

Planning Board Meeting Minutes – March 24, 2025

A meeting of the Town of Yorktown Planning Board was held on Monday, March 24, 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.

Correspondence

None

Motion to Approve Meeting Minutes of March 10, 2025

Upon a motion by Aaron Bock, and seconded by Rob Garrigan, and with all those present voting “aye”, the Board approved the meeting minutes of March 10, 2025.

Motion to open Regular Session

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

REGULAR SESSION

Five Below

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

No representative was present. This application was reviewed at the previous meeting. Fon asked the Board, Counsel, and Planning Department if there were any comments with respect to the draft resolution. Bock requested that the resolution be amended to include language that the outdoor items do not block the pedestrian access on the sidewalk including the ADA access. On a separate note, Reardon stated that she was concerned about the visibility of the white crosswalks from the parking lot since there are multiple stores and suggested to possibly have them repainted. Tegeder said that the Planning Department could take a look at this.

Upon a motion by Bill Lascala, and seconded by Aaron Bock, and with all those present voting “aye”, the Board approved the resolution approving the special use permit for permanent seasonal outdoor sales for Five Below as amended.

401 East Main Street

Discussion: Decision Statement
Location: 6.17-1-42 & 44; 401 East Main Street
Contact: Hildenbrand Engineering, PLLC; Rich McHale
Description: Proposed 24’x30’ office building with associated parking, septic, and stormwater system on a 0.38 acre site in the Country Commercial zone.
Comments:

Brian Hildenbrand, P.E., was present. Fon asked the applicant, Board, Counsel, and Planning Department if there were any comments with respect to the draft resolution and there were none.

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

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

Upon a motion by Bob Waterhouse, and seconded by Bill Lascala, and with all those present voting “aye”, the Board approved the resolution approving site plan, special use permit, stormwater pollution prevention plan, and tree permit for 401 East Main Street.

Teatown Campus Renovation

Discussion: Decision Statement

Location: 69.14-1-5,6,7,8,9; 1600 Spring Valley Road

Contact: Alan Sorkin, Managing Director

Description: Campus renovations including the Nature Center and the adjoining areas north and south of Spring Valley Road.

Comments:

Aaron Bock recused himself from this agenda item. Alan Sorkin of Teatown was present. Fon asked the applicant, Board, Counsel, and Planning Department if there were any comments with respect to the draft resolution and there were none.

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

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

Upon a motion by Bill Lascala, and seconded by Rob Garrigan, and with all those present voting “aye”, the Board approved the resolution approving site plan, special use permit, stormwater pollution prevention permit, wetland and tree permit for the Teatown Lake Reservation Campus Renovation.

Underhill Farm – Minor Subdivision

Discussion: Decision Statement

Location: 48.06-1-30; 370 Underhill Avenue

Contact: Site Design Consultants

Description: Proposed minor subdivision of site plan approved by Resolution #24-13 dated July 15, 2024.

Comments:

Item withdrawn at the request of the applicant.

Motion to close Regular Session and open Work Session

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

WORK SESSION

Underhill Farm – Site Plan

Discussion: Site Plan Amendments

Location: 48.06-1-30; 370 Underhill Avenue

Contact: Site Design Consultants

Description: Proposed amendments to previously approved mixed use development by Resolution #23-13 dated July 17, 2023.

Comments:

Item withdrawn at the request of the applicant.

Moundroukas

Discussion: Site Plan

Location: 16.07-1-2; 3665 Barger Street

Contact: Judson Siebert

Description: Proposed construction of a 2,450SF commercial building on a .32 acre parcel within the C-2 zone.

Comments:

Andrew Tureaud, Esq. of Keane and Beane; Carlos Sosa Streber, Architect of CMSS Design & Development, Inc.; and Dino Moundroukas, property owner, were present. Tureaud stated that the applicant is proposing to redevelop the parcel located at 3665 Barger Street with a 2,450SF commercial building with 17 parking spaces. The parcel is currently improved with a single-family residence that is proposed to be removed. A pre-preliminary application was submitted to the Planning Department on 3/12/25.

Fon noted the proximity of the brook and asked if they are in a flood zone. Tureaud noted the Tim Miller letter dated 8/27/25 included with their submission that notes they are not within the wetland or 100-ft buffer. Moundroukas stated that the site is in between the funeral home and the former Hudson Milk. He said he has been there for 25 years and it never flooded but the house where the Hudson milk was located did get flooded. Reardon asked where this house was in relation to the stream. Tegeder said that the stream is behind and noted that the house is under private ownership and appears to be off the property. Bock thought that they should see this. Reardon recalled that there may have been work on channeling that stream years back. Garrigan noted that the map shows that Barger Brook is across the street and that the Shrub Oak Brook seems to be far away from this building.

