

## Planning Board Meeting Minutes – June 13, 2022

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A meeting of the Town of Yorktown Planning Board was held on **Monday, June 13, 2022 at 7:00 p.m.** in the Town Hall Boardroom.

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

- Aaron Bock
- Bill LaScala
- Bob Waterhouse, Alternate

Also present were:

- John Tegeder, Director of Planning
  - Robyn Steinberg, Town Planner
  - Nancy Calicchia, Secretary
  - Dan Ciarcia, Town Engineer
  - James Glatthaar, Esq.
  - Councilman Sergio Esposito, Town Board Liaison
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On behalf of the Board, Chairman Fon welcomed Bob Phelan and Bob Waterhouse to the Planning Board in their new roles as Board members.

### **Correspondence**

The Board reviewed all correspondence.

### **Motion to Approve Meeting Minutes of May 23, 2022**

Upon a motion by Bill LaScala and seconded by Aaron Bock, and with all those present voting “aye” the Board approved the meeting minutes of May 23, 2022 with correction as noted by Mr. Bock.

### **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**

### **Arrowhead Subdivision Lot 6.4**

Discussion: Decision Statement

Location: 48.13-1-6.4; 821 Shiqer Gashi Court

Contact: Taylor Palmer, Esq., Cuddy & Feder

Description: Proposed site plan for Lot 6.4 in the Arrowhead Subdivision.

Comments:

Taylor Palmer, Esq., of Cuddy & Feder; and Ralph Peragine, P.E. of DTS Provident Design Engineering, LLP, were present. Mr. Palmer stated that they are before the Board for site plan approval to develop a single-family residence on Lot 6.4 of the Arrowhead Subdivision. The property is located off of Underhill Avenue and is in the R1-200 residence zoning district. The proposal is for a 3,203-sf single-family residence including a two-car garage. Since last before the Board, an updated rendering of the retaining walls was submitted. They are scheduled to meet with the ABACA on June 21st. He reviewed the draft resolution and has no issues.

Chairman Fon asked the Board and Counsel if there were any comments and there were none.

**Upon a motion by Bill LaScala, and seconded by Aaron Bock, and with all those present voting “aye, the Board approved the resolution approving site plan for Lot 6.4 within the Arrowhead subdivision.**

## **Burger King**

Discussion: Public Hearing  
Location: 37.18-2-57; 385 Downing Drive  
Contact: Michael Grace, Esq.  
Description: Proposed second ordering line for drive-thru and restriping of parking adjacent to the new drive-thru lane.

Comments:

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

Michael Grace, Esq.; and Peg Canniff, franchisee owner, were present. Mr. Grace stated that the application is for an amended site plan for the existing Burger King located at 385 Downing Drive. The applicant is proposing to install a second lane to the existing drive-thru to better accommodate the drive-thru services. The parking spaces adjacent to the new lane are proposed to be reconfigured and restriped. Renovations are also proposed to the exterior and interior of the building. The pick-up window is proposed to have a canopy extension. The renderings and plans were shown to the Board. They are currently working on the landscape plan. Ms. Canniff stated that she spoke to the landlord with respect to the existing trees and has been in touch with Darlene Embry of Freyers Florist who is responsible for the landscaping. She noted that Ms. Embry will work with the landlord to prune the trees.

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

1. John Flynn, resident - Mr. Flynn stated the Board should think about what it means in terms of the Overlay District which is to maintain and encourage designs and layouts that enhance the pedestrian experience in town within the overlay zone. He thinks the Board should look at projects like this where most of the business is drive-thru. He has no issue with this as it is a successful business but noted that it tells you something about the futility of efforts to make this downtown pedestrian friendly and thinks you can't have both. You can either have a pedestrian friendly downtown or a downtown that serves people who want a drive-thru for the convenience.

Chairman Fon asked the Board and Counsel if there were any comments. Mr. Tegeder stated that he will continue to work on the site plan with the applicant. He noted that the propane tanks are required to be underground and will need to be discussed. Mr. Grace stated that he thought that there may have been a safety issue. Ms. Canniff responded that the propane tanks were underground on the other side of the building in the triangle and they both popped out of the ground. She noted that there is a lot of water in that area and there were many issues and after much discussion, it was decided to install them where they are currently. She is proposing to replace them and install fencing and bollards. She is not in favor of installing them underground as there were so many issues. Mr. Glatthaar stated that he was recently at a two lane drive-thru and felt that it was a bit of an organized chaos. He suggested that the applicant install signage, such as a yield sign on one of the two lanes to help direct the traffic flow.

**Upon a motion by Aaron Bock, and seconded by Bill LaScala, and with all those present voting “aye, the Board closed the Public Hearing with a 10-day written comment period.**

## **Underhill Farm**

Discussion: Public Informational Hearing  
Location: 48.06-1-30; 370 Underhill Avenue  
Contact: Site Design Consultants  
Description: Proposed mixed use development of 148 residential units, 11,000 SF retail, and recreational amenities. Original main structure to remain and to be used for a mix of uses. Development is proposed on a 13.78 acre parcel in the R1-40 with Planned Design District Overlay Zone authorization from the Town Board.

Comments:

**Upon a motion by Bill LaScala, and seconded by Aaron Bock, and with all those present voting “aye, the Board opened the Public Informational Hearing.**

Joseph Riina, P.E. of Site Design Consultants; Mark Blanchard, Esq. of Blanchard and Wilson; Dr. Phil Grealy, Traffic Consultant of Colliers Engineering; Beth Selig of Hudson Cultural Services; Steve Marino, Wetlands Consultant of Tim Miller Associates; Ann Cutignola, Senior Planner of Tim Miller Associates; and Michael Guillaro, property owner, were

present. Mr. Blanchard, Esq. stated they are here this evening for the Public Informational Hearing. He noted that a flyer was circulated that they feel will be addressed with the materials presented this evening.

Mr. Riina, Project Engineer, stated that the property is located on the northwest corner of Underhill Avenue and Route 118 on a 13.8 acre parcel. The property is currently improved with the Captain Underhill house, pond, driveway loop system, parking lots, and several outbuildings in the back of the site. The outbuildings are proposed to be removed as part of the project. The west side of the property is mostly wooded and slopes down off of Glen Rock Street onto the site. To the north of the property, there are remains of a fire access road that was constructed to allow access to the back of the Beaver Ridge property that was never maintained. The proposed project is being reviewed under the newly enacted Overlay District law. The project is consistent with the intent of the law and they have demonstrated the criteria items to the satisfaction of the Town Board. The project meets all of the required bulk and zoning requirements set forth in the code. The proposal is for the construction of a mixed-use development of 148 residential dwelling units with 11,000 sf of new retail space in the lower floor of the apartment building to the east facing Route 118. Additional retail commercial space is proposed within the Captain Underhill house. The main access to the site will be maintained and a second access is proposed across from Rochambeau, for access to the townhouse portion of the development. The circulation is fairly similar to what is there currently. 30 parking spaces along the northern edge of the property will be dedicated to the senior center that is proposed to be constructed separately on the Beaver Ridge property. The project is adjacent to other multi-family developments. To the south of the site is the Rochambeau development with a density of 9.6 units per acre, and to the north is Beaver Ridge with a density of 19.8 units per acre. The proposed development averages 10.7 units per acre. There is consistency as far as density with the adjacent areas. The project will consist of a full renovation and restoration of the Captain Underhill house at a cost of about \$1,000,000. The residential units will consist of 52 townhomes (3 and 4 bedroom units), 32 condominiums (1 and 2 bedroom units), and 64 apartments (1, 2 and 3 bedroom units). The lower part of the apartment building will have underground parking for the tenants. 118 of the residential units will be senior friendly. The floor area ratio (FAR) for the project is 0.50, which is less than the maximum allowed in the Overlay District. Amenities for the project include open space, pathways, a clubhouse, and two pools. The infrastructure will include parking throughout the site to accommodate residents, visitors and commercial space. Sidewalk connections and a connection drive will be constructed to Beaver Ridge which will also provide an alternate emergency access through the back as Beaver Ridge only has one entry point off of Allen Avenue. The project will be served by all major public utilities. Drainage improvements are proposed on Glen Rock Street. Currently there is no stormwater management of the existing infrastructure on the site. A full stormwater management system including green infrastructure is proposed for the site. The applicant is intent on maintaining and preserving the frontage of the property especially along Underhill Avenue as this is the southern gateway into the Heights in addition to the full renovation and restoration of the Captain Underhill house. The house, stone walls, and pillars will remain. The gateway at the corner will remain depending on the traffic improvements that are required. The intent is to maintain that gateway or reconstruct it if necessary. The front of the site will maintain a park-like setting, with pathways, sitting areas around the ice pond and enhanced landscaping at a cost of \$850,000 which will be open to the public for passive recreation. The operation and maintenance of this area will be maintained by the property owner.

