

Planning Board Meeting Minutes – September 8, 2025

A meeting of the Town of Yorktown Planning Board was held on Monday, September 8, 2025, at 7:00 p.m. in the Town Hall Boardroom.

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

Rob Garrigan

Bill Lascalea

Judy Reardon, Alternate

Also present were:

John Tegeder, Director of Planning

Robyn Steinberg, Planner

Ian Richey, Planning Assistant

Nancy Calicchia, Secretary

Katie Krahulic, Esq. of Bleakley Platt & Schmidt, LLP

Councilman Sergio Esposito, Town Board Liaison

Bock stated that Chairman Fon could not be present this evening so he will assume the role of acting Chairman for this meeting.

Correspondence

3000 Navajo Street - Bock asked Councilman Esposito for an update on the Navajo Street (*aka Creative Living; Navajo Fields*) application. Councilman Esposito said that a public hearing was held for this application. After review, this item was placed on the 9/2/2025 Town Board agenda for a resolution denying the extension of the Lake Osceola Overlay District to include this parcel. However, the applicant decided to remove their application from the agenda so there was nothing to rule on. Bock noted that there was a companion application for review of a site plan (*Hidden Valleys*) that accompanied the application for the Overlay District extension which is no longer on the Planning Board agenda. Reardon asked if that was withdrawn as well. Tegeder said that there was no formal application as it was on a referral only.

Reardon noted the correspondence from Councilwoman Susan Siegel dated 8/29/2025 with respect to steep slopes and felt that this is something they may want to discuss. Bock thought it could be an agenda item of their own at some point and make recommendations to the Town Board.

Motion to Approve Meeting Minutes of August 11, 2025

Bock noted that since two of the members present this evening were not at the August 11th meeting there wasn't a quorum (*3 votes required*) for approval; this item will be tabled to the next meeting agenda.

Motion to open Regular Session

Upon a motion by Aaron Bock, and with all those present voting "aye", the Board opened the Regular Session.

REGULAR SESSION

BJ's Wholesale Club, Inc.

Discussion: Special Use Permit Renewal

Location: 36.06-2-75; 3315 Crompond Road

Contact: Tiffany Arsenault

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:

Jocelyn Boez-Espinosa was present. Espinosa said that the applicant is requesting to renew their special use permit for outdoor sales; nothing has changed since the original approval.

Bock 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 Lascala, and with all those present voting “aye”, the Board approved the special permit renewal for the BJ’s Wholesale Club, Inc.

Toll Brothers

Discussion: Adjourned 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. The 48.05-acre parcel is proposed to be developed with a 118-unit townhome active adult community with associated amenities and infrastructure. The smaller 2.46-acre parcel will remain with the existing Field Home building.

Comments:

David Cooper, Esq.; Kevney Moses of Toll Brothers, LLC; and Paul Dumont, Project Engineer, were present. Cooper said they are present this evening for continuation of the public hearing. Since their last meeting, the plans were revised based on comments received from the Board. First was the location of the subdivision lot line. The Town Board is evaluating what to do with the Field Home parcel and there was a question if the lot line could be moved to accommodate the boutique hotel concept. They identified where they can draw the line to provide more space but this would be as far as it could be moved. Second is the wetland buffer disturbance. There was discussion as to whether they should move the disturbance further away from a stream that will be discussed by their project engineer. They received the most recent Barton & Loguidice report today dated 9/8/2025 and it seems that all the items have been addressed; there are some last-minute items that can be completed during the building permit process. In their opinion, they feel that the record is complete particularly from a public hearing perspective and are requesting for the Board to consider closing the hearing this evening.

