

# Planning Board Meeting Minutes – March 10, 2025

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A meeting of the Town of Yorktown Planning Board was held on Monday, March 10, 2025, at 7:00 p.m. in the Town Hall Boardroom.

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

Aaron Bock  
Rob Garrigan  
Bill Lascala  
Bob Waterhouse  
Judy Reardon, Alternate

Also present were:

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

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## Correspondence

The Board had no comments.

## Motion to Approve Meeting Minutes of February 24, 2025

Upon a motion by Aaron Bock, and seconded by Bob Waterhouse, and with all those present voting “aye”, with the exception of Rob Garrigan who was not present during this meeting, the Board approved the meeting minutes of February 24, 2025.

## Motion to open Work Session

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

## WORK SESSION

### Five Below

Discussion: Special Use Permit  
Location: 37.18-2-56; 335 Downing Drive  
Contact: Heather Spohn  
Description: Application for a Special Use Permit for permanent seasonal outdoor sales.  
Comments:

Harold Smith, store manager, was present. The applicant, Five Below, is seeking a special use permit for outdoor sales that will consist of up to 8 rectangle cages on wheels to be placed on the sidewalk in front of the store weather permitting. The cages will be placed inside the building when the store is closed. Lascala asked what the contents of the cages would be. Smith responded that it would be a variety of store items. Fon asked if the sidewalk would be blocked. Smith responded that the cages will not block the sidewalks or windows and will not extend the Five Below property line so it will not interfere with the neighboring stores (TJ Max and Michael’s). Bock asked about the width of the sidewalk and Steinberg responded that it was 17 ½ feet. Smith added that the cages are 2 feet wide.

Fon asked the Board, Counsel and Planning Department if there were any concerns and there were none. Tegeder stated that the Planning Department will draft a resolution for the next meeting.

### Par 3 Golf Course

Discussion: Site Plan Amendments  
Location: 16.07-1-38; 795 Route 6  
Contact: Matthew Behrens Architect  
Description: Proposed amendments to site plan previously approved by Resolution #21-30.

Comments:

Matt Behrens, Architect; Carmine DeMeglio, business owner; and Joseph Riina of Site Design Consultants, were present. Behrens stated that they provided a response to comments made since they were last before the Board. They identified the on-street parking on the service road adjacent to Route 6 and counted 57 spaces all of which are approximately 9ft by 18ft long. The width of the road is also indicated that shows the widest point near the turnaround on the west side to be about 30 to 32ft wide, and the narrowest point to be about 28ft which is just past the entrance into the golf course parking lot. They also show a break in the run of spaces along the guardrail; they left those free where the inlet is from Route 6 for the turning radius.

Bock noted that the access to that parking area is not shown. Behrens said that the access is off of Route 6. Bock requested that this be shown on the plan in order to see how it functions. Behrens responded that they will add it to the plan and noted that currently there is a gap between spaces 22 and 23 where the inlet is. Bock asked if the spaces will be marked out in any way and then questioned if it was permissible. Tegeder said that it may be state owned. Fon thought that it may be governed by the NYSDOT. Tegeder thought that if this were the case they would then need a permit. He added that it functions as a defacto parking area for the commuters so he didn't think there would be an issue. He agrees that they should see where the road comes in, the exact pavement dimensions, and turning radius for a fire truck to get in and navigate the turn. He added that one or more of the spaces may be lost as a result and if this were the case they could add striping to keep the area free for emergency vehicles. Demeglio said there is some striping currently but it is very faint and could be repainted. Waterhouse noted that they spoke of signage at their previous meeting to delineate areas to be used and not used and thought this would hold true for signage on the state road and Tegeder agreed.