Dr. Grealy, Traffic Consultant, stated that a full traffic study was prepared and submitted for the project following the standard requirements of the NYSDOT and the Town. A diagram from the report was shown to the Board. They looked at the existing conditions, peak hour conditions and in this case, traffic during pre-covid and covid, so they have lots of historical data for the intersection. The study focused on all of the movements in and around the area (Underhill Avenue and Route 118; Route 118, Kear Street and Allen Avenue; Rochambeau and Glen Rock Street. They looked at each of the uses as if they were all regular units with no credits and have accounted for each and every aspect of the project. The trip generation report based on the standard criteria according to the NYSDOT was reviewed with all. The traffic and access related improvements include sight distance and drainage improvements; shoulder upgrades; signs and signal upgrades. The applicant is also proposing to dedicate land to accommodate future widening improvements at the Route 118 intersection. Traffic signal timing and equipment upgrades including new video camera detection is proposed to offset the traffic at the intersection of Underhill Avenue and Route 118. Pedestrian improvements on Underhill Avenue include a crossing from the site to the existing sidewalk on the south side of Underhill Avenue and the installation of a rectangular rapid flashing beacon (RRFB) as well as signing and striping. The project is also designed for a full traffic and pedestrian access connection through Beaver Ridge which connects to Allan Avenue. Traffic calming and control

measures are proposed between the two developments which include signing, striping and intersection controls. The future intersection plan includes a widening of the intersection, separate left turn lanes on both approaches of Underhill Avenue to the intersection so that it would allow left turning vehicles to be separated from the thru traffic with pedestrian crossing on all approaches. Currently traffic on Route 118 uses the right shoulder to turn onto Underhill Avenue. This would be modified to a formal full function right turn lane under the signal control according to the NYSDOT standards. The improvements including the design are estimated to be about \$800,000. As part of the project, Underhill Farm will take care of the design and work with the town for the permitting with NYSDOT. He noted that this includes the \$450,000 contribution toward the intersection. The Board requested that they look at the cumulative effects both short and long term for future development of the area which they did. This plan which is the whole intersection, including turning lanes on Route 118 that will require retaining wall work; and further upgrades to the signal system is estimated to be \$1.5 million to complete. This design would be part of the work to be done upfront to ensure that the placement of signal poles, sidewalks, crosswalks are in place so that this could be added in the future if and when other projects come forward. In terms of funding, the applicant has proposed the \$450,000 contribution toward the design and construction. He noted that there are also other methods of funding from the state and additional credits such as tax abatements. The first phase is to offset their additional traffic at this intersection, but the long term plan shows what will be necessary to accommodate future development. The report shows all the details.

Ms. Selig, Historic Consultant, stated that her firm performed the archeological survey and historic assessment as part of the project. An artistic rendering of the Edward Underhill Floral Villa estate was shown as an example of what it may have looked like but she noted that there might have been some artistic license taken when it was published. The Floral Villa estate was built between 1820 and 1828 by the Underhills and completed by 1886 and was a well established farm. In 1907, the farm was purchased from Henry and Katherine Kear by Gilbert and Anna Beaver and was operated as a dairy farm. In the 1920s thru the 1930s, the Beavers established the Gilbert Beaver Conference Farm. After Gilbert Beaver's death in 1952, the property was left to his wife and the conference farm organization. The farm was run primarily by Reverend Schyler Barber Rhodes and his wife. The conference farm was primarily a non-denominational religious institution that offered retreats and opportunities for people to work on the farm. In 1989, the Soundview School purchased the property and operated on the site until 2020. A 1974 survey of the property was shown that was completed prior to the Beaver Ridge apartments that are north of the complex. On this survey, there are 10 buildings and only 8 are remaining currently. The fire easement is also shown. She noted that several of the barns were demolished with one as recent as 2012. A collage of the four facades of the Captain Underhill house was shown and noted that it have been maintained very well over the years. Photos of the interior of the house was also shown. Of the remaining 7 outbuildings on the property, Building B is the only structure that can be conclusively dated to the time that Underhill lived on the property based on the fieldstone foundation and hand cut beams. This building has been upgraded and was most recently used as a classroom. The bridge over the watercourse will be restored in addition to investing money to enhancing the pond area and making the park accessible to the community. Photos of the gates and stone walls were shown. The plan proposes to retain the gates and stone walls. If traffic improvements are proposed, the gateway at the corner may have to be shifted back and reconstructed. They coordinated all of their work with Nancy Herter of OPRHP, and her associate Derek Rhode and a letter of resolution (LOR) was established with a number of mitigation strategies. The plan is that the LOR will be executed by OPRHP at the close of the SEQRA process. She had a conversation with Nancy Herter on May 23<sup>rd</sup> requesting for the LOR to be executed once the Planning Board considers the public hearing process complete and closed primarily so that these mitigation strategies can be fully incorporated into the SEQRA process as well as remain under the purview of the Board as outlined in the document. The project will preserve the park like setting, pond, surrounding landscape, paths, stone walls, gates, entry pillars and the mansion. The mansion and the property will be integrated into the community through adaptive reuse. The preservation of the mansion and grounds will create a monument that will preserve this property's history and recognize the contributions of the Underhill family to the local community.