Reardon asked about Tegeder’s analysis as to what happened at the site previously particularly with the preservation and reuse of the Field Home building. Cooper said that as part of this application, Toll Brothers proposes to preserve the Field Home building by subdividing the property and conveying it to the Town for a nominal fee. Reardon asked about the prior application and if it was required to be preserved. Tegeder said that the current existing building is still used by the Field Home foundation as offices and is still habitable and put to good use. With respect to the prior application, the approval was with a third component of the continuum of care, independent living for a number of a units near the site similar to where Toll Brothers is. That approval lapsed and the project did not move forward; the Field Home foundation was the sponsor for this. That approval noted that the Field Home would be retained in some fashion and used in a way to be determined. When Toll Brothers came in they were informed of the history and the Town’s desire to retain the building in some manner resulting in where they are presently with the subdivision and transfer of the property to the Town for an adaptive reuse in an appropriate way. Tegeder noted that the Planning Board is in charge of the subdivision and lot line approval and the Town Board is investigating the reuse. Reardon asked about the soccer field land. Tegeder said that the existing soccer field was built as part of the Glassbury Court approval. The Town had a license to use it for a certain period of time which he believes is set to expire.

Dumont said that they submitted revised plans to address the Boards’ comments. First, they relocated the subdivision line on the south side of the site adjacent to the Field Home building to work better with the Beardsley layout for the adaptive reuse. The property line was moved a little and as a result several townhomes (54, 55, 56) were slightly rotated and shifted to comply with the setbacks; the emergency access drive will be maintained. The plan also reflects the 50ft setback line based on the proposed new subdivision line. Second, they shifted the stormwater basin to the east side of the site in order to get further away from the intermittent watercourse on the site. They submitted a revised wetland mitigation plan and addressed the B&L comments. Most of the changes were fine tuning the wetland mitigation plan. They received the most recent report today from B&L dated 9/8/2025 which seem to be minor coordination items at this point.

Tegeder said that in relation to the subdivision line there were other suggestions from the architect for outlying cottages to the east on the subdivision property line and along the new proposed property line and that they had suggested a roadway straddling the lot line. Moses said that what they submitted is as far as they are willing to go as far as voluntary land contribution. They have in good faith donated additional land to the town and feel they should focus on means of egress, stormwater and parking feasibility; all of which have been met by the subdivision. Even in giving this land it is

a detriment to their ability to marketing those homes so they are not only making a concession on land but also a concession on marketing. As far as additional land, that is not something that they can entertain at this point and time and he doesn't expect it to change in the future.

Garrigan asked how it would impact their marketability. Moses said that those homes are now looking out towards the street; it also diminishes their ability to effectively screen between the two properties. With respect to the roadway straddling either side of the property line, this is something that they are not able to entertain both for marketing and liability reasons. He believes that the plan can be modified to accommodate an entry road for the Field Home parcel entirely on its own parcel. Tegeder asked for clarification for the inability to provide screening relative to Catherine Street. Moses said that the screening takes width and dimension matters; they moved the property line plus or minus 30-ft closer to their homes which is 30-ft less of buffer for the future resident to the adjacent use. Tegeder asked if they were talking about screening between the units. Moses said not between the units; between units 59 and 57 and 54 to 56 to the Field Home parcel. He feels that they have effectively diminished the distance between their units and the property line for screening capacity. Tegeder said that there was more width from the Field Home property to their units and more ability from the Field Home property for screening. Moses asked if the Field Home would screen adequately. Moses felt that the subdivision line is being done for a project that has not gone through SEQRA. Tegeder said that the subdivision is going through the SEQRA process currently and part of that process is to determine if there is adequate land for screening purposes and adequate distance for different uses, etc. Moses said that they have a business plan they are comfortable with on a project that has gone through SEQRA and feels that they should have the right to determine what is adequate for their business plan. Bock said that they have to consider the effect of the subdivision to the other property and asked about the road width. Tegeder said it was proposed at 20-ft.

Cooper clarified that the government cannot say to the landowner you must give us more of your property. He noted that the initial offer was for the original subdivision line. The town said that their architect is looking at conceptual plans without input from the applicant and then they were asked to look at what could be viable and still meet the applicant's goal. Cooper continued that they feel that what they are now showing is in good faith as to what they can do; the ask is not only moving the property line but now they have to move units which changes the entire layout and project. Bock asked why the units had to be moved. Cooper responded that there is a 50-ft setback requirement. Bock questioned possibly changing the setback. Cooper said they are dealing with the reality of the project itself. They are now asking Toll Brothers for more land based on a conceptual plan; the proposal for the bungalow units along the property line impacts Toll Brothers' marketability for those units. He added that they don't even know if a boutique hotel is feasible or marketable for this location. They feel it impacts their marketability for those units and is something that the applicant who owns the property is not willing to do.

