

## TOWN OF YORKTOWN PLANNING BOARD

---

Albert. A. Capellini Community and Cultural Center, 1974 Commerce Street, Yorktown Heights, New York 10598, Phone: (914) 962-6565, Fax: (914) 962-3986

---

### PUBLIC MEETING AGENDA YORKTOWN TOWN HALL BOARD ROOM 363 Underhill Avenue, Yorktown Heights, NY 10598

July 11, 2022  
7:00 PM

1. Correspondence
2. Meeting Minutes – June 27, 2022

#### REGULAR SESSION

3. **Lakeview Estates Lot 6**  
**Decision Statement**  
*Location:* 47.11-1-15; 1102 Gambelli Drive  
*Contact:* Gregg Chappell  
*Description:* Proposed residence on the last subdivision lot in the Lakeview Estates subdivision.
4. **Boniello Equities Subdivision**  
**Decision Statement**  
*Location:* 37.09-1-67, 70, 71; 2012-2016 Crompond Road  
*Contact:* Gus Boniello  
*Description:* Proposed resubdivision of three lots to create 4 lots and construct two new two-family residences.
5. **Colangelo Major Subdivision**  
**Request for First 90-Day Time Extension**  
*Location:* 35.16-1-4; 1805 Jacob Road  
*Contact:* Hocherman Tortorella & Wekstein, LLP  
*Description:* Approved 6-lot subdivision in the R1-160 zone by Resolution #21-01 dated February 8, 2021. Request for first 90-day time extension on last reapproval.

#### WORK SESSION

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

Last revised: July 8, 2022

# **Correspondence**



July 7, 2022

RECEIVED  
PLANNING DEPARTMENT

JUL 7 2022

TOWN OF YORKTOWN

Robyn Steinberg, AICP, CPESC  
Town of Yorktown  
363 Underhill Avenue  
Yorktown Heights, New York 10598

Re: **Notice of Intent to be Lead Agency  
Burger King  
385 Downing Drive  
Town of Yorktown; Westchester County, NY  
Tax Map #: 37.18-2-57  
DEP Log #: 20022-MU-0398-SQ.1**

Rohit T. Aggarwala  
Commissioner

Paul V. Rush, P.E.  
Deputy Commissioner

465 Columbus Avenue  
Valhalla, NY 10595

Tel. (845) 340-7800  
Fax (845) 334-7175  
prush@dep.nyc.gov

Dear Ms. Steinberg and Members of the Planning Board:

The New York City Department of Environmental Protection (DEP) has reviewed the Town of Yorktown Planning Board's (Board) Notice of Intent to act as Lead Agency and short Environmental Assessment Form (EAF) for the above referenced project. DEP does not object to the Board acting as Lead Agency for the Coordinated Review of the proposed action pursuant to the New York State Environmental Quality Review Act (SEQRA).

The project site is located in the Muscoot Reservoir drainage basin of New York City's Water Supply. As Muscoot Reservoir is phosphorous restricted, water quality impacts to the receiving reservoirs from pollutant-laden runoff must be avoided or mitigated.

The proposed action involves the renovation of an existing fast food restaurant that includes interior and exterior renovations as well as new access lanes.

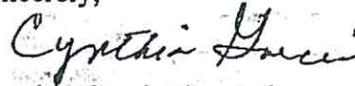
Based upon review of the circulated documents, DEP respectfully submits the following comments for the Board's consideration:

1. The subject parcel is situated within a Designated Main Street Area (DMSA). Although the project appears to be fairly small in nature, it is not clear from the documents provided whether any new impervious surfaces are being proposed as part of the overall action. The project sponsor should clarify this issue. It would be helpful if a full scan plan was provided for review that shows both the existing and proposed impervious surfaces to determine whether or not DEP review and approval of a Stormwater Pollution Prevention Plan is required pursuant to Section 18-39(a) (11) of the Watershed Regulations.

2. Should it be determined that DEP review and approval of a SWPPP is required, the project sponsor is encouraged to schedule a pre-application meeting with DEP via teams to discuss the details of the project and permitting. The applicant's representative may contact Mariyam Zachariah at [Mzachariah@dep.nyc.gov](mailto:Mzachariah@dep.nyc.gov) or at (914) 749-5357 to schedule the meeting.

Thank you for the opportunity to provide comments. You may reach the undersigned at [cgarcia@dep.nyc.gov](mailto:cgarcia@dep.nyc.gov) or (914) 749-5302 with any questions or if you care to discuss the matter further.

Sincerely,



Cynthia Garcia, Supervisor  
SEQRA Coordination Section

X: J. Petronella, NYCDEC Region 3



June 28, 2022

RECEIVED  
PLANNING DEPARTMENT

JUN 28 2022

TOWN OF YORKTOWN

Robyn Steinberg, AICP, CPESC  
Town of Yorktown  
363 Underhill Avenue  
Yorktown Heights, New York 10598

Rohit T. Aggarwala  
Commissioner

Paul V. Rush, P.E.  
Deputy Commissioner

465 Columbus Avenue  
Valhalla, NY 10595

Tel. (845) 340-7800  
Fax (845) 334-7175  
prush@dep.nyc.gov

Re: **Notice of Intent to be Lead Agency  
Dorchester Glen Subdivision  
1643 Maxwell Drive  
Town of Yorktown; Westchester County, NY  
Tax Map #: 48.08-1-4  
DEP Log #: 2022-MU-0373-SQ.1**

Dear Ms. Steinberg and Members of the Planning Board:

The New York City Department of Environmental Protection (DEP) has reviewed the Town of Yorktown Planning Board's (Board) Notice of Intent to act as Lead Agency and short Environmental Assessment Form (EAF) for the above referenced project. DEP does not object to the Board acting as Lead Agency for the Coordinated Review of the proposed action pursuant to the New York State Environmental Quality Review Act (SEQRA).

The project site is located in the Muscoot Reservoir drainage basin of New York City's Water Supply. As Muscoot Reservoir is phosphorous restricted, water quality impacts to the receiving reservoirs from pollutant-laden runoff must be avoided or mitigated.

The proposed action is for a four lot single family residential subdivision to be served by municipal water and sewer.

DEP's status as an involved agency stems from its review and approval authority for a Stormwater Pollution Prevention Plan (SWPPP) pursuant to Section 18-39 of the *Rules and Regulations for the Protection from Contamination, Degradation, and Pollution of the New York City Water Supply and Its Sources* (Watershed Regulations).