Mr. Marino, Wetlands Consultant, stated that there are three areas on the property that have been flagged and identified as town regulated wetlands. There are two small wetland pockets of about 2,000 sf each and a watercourse that enters the site from Glen Rock Street that flows through a culvert under the road. They delineated that wetland. None of the wetlands on the site are regulated by the DEC or Army Corp. of Engineers. The history of the wetlands was discussed and aerial photos of the site through the years were shown. In 1990, Beaver Ridge was under construction, and at that

time you could faintly see the access road. In the north and western part of the site there are no longer fields. They feel that the run-off coming down from Glen Rock Street was trapped by the construction of the road which caused the two small pocket wetlands to develop. When the access road was constructed there was a culvert built under it to carry the flow but due to lack of maintenance, the culvert was blocked and the water began to pull upstream of the culvert and now flows across the access road which has developed into what the town regulates as a wetland. Photos of the existing natural features on the site were shown. The outlet to the pond is an old stone culvert which drops about 12-ft down under the site to the north onto the Beaver Ridge property. Discussion followed with respect to the soils and the wetlands. They are proposing that the two smaller wetlands be filled and developed as part of the site. From a functional standpoint, other than holding water seasonally, they don't have any wetland function for habitat, stormwater treatment, flood control or any of the typical functions associated with wetlands. As part of the mitigation, they are proposing to create a marshy area to the west of the pond which will help filter the additional water from Glen Rock Street onto the site and create a new habitat area with herbaceous plantings, shrubs, trees, etc. They are also proposing to move the watercourse 15 to 20 feet to the north to accommodate the buildings in that portion of the property and noted that historically that watercourse has been moved once before. They completed the tree survey and have identified just over 700 trees on the property. 500 of those trees are proposed to be removed with most of them being on the western part of the property and will comply with the Town's tree law. They are in the process of preparing final grading and landscape plans.

Ms. Cutigola reviewed the fiscal analysis. She stated that the previous use, Soundview School, was tax exempt. Upon the purchase of the property by Unicorn Contracting, the site is now back on the tax role. Unicorn has paid more than \$40,000 in 2021 which includes \$4,500 to the County, \$7,200 to the Town and \$33,000 to the School District. The proposal includes 148 units and commercial spaces. Based on demographic multipliers, they project a population of 321 people and 23 school aged children. At today's tax rates, the development would generate \$1.2 million in taxes with an annual net benefit to the town of \$132,000 each year. She noted that school enrollment has been steadily declining over the past several years and the current Yorktown enrollment is 3,381. They don't feel that the addition of 23 students will be a huge impact but will contact the school as they move forward. They anticipate that the project will bring in about 250 construction jobs and 50 long term jobs to the economy. The estimated revenue into the local economy will be about \$4.5 million. She saw the flyer that was circulated and noted that the very last bullet indicated that this project will negatively affect property values. She feels there is no substantial information to support this statement.

Mr. Blanchard, Esq. concluded that they are hoping to have a fair and accurate dialogue as the public is engaged and noted that there will be a Public Hearing. He referenced the flyer that was circulated to an unknown number of recipients. The flyer stated that the project will destroy the scenic gateway and replace it with a dense residential project. He noted that what they have seen this evening and consistently is that a lot of thought has gone into this project. They are preserving the buffer along Underhill Avenue and maintaining and restoring the Captain Underhill historic structure which is at the forefront of the property. Other points were about the destruction of the bucolic nature of the property. They feel that is not the case as they are integrating walking paths, seating areas, new plantings, and the rejuvenation and restoration of the ice pond for public use. The flyer noted that 200 years of history will be destroyed. They feel that this is inaccurate and misleading because they are keeping the identifiable historic main structure. The outbuildings around the property are either indeterminate as to when they were constructed or in bad condition. The flyer also noted that there would be destruction of open space. They are not destroying open space, in fact they are actually opening up the property to the public at the expense of the applicant and it will be maintained privately at no cost to the municipality. The flyer noted that the current traffic congestion will be compounded. They are showing not only with their phasing improvements but an overall improvement plan that will properly mitigate the traffic impact created by their project. The flyer also noted a decline in property values, which Ms. Cutignola addressed. He noted that this will be a quiet development catering to the senior citizens. They envision a very peaceful, historically driven and bucolic development that will benefit the Town of Yorktown.

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

1. John Settembrino, 31 Adela Court – Mr. Settembrino questioned if there will be terraces on the buildings overlooking Glen Rock Street.
2. Paul Moskowitz, 2615 Hunterbrook Road – Mr. Moskowitz stated that he is representing Yorktown 100. The aim of this organization is to reduce the carbon footprint of the Town of Yorktown which means reducing fossil fuel use. Specifically with the heating and cooling of the buildings, electricity, and transportation for the residents and visitors.

He feels that this proposal, both residential and commercial, is an opportunity for Yorktown to move into the 21<sup>st</sup> century. They recommend that heat pumps be used for heating and cooling. Solar could be installed to generate electricity on the site. As the use of electric vehicles increases, the homes should be ready for charging stations or the installation of charging stations on the property could be included in the project. He thinks that if some or all of these suggestions are carried out, it will help to make Yorktown competitive. He added that the plan proposes to remove 500 trees and noted that trees store carbon. He suggested installing some solar panels on the site to mitigate for the loss of the trees from a carbon footprint standpoint.

3. Brian Wolfson, 2992 Old Yorktown Road – Mr. Wolfson stated that he is a 46 year resident. He noted that originally he was going to speak about the flyer but felt that it was addressed by the applicant’s Counsel. He feels that the senior housing will allow him to stay in the community and watch his grandchildren grow up. He has driven Underhill Avenue for 46 years and has never been on the property because it was privately owned. The community has had no use of the property in the past and now they will. He questioned what would happen if this project wasn’t approved. The property would probably go into decay and there would be no parking for the senior center. If the owner decides to build 12 private homes, the buyers will have access to the road but we will have nothing as a community. If the owner decides to sell it to a non-profit organization, the gates will be locked and they could do whatever they want. He questioned how many new homes or communities have been built in the last ten years. He added that if you are living in these communities, those houses were built because trees were removed. The proposal talks about a mitigation plan for the tree removal with plantings, etc.
4. Serafina Mastro, Resident – Ms. Mastro stated that she thinks this proposal will be a wonderful addition to the town, especially for the senior citizens. She is looking to downsize as her home is too large. The Underhill Farm proposal is beautiful, has a 55 and over option and also provides many amenities that can’t be found in Yorktown. She hopes that this project is approved and doesn’t want to wait years for it to be built.
5. Ann Hickey, 2453 Pinetree Place – Ms. Hickey stated that she believes Underhill Farm will be a much needed positive addition to Yorktown. She saw the full page ad sponsored by the Protecting Yorktown’s Quality of Life Foundation and felt that it projected some anger and negativity. She is here this evening to speak to the positive aspects of the project. The ad stated that the quality of life could be changed forever. She believes it will change for the better. Underhill Farm will provide townhomes, condos, and apartments including senior friendly units. It will also provide a much needed and long overdue senior center for Yorktown. She noted that there are not many options for non-drivers in residential areas. Underhill Farm will provide a walkable community near the town center. The ad stated that the scenic gateway to the hamlet will be replaced by a dense residential complex. She noted that she has lived in Yorktown for 28 years and during those years, this property was owned and operated by the Soundview School and the grounds were closed to the public so she is not sure what this statement means. With this proposal, it could truly be a beautiful gateway open to the public. The ad stated that the historic structures and bucolic grounds will be destroyed with 200 years of history gone forever. This was addressed by the developer. The Captain Underhill house will be restored and the historic preservation will be a priority. The ad stated that park-like open space and hundreds of trees will be demolished. The proposal states that the public will be able to stroll the walking trails around the pond providing a park at no cost to tax payers. Trees will be removed but if you live in Yorktown now, whether it be in a condo or single-family home development, trees were removed so that you could live there. New trees will be planted as is the case in most new developments. She added that the traffic was addressed by the developer. The ad stated that there will be no more peace and quiet if allowed and that the property values will likely fall. She doesn’t understand how this beautiful community will interfere with the peace and quiet especially since much of the housing is designed for seniors. As for property values, she feels it will enhance them and thinks younger families will be more inclined to move here knowing there is a place for both them and their parents. Also seniors who have contributed so much to this community will be able to stay here and be near family and friends after and will also benefit from the new senior center. The additional tax revenue that will be provided each year to the schools and local government will be a benefit to all. She hopes that they can all work together to help the town move forward and support this project.
6. Lynn Briggs, Chairman of the Yorktown Heritage Preservation Commission (YHPC) – Ms. Briggs stated that she is here this evening with Christine Sisler on behalf of the Yorktown Heritage Preservation Commission. They are part of the Town of Yorktown municipal government, appointed by the Town Board, to apply local law: Chapter 198 Heritage Preservation. Recently, they reviewed two years of Unicorn studies and documents and provided the Planning Board with a comprehensive critique of these documents, including the identification of several issues, needed credential verification and missing elements, for example, ruling in or out whether a Revolutionary War French encampment with potential archaeological value was located on Underhill property. They have several concerns regarding the archaeological, historical and architectural development plans and submit the following