Tegeder said that the client's goal was to subdivide this property and transfer the building to the town; there was discussion in that regard for three years from the onset. There were numerous discussions that the lot line was not being looked at in detail but would be during the subdivision process. Cooper said at no point during the last three years did anyone say to them to move the line further for the installation of bungalows; the first time they heard about the bungalows was last month. At the end of the day what is before this Board is an application for the subdivision; they completed SEQRA based on the analysis that they will preserve the Field Home building and this is the amount of land that will be provided to the town. The town studied this and issued a proclamation that there will not be a significant adverse impact based on their study. The analysis was whether or not this was developable. They have already proven out that there is sufficient room for parking, stormwater management and re-development. The question is not before them of what exactly needs to be built here and what are the options. If after the town goes thru its process and eventually comes up with what they want to develop on this property and need more land from the property owner then discuss it with the owner at that time to see if its viable. That is not the application before the Board currently. They spent the last three months going thru the townhome development and now they are suddenly moving off to the development of the Field Home parcel which is not before the Board; the only item before the Board is the lot line. Tegeder said the proposed project was to subdivide the property in order for the Field Home to be adequately retained and reused. Cooper said that they did this; the previously proposed and the revised line proves out that it is viable. What they are now saying is it is not viable and are asked to move it out even further. The Board will make the determination on what is proved out based on the number of documents received suggesting a number of things. Cooper added that he hasn't seen any documents suggesting this. Tegeder said they shared the plan with the road that straddles the lot line. Cooper again noted that this is not viable for the applicant.

Bock said he heard the applicant's reasons as to why this is not viable but haven't heard the board's discussion as to whether they can accomplish certain things within parameters that would be acceptable. The applicant mentioned that they do not want responsibility for the road; and the other issue is the setback. Moses said that the setback is required by the zone. Bock thought there may be some room to work on this if its purely by the zone. Garrigan asked about the possibility of reducing the units to 112 as opposed to the 118. Cooper said that is not what is before the Board nor is it appropriate; density is not governed by what is happening on the property it is governed by impact. Garrigan said he brought this up with respect to the marketing challenges mentioned and could provide more space to create their environment. Cooper appreciated the inquiry but said it is not something that they would consider. Moses said that they have a SEQRA determination for 118 units and noted that they already decreased their density substantially. He added that the benefits to the town by virtue of this project is immense (slide shown); they also contributed \$55,000 to the Volunteer Ambulance Corp. Reardon said that the subdivision application references a line to be determined and thinks that everyone needs to understand that at some point there will be a site plan and thinks that some of the issues raised here may be raised again.

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

Bock noted that the public hearing is being held for both the site plan and minor subdivision applications.

Upon a motion by Aaron Bock, and seconded by Rob Garrigan, and with all those present voting "aye", with the exception of Judy Reardon, who voted "nay", the Board closed the adjourned public hearing with a 5-day written comment period.

Bock said with respect to the subdivision line, they are looking at 10ft perhaps; he questioned if they could move that road altogether to the Field Home parcel speaking from a liability standpoint. He noted that part of their responsibility is to ensure that they have a viable subdivision for both sides and appreciates the fact that they recognize the initial road was very close to the Field Home and limited proper access, etc. He feels that they can move forward to figure out where that line will be to close out the two applications. He asked about the ownership of the units. Moses said that they were condo ownerships.

Tegeder said that they will work with the applicant on finalizing the details. Bock asked if they could look into varying the setbacks to work around the situation. Tegeder thought it was possible and will check the language in the code for flexibility.

Cooper reminded the Board that they heard what the applicant said and he understands there are varying opinions but he suggested that they speak to their Counsel about the propriety of taking more land and what that means. They are not interested in reopening the SEQRA process and appearing before other Boards. They want the Board to understand this and noted that they don't have a real applicant before them to consider pushing the line. This was an offer to address the parcel in addition to all the other offers that the applicant has offered to the town and the significant benefit that they are getting. He assumes they will talk about this further but he just wanted to be clear.

