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Via email

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Ed Lachterman
Town Supervisor
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Re: Rezoning Request at 3850 Foothill – Planning Board Meeting August 10, 2026

Dear Yorktown Planning Board and Town Board,

I am writing to respectfully oppose the pending request for rezoning and any associated multi-family development at 3850 Foothill. I own the property at 3835 Eleanor Drive in Mohegan Lake, within the Strawberry Hill neighborhood, and my property directly abuts the subject Foothill parcel.

Rezoning Does Not Comport with the Town Strategic Plan

First, the Town Board and Planning Board should consider the Town Strategic Plan's stated vision: "Yorktown should remain a community of primarily lower-density single-family

homes, interspersed with open space preserves.” In light of that vision, the request to rezone 3850 Foothill from single-family residential use to a multi-unit apartment complex should be denied.

Table 2-3 sets forth requirements for townhouses and multi-family units under R3 zoning. The subject property at 3850 Foothill is not located in an R3 zone, and R3 zoning is intended to be concentrated near the hamlets. The Town has already approved hundreds of multi-family units in recent years, and there is no demonstrated need to introduce additional multi-family housing into a single-family residential area contrary to the Town’s plan. Even if R3 standards were considered for comparison, the proposed development does not satisfy them. R3 zoning requires a maximum density of 12 units per acre, protection of natural resources such as wetlands and steep slopes, and a woodland buffer between adjacent single-family homes. The proposed development exceeds 12 units, encroaches on designated wetlands and wetland buffers, lacks adequate steep-slope protections despite the significant grade on the lot, and provides no proposed tree buffer. Westchester County has also identified serious steep-slope concerns. Given the slope of the property, significant ground disturbance could permanently damage the stability and viability of the existing woodlands.

Developer Material Misrepresentations

In addition to being inconsistent with the Town’s strategic plan for growth, the applicant has made several representations to the Board that appear to be materially inaccurate. This is most clearly reflected in the plan submitted to the Town at the Town Board meeting on April 8, 2025. Until that date, the applicant had not submitted plans reflecting the relevant wetland boundaries. It remains unclear whether the correct boundary plans are currently before the Planning Board or publicly available, because the Town has not published this matter as a proposed project on its website. I obtained the wetlands map provided by the New York State DEC in February 2025 in response to a FOIA request. That map identifies specific wetlands boundaries and buffer zones. The latest plans presented to the Town show development within those wetlands and buffer zones, including a roadway, pavement, and a catch basin. Notably, the wetlands boundary extends much farther north into the subject Foothill property than shown on previously presented plans. Rather than avoiding those areas, the plans appear to overlay pavement, grading, and buildings within the wetlands and buffer areas. That approach does not appear to satisfy State or DEC requirements.

Additionally, the applicant has represented on more than one occasion that the Foothill solar farm made the property unsuitable for single-family homes, thereby necessitating a multi-family rental proposal rather than development consistent with the existing single-family zoning. However, the applicant purchased the property on November 16, 2023. The Foothill solar farm had been discussed and approved at numerous Town and Planning Board meetings years earlier, and construction likely began before the applicant purchased the property, with a signed Town site plan dated February 3, 2022. That history appears to be reflected in the purchase price, which was substantially below what would otherwise be expected for comparable property in the area. The applicant therefore purchased the property with knowledge, or at minimum notice, of the surrounding conditions and should not now be permitted to rely on those conditions as a basis for rezoning.

At the January 2025 Planning Board meeting, the applicant also represented that the surrounding area was densely populated and characterized by tightly packed homes on lots smaller than one-quarter acre, suggesting that multi-family development would be consistent with the neighborhood. That representation is inaccurate. Strawberry Hill contains minimum one-half-acre lots, and the most recent nearby development, Fieldstone Manor, consists of large single-family homes. There are no multi-family units or apartment complexes in the immediate area. The area is not zoned for such use, and the Town and school district capacity impacts associated with multi-family development have not been adequately considered.

The current R-40 zoning is in keeping with the area, not apartments. The story presented that houses adjacent were built in the 1980s, that is not true. They were built in the 1950s with a long history of family homes on ½ acre or larger lots. Further, the developer made repeated representations regarding plantings and how this would beautify the area. The area has old growth timber on it. It does not need planting. They are proposing to cut down hundred year old trees to plant anew. Bulldozing acres of trees, grading and installing roadways and parking lots, parking lot lights does nothing to maintain the “Tree City” designation of Yorktown. This development will only further kill all sight lines for the uphill neighbors that have already been irreparably harmed by the solar farm; a solar farm which was part of the “lesson learned” history of Yorktown currently rejecting such development. Rather, this is a complete degradation of the “tree city” title in exchange for out of town development that neither meets the state environmental requirements, the applicable zoning, or the intended nature and character of the area and the Town.

Steep Slope and County Identified Concerns

Further, at the Planning Board meeting in January of 2025 and the April 2025 Town Board Meeting, the applicant proposed a plan which would require significant multiple, tiered retaining walls. I have scoured the Town code and cannot find any regulations directly applicable to the same. Contrary to the representations to this Board by the developer that the proposed development site is relatively flat, this property is incredibly steep. It is difficult to walk, more or less develop without grading, likely blasting, and serious erosion and water run off concerns. Strawberry Hill is built on a granite ledge. Any development downhill, specifically of the type proposed needs to consider damage to the adjoining property owners during the development and long term. None of those concerns have been reflected or addressed, and I am gravely concerned that our Building Department does not even have the regulatory authority due to the absence of applicable regulations to monitor and enforce safe and non-destructive development on a slope of that grade.

It is this express concern that the County of Westchester has highlighted and expressed to the Town of Yorktown in its review. The County has flagged the steep slope and intended development as a grave concern. They have also flagged the wetlands development and tree removal as concerns. These are concerns that cannot be ameliorated with this development.

Conclusion

I respectfully submit that any rezoning should be rejected. Any planned development must be closely scrutinized only after it comports with the State DEC and wetlands requirements. This is a single family neighborhood and should remain the same. The public must be afforded full and proper notice of the intended applications and given proper opportunity to review, consider and comment upon the same. This is a matter for open public debate upon a full and complete accurate factual record. Continued discussion at Planning Board and Town Board work sessions where no public comment is allowed does not foster discourse and continues to allow this developer, with its material misrepresentations, to create a false narrative upon which public officials are making their decisions.

I appreciate your time and consideration.

Very truly yours,

/s/ Laura Martin

Laura Martin

Enc.: DEC wetlands map provided in February 2025 and mapped in or around January 2025;
County correspondence with concerns on this development

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