Based upon review of the circulated documents, DEP respectfully submits the following comments for the Board's consideration:

1. Part 1, question 3.b of the EAF is not answered. The project sponsor should indicate the amount of anticipated soil disturbance on the EAF and show the limits of disturbance on the site plans. In any event, it appears that the action will result in soil disturbance well over 2 acres on slopes of 15% or greater which would require DEP review and approval of a SWPPP in accordance with Section 18-39 (b)(4)(iv) of

the Watershed Regulations.

2. The site plans do not identify the method for post-construction stormwater management. Note that the predominant NRCS soil type on the parcel is identified as Paxton. Paxton soils typically exhibit high seasonal groundwater and erosive conditions that increase with steepness.
3. The "conventional" subdivision plan appears to present less impervious surfaces in comparison to the "flexibility" subdivision plan. The project sponsor is encouraged to provide a comparison of the layout alternatives that addresses the potential impacts to on-site NYS regulated wetland A-22 and surface water features, and demonstrates which alternative better avoids and/or adequately mitigates the identified impacts.
4. Soil testing for the stormwater management practice must be witnessed by DEP. The applicant's representative may contact Mariyam Zachariah at [Mzachariah@dep.nyc.gov](mailto:Mzachariah@dep.nyc.gov) or 914-749-5357 to make arrangements.

Thank you for the opportunity to provide comments. You may reach the undersigned at [cgarcia@dep.nyc.gov](mailto:cgarcia@dep.nyc.gov) or (914) 749-5302 with any questions or if you care to discuss the matter further.

Sincerely,



Cynthia Garcia, Supervisor  
SEQRA Coordination Section

X: J. Petronella, NYSDEC  
D. Quast, Yorktown Town Board

# **Draft Minutes**

**Lakeview Estates**

**Lot 6**

GREGG CHAPPELL  
EMILY YAVITZ  
LOT #6 – Lakeview Estates

June 29, 2022

Town of Yorktown Heights  
Planning Department & Board  
1974 Commerce Street, Room 222  
Yorktown Heights, NY 10598

RECEIVED  
PLANNING DEPARTMENT  
JUL 7 2022  
TOWN OF YORKTOWN

**RE: Application for Planning Approval**  
**Lot #6 – Lakeview Estates - 1102 Gambelli Drive**

Dear Town & Board:

As the property owners, we have been working to develop a plan to develop Lot #6 of the Lakeview Estates Sub-Division. The Lot is the last approved lot in the Subdivision and has several distinctive features which includes a large conservation area including a babbling stream separated from the building lot by a large bedrock outcropping. The Lot also includes a Conservation Boundary to ensure that the conservation area is preserved with a particular emphasis on protecting the wetlands and soils. We have developed a plan which allows us to actively enjoy the conservation area and honor the discussed intents of the original conservation area. The solution to us being able to view the property from the new home and protecting the conservation area was to extend a portion of the new structure on top of the bedrock outcropping. The following is a detailed description of each of the considerations which have been designed into the project:

**1. Conservation Boundary:**

- a. Boundary was established as part of the original Subdivision approval.
- b. In the majority of the subsequent execution of the subdivision and as recorded on the Deed for Lot #6, the administration of the Conservation Boundary restrictions was recorded as a Wetland Boundary.
- c. During the development of the proposed project, we have the site surveyed to establish current topography, locate the Conservation Boundary, survey and establish the current boundaries of the wetlands, and establish the 100-ft Wetlands Buffer.
- d. Wetlands Setback is key for both the Town review but also to establish DEP and DEC jurisdictions.

**2. Hardship:**

- a. The Lot shape provides a small triangular building envelop between the Conservation Boundary and the side-yard offset. To accommodate the 3-bedroom home, we originally placed a portion of the structure on the bedrock outcropping which was beyond the Conservation Boundary. The current proposed location encroaches 500 SF into the Conservation Boundary Area of 75,763 SF and maintains the 30-ft Side Yard Offset.
- b. With the establishment of the 100-ft Wetlands Buffer, we also needed rotated the structure so that the entire structure is outside of the 100-ft Wetlands Buffer.

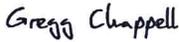
**GREGG CHAPPELL  
EMILY YAVITZ  
LOT #6 – Lakeview Estates**

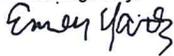
**3. Design Considerations:**

- a. Septic: location of the current proposed septic system is based upon the original layout included in the development of the Subdivision. Entire septic field is outside of the Conservation Boundary and 100-ft Wetland Buffer. There is a current Westchester County Dept of Health Permit for the new septic system.
- b. Well: location of the current proposed domestic water well is based upon the original layout included the development of the Subdivision. There is a current Westchester Country Dept of Heath Permit for the new domestic water well.
- c. Stormwater:
  - i. Building is constructed with a flat roof with a parapet to ensure we capture the stormwater and divert it into the new site controls. All stormwater is being diverted away from the Conservation Area and 100-ft Wetland Buffer.
  - ii. Stormwater is being contained into a proposed 1,500-gallon holding tank to provide rainwater harvesting for irrigation. Overflow will be diverted into a rain garden. All provisions are outside the Conservation Boundary.
  - iii. Stormwater produced from the paved driveway and pedestrian walkway will be constructed with pervious pavement sections and collect the water into gravel subgrade beds. All provisions are outside the Conservation Boundary.