Moses said he is a licensed landscape architect and has studied this site plan and feels that the concept plan that was developed for the Field Home parcel is an armchair quarterback attempt. No one has decided as to whether a boutique hotel aligns with the town's comprehensive plan of which they had to align with. This project has not gone through any type of market test to see if it can be absorbed into the community and be a viable business. It has not gone through a SEQRA process; there are lines on a plan to show where the road has to be. He thinks that by moving a few parking spaces around, that road can be entirely on the Field Home parcel. He feels it is irresponsible that one view of a concept plan should determine the subdivision lines for a clear, present, and ready project with an applicant that has worked with the town for over 3 years.

AMS Yorktown Active Adult Community

Discussion: Public Hearing
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:

Upon a motion by Aaron Bock, and with all those present voting “aye”, the Board opened the Public Hearing.

Janet Giris, Esq., Peter Feroe, Vice President of AKRF; Ryan Sutherland, Director of Design with AMS Acquisitions LLC; Joseph Riina, Project Engineer and Principal of Site Design Consultants; and Jason Williams, Landscape Architect of SLR Consultants, were present. Giris said they were present this evening for a public hearing. They have been before the Board a number of times and already went through a public informational hearing. This project was the subject of an environmental impact statement in connection with the rezoning of this property located at 800 East Main street formally occupied by Contractors Register that was subsequently approved by the Town Board in May of 2025 allowing them to proceed with their site plan to the Planning Board. The existing office buildings on the property are proposed to be removed. The site will be redeveloped with an age-restricted residential community consisting of a total of 180 dwelling units. The existing buildings are proposed to be removed and replaced with the installation of two new buildings around a central courtyard, reconfiguration of the parking lots, and driveway expansion.

Feroe said that this is the site of the former Contractors Register and is currently improved with two office buildings at different elevations surrounded by surface parking with access from East Main Street that goes up a slope. They went through a lengthy DEIS process with the Town Board and Planning Board for the rezone and project. During the review process, 250 units were originally proposed that was subsequently reduced to 180 units. The redevelopment project is to be located in the existing disturbed footprint of the office park reusing the majority of the surface parking on site and retaining the ring road around the site. An extensive landscape plan for the site is proposed and was previously reviewed with the Board. Indoor and outdoor amenities are proposed. To the north of the ring road is the pickleball court, outdoor gardens, tennis courts, and other community spaces existing within the existing parking lot except for half of the tennis court. This will need to be expanded to accommodate half of the tennis court. There is a courtyard between the two buildings that include several different outdoor areas including a pool, grilling activities, putting green, and other passive recreational uses. The existing exposed rock ledge will remain. Outside of the site they are integrating a walking trail (a little over $\frac{3}{4}$ of a mile) throughout the northern portion of the site.

Reardon asked about the discussion with respect to a potential pathway by which active adults could get to the bottom. Feroe said that this was incorporated in their recent submission and showed the pathway location. They are proposing a 4-ft wide mowed path (serpentine like) through the landscaped area following the grade. Councilman Esposito asked if it would be mowed. Feroe said it would and noted that they discussed other alternatives but the concern with a solid surface was maintenance during the winter and if it would hold up and get use. They thought that a mowed path would be better for this type of activity and is what they are proposing and reflected in the recent plan set. Tegeder's understanding is that they are not planning any grading for the path and will follow the existing grade so potentially they could be walking on a side slope. Williams, landscape architect, said that they are out of the slope percentages going down; they want to meet the existing grade as much as possible. Tegeder asked why they configured it in the serpentine manner and questioned if it helped for safety and usage. Williams described the slopes and said it will be benched out a little.

Bock noted they received a memo from the Recreation Commission memo dated 9/4/2025 with respect to the recreational amenities on site being for the benefit of the residents and not the general public and suggesting that the Planning Board consider a recreational fee contribution. Bock continued that he is not sure if the Commission is aware of what is already proposed which he thinks is in the amount of \$225,000. Giris said that they discussed numbers with the Recreation Commission which was the subject of their meeting with the Recreation Commission. The offer that they are proposing is \$225,000 and added that there is more than \$6M in recreational amenities being proposed for the project currently.