Waterhouse asked about about the sanitary line to the sewer. Riina stated that due to the location of the connection point on the other side of the Shrub Oak brook they would need to cross underneath the brook to get to the sewer which involves getting a permit from the DEC. He added that this would be an open timeframe as there is a delay with the DEC. Waterhouse questioned if the availability of portosans would be the stop gap until this happens. Demeglio added that they have been pumping the tanks twice a week for over a year now. Ciarcia stated that they are looking into getting the sewer approved but the underlying issue is whether the Health Department accepts the number of seats proposed with their sanitary system and portosans and doesn't want to render an opinion on something not in his jurisdiction; it does become his jurisdiction if they detect sewage someplace where it shouldn't be. Fon thought that if the current system couldn't handle the seating that the Health Department wouldn't approve it. Ciarcia's understanding with respect to restaurant operations is that the design flows are a function of the number of seats so currently the number of seats proposed doesn't work with the existing septic system capacity. Fon asked how they would deal with this. Ciarcia said that the Health Department would weigh in on it and noted that it will help to have the sewer connection plan in the works because as it would then be a transition. As yet, he hasn't approved the plans for the connection and noted that it also has to go to the Westchester County environmental facilities since they have to approve the connection to their manhole. Fon stated that when they look at the current plan they are looking at a number of seats that the existing system is not designed to handle and questioned how to move forward; do they allow portosans as a substitute. DeMeglio stated that the county has been to the site twice and saw the portosans. Fon stated that they want to see the business succeed but also want to ensure that it is compliant and feels there are questions that need to be answered on the town's end as this is town owned property and they are the tenant. They also need an answer from the County.

Fon felt that the operating plan submitted needs more detail with respect to the temporary lighting, night golf, events, etc. to ensure that the description is clear and that they have the legal capacity. He added that these events and lighting will draw a large crowd that might exceed parking and the intent of the restrooms. He feels that they need to ensure that the plan submitted is consistent with the original plan between the town and tenant. They also need to get a handle on the items discussed that include the sewer connection and the DEC; Health Department for the potential of temporary portosans as they are heading into their busy season; and the DOT with respect to the parking and striping.

Fon asked the Board if they had any issues with the plan layout. Bock noted that they will need a town wetland permit for the proposed sewer installation. Bock continued that the operating plan should also include the hours of operation not just the days. He is concerned with the lighting impact from the property and not sure if this was approved. He noted the Board's memo from early February requesting information that they still need.

Waterhouse asked if the applicant was proposing to add more restrooms since they are increasing the capacity with the sanitary sewer. DeMeglio responded that they currently have two restrooms and would consider adding two more but that would be a next step.

Bock requested to show the septic locations on the drawings. DeMeglio noted that they have two tanks on the property and described their locations.

Lascala asked who would pay for the capital improvements on the property since it is town owned, tenant or landlord. DeMeglio said they would pay for it.

Fon asked what the county's limit is for the seating and what is proposed. DeMeglio responded it was 54 and are proposing about 107. Tegeder thought it would be about 150 if they count inside and outdoor seating. Dimeglio said that they could cut the number down.

Riina stated that with respect to the sewer, the application is almost complete and the plan is done. Since the town is making the application, it will be submitted to the town engineer for review and signature by the Town Supervisor and then it will go to the DEC. Once the sewer system is designed there will be no restriction with the flow and capacity. Fon noted that the issue is that they are at the beginning of their season and this could take over 9 months past their season. He thinks that there should be some discussion with the County to see if something could be done on a temporary basis with respect to the seating. DeMeglio noted that they discussed writing a letter to the County explaining that they are committed to pumping twice a week and added that even if they gave them 80 seats it would help. Riina added that they are holding off writing the letter until the DEC application is made so they can note this in addition to pumping twice a week. Fon noted summer events at the facility and questioned if the County would approve a temporary portable facility. Riina said that they have approved portable facilities on a temporary basis for some of his projects where they could not accommodate sewage immediately but noted that some were not. Fon stated that the concern is if the town applies for the permit and they come out to inspect the area. Riina said it would be up to DeMeglio and his group to ensure that they are diligent about the pumping and if they are permitted to have the portable facilities this should cover them. Garrigan asked if there was a permit application for portable facilities. Riina said there isn't an actual permit application, instead a letter would be written pleading the case and explaining the circumstances. It's not an official permit but more of a letter of permit allowing the portosans and number of seats. Garrigan noted that the good news is that they now have the ability to connect to the sewer so they are in a transition period until this is done and the capacity can be expanded. Fon advised the applicant to meet with the Planning Department and Counsel to go over the items discussed this evening.

#### Guiding Eyes for the Blind

Discussion: Modified Disturbance Area

Location: 36.06-2-72; 3241 Crompond Road

Contact: Site Design Consultants

Description: Request to remove an additional 21 trees to accommodate stormwater upgrades and the relocation of the proposed sewer and natural gas services.