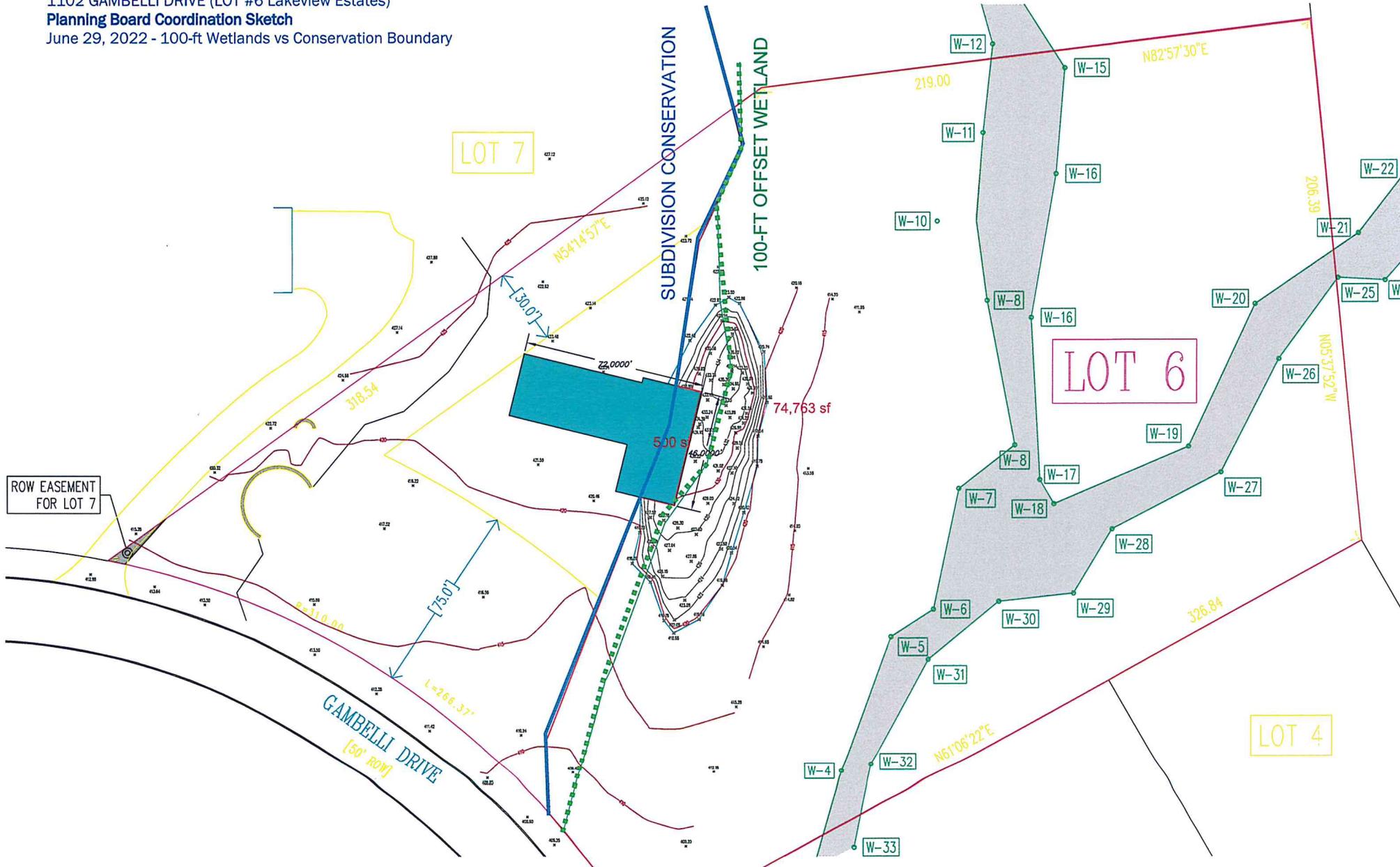
We appreciate the attention and assistance the Town and the Board have extended to us to review the project and to define the property limitations. We currently have a set of plans for the building which have been approved by the Building Department and are waiting for Planning Board Approval. We also have a Site Plan which will need to be revised to reflect the new 100-ft Wetlands Buffer and to rotate the structure as described above. We have held back investing any additional money into the property until we are able to obtain the approval to proceed with the project with the proposed criteria. For documentation purposes, we have included sketches which represent what the revised plans will reflect.

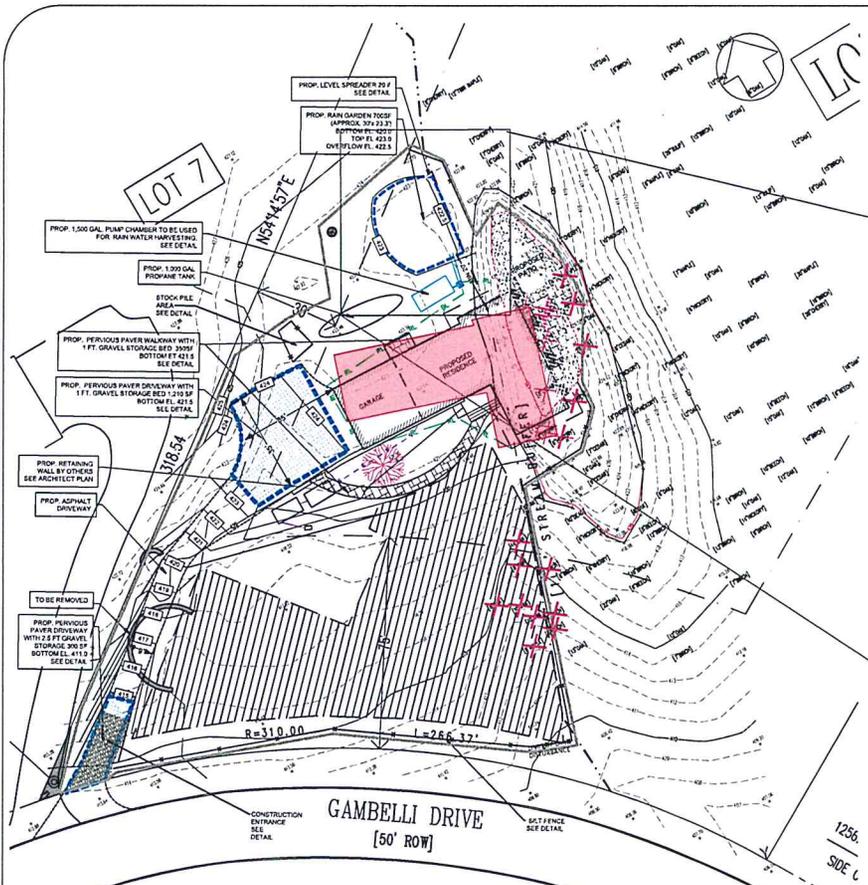
Thank you for your consideration,

DocuSigned by:  
  
220269F7F11943E...  
Gregg Chappell, Property Owner  
June 30, 2022  
203-644-6971  
[Gregg1968@gmail.com](mailto:Gregg1968@gmail.com)

DocuSigned by:  
  
BF2825539199443  
Emily Yavitz, Property Owner  
June 30, 2022  
914-924-4999  
yav50@aol.com

1102 GAMBELLI DRIVE (LOT #6 Lakeview Estates)  
Planning Board Coordination Sketch  
June 29, 2022 - 100-ft Wetlands vs Conservation Boundary