comments and recommendations into the Public Record. The Underhill Farm property is historically and architecturally significant: the entire property (mansion, outbuildings, farmland, park-like lawns, stone walls, entry gate, pond, vegetation and trees) meets four of five Yorktown land marking criteria, under local code, Chapter 198. On May 26, 2021, the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) determined that the entire Underhill Farm property was eligible for listing on the state and national registers of historic places. Having issued the eligibility determination, the following day, the State (OPRHP) declared what is officially known as an adverse effect finding for Underhill Farm, as quoted – “with the intensity of construction proposed the setting and feeling of the property would be significantly altered. We further note that the majority of the contributing outbuildings on site are proposed for removal, demolition of historic resources is deemed an adverse effect.” Based on this adverse effect finding, the State (OPRHP) requested that Unicorn pursue feasible alternatives that might avoid or reduce the project effects. To this end, in July 2021, Unicorn identified four alternatives and concluded that it could not envision a scenario that would be consistent with the project goals and retain the existing outbuildings. These alternatives were self-serving and unsupported assertions that had no demonstrated proof or evidence in quantitative fact. In addition, if Unicorn’s stated goal is to build then a 165/now 148-unit residential complex plus add an 11K sq. ft. commercial/retail space at the 13.8-acre property, it follows that Unicorn would not consider retaining the outbuildings as a viable option to achieve the project’s financial goals.

7. Christine Sisler, Member of the Yorktown Heritage Preservation Commission (YHPC) - Ms. Sisler continued the comments and recommendations. Unicorn stated reducing the overall size of the proposed Underhill Farm development would impact the overall viability of the project, which is contingent upon constructing a high number of residential units, as well as community improvements. The reduced scale would not achieve the level of investor rate of return necessary for a privately funded project. If the project were to be scaled down, it could not be completed? In the same alternative study, Unicorn revealed that it explored other properties in Yorktown that have the appropriate size and zoning that will allow mixed use. These alternatives were not provided and need to be presented in the public domain. Unicorn studies and presentations consistently failed to acknowledge the State’s (OPRHP) adverse effect finding and that the National Register of Historic Places eligibility determination was for the entire Underhill Farm property, based on the intensity of the construction proposed and the alteration of the historic setting and feeling of the property and the planned demolition of the out buildings. Unicorn failed to produce an integrated master plan for the entire property recognizing the State (OPRHP) eligibility determination. Unicorn appears to have abandoned its commitment to internally preserve the historic main mansion for the public good; current plans call for a regional inn to be installed on the second and third floor and a restaurant on the ground floor, both commercial endeavors to benefit itself. The HPC feels that given that there is at least one adverse effect finding, they recommend the Planning Board issue a positive declaration of significance (meeting the minimum SEQRA requirement) for Underhill Farm and move to an Environmental Information Study. Require Unicorn provide alternative development options / site plans that address lower density and “sightings” based on the historic property vs. the project’s financial goals. Require Unicorn present the other local available property options assessed in the Alternatives Study to the public. Require Unicorn provide clear, integrated plans to preserve the entire historic and architecturally national register eligible Underhill Farm property: mansion, outbuildings, farmland, park-like lawns, stone walls, entry gate, pond, vegetation and trees (not just the main mansion). Based on the recommendations in their comprehensive documents review, agree to hire a Commission recommended objective qualified consultant, paid for by Unicorn (like the traffic and wetlands consultants) and engage them in the selection and scoping process.
8. Trish Sullivan Rothberg, 428 Granite Springs Road – Ms. Rothberg stated that she is a 17 year resident and one of the directors of Protecting Yorktown’s Quality of Life Foundation, Inc. The foundation is a NYS not for profit organization made up of a diverse membership of citizens and residents that share a common interest in understanding, protecting and preserving Yorktown’s existing community and neighborhood character for current and future generations. Their mission is aligned to support the efforts of the Yorktown Heritage Preservation Commission in protecting the Town’s historic assets and she noted that they are not anti-development. Several members of their foundation will address their concerns for the quality of life and environmental impacts associated with the proposal. She addressed the land use during repeated Town Board courtesy of the floor sessions and urged the Town Board to remove the Underhill property from the proposed Yorktown Heights Overlay District law and to allow this proposed development to follow the traditional process which is to have the applicant request a mixed-use multi-family rezone with lower density and negotiated commercial space, size and use. She noted at the 2/9/21, Councilwoman Roker asked the owner if they would consider the regular zoning process and the owner indicated that he would. On 12/31/21, the Town Board adopted the Overlay Zone. The end result was to roll the 13.8 acre into the newly formed Yorktown Heights hamlet zone enabling the zoning change from R1-40 residential to mixed-use multi-family. She stated that in their opinion the Town of Yorktown’s Comprehensive Plan does not call for the

Underhill Farm property to be included in the Yorktown Heights planned design district overlay zone - it never had and it never did. The contract of sale included a \$350,000 contingency payable by the buyer Unicorn to the seller Soundview School if the Town of Yorktown changed the zoning law for the property from single-family residential to multi-family dwellings. The Foundation sees the zoning change therefore as an accommodation to the developer and they are reviewing the environmental impacts of the Town Board's first application under the new law. As the Board will hear from the following speakers, there is concern among residents that this proposal will adversely impact the community and neighborhood character as well as the quality of life. She added that Yorktown was one of two districts that were not able to have their children go back to school full time during the pandemic (K-5) because the schools did not have the square footage to accommodate all of the students. She noted that to re-open French Hill would be very expensive. She questioned the applicant's estimate of just an additional 23 students.