#### Comments:

Joseph Riina of Site Design Consultants; and Bill Ma of Guiding Eyes was present. Riina stated that they are here this evening to request approval to remove 21 additional trees to accommodate a stormwater detention system upgrade, further extend the landfill cap stormwater collection system, and construction of the relocation of the proposed sewer and natural gas services to connect with Route 202 service lines recently required by the NYSDEC. 8 of those trees will be attributed to the stormwater detention system; 9 will be in the landfill cap area; and 4 to clear a path to accommodate trenching the proposed natural gas and sewer line. The proposed trees to be removed are shown as red dots on the tree removal plan. A submission was made to the Planning Department on 3/7/25. The stormwater upgrade is to ensure that there is sufficient treatment coverage to meet minimum and maximum cover requirements so the reconfiguration created more grading resulting in the removal of 8 trees. The capping was pushed in a southerly and easterly direction as they want them to get a little further away from the wetland limit. There is a diversion swale around the cap that was originally designed for the customary 10-year storm but they wanted them to design it for a 25-year storm making it a little bigger resulting in the removal of 9 trees. Lastly, they are changing the location of their gas and sewer service from where it was originally resulting in the removal of 4 trees, however, they feel this is conservative and it may only be 2 trees. He noted that 3 of the 21 trees proposed to be removed are in severe decline. To offset the additional removals, the applicant

is proposing to replant a mix of 10 trees and shrubs on the site as well as provide 3 additional trees on a town designated location.

Tegeder noted that he is aware that the Tree Commission in their association with the Yorktown tree bank need some evergreen trees for their operation and this could be discussed. Riina stated that his client would be happy to do this. Fon noted that what is proposed is mandated and asked how long the application was under DEC review. Riina responded they started looking at it two years ago and two months ago they brought someone in who was never associated with the project and came up with some changes which pushed back their timeline. Fon noted that he brought this up as it relates to the prior application with respect to the DEC delay.

Fon asked the Board, Counsel and Planning Department if there were any concerns and there were none. The applicant was advised to work with the Planning Department with respect to the tree bank. Tegeder stated that the tree permit will be amended. Riina asked the Board if it would be ok to release the contract for the tree removal. The Board and Tegeder had no issue with the request to move forward with the tree removal.

#### Town Board Referral - 354 Alden Road

Location: 27.10-1-9; 354 Alden Road

Contact: Hernan Uguna

Description: Application for an MS4 Stormwater Management Permit and Wetland Permit to expand the existing residence and driveway.

#### Comments:

Hernan Uguna was present. Uguna stated that they are proposing an addition to the existing residence and are here this evening on a referral. Tegeder asked if the existing residence was removed. Uguna said that they received a building and demolition permit to remove a small portion of the existing house but was then issued a stop work order because they needed a stormwater and wetland permit from the Engineering Department.

Ciarcia informed the Board that the property is currently improved with an existing single-family residence and free-standing garage; the applicant is seeking to modify the existing residence. Per the code, the application is required to be handled by the Town Board due to its proximity to state wetlands. Fon asked Ciarcia if he had any issues with the proposal and Ciarcia said he had none. Tegeder asked about mitigation. Ciarcia said that there is stormwater mitigation as part of the application. Fon thought that part of the mitigation would be the removal of the septic and improving the stormwater system. Bock asked if the application was referred to the Conservation Board. Ciarcia responded that it was. Uguna said that the Conservation Board had no issues. Tegeder stated that there seems to be buffer disturbance in one small corner. Ciarcia stated that the sanitary line was already put in as part of another subdivision so the line that has to go north to the Farmwalk pump station is already in place so it would be a minimal amount of buffer disturbance. Tegeder asked if it was quantified square footage wise. Ciarcia said it may be in the engineer's report but they could come up with this in advance of the Town Board meeting. The Board had no planning concerns. Tegeder stated that the Planning Department will prepare a memo for the Town Board stating such but suggest that additional data be submitted for use in their decision.

#### Meeting Closed

Upon a motion by Bill Lascalea, and seconded by Rob Garrigan, and with all those present voting "aye", the meeting closed at 7:47PM.