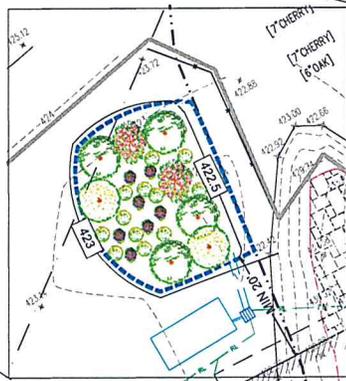


**PLANTS KEY:**

QTY	COMMON NAME	BOTANICAL NAME	SPREAD
30x	SHRUBS ANY FROM THE LIST BELOW:		
1	BAYBERRY	MYRTICA PENNSYLVANICA	6'-12" HIGH AND SPREAD
1	WITCH HAZEL	WICHAELIS VIRENDCAN	25'-30' HIGH AND SPREAD
1	BROWNWOOD YEW/ARIZONA	YERBAINUM DENTATUM	6'-10' HIGH AND SPREAD
1	BUTTONWASH	DEPAHLANTHUS OCCIDENTALIS	8'-10' HIGH AND SPREAD
ON P24	HERBACEOUS PLANTS FROM THE LIST:		
1	20E PINE NEED	EUPATORIUM PURPUREUM	3'-4' HIGH AND SPREAD
1	TUSsock SORE	CAREX STRICTA	1'-3' HIGH AND SPREAD
1	WITCHGRASS	PANICUM VIRGATUM	3'-4' HIGH AND SPREAD
1	ROSEHEAT	EUPATORIUM FIBROSUM	2'-4' HIGH AND SPREAD



**LOCATION MAP**  
SCALE 1"=100'



**RAIN GARDEN INSET**  
1"=10'

**PLANT INSTALLATION**

1. PLANT MATERIALS TO BE USED MUST BE APPROVED. TREES, SHRUBS AND HERBS SHALL BE PLANTED.
2. PLANT MATERIALS TO BE USED MUST BE APPROVED BY THE OWNER AND MUST BE INSTALLED IN ACCORDANCE WITH THE FOLLOWING:
3. PLANT MATERIALS TO BE USED MUST BE APPROVED BY THE OWNER AND MUST BE INSTALLED IN ACCORDANCE WITH THE FOLLOWING:
4. PLANT MATERIALS TO BE USED MUST BE APPROVED BY THE OWNER AND MUST BE INSTALLED IN ACCORDANCE WITH THE FOLLOWING:
5. PLANT MATERIALS TO BE USED MUST BE APPROVED BY THE OWNER AND MUST BE INSTALLED IN ACCORDANCE WITH THE FOLLOWING:
6. PLANT MATERIALS TO BE USED MUST BE APPROVED BY THE OWNER AND MUST BE INSTALLED IN ACCORDANCE WITH THE FOLLOWING:
7. PLANT MATERIALS TO BE USED MUST BE APPROVED BY THE OWNER AND MUST BE INSTALLED IN ACCORDANCE WITH THE FOLLOWING:
8. PLANT MATERIALS TO BE USED MUST BE APPROVED BY THE OWNER AND MUST BE INSTALLED IN ACCORDANCE WITH THE FOLLOWING:
9. PLANT MATERIALS TO BE USED MUST BE APPROVED BY THE OWNER AND MUST BE INSTALLED IN ACCORDANCE WITH THE FOLLOWING:
10. PLANT MATERIALS TO BE USED MUST BE APPROVED BY THE OWNER AND MUST BE INSTALLED IN ACCORDANCE WITH THE FOLLOWING:

**General Notes**

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

**REVISIONS**

No.	Revision/Issue	Date

**PROJECT INFORMATION**

117 MAMMASCUS RD.  
ROSELAND, CT 06468  
TEL: 203-268-8151

**PROJECT NAME AND ADDRESS**

STORMWATER MANAGEMENT AND S&E CONTROLS PLAN  
1102 GAMBELLI DRIVE  
YORRTOWN HEIGHTS, NY 10598

OWNER: GREGO CHAPPELLA EMILY YAVTZ  
12 HIDDEN WATSON DR.  
OSSINGEN, NY 10542

**PROJECT**

Date: 02.14.22  
Scale: 1"=20'

Sheet: 1 of 2

**LEGEND**

---	PROPOSED PROPERTY LINE
---	EXISTING BUILDING
---	EXISTING MAJOR CONTOUR
---	EXISTING MINOR CONTOUR
---	PROPOSED MAJOR CONTOUR
---	PROPOSED MINOR CONTOUR
---	SILT FENCE
---	LIMIT OF LAND DISTURBANCE
---	PROPOSED PERVIOUS PAVES
---	RAIN GARDEN



UNAUTHORIZED ALTERATIONS OR ADDITIONS TO THIS DRAWING IS A VIOLATION OF SECTION 7209(2) OF THE NEW YORK STATE EDUCATION LAW



**TOWN OF YORKTOWN - ENGINEERING DEPARTMENT  
MS4 STORMWATER MANAGEMENT PERMIT APPLICATION  
WETLAND PERMIT APPLICATION and/or TREE PERMIT APPLICATION**

Section 24.18  
Block 1  
Lot # 15-6

Job Site Address: 1102 Gambelli Dr  
City/State/Zip: YORKTOWN HEIGHTS  
NY 10598

Approval Authority: TE [ ] PB [ ] TB [x]  
Application #: J-FWAPP-005-22  
Date Received: 03-08-22  
Date Issued: \_\_\_\_\_  
Date Expires: \_\_\_\_\_  
Fee Paid: \$ 1,500

NOTE: Application, Fee, Short/Long Form EAF, Map/Survey to be submitted to the Engineering

**APPLICANT:**

YOUR NAME: Tessa Jucaite P.E.  
COMPANY: TJ Engineering LLC  
ADDRESS: 117 Mamasco Rd  
Ridgefield, CT ZIP 06877  
PHONE: (203 ) 249-5755  
EMAIL: INFO@TJENGINEERING.US

**OWNER:**

YOUR NAME: Gregg Chappell & Emily Yavitz  
COMPANY: \_\_\_\_\_  
ADDRESS: 70 Hudson Watch Dr.  
Ossining, NY ZIP 10562  
PHONE: (203- ) 644-6971  
EMAIL: gregg1968@gmail.com

**APPROVED PLANS AND PERMIT SHALL BE ON-SITE AT ALL TIMES**

Select One	Type	Approval Authority	Cost
<input type="checkbox"/>	Wetland/Watercourse/Buffer Area Permit (Administrative)	Town Engineer	\$800.00
<input type="checkbox"/>	Wetland/Watercourse/Buffer Area Permit	Town Board/Planning Board	\$1,800.00
<input type="checkbox"/>	Renewal of Wetlands/Watercourse/Buffer Area Permit (1 Year)	Town Engineer	\$150.00
<input type="checkbox"/>	MS4 Stormwater Management Permit (Administrative)	Town Engineer	\$300.00
<input checked="" type="checkbox"/>	MS4 Stormwater Management Permit	Town Board/Planning Board	\$1,500.00
<input type="checkbox"/>	Renewal of a MS4 Stormwater Management Permit (1 Year)	Town Engineer	\$150.00
<input type="checkbox"/>	Tree Permit	Town Engineer	\$0.00

Application fees are doubled with issuance of a Stop Work Order/Notice of Violation as per Town Code.