9. Jennie Sunshine – Ms. Sunshine stated that her family have been residents since 1969. They love Yorktown for its open space and history. Underhill Farm is a grand scenic gateway into Yorktown and the mansion, outbuildings, pond, mature trees, parklike setting, and stone walls provide the bucolic setting. Collectively, they are the cornerstone of Yorktown's agricultural heritage. The 13.8 acres, cultivated soils and structure came directly from the Underhills. She feels that one of Yorktown's last surviving historic and architectural anchors will be wiped out. 13.8 acres of parklike open space will be reduced to just 3 acres connected by blacktop and parking lots. The mansion will be compromised surrounded by row houses, refuse bins and tall light stantions and 11,000-sf of unneeded commercial space will be added. She feels that the town already has so many vacant commercial spaces. Traffic will be compounded from employees, tenants, customers and the public park use. For the next four years or so quiet enjoyment of this serene setting will be disrupted by the constant sounds of construction. Over 500 trees will be cut down and wildlife will be driven away from their natural habitat. The air will be filled with exhaust fumes, dust and dirt and the roads will be chroncially muddy and dirt tracked. Wetlands will be rechanneled and filled to create more land to build more structures. Historic outbuildings will be replaced by residential units. Property values will decline and property sales will be difficult in the face of 4 years of intense construction. The reason why property values will likely decline is because nobody wants to live across the street from apartments. The residents on Glen Rock Street do not want to look at the back of an apartment building. Thick and beautiful vegetation will be ripped out and there will be no resemblance of the Edward Underhill Flora Villa. The quality of their life will not be the same. She believes the property as it is should be preserved. How can the Planning Board support the desecration of this historically significant property; and will they require Unicorn to develop reasonable alternative development options that reflect lower density and practical sitting options to minimize the destruction of this historic property. She also doesn't understand how the residents within this development will feel with the entire public traversing through their property and using their pond and pools after paying market rate for their home/unit. From her personal research, this property was part of a family that founded the town and the property was much larger than it is now and is the last bit of the history. She feels that there are many things that can happen with this property and there are many rich people out there that can easily turn this entire property into a beautiful public park, hotel, or an artistic place where weddings can be held. It would then have a lower density.
10. Joe Streany, 466 Underhill Avenue – Mr. Streany stated that he and his wife are residents of 6 ½ years. They live on the corner of Underhill Avenue and Glen Rock Street and share 352-ft of property with the proposed development. They love Yorktown, and want to raise their children here. They bought the only house they could afford set back off a main road with a view of a multi-acre scenic parklike setting. The Soundview School welcomed their growing family and allowed them to cut the grass to create a sidewalk so they could push their stroller down Underhill Avenue. If the Planning Board allows this dense 148 unit residential complex to move forward, his family life will change forever. Their view of the beautiful open space will be replaced with a back wall of row houses. Glen Rock Street will likely be resurfaced and become a cut-through. He will likely have to sell his home at a diminished value. Their home and neighborhood will be irreperably changed. The neighborhood has an unspoken respect, honor, dignity and committment to care for eachother and noted his neighbors, Martha Dodenhoff, resident of 1811 Glenrock Street for 60 years; Susan & Steve Dolled, residents of 1801 Glen Rock Street for 25 years; and Donna and Rudy Cheron, residents of 1777 Glenrock Street since the 1980s.
11. Susan Dolled, 1801 Glen Rock Street - Ms. Dolled stated that she and her neighbors agree with Mr. Streany's statements. If this development proceeds as planned, they feel that their quality of life will be changed forever. Not only will the pastoral view be replaced by the multi-story row houses, their quiet enjoyment will be disrupted by constant noise, light and air pollution over the next several years. They are also concerned that their residential property will be devalued. She questioned if the applicant considered how the character of their neighborhood would be irreperably changed forcing them to make sudden life altering decisions as to where they live.



12. Marty Costello, 535 Underhill Avenue – Mr. Costello stated that he is a 47 year resident of Yorktown and lives on Underhill Avenue. He is concerned about the traffic implications as a result of this development. He doesn't feel that traffic signals will solve the issue. He questioned if the Planning Board agrees that Unicorn has accurately quantified and accounted for the projected increase in traffic. To answer this question, they are requesting that the Board provides the public with the details of the traffic counts and assumptions by year for the construction phases of the Unicorn development including for each specific known hard and soft development provide the specific traffic pedestrian projections. Will the Planning Board approve the Unicorn site plan based on the preliminary traffic improvement plan or will they ensure that all of the affected parties including the NYSDOT are in agreement with the improvement plan? Will the Planning Board ensure that there is a clear understanding by the affected parties of any changes to the historic and environmental resources to be made in conjunction with the improvement plan? Will the Planning Board ensure that there is a clear understanding that the improvement plan is fully funded, and identify who will fund the component of the plan? Will the Planning Board ensure that there is a clear and specific construction schedule in place and that the improvement plan will be completed prior to the Underhill Farm development opening?
13. Grace Siciliano – Ms. Siciliano stated that she is a 51 year resident of Yorktown and a member of the Protecting Yorktown Quality of Life Foundation. She would like to address the infrastructure and sewer. The full environmental assessment form dated 12/9/20 is 18 months old and contains numerous factual errors and should be updated based on current information. It did not assume that the proposed development was to include a restaurant, inn, 11,000 sf of commercial/retail space and two swimming pools. She questioned if they are comfortable with the gallons per day of liquid waste estimate in the EAF. They understand that the property has long standing flooding and stormwater run off issues and leakage to wetlands. To assist them with their understanding, they reached out to an environmental consultant to perform a desk review of the wetlands documents and communicated several areas of concern and additional information that would be required to complete a proper project review. Is the town going to ensure that Unicorn obtains permits from the US Army Corp of Engineers before the wetlands are altered? Was the Unicorn wetland delineation data collected according to the procedures in the Army Corp manual? They are requesting that the delineation data be provided for review by an independent party so they can be sure that the full extent of all of the wetlands are included in the plans. Has the town considered the stormwater control requirements? Please provide any calculation that has been done that determines the present and post construction stormwater volumes, and plans for post construction stormwater controls that meet the standards in the design manual for independent review? Also, please provide studies that show whether stormwater will flow to the storm sewers and/or directly to the wetland after development. Has the Town considered the Design Manual's enhanced phosphorous removal standards requirements? Please provide information to show how the developer has incorporated this requirement into the plans. Further details regarding the environmental consultant's desk review will be provided into the public record.
14. Steve Dolled, 1801 Glen Rock Street – Mr. Dolled stated that he is a Glen Rock Street resident. He would like to speak about the information provided on Unicorn's website with respect to the flyer. Unicorn claims that \$1M will be invested into the restoration of the historic Underhill mansion and its reopening to the public. Contrary to initial plans, Unicorn stated they plan to install an 8 bedroom regional inn and restaurant in the main mansion. These investments are Unicorn's responsibility and 100% for its benefit. Unicorn claims that \$850,000 will be invested to restore the ice pond and create a public park. There is no needs assessment or quantified demand that a new public park is needed. There are five nearby parks, several within walking distance. Unicorn claims that \$250,000, will be spent each year to maintain the historic Captain Underhill House, the grounds and property. Maintaining the historic Underhill House and grounds is a Unicorn operating cost, not a benefit to Town residents. Unicorn's website states that to connect Underhill Farm to the adjacent central business district, the project invests \$300,000 to restore the historic community gateway with a new pedestrian promenade near the intersection of Route 118 and Underhill Avenue. Mr. Dolled feels that without the need for a new public park, there is no need for a public access or a restored gateway. The primary need is pedestrian safety and the installation of sidewalks. Unicorn claims more than a half a million dollars for traffic improvements at the intersection of Route 118 and Underhill Avenue. Whatever improvements they are, Unicorn should be investing in the traffic remedies as a result of its development as required by law. Mr. Dolled feels that these claims are not public benefits and therefore there is little justification for higher density and asserting the \$2.4M in public benefits.
15. MJ Batchelor – Ms. Batchelor stated she is a resident of 68 years. She is addressing the Unicorn misrepresentations about the project. Unicorn has announced on its website that Underhill Farm is a public-private partnership with the town that provides a wide variety of benefits to Yorktown residents and taxpayers. Via the Freedom of Information Law, a request was made for this partnership agreement and the Town Clerk's office advised that no public-private partnership exists. Unicorn has named and marketed its proposed development site as Underhill Farm; however, the