Bock noted that most of the site is proposed to be impervious and given its proximity to the flood plain and wetland area nearby he asked about reducing the amount of impervious surface. Streber responded that they can look at this and noted that the parking requirement is for 12 spaces and they are providing 17 so they can add more green space. Bock said that the spaces could be reserved as conservation spaces for future use should the need arise.

Fon asked about the proposed use. Moundroukas said it will be commercial but not sure of the tenant(s) as yet. Fon asked if it was a one floor building and Streber replied that it was.

Bock noted that the access was one-way in and one-way out and showed a 10ft width driveway. He questioned if there was enough space for emergency equipment access. Tegeder noted that per the code a 17ft width is required for one-way. Waterhouse said that the plan shows 10ft at the entrance and 14ft at the exit. Streber said that this was correct due to the parking on the side and added that they can increase the width by repositioning the building.

Fon asked if the sidewalk ends at the funeral home and Tegeder said that it did. Bock thought a sidewalk would be helpful and thought that the existing sidewalk should be extended. Fon agreed as it would create walkability.

Garrigan noted that since the building use hasn't been determined are they limited by 17 spaces; could it be a dining establishment with 17 spaces or just a professional building. Tegeder said that if it were a dining establishment it would be dependent upon their layout and prep space, etc. so it would be hard to tell. They are looking at a 12 space requirement so they can reduce the amount of spaces in particular on the south side to reduce some of the impervious surface.

Fon advised the applicant to work on the items discussed (*reduction of impervious surface, stormwater, sidewalk extension, fire access and road width requirement, and flood zone status*). Streber will work on the plans per their discussion. Fon requested that the Planning Department schedule a site visit with the applicant.

Town Board Referral: Louella Road – Stormwater Permit

Location: 27.05-1-33; Louella Road

Contact: Mike Panny, SMP Homes Inc.

Description: Stormwater Permit application for a new home, septic, and driveway on a .93 acre lot in the R1-20 zone.

Comments:

No representative was present during this portion of the meeting. Bock noted the Conservation Board memo dated 3/24/2025 for the record. He felt that there were no planning issues. Tegeder stated that they were unable to find the plat that created this lot but noted that the the Planning Department didn't see any issues with this request since this lot has been in existence for many years. Reardon stated that the Bibbo Associates letter dated 2/26/25 as part of the submission

notes a one-year rainfall storm and questioned if this was correct. Fon asked Chen if there were any concerns to not having a plat and Chen responded that at this stage there wasn't.

The Board had no planning objections but suggested noting the stormwater item. The Planning Department will prepare a response memo for the Town Board.

Town Board Referral: Chapter 250 - Streets and Sidewalks

Description: Proposed amendment to Chapter 250 entitled "Streets and Sidewalks," deleting Article VI entitled "Snow and Ice Removal" in its entirety.

Town Board Referral: Chapter 216 - Peace and Good Order

Description: Proposed amendment to Chapter 216 entitled "Peace and Good Order," Section 216-10, "Sidewalk Maintenance" regarding snow and ice.

Comments:

Tegeder suggested that the Board review both referrals for amendments to the local law together since they relate to one another and deal with sidewalk snow and ice removal. He noted that under most circumstances if you own a commercial piece of property you are supposed to keep the sidewalks clear and this also applies to residential properties. With respect to Chapter 250, there was an effort in 2011 to make some of those sidewalks exempt in the residential areas which was done. The Highway Superintendent wants this repealed and add the requirement to maintain sidewalks from snow and ice; there will be no more exemptions. Aaron Bock noted that the proposed language for Chapter 216 under Section II – Sidewalk Maintenance states that "*it shall be the duty of the owner and occupant, jointly, of every parcel of real estate adjoining a public sidewalk...*" He feels that the language needs more clarity with respect to the responsibility (owner/occupant) for commercial and residential buildings. He thinks this isn't clear as to who the occupant is. For example, if you have a building with multiple tenants and/or lessees they are occupying the space and he is not sure what responsibility the town can place on them; the owner perhaps. He feels that they need to think about this in terms of responsibility. He does not care for the "*and/or*" drafting technique. Garrigan thought it may be logical to make the owner responsible and in turn if the owner wanted to make an agreement with their tenant on their own they could do so possibly in a rental agreement, etc. Bock agreed and felt the law needed clarity. Garrigan asked for the reasoning behind the 2011 exemptions. Tegeder said that as the Town Board went through the process there was some opposition in residential neighborhoods and a number of sidewalks were exempted for various reasons. Councilwoman Siegel gave a brief history of the two laws and added that she will inform the Town Board of Bock's suggestion.

The Board had no planning objections to the proposed amendments but requested that the language with respect to the owner/occupant issue as discussed be mentioned in the response memo. The Planning Department will prepare a memo for the Town Board.

Meeting Closed

Upon a motion by Bill Lascala, and seconded by Aaron Bock, and with all those present voting "aye", the meeting closed at 7:30PM.