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

Bock asked the Board, Planning Department, and Counsel if there were any other comments. Tegeder noted that part of the discussion was the pedestrian amenities moving from the site toward the hamlet once they get down the hill from the mowed path. He added that they will also need to look at the tree mitigation. The Board advised the applicant to work with the Planning Department. Giris asked if they could expect to have a draft resolution for the next meeting. The Board agreed that they may need another work session.

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

Upon a motion by Judy Reardon, and seconded by Bill Lascala, and with all those present voting “aye”, the Board closed the Regular Session and opened the Work Session.

WORK SESSION

Poggioreale

Discussion: Site Plan
Location: 26.20-2-3; 2829 Crompond Road
Contact: Vincent & Christina Poggioreale
Description: Proposed 4,000 SF two-story day care/preschool on a 33,403 SF lot in the R1-80 zone.
Comments:

Vincent and Christina Poggioreale, property owners were present. Vincent Poggioreale said they were present this evening as a follow-up to the closed public hearing. They are proposing 19 parking spaces with one access for both ingress and egress into the site. There was discussion about a right turn in and right turn out only and restricting left turns. They submitted a detailed site plan but would need clarification on the right turns only. He added that the traffic light on Rt 132 near the property helps and thinks that a right turn in and out only will work.

Bock said that they received a number of comments. He noted that they received correspondence from the NYSDOT stating that they don't see it as necessary but would support the town's decision. Reardon noted that some of the comments referred to the residential nature of 202 and noted that there is an existing nursery school in the church that also has a parking lot. In her opinion, she didn't see an issue and feels that most people going out will go right. She is in favor of right turns in and out only. Bock asked about the peak time for their business. Christina Poggioreale said it was scattered. They have children coming in between 6:30am and 9:30am and is the same in the afternoon.

After discussion, the Board agreed to amend the draft resolution to include a condition #3 for the limitation of right turns in and out only; and prohibiting left turns. In addition, the applicant is to modify the plans to show the limited turns. Vincent Poggioreale said they will have their engineer update the plans.

Upon a motion by Bill Lascala, and seconded by Rob Garrigan, and with all those present, the Board moved back into the Regular Session.

Upon a motion by Bill Lascala, and seconded by Rob Garrigan, and with all those present voting “aye”, the Board declared themselves Lead Agency.

Upon a motion by Rob Garrigan, and seconded by Bill Lascala, and with all those present voting “aye”, the Board adopted the Negative Declaration.

Upon a motion by Rob Garrigan, and seconded by Bill Lascala, and with with all those present voting “aye”, the Board approved the resolution approving site plan, special use permit, stormwater pollution prevention plan. and tree permit for the Poggioreale site plan with amendment as discussed.

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:

David Kenney Esq., was present. Kenney said he was present as a follow up to the 8/11/2025 meeting. They are before the Planning Board on a referral from the Zoning Board of Appeals (ZBA) for a use variance to allow for a Tier 2 Battery Energy Storage System. They are scheduled to meet with the ZBA on Thursday and are respectfully requesting for the Board to issue their comments to the ZBA.

Bock said that they had a draft memo before them and asked the Board if there were any concens or comments. He read the memo into the record and added that it basically states that they do not support the variance with site specific reasons. Kenney said that they feel that being located near the Taconic is a benefit with having nearby access. He added that there are other uses that could be a concern such as Lowes. Garrigan asked if they ever saw one of these systems on fire. Kenney said not personally but he has represented them; the systems burn out and usually last about four hours. He

added that this would all be part of the SEQRA review. Bock noted for clarification purposes that if the variance were to be granted they would then return to the Planning Board for site planning. Kenney said that this would be the case. After discussion, the Board agreed to take a vote with respect to approving and releasing the memo to the ZBA. *Upon a motion by Judy Reardon, and seconded by Bill Lascala, and with all those present voting "aye", the Board agreed to approve and release the memo to the ZBA.*

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, Project Engineer and Principal of Site Design Consultants, was present. Riina said they are present this evening as a follow up to their previous discussion. The applicant is requesting to amend the approved site plan to relocate the condensor units, and the Dunkin refrigeration/freezer units, to ground mounted locations behind the buildings. Since that time, they met with the Planning Department and prepared an amended site plan showing the locations of the units, and rear view renderings based on comments received. The units are proposed to be screened with a 4-ft high aluminum horizontal slatted fence and can be higher if the Board feels it is necessary; the curb line was pushed out to create 4-ft of operating space for access. Landscaping is proposed in the open areas on either side.