property design and its intent have nothing to do with a farm and in no way is reflective of the agricultural heritage of the property. On their website, Unicorn refers to the property's centerpiece, as the fully renovated Captain Underhill House. There is no structure or part of the property that has ever been called Captain Underhill's house. The Unicorn website states they will partner with the Yorktown Historical Society to preserve the property's legacy. There is no provision in Unicorn's plan to address this or even engage the Yorktown Heritage Preservation Commission who is charged with protecting the legacy of Yorktown's historic properties under the municipal code. The 5/31/22 Examiner News states "Finally, a new senior center for Yorktown: Underhill Farm will include an access road to the Beaver Ridge Senior Apartments and 30 needed parking spaces needed for a long-awaited senior center. Without this new parking area, the senior center will not be built. With the approval of Underhill Farm, the new Yorktown senior center will finally become a reality." These statements are false and misleading and convey that Unicorn will build a new senior center, which is not true. Unicorn plans to create an access road to a senior center and 30 parking spaces. There is no justification to say that without the approval of the Underhill Farm project, the senior center cannot be built. Will the Planning Board challenge the accuracy and validity of the misrepresentations on the Unicorn website, as well the content of press releases and public announcements? On behalf of the Quality of Life Foundation, they share a common interest in understanding, protecting, and preserving our community and neighborhood character for current and future generations of Yorktowners. Based on their review of Unicorn's plans, they believe they have identified overwhelming evidence that there are quality of life impacts associated with the proposed Underhill Farm development and, therefore, ask that the Planning Board issue a positive declaration (meeting the minimum SEQRA requirement) for Underhill Farm and initiate an Environmental Impact Study. They also ask that the Planning Board require Unicorn to provide alternative development options that address a lower density proposal.

16. Mike Epting, 2040 Allan Avenue – Mr. Epting stated that he is a 33 year resident of Allan Avenue. He opposes the traffic relief valve from the Soundview property to exit through the Beaver Ridge property and onto Allan Avenue. He is also opposed to the plan to build a senior center on the property behind Beaver Ridge. He reviewed the history of the Allan Avenue neighborhood with the Board. Today some 65 years later, the roads are the same, but the traffic demands are significantly higher. Households now typically have at least two and many times up to four or more vehicles, with many parked along the road. Throughout the day there are frequently delivery trucks for fuel oil or propane, as well as Amazon, UPS and other carriers delivering products ordered online, in addition to many pedestrians, school kids, dog walkers, and cyclists along Allan Avenue, severely crowding the road during high volume times of the day. To moderate the excessive speeds of traffic, the town installed eight traffic bumps to force traffic to slow down. Due to these constraints, it would be unfair to Allan Avenue and other residents of the development who must all use this road, to allow additional routes of entry onto Allan Avenue that would increase the overall traffic volume. The traffic consultant estimated that there would be an additional 30 cars added to Allan Avenue during rush hour. He would like to know what assumptions were made in determining this estimate, and what is the confidence level in the accuracy of this number? An increase of thirty cars doesn't sound like much if you're talking about the Taconic State Parkway, but with all of the constraints on Allan Avenue it's a different story. What if the estimate is off by a factor of 5 or 10 times, and instead of 30 cars we're looking at 150 or 300 cars over rush hour on a small secondary road? He opposes any permanent traffic route through the property that would exit onto Allan Avenue. If an additional emergency exit is needed for Beaver Ridge, and it is, how about designing a road that exits onto Glen Rock, which is significantly wider than Allan Avenue and would be a convenient alternative route to Baldwin Road. He feels it makes no sense to build a new senior center with offices for the Parks and Recreation department next to Beaver Ridge which would draw additional traffic to the area to enter and exit via Allan Avenue. With the senior meal program remaining at the Cultural Center, it seems like a major inconsistency and inconvenience to force seniors to commute between the two locations for senior meals, meetings and events. Why was there no public discussion on relocating a senior center and the parks and rec office to this location before this decision was taken? The current Community Center on Commerce Street is centrally located on wider roads with sidewalks and has a large parking lot convenient to the building and questioned moving it from its current home with adequate infrastructure to drive more traffic to a neighborhood which was never designed for it. He asked the Board to protect the safety of their neighborhood and property values by eliminating the proposed traffic route through the Soundview property exiting onto Allan Avenue, and to not allow the construction of a Senior Center building on Beaver Ridge property.
17. John Flynn, Woods Brooke Lane – Mr. Flynn stated that he has lived in a condo across from the proposal since 1985. He is not opposed to multi-family development or mixed-use development. He is also not opposed to the zoning of special use districts. He is speaking as an individual and not as a member of any particular group. He questioned how Unicorn can claim the density of its proposed plan with 148 housing units, commercial space, restaurant and hotel

to be consistent with surrounding neighborhoods. Unicorn bases its density calculations on 13.8 acres without subtracting the areas such as wetlands, pond, areas reserved for commercial space and senior parking. Unicorn states that they are comparable or consistent with the other neighborhoods to the north and south. The Beaver Ridge development was allowed a higher density because it supplies the low market housing for senior citizens. As proposed, Underhill Farm will sell at market rates so it doesn't offer benefits of affordable or below market housing. Beaver Ridge doesn't include any commercial space and the apartments are much smaller than the proposal. The Yorkridge apartments were built more than 60 years ago before developments were required to manage stormwater run-off. To meet the standards required today, Yorkridge would need to be built with fewer apartment units. He submitted a density chart of the multi-family developments in the neighborhood to the Board for review. Also part of the neighborhood are the six single-family homes along the western edge located on Glen Rock Street where the density is limited to one dwelling unit per acre. Will Unicorn provide an accurate calculation of the proposed housing density based on acreage available to build housing, not including the wetlands, parking and commercial uses. Can the Board scale down the proposal to match the density of other recent market rate multi-family projects in Yorktown. Unicorn claims the emergency access road blocks water flowing west to east across the site and created wetlands b and c. If this were the case, wouldn't the areas to the east of the road and the road itself be dry and noted that they are not. He questioned the groundwater recharge. How much water currently enters the site during a storm and how much runs off the site during a storm. Will the artificial wetlands proposed perform this vital function as well as the natural one does. With respect to the fiscal analysis, he questioned if the data, based on the 2000 census, is relevant to Yorktown in 2022. Can this data be used to project the population of a specific project as the ranges vary widely. Doesn't Yorktown need supplementary data for such an important, baseline calculation? He noted that the Planning Board has the authority to require revisions to Unicorn's site plan. Under the NYS Environmental Quality Review Act, the lead agency in this case, the Planning Board must weigh the project's environmental impacts and decide whether they are significant. He recommends they decide they are significant and declare a positive declaration due to the likelihood that this project as proposed will adversely impact traffic, a historically and architecturally significant site, school district, municipal sewage system, surrounding residential neighborhoods with the proposed commercial operations.