**PROPOSED ACTIVITY - If not located in wetland/wetland buffer (skip to 2b)**

**1. Description of wetlands (check all that apply):**

- a. Lake/pond  Control area of lake/pond
- b. Stream/River/Brook  Control area of stream/river/brook
- c. Wetlands  Control area of wetlands

**2a. Description of activity in the wetland and/or wetland buffer. Describe the proposed work including the following: i.e. maintenance, construction of dwelling, addition, driveway, culverts, including size and location.**

Construction of a dwelling and a patio on the rock outcrop located within the wetlands 100 ft setback area (720 sf house, 760 sf patio areas within the 100' setback)

**2b. Stormwater/Excavation - Description of proposed activity:**

This project proposes to disturb approximately 25,600 square feet of land. Nonstructural best management practices (BMP's) such as rain garden and pervious pavers are proposed to treat and control stormwater runoff. Excavation for the septic, stormwater management, the dwelling and driveway will be required.

**3. Tree Removal:**

Amount of trees and/or stumps to be removed: 24

Sizes; approximate DBH: 6"-14"

Species of trees to be removed (i.e. Birch, Spruce - if known): Oak, Cedar, Cherry

Reason for removal: in the way of the proposed development

Trees marked in field (trees must be marked prior to inspection): Yes:  No:

Tree removal contractor: \_\_\_\_\_

Attach survey/sketch indicating property boundaries, existing structures, driveways, roadways and location of existing trees. Trees must be marked in the field before inspection.

**4. PROPERTY OWNER CONSENT: If another entity (e.g. contractor, consultant) is applying on the owner's behalf, the PROPERTY OWNER is to complete, sign and date this authorization:**

I, Gregg Chappell hereby authorize Tessa Jucaite, P.E. to apply for this Stormwater/Wetland Permit/Tree Permit on my behalf.

Signature: [Signature] Date: March 2, 2022

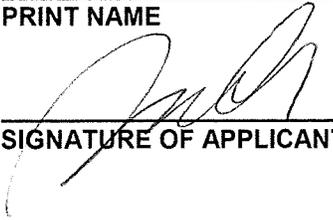
No application will be processed without the above-mentioned, required information.

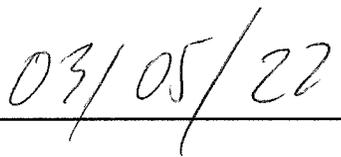
**GENERAL CONDITIONS**

1. The permittee is responsible for maintaining an active application. If no activity occurs within a six (6) month period, as measured from the date of application, the application will become null and void. Applications fees are non-refundable.
2. The Town of Yorktown reserves the right to modify, suspend or revoke this permit at any time after due notice when:
  - a. Scope of the project is exceeded or a violation of any condition of the permit or provision of the law pertinent regulations are found; or
  - b. Permit was obtained by misrepresentation or failure to disclose relevant facts; or
  - c. Newly discovered information or significant physical changes are discovered.
3. The permittee is responsible for keeping the permit active by requesting renewal from the Approval Authority. Any supplemental information that may be required by the Approval Authority, including forms and fees, must be submitted 30 days prior to the expiration date. The expiration date is one year from the date the bond is paid to the Engineering Department. In accordance with Chapter 178 of the Town Code, Freshwater Wetlands, Section 178-16 -Expiration of a Permit.
4. This permit shall not be construed as conveying to the applicant any right to trespass upon private lands or interfere with the riparian rights of others in order to perform the permitted work or as authorizing the impairment of any right, title or interest in real or personal property held or vested in person not party to this permit.
5. The permittee is responsible for obtaining any other permits, approvals, easements and right-of-way, which may be required.
6. Any modification of this permit granted by the Approval Authority must be in writing and attached hereto.
7. Granting of this permit does not relieve the applicant of the responsibility of obtaining any other permission, consent or approval from the U.S. Army Corps of Engineers, N.Y.C. Department of Environmental Protection, N.Y.S. Department of Environmental Conservation or local government, which may be required.

Tessa Jucaite

\_\_\_\_\_  
PRINT NAME

  
\_\_\_\_\_  
SIGNATURE OF APPLICANT

  
\_\_\_\_\_  
DATE

**617.20**  
**Appendix B**  
**Short Environmental Assessment Form**

**Instructions for Completing**

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 - Project and Sponsor Information</b>			
Gregg Chappell & Emily Yavitz			
Name of Action or Project: New Lot development			
Project Location (describe, and attach a location map): 1102 Gambelli Drive, Yorktown Heights, Westchester County NY			
Brief Description of Proposed Action: This project proposes to disturb approximately 25,600 square feet of land. It is proposed to construct a house a driveway, septic system, nonstructural best management practices (BMP's) for stormwater management, etc			
Name of Applicant or Sponsor: Tessa Jucaite P.E.		Telephone: 203-249-5755	
		E-Mail: INFO@TJENGINEERING.US	
Address: 117 MAMANASCO RD			
City/PO: RIDGEFIELD		State: CT	Zip Code: 06877
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/> YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/> YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		_____ 2.3182 acres	
b. Total acreage to be physically disturbed?		_____ 0.5876 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ 2.3182 acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			



18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
Applicant/sponsor name: <u>Tessy Jewels</u>	Date: <u>03/05/22</u>	
Signature: _____		

**Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2.** Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?		
2. Will the proposed action result in a change in the use or intensity of use of land?		
3. Will the proposed action impair the character or quality of the existing community?		
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?		
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?		
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?		
7. Will the proposed action impact existing: a. public / private water supplies? b. public / private wastewater treatment utilities?		
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?		
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?		