Lascala asked how high the units are with respect to the fence height. Riina said the units are 38-inches in height. Lascala felt that a 4-ft fence would provide appropriate screening and had no issue. Councilman Esposito asked about the fencing material. Riina showed a photo of the fencing details (4-ft aluminum horizontal slatted fence in the color of bronze). Tegeder asked about the building siding. Riina said it was proposed to be hardi board clapboard material in a beige color. Tegeder thought there was a contrast between the building and fence color but other than that he thought it was an attractive fence. Bock thought that the fencing material should be referred to ABACA for review.

Bock asked the Board if there were any other issues conceptually with the proposed change and there were none. The application will be referred to ABACA and placed on the October 6th meeting agenda.

Moundroukas

Discussion: Site Plan
Location: 16.07-1-2; 3665 Barger Street
Contact: Keane & Beane, PC
Description: Proposed construction of a 2,450SF commercial building on a .32 acre parcel within the C-2 zone.

Comments:

Andrew Tureaud, Esq., Greg Caciopole, Project Engineer; and Dino Moundroukas, property owner, were present. Tureaud said they were last before the Board on March 24th. During that meeting there were concerns about the width of the driveway and decrease in impervious surfaces on the proposed building. A submission was made to the Planning Department for review. Caciopole said they are proposing 13 parking spaces; they didn't reduce the amount of impervious surface due to the need for parking. They tried to create as much green space as possible and proposed landscaping where they could. They also added the lighting design.

Reardon said that during the Board's site visit there were questions about possibly having access to some of the parking spaces at the adjacent funeral home should there be a need. Tureaud said that the funeral home is owned by a different entity but they will look into the license agreement. Bock asked if the parking spaces were reduced from 17 to 13 and Moundroukas responded that this was correct. Garrigan asked if they were parking compliant and Tegeder said that they were. The Board agreed to schedule a public informational hearing for the October 6th meeting.

Nantucket Sound Sons LLC

Discussion: Amended Site Plan

Location: 37.18-2-86; 385 Kear Street

Contact: Joseph Thompson, Architect; Marsel Prael, Property Owner

Description: Proposed changes to previously approved site plan by Planning Board Resolution #21-14 dated August 9, 2021.

Comments:

Joseph Thompson, architect; and Marsel Prael, property owner, were present. Prael apologized to the Board for the application delay. Thompson said they are present this evening for an update and to try and close out the project. The building is not fully occupied but is completed. To his knowledge there are two outstanding items that includes the landscape bond for the trail mitigation, and the relocation of the condensor units. Quotes will be provided to the Planning Department for the landscape bond. They are hoping that the Board will reconsider thier request for a site plan amendment.

Bock asked for the status from the town's perspective. Tegeder said that all the final c/o's were issued; the applicant submitted a bond towards the off-site trail mitigation and for the condensor relocation as it was not according to the signed site plan. The bond for the off-site trail mitigation will need to be revisited as it is not the time of year for this type of work. The applicant will submit the latest estimate for review and the bond may have to be revised.

Reardon noted that it seems this issue was raised in May of 2024 and asked if this was a duplicate request with respect to the condensers. Tegeder said it was never resolved; there is a bond in place for the c/o to ensure that it was resolved. Reardon questioned if the bond was sufficient to relocate the condensers to the roof. Tegeder said that part of the bond was for the trail mitigation (\$20,000) and the other part was for the condensers (\$15,000). The site plan is in violation of itself.