18. Mike Oates – Mr. Oates stated that he is the President and CEO of the Hudson Valley Economic Development Corporation. Their mission is to serve and create jobs to bring investment into the entire Hudson valley region and noted that they are in strong support of this project. One of the critical issues facing the entire region is housing. They feel that this project starts to address some of the housing needs in Yorktown. He was impressed with some of the speakers who want to have an option for downsizing. The developer has a proven track record in Yorktown and throughout the Hudson Valley including the Caremount facility that serves the community. Underhill Farm will create walkability for its residents to local businesses and in essence strengthen the Yorktown business community. It will also provide 250 construction jobs, 50 full time jobs, and a million dollars that will be added to the tax rolls from a property that has been tax exempt.
19. Tony Grasso, Resident – Mr. Grasso stated that he is a 54 year resident and noted that he has served on many Boards over the years. With respect to the Comprehensive Plan, he believes the minutes will show that this property is in the plan and noted that Susan Siegel was on the Board at that time and asked Mr. Tegeder to confirm whether it is or isn't in the plan. He feels that the negative ads are false. When you look at the density at Beaver Ridge and the surrounding areas, they are far higher than what this plan offers. The ad stated that the 200 year history will be gone forever. He stated that the only part of early history on the project is the first 50 feet when you enter their driveway. He has a booklet of everything that was done in Westchester County and informed the Board that Westchester County was part of the Bronx and that too is historical. The ad stated that open space and trees will be demolished. He noted that if trees are demolished they can be replaced which will be part of the mitigation. The traffic was addressed by Dr. Phil Grealy who is an expert in this field and in the state of New York, if not around the country. He knows his job and he does it well. With respect to the property values, he noted that today if you sell high, you buy high and if you sell low you buy low. The senior center was negotiated with HUD who is in charge of Beaver Ridge to give property to the town to build the center which they need. There are over 7,000 seniors in this community. The current center is not big enough for this community. In his calculation, he thinks that over a million dollars in taxes will be paid to the town and county at no cost to the residents who have been paying it all these years. With respect to traffic, he stated that this is supposed to be a 55 and over type of housing and noted that many seniors do not venture out before 9:00AM or after 3:00PM. He questioned if an independent traffic study was done by the town and feels that between the two studies, the traffic issues will be solved. He added that the Fire Department has determined that there is no way to reach Beaver Ridge through the current rear access in case of an emergency

and this plan will provide that which is an improvement. He encourages all residents to be informed and use the town website for information and not heresay.

20. Jennie Menton, Resident – Ms. Menton stated that she is a resident since the early 1950s. She feels that they have reviewed this proposal many times. She noted the recent ad in the paper. She respects all the speakers this evening, whether for or against this proposal, but she would like some truth to be told. The mansion will not be destroyed and noted that the applicant stated this at the very beginning of the proposal discussion. The smaller buildings will be removed as they are unsafe. The trees will have to be removed for the development, but new trees will be planted. She noted that there are over 6,000 seniors in the community that need another place to live. She would like to downsize as they are older and cannot maintain their home but they have no place to go. She likes this project as it offers many amenities. Eventually she won't be driving and she will count on transportation from the senior center. She noted that Unicorn never stated that they were going to build the senior center, they are only providing parking spaces and fire access. The senior center will remain at the Albert A. Capellini Community building. This new facility will be an additional senior center that is much needed. She noted that seniors are not dying at the age of 60, 65 and 70. They are still working and don't retire until much later but still need a place to go as they get older. With respect to the park, she feels that it is a nice amenity where the residents can sit and people watch. There was a remark earlier about a hotel or place to have weddings at this site and noted that there will still be traffic. They need housing for the seniors and added that seniors are an important part of the community. She fully supports this proposal and thinks it will be an asset to the community.
21. Michael Mattone, Resident – Mr. Mattone stated that he is a resident of Yorktown and a member of the Community Housing Board. Ken Belfer, Chairman of the Community Housing Board, provided a comment letter to the Planning Board earlier today that he will address at a future meeting. With respect to the proposed housing, he feels that the fiscal analysis seems to lack affordability consistent with both the needs of Yorktown families and conformity with the recommendations of the Westchester County Planning Board that was shared with Diana Quast, Town Clerk, on April 6, 2021. He feels that there needs to be some clarity as to what is age restricted or senior housing and if it conforms with senior rules. He questioned the affordability and noted that according to the 2020 census quick facts, the Yorktown median income is \$130,375. More than half of Yorktown, based on median household income, cannot afford the townhomes and condos proposed. He feels that they should be looking at what they can do to make sure that housing is built for Yorktown families that is affordable especially for seniors who want to age in Yorktown. He suggested reaching out to Dutchess County Executive Marc Molinaro as Dutchess County is creating many developments and solving their senior housing crisis by creating programs and incentives with financial benefits for seniors to age in place. This would then allow the developments to attract young families. He noted that the Community Housing Board will discuss the model ordinance at a later date. He noted that the intent of the law based on the marketing material from the Town is to respond to 21<sup>st</sup> century market reality by diversifying housing stock, encouraging live/work construction, and promoting walkability with pedestrian and bike friendly streets. He noted that this proposal does provide diversity housing stock which is critical as Yorktown has a lot of single-family residential housing. With respect to encouraging live/work construction, walkability and bike friendly streets, he is not sure that what has been marketed really promotes those facts or is built with the full intent of Destination Y. He noted that the reality is that he shops and dines in Peekskill, Mount Kisco and Cortlandt as there aren't many options in Yorktown. He added that he is one of two people who came tonight under the age of 50 to speak and noted that young people aren't engaged because a lot of projects proposed in Yorktown are not designed for young people. They need to work with developers to build for the future of Yorktown. He feels that Underhill Farm could be a place where young people could have their first house in Yorktown. He feels if they look at this proposal with not just the letter of the Overlay District law but with the intent of the law, he is confident that they can get this done.
22. Daryl Lindholm, 4 Devon Court – Ms. Lindholm stated that she and her husband have been residents of Yorktown for 16 years. They moved here from Valhalla since there was no senior housing available. They had to leave their friends, acquaintances and place of worship of 43 years. She feels that Yorktown needs condos, townhomes and apartments. The proposed plan will renovate the mansion and noted that it will be refreshing to see a landmark that is an important part of Yorktown history be spruced up. It will also be a visual improvement to the community. The public will be able to enjoy the restored building and its grounds along with a restaurant, shops and walkways. She is hoping seniors currently living in Yorktown will be able to stay and not have to move like she did. She noted that there are over 6,000 seniors living in the community and would like to keep them here. She feels that they cannot let this plan be stopped and urged the Board to expedite it as quickly as possible. Let the Planning Board's legacy be one of moving forward and helping seniors to stay within the community.
23. Rosemarie Panio, 1824 Morningview Drive – Ms. Panio stated that she is Chair of the Senior Advisory Board and noted that many of their members are here this evening. She has been a resident of Yorktown for 50 years and has

raised her children here. Her children and grandchildren still live here. She would like to stay in this town and doesn't want to leave her children, neighbors, friends and church. She noted that she and many seniors get to a point where they love their homes, but can't maintain them anymore. They are trying to teach the seniors through the Advisory Board, to make wise decisions about their future but they don't have many options. She loves this town and would like to stay here but she doesn't know how long she can stay in her home either. With respect to the traffic, she noted that when you age you do not go out as much. Seniors don't usually shop or venture out on peak hours. She asked the Board to make a logical and wise decision for this proposal and to not forget about the seniors in Yorktown.