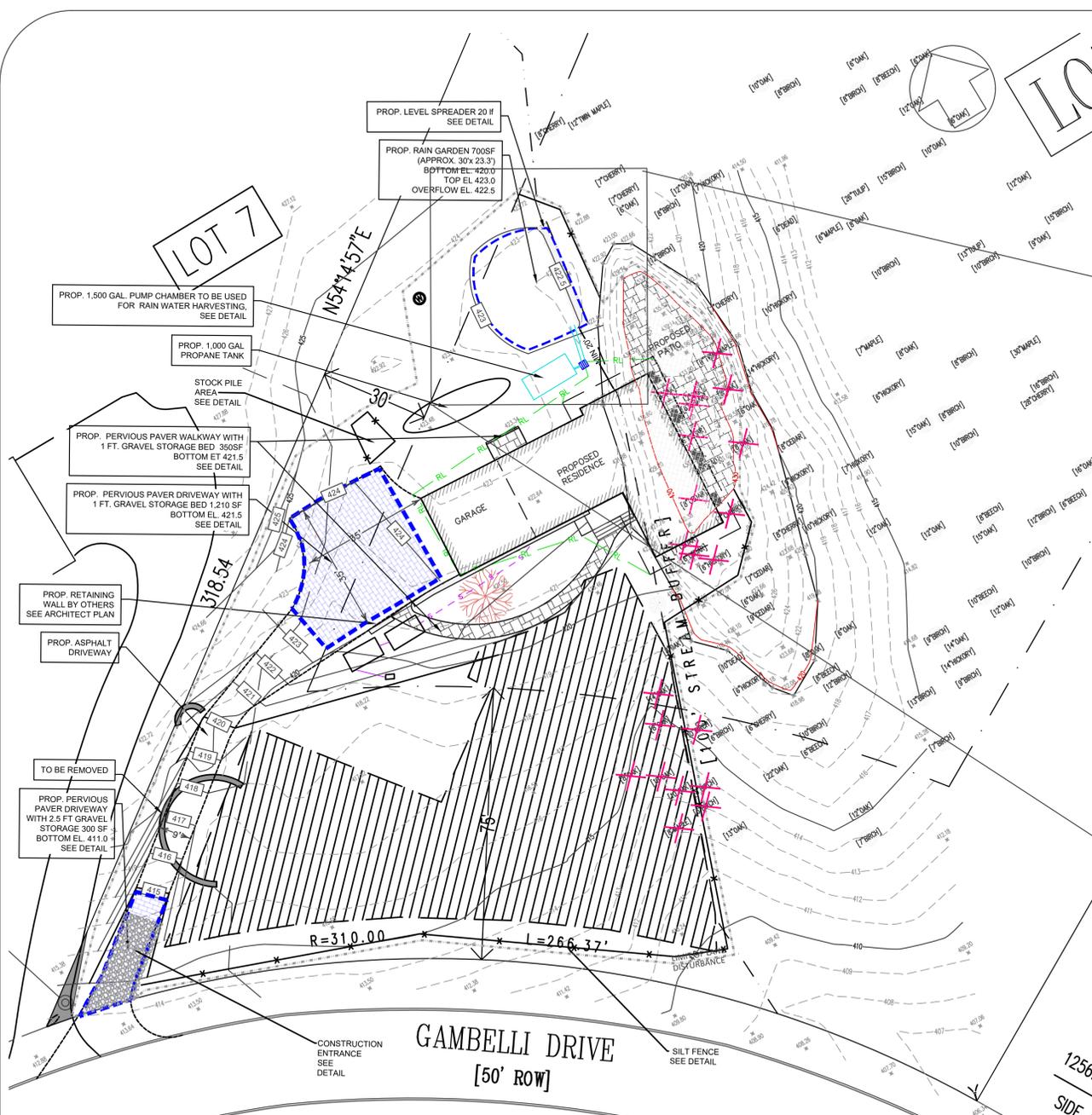
	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?		
11. Will the proposed action create a hazard to environmental resources or human health?		

**Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3.** For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.	
<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.	
_____	_____
Name of Lead Agency	Date
_____	_____
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
_____	_____
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

**PRINT**

**RESET**

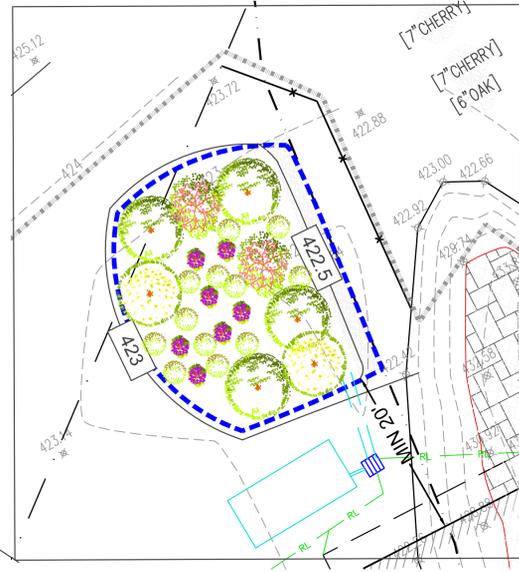


**PLANTS KEY:**

QTY	COMMON NAME	BOTANICAL NAME	SPREAD
10x	SHRUBS ANY FROM THE LIST BELOW:		
	BAYBERRY	MYRICA PENNSYLVANICA	6' - 12' HIGH AND SPREAD
	WITCH HAZEL	HAMAMELIS VIRGINIAN	15' - 20' HIGH AND SPREAD
	ARROWWOOD VIBURNUM	VIBURNUM DENTATUM	6'-10' HIGH AND SPREAD
	BUTTONBUSH	CEPHALANTHUS OCCIDENTALIS	8'-10' HIGH AND SPREAD
OR 92x	HERBACEOUS PLANTS FROM THE LIST:		
	JOE PYE WEED	EUPATORIUM PURPUREUM	3' - 4' HIGH AND SPREAD
	TUSSOCK SEDGE	CAREX STRICTA	1' - 3' HIGH AND SPREAD
	SWITCHGRASS	PANICUM VIRGATUM	3' - 4' HIGH AND SPREAD
	BONESET	EUPATORIUM PERFOLIATUM	2' - 4' HIGH AND SPREAD