Thompson said that based on conversations last year they were asked to evaluate a number of criteria with respect to the condensers that included the visual impact and noise factor which they addressed. A fence with an opaque background was provided for the condensor screening. The noise was evaluated and it was determined that they are quiet units under 50 decibels. They also conducted a site visit with several of the Board members to evaluate these concerns and it seems there was no impact as far as a detrimental effect. Photos of the finished product as it currently exists were shared with the Board. He added that the landscaped areas are starting to mature and the visibility to the fenced units is limited in impact. They are now asking the Board to reconsider the amendment and to evaluate the hardship for the applicant with respect to the cost and maintenance. The current location of the condensers is an ideal situation for easy access as opposed to the roof.

Reardon felt that the applicant created their own hardship. Thompson said it was a mistake in the process, the HVAC contractor filed for the permit with a diagram that showed the units on the ground. The permit was granted and the work proceeded. However, it wasn't in accordance with the signed site plan and unfortunately they weren't privy to that knowledge when it happened. He added that the Planning Board has the authority to approve the ground mounted units.

Bock's understanding is that a permit was pulled and issued for the mechanical equipment, notwithstanding their site plan, that was was not installed by the owner. He added that there seems to be some town involvement in this action. He noted that the Board's initial reaction was premised on the fact that they departed from the approved site plan and are now being asked to permit this. There seems to be some failure on the Building Department side. Prael said that he takes full responsibility for this as the property owner and doesn't want to put blame on the Building Department. His HVAC contractor submitted the plans. This is his first project in Yorktown and he didn't have the knowledge that he had to go to the Planning Board for approval.

Lascala said that the existing site looks nice and noted that there are many times plans deviate from the site plan. He doesn't have an issue with the relocation of the condensers based on the history of the permit. Thompson appreciated this and said that if they thought that it was substantial detriment to the finished product they would not be before the Board for an amended site plan approval.

Bock asked Tegeder about the the permit being issued notwithstanding their site plan. Tegeder said that a mechanical construction permit was issued by the Building Department for the ground mounted equipment. He is not sure as to the extent of the sketch provided by the mechanical engineer but apparantly it was not caught by the reviewer. He added

that the site plan approval was in place before they submitted for any building permits which is the law. Thompson said they are not looking to cast blame on how this occurred.

Garrigan asked Tegeder if the town had any records as to what plan was submitted by the mechanical engineer. He is curious as the signed site plan should be the guiding document. Tegeder said his understanding is that in some fashion it showed a modification from installing them on the roof to this current location and could look into this. Garrigan said it would influence his opinion as they can't have an applicant just disregard the site plan. However, if someone overlooked this on the town's side then we would have some culpability. Bock agreed that they should verify how this occurred. Garrigan added that there was a vote by their Board a little over a year ago that the site plan as submitted should control so they are out of compliance currently.

Thompson said he had the contractor's hand sketch that was provided with the mechanical permit application and showed it to the Board. The sketch shows a portion of the site plan whited out and simply depicting 9 units on the ground. Tegeder asked if what was shown was submitted and Thompson said yes. Thompson added that the note says A/C from 1-9 back to back, 24" side to side, 4" as per manufacturer requirement. Lascala said that his understanding is that the mechanical contractor filed for the permit and not the owner and thought they could get a letter from the contractor.

Garrigan asked if the condensor units would fit on the roof with the exhaust equipment. Thompson said that there is some exhaust equipment from the restaurants on the roof that generate heat; the condensers could fit on the roof but it would not be an ideal situation. Bock noted that if they were reviewing this at the onset there wouldn't be an issue but now they have concerns.

Councilman Esposito asked about the screening fence for the units. Thompson said it was a detailed and decorative aluminum fence with an opaque background and showed photos to the Board and noted that the landscape screening is starting to fill in so the visual impact is limited.

The Board agreed that they would like to see the documents submitted to the Building Department and will revisit this application during the October 6th meeting.

Town Board Referral - 436 East Main Street

Location: 6.17-1-3; 436 East Main Street

Contact: Site Design Consultants

Description: Proposed construction of a new home, driveway, septic system, and drainage detention system on a 1.13- acre property in the R1-10 zone.

Comments:

Joseph Riina, Project Engineer and Principal of Site Design Consultants, was present. Riina said that the proposal is for the construction of a new home on a lot that was formerly improved with an existing residence that has since been demolished. The address is 436 East Main Street but it also fronts on Nelson Avenue. The property will be accessed off of Nelson Avenue. An aerial photo from several years ago was shown depicting a house and pool at the site with Wood Street to the right. He is here this evening on a Town Board referral for a stormwater and tree permit. They already have the Health Department approval for the septic system. A raingarden is proposed for the stormwater detention system. They are proposing to remove 23 trees, 11 of which are non-native, and replant 23 new trees. The plans were shown to the Board. Tegeder said that 12 of the trees are regulated and noted that if they are planting trees they will need to provide a tree mitigation plan. Riina said that he will provide this to the town.

After discussion, the Board agreed that they had no planning objections with developing the site. The Planning Department will submit a memo to the Town Board.

Town Board Referral - Tanto Irrigation

Location: 48.07-2-11; Front Street/Edgewood Street

Contact: Site Design Consultants

Description: Proposed amendment to the approved zoned use of the site. The applicant proposes a 5,400SF, two story building, consisting of an irrigation equipment repair shop, storage area, and office space. A 6' screened fenced in storage area for irrigation equipment, vehicles, and materials is also proposed.

Comments:

Joseph Riina, Project Engineer and Principal of Site Design Consultants, was present. Tegeder informed the Board that this site was approved under the transitional zone by the applicant and owner George Roberta. Riina said that the site is located on Front Street and showed an aerial. As mentioned, the current owner has an approval under the transitional zone for the approved site plan. The original approval was for two buildings. To the north is a single-story building with retail and commercial space about 2,100sf; and to the south is a two-story building with retail and commercial on the first floor and 5 residential units on the second floor of 5,400sf. The access points and circulation was shown. The plaza area is within the town right-of-way and there is a license agreement with the owner. Tegeder said that this area gives access to other properties that were originally planned to be accessed from Edgewood which is a paper road so it preserves the ability to provide that.

Riina continued that the contract vendee, Tanto Irrigation, LLC, are installers of in-ground irrigation systems for large scale projects and are currently headquartered in Elmsford. They are now seeking to move their operation to this site. They are proposing to amend the site plan to eliminate the one-story building; that area will now be fenced in for the storage of equipment and materials associated with the business. The two-story building will be maintained in the same footprint. The first floor of the building will be divided in half while the left half will be a two-story repair shop and the right half will be used as storage; the second story above the storage will be office space. The overall footprint is the same and they are not going beyond what was originally approved. The retaining wall and planted screening will remain. The two trash enclosures have now been consolidated to one and is located in the central part of the site. There will be no increase in impervious surface and is actually a little less. The stormwater management aspect is the same. Tegeder asked if the storage yard is to be paved and Riina said it was. Riina noted that they have DEP approval for the original site plan and will ask them to amend their approval. The amount of impervious area and disturbance is the same so it should not be an issue.

Bock asked about the zoning. Riina said it is under the transitional zone. The underlying zone is I-1. Bock asked if this use was permitted in the industrial zone and the response was yes. Bock asked about the Town Board involvement. Tegeder informed the Board that this is a standing approval under the transitional zone which is the Town Board. The Town Board asked the Planning Board to do the site plan which they did. If they look at the configuration of the original lot there were a lot of planning issues to get it to work. The Planning Board sited the buildings, reviewed the parking and circulation and figured out how to deal with the paper road. A lot of the front of the building is in town ownership. Now the Town Board is referring it, not for an actual approval, but just for commentary because it is only drawing down from what the impacts were before as they are removing a building and installing a storage yard.

Tegeder noted that the only thing he sees from a planning perspective is how they are changing the front and how that still provides access for the properties that would be on the paper road. It looks like they have a potential double neck driveway coming in and is not sure this is the best way to do it since it is town owned land. Riina said previously they had a loop but they now show straight parking spaces and another potential entry drive for the property next door if it were to be developed; that property is zoned R1-20. Tegeder said there may be more than one property that access from that paper road so he thinks they should look at the grading situation to configure the future road potentially. Riina said they could look at this.

The Board agreed to have the Planning Department prepare a memo to the Town Board asking for the modification.

Meeting Closed

Upon a motion by Bill Lascala, and seconded by Rob Garrigan, and with all those present voting “aye”, the meeting closed at 9:00PM.