24. Dan Strauss, Resident – Mr. Strauss stated that he is a 56 year resident and is not affiliated with any group. He talked about senior housing and market rates. He questioned if seniors could afford downsizing into this development, in addition to the carrying charges. He noted that people move to towns that they can afford and noted that it is expensive to live in Yorktown. He does not want apartments in Yorktown as he feels apartments drag the town down in the long run and feels that this could be trouble. He cited the Weyant project. He noted that a proposal was before the Town Board for a Toll Brothers development of 148 units on 50 acres. Unicorn is proposing 148 units on 13 acres, including commercial space. He does not want commercial space. With respect to walkability, he doesn't feel that there are many people walking around Yorktown. He feels that there will be more traffic and doesn't believe the traffic study. He noted that if he lived at Underhill Farm, he would not want the public walking around the development. He added that if the development was less dense, he would be fine with it.
25. Paul Martin, 72 Moseman Road – Mr. Martin stated he is here to discuss preserving the Underhill House and will focus on the compromise which is a delicate balance between progress and preservation. The house is an extraordinary structure and is the most significant building on the property with a visual gateway to the town and the heart of Yorktown proper. The historic preservation of a house like this costs money and the older the house is, the more expensive it is to restore and preserve for future generations. He noted that developers often overlook the potential of adaptive reuse of old and historic buildings and cited the Knapp house on Route 202 which was removed to build condos and apartments. The developer at that time did not consider the historic nature of that house, which had significant history dating back to the Revolutionary War. He commends Unicorn for recognizing the significance of the house when they purchased this property but noted that in order for them to restore and maintain it, they incorporated the adaptive reuse. On a personal note, he has lived in Yorktown for 35 years. In order for he and his wife to afford a home in Yorktown, they had to buy an entry level home at market value which happened to be a condo in Rochambaeu. This was their entryway into Yorktown and then after a few years they bought their single-family home. They don't want to deny young people coming into Yorktown the opportunity to purchase a market value condo. Time marches on, progress with preservation. He noted that historically, Yorktown was exclusively a farming community and if the same resistance to farmland developing had occurred in the 1950s and 60s, none of the people in the room this evening would be here right now. Again, he commends the efforts of the developer in preserving the Underhill house.
26. Susan Siegel, Resident - Ms Siegel stated that much has been said about seniors who want to downsize and have no place to go. She has lived here for 52 years in a single-family home and when she needed to downsize she moved to Jefferson Village and noted that there are units available. With respect to whether this property was permitted in the comprehensive plan, she stated that she was Supervisor when the plan was adopted. She noted that the comprehensive plan especially does not talk about an Overlay District for Yorktown Heights. It talks about an Overlay District for other parts of Yorktown but not Yorktown Heights. It talks about a mixed-use overlay type district and says that the density should be the same as the underlying zone which in the case of Underhill Farm it is one acre zoning so she doesn't think Underhill Farm comports with the comprehensive plan. She stated that she submitted detailed comments to the Planning Board raising a host of issues about the site plan dealing with the density, wetlands, traffic, etc. She noted that SEQRA states that if the initial environmental assessment turns up one potential significant adverse impact then the Lead Agency has to issue a positive declaration and require the developer to prepare a more comprehensive environmental impact statement. She noted that they have a letter from SHPO stating that the proposed Underhill Farm constitutes an adverse impact. She stated that the overlay law gives the Planning Board flexibility when it comes to waiving the density and bulk regulations. She asked the Board to stand firm on their earlier statements with respect to a holistic approach for the Route 118 traffic situation to work with the town and the NYSDOT to develop a real solution to the traffic issue.
27. Miriam Curtin, 753 Iris Court – Ms. Curtin stated she will talk about the optics from her point of view. At the last meeting the historic consultant talked about how when you drive down Underhill Avenue how beautiful it is to see the house and pond and couldn't agree more. She showed the Denton House in the Town of North Hempstead, Long Island as it is similar in appearance to the Underhill house. The Denton House was built by Richard Denton in 1795 and was renovated to a Georgian mansion in 1860. It had many different owners of the years and became a variety

of local businesses which included a funeral parlor and restaurants. In 1986, it was purchased by McDonalds who then wanted to demolish it but there was an uproar so they decided to renovate it and it is now on the National Register of Historic Places and looks nice. She noted that this was the future of the Denton house after more than 50 years of failed businesses and feels that there is no reason to think that this couldn't happen to the Underhill house if the Planning Board allows commercial development of this property. She cited the Overlay District law and questioned what the upper limits of all the units that can be built in the Overlay District is. How many toilets can be flushed in the Overlay District. How many toilets can be flushed in the Underhill Farm development. She feels that the oversized buildings will dwarf the historic Underhill house and will be the first thing you see turning east on Underhill Avenue or South on Route 118 and they will no longer see the beautiful side of the Underhill house as you drive into town. She is concerned about the density; amount of structures; and increase of water and sewer on the property. She feels that this proposal does not belong on this undeveloped historic property. She added that there is no guarantee that Yortown seniors will be able to buy or rent these properties.

28. Keith Holmes, 656 Sharon Lane – Mr. Holmes stated that he is an 18 year resident of Yorktown. He is a member of the Climate Smart Community Task Force and a Board member of the Science Research Foundation for the High School. He added that he is a real estate developer and has restored over 100 million dollars in historic properties over his career. He thinks this is a great plan and noted that 95% of the projects on a national basis require adaptive reuse. He feels that this project, the way it is designed, with the adaptive reuse is a good plan. He heard earlier that there is an adverse proceeding from the state but noted that it does not necessarily mean that the property should not be developed. Many times, the outbuildings are demolished to preserve the main building. In his opinion, he recommends that the Planning Board approves this development.
29. Mark Lieberman, Resident – Mr. Lieberman stated that he had three concerns. About 3 or 4 years ago the Town Board passed a tax abatement law and questioned if this law will apply to the proposed development. He would like clarification on the tax revenue. Second, he is concerned that the road through Underhill Farm into Beaver Ridge will become a cut-through. Third, he is concerned about insurance and liability. If the senior center is to be located on Beaver Ridge and additional parking is on the Underhill Farm property and an accident should occur, is the town liable in any way.
30. Katherine Quinn, Resident – Chairman Fon read Ms. Quinn's letter dated 6/13/22 into the record.

**Upon a motion by Bill LaScala, and seconded by Aaron Bock, and with all those present voting "aye, the Board closed the Public Informational Hearing.**

**Motion to Closed Regular Session and Open Work Session**

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

**WORK SESSION**

**Town Board Referral - Proposed Boutique Hotel Special Permit § 300-83**

Comments:

The Board discussed the proposed law. Mr. Glatthaar noted that the only comment he had was with respect to Section II, B-3 noting that cooking facilities, common dining rooms and lounge facilities shall be permitted to accommodate guests and/or the general public. He thought that this should be clarified to ensure that there are no cooking facilities in the individual hotel rooms otherwise he had no issue. The Board had no planning objections and requested that the Planning Department submit a memo to the Town Board noting Mr. Glatthaar's comment.

**Motion to Close Meeting**

**Upon a motion by Aaron Bock and seconded by Bill LaScala, and with all those present voting "aye", the Board closed the meeting at 11:30 p.m.**