**LOCATION MAP**  
SCALE 1"=1,000'



- PLANT INSTALLATION**
- AFTER PLACING THE SOIL MIX AND APPROVAL, TREES, SHRUBS AND HERBS SHALL BE PLANTED. PLANTING SHALL BE CONDUCTED BETWEEN MAY 1 AND JUNE 15 OR SEPTEMBER 15 AND NOVEMBER 1. ROOT STOCK OF THE PLANT MATERIAL SHOULD BE KEPT MOST DURING TRANSPORT, FROM THE SOURCE TO THE JOB SITE AND UNTIL PLANTED.
  - BIORETENTION FACILITIES SHOULD BE PLANTED IN ACCORDANCE WITH THE PLANTING PLAN AND PLANT SCHEDULE ON THE PLANS WHICH PROVIDES SPECIFIC SPACING REQUIREMENTS.
  - ALL PLANTING PITS SHALL BE DUG BY HAND AND EXCAVATED TO 1-1/2 TIMES THE WIDTH OF THE ROOT MASS.
  - THE PLANTING PIT SHALL BE DEEP ENOUGH TO ALLOW THE FIRST LATERAL ROOT OF THE ROOT MASS TO BE FLUSH WITH THE EXISTING GRADE. REMOVE ALL NON-ORGANIC DEBRIS FROM THE PIT AND TAMP LOOSE SOIL IN THE BOTTOM OF THE PIT BY HAND.
  - REMOVE THE PLANT FROM ITS CONTAINER EITHER BY CUTTING OR INVERTING THE CONTAINER. DO NOT HANDLE THE PLANT BY THE BRANCHES, LEAVES, TRUNK OR STEM. PLACE THE PLANT STRAIGHT IN THE CENTER OF THE PLANTING PIT, CARRYING THE PLANT BY THE ROOT MASS. NEVER LIFT OR CARRY A PLANT BY THE TRUNK OR BRANCHES.
  - BACKFILL PLANTING PIT WITH EXISTING SOIL AND HAND TAMP AS PIT IS BEING BACKFILLED TO COMPLETELY FILL ALL VOIDS AND AIR POCKETS. DO NOT OVER COMPACT SOIL. MAKE SURE PLANT REMAINS STRAIGHT DURING BACKFILLING/TAMPING PROCEDURE. DO NOT COVER THE TOP OF THE ROOT MASS WITH SOIL.
  - AN 18-INCH DIAMETER AREA OF COMMERCIALY-AVAILABLE, PREFERABLY WELL-AIRED (8 TO 12 MONTHS), SHREDDED HARDWOOD MULCH SHALL BE PLACED AROUND EACH PLANT 2-3 INCHES THICK. MULCH SHOULD NOT BE PLACED DIRECTLY AGAINST THE STEM OF THE PLANT.
  - WATER PLANT THOROUGHLY IMMEDIATELY AFTER PLANTING. THE BIORETENTION SOIL SPECIFICATION PROVIDES ENOUGH ORGANIC MATERIAL TO ADEQUATELY SUPPLY NUTRIENTS FROM NATURAL CYCLING. THE PRIMARY FUNCTION OF THE BIORETENTION STRUCTURE IS TO IMPROVE WATER QUALITY. ADDING FERTILIZERS DEFEATS, OR AT A MINIMUM, IMPEDES THIS GOAL.

**General Notes**

- PROPERTY SURVEY AND EXISTING UTILITIES SHOWN HEREIN WAS TAKEN FROM THE MAP ENTITLED "TOPOGRAPHIC PROPERTY SURVEY PREPARED FOR GREGG CHAPPELL & EMILY YAVITZ PROPERTY SITUATED AT 1102 GAMBELLI DRIVE, TOWN OF YORKTOWN, WESTCHESTER COUNTY NEW YORK. MAP PREPARED BY LINE AND GRADE SURVEYORS, D.P.C., 23 NEPPERHAN AVE, ELMSFORD, NY, 10523. MADE BY STEVEN J. WILLARD NYS PLS# 050054.
- TOTAL LAND DISTURBANCE 25,600 S.F.
- PRIOR TO ANY EXCAVATION ALL UNDERGROUND UTILITIES MUST BE LOCATED. CALL 1-800-962-7962.
- THE PARTY RESPONSIBLE FOR THE LAND DEVELOPMENT OR REDEVELOPMENT ACTIVITY, OR HIS OR HER REPRESENTATIVE, SHALL AT ALL TIMES PROPERLY OPERATE AND MAINTAIN ALL FACILITIES AND SYSTEMS OF TREATMENT AND CONTROL (AND RELATED APPURTENANCES) WHICH ARE INSTALLED OR USED BY THE APPLICANT OR DEVELOPER TO ACHIEVE COMPLIANCE WITH THE CONDITIONS OF TOWN OF YORKTOWN CODE.
- ROAD OPENING AND USE STANDARDS: NO PERSON, FIRM OR CORPORATION, IMPROVEMENT DISTRICT OR MUNICIPALITY SHALL CONSTRUCT ANY WORKS IN OR UPON ANY TOWN ROAD OR CONSTRUCT ANY OVERHEAD, SURFACE OR UNDERGROUND CROSSING THEREOF OR CONSTRUCT, MAINTAIN, ALTER OR REPAIR ANY DRAINAGE, SEWER OR WATER PIPE, CONDUIT OR OTHER STRUCTURE THEREUPON OR THEREUNDER WITHOUT FIRST OBTAINING A WRITTEN PERMIT THEREFOR FROM THE SUPERINTENDENT OF HIGHWAYS.
- INFILTRATION SYSTEM ACCESS PORTS SHALL BE SHOWN ON THE "AS-BUILT".
- THE OWNER OR CONTRACTOR SHALL NOTIFY THE DESIGN ENGINEER AT LEAST 48 HOURS BEFORE ANY OF THE FOLLOWING FOR HIS ENGINEER TO ISSUE A CONSTRUCTION COMPLIANCE CERTIFICATION:
  - START OF CONSTRUCTION
  - INSTALLATION OF SEDIMENT AND EROSION CONTROL MEASURES
  - COMPLETION OF ROUGH GRADING
  - INSTALLATION OF STORMWATER MANAGEMENT FACILITIES
  - BIORETENTION SOIL CERTIFICATION, SOIL TESTING, ETC.

- SITE PREPARATION:**
- KEEP THE SITE CLEAR OF DEBRIS THROUGHOUT THE CONSTRUCTION PERIOD. SECURE MATERIAL AND DEBRIS SO AS TO NOT CAUSE HAZARD OR NUISANCE.
  - BRING DISTURBED AREAS TO FINISHED CONDITION AS SOON AS POSSIBLE AFTER INITIAL DISRUPTION. PROTECT SLOPES INITIALLY WITH MULCH UNTIL PLANTINGS TAKE HOLD.
  - TREES NOT DESIGNATED ON THESE PLANS TO BE REMOVED SHALL NOT BE REMOVED.
  - ALL AREAS DISTURBED, NOT OTHERWISE CALLED OUT IN THESE PLANS FOR A SPECIFIC TREATMENT SHALL BE TREATED WITH 4" OF TOPSOIL AND SEED.
  - EXISTING OVERLAND FLOW PATHS FROM THE NEIGHBORING PROPERTY TO BE MAINTAINED.

- PHASING OF MAJOR ACTIVITIES:**
- INSTALLING SILT FENCE, CONSTRUCTION ACCESS, OTHER SAE CONTROLS.
  - CLEARING AND GRUBBING THE SITE.
  - EXCAVATION AND GRADING THE SITE.
  - INSTALLATION OF STRUCTURES, UTILITIES, STORMWATER MANAGEMENT SYSTEM. THE SYSTEM MUST BE PROTECTED FROM OVER COMPACTION AND MUST NOT BE CONNECTED UNTIL CONSTRUCTION, INCLUDING CURBS, ROAD CONSTRUCTION AND TREE PLANTINGS, ARE COMPLETE AND THE CONTRIBUTING AREA IS STABILIZED.
  - PLANTING TREES, LANDSCAPING.
  - REMOVING TEMPORARY EROSION CONTROL METHODS WHEN CONTRIBUTING DRAINAGE AREAS ARE STABLE.

No.	Revision/Issue	Date

**Firm Name and Address**

**TJ ENGINEERING LLC**

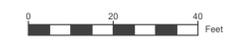
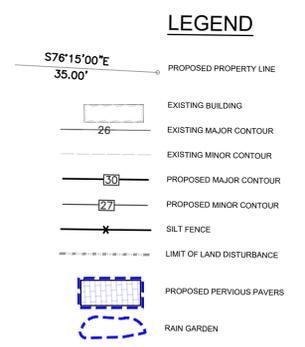
117 MAMANASCO RD.  
RIDGEFIELD, CT 06877  
INFO@TJENGINEERING.US  
TEL.# 203-249-5755

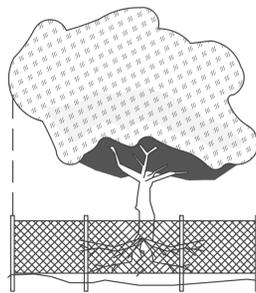
**Project Name and Address**

**STORMWATER MANAGEMENT AND S&E CONTROLS PLAN**  
1102 GAMBELLI DRIVE  
YORKTOWN HEIGHTS, NY 10598

OWNER: GREGG CHAPPELL & EMILY YAVITZ  
70 HUDSON WATCH DR.  
OSSINING, NY 10562

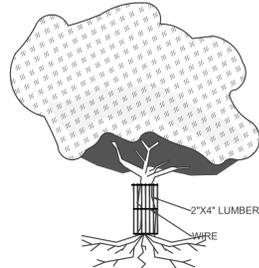
Project	Sheet
Date: 02.14.22	1 of 2
Scale: 1"=20'	





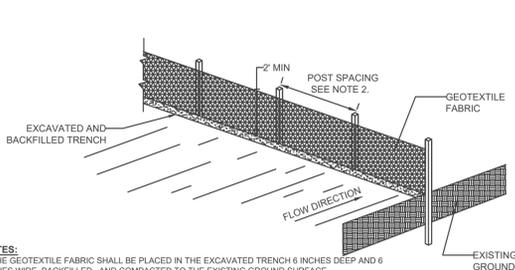
**NOTES:**  
 ORANGE VINYL CONSTRUCTION FENCING, CHAIN LINK FENCING, SNOW FENCING OR OTHER SIMILAR FENCING AT LEAST FOUR FEET (4') HIGH AND SUPPORTED AT A MAXIMUM OF TEN FOOT (10') INTERVALS BY APPROVED METHODS SUFFICIENT ENOUGH TO KEEP THE FENCE UPRIGHT AND IN PLACE. THE FENCING SHALL BE OF A HIGHLY VISIBLE MATERIAL AND SHALL HAVE A TREE PROTECTION SIGN AFFIXED TO THE FENCE EVERY TWENTY (20) FEET IN SUCH A MANNER TO BE CLEARLY VISIBLE TO THE WORKERS ON-SITE.  
**PRIOR TO CONSTRUCTION:**  
 THE CONTRACTOR OR SUBCONTRACTOR SHALL CONSTRUCT AND MAINTAIN, FOR EACH PROTECTED TREE ON A CONSTRUCTION SITE A PROTECTIVE FENCING WHICH ENCLOSES THE OUTER LIMITS OF THE CRITICAL ROOT ZONE OF THE TREES TO PROTECT THEM FROM CONSTRUCTION ACTIVITY. ALL PROTECTIVE FENCING SHALL BE IN PLACE PRIOR TO COMMENCEMENT OF ANY SITE WORK AND REMAIN IN PLACE UNTIL ALL EXTERIOR WORK HAS BEEN COMPLETED.

**TYP. TREE PROTECTION FENCING**  
 N.T.S.



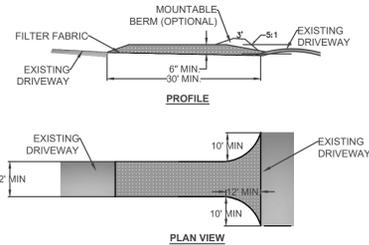
**NOTES:**  
 IN SITUATIONS WHERE A PROTECTED TREE REMAINS IN THE IMMEDIATE AREA OF INTENDED CONSTRUCTION AND THE TREE MAY BE IN DANGER OF BEING DAMAGED BY CONSTRUCTION EQUIPMENT OR OTHER ACTIVITY, THE CONTRACTOR SHALL PROTECT THE TREE WITH 2"x4" LUMBER ENCIRCLED WITH WIRE OR OTHER MEANS THAT DO NOT DAMAGE THE TREE. THE INTENT IS TO PROTECT THE TRUNK OF THE TREE AGAINST INCIDENTAL CONTACT BY LARGE CONSTRUCTION EQUIPMENT.

**TYP. TREE BARK PROTECTION**  
 N.T.S.



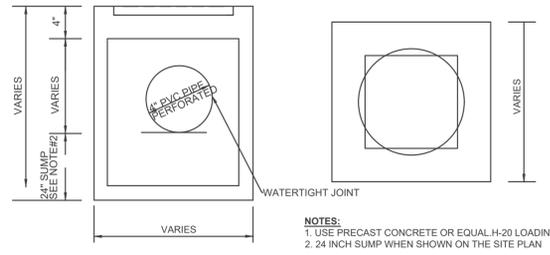
**NOTES:**  
 1. THE GEOTEXTILE FABRIC SHALL BE PLACED IN THE EXCAVATED TRENCH 8 INCHES DEEP AND 6 INCHES WIDE, BACKFILLED, AND COMPACTED TO THE EXISTING GROUND SURFACE.  
 2. WOODEN SUPPORT POSTS SHALL BE A MINIMUM DIMENSION OF 1-1/2" x 1-1/2" AIR OR KILN DRIED OF HICKORY OR OAK AND 4 FEET LONG. STEEL POSTS SHALL BE STUDDED "TEE" OR "U" TYPE WITH A MINIMUM WEIGHT OