating a scenario of a potential fire onto the parkway and after hearing that presentation he has concerns. He is not in favor of this application as it is so close to the Taconic; it's all about the right placement and location. Councilman Esposito noted that while it has no bearing on this Board, the Town Board banned these systems as a whole.

Snyder said that the application is scheduled for the September 11th ZBA meeting. The Board agreed for the Planning Department to draft a memo for review and approval at the next Board meeting.

Meeting Closed

Upon a motion by Bill Lascala, and seconded by Judy Reardon, and with all those present voting "aye", the meeting closed at 9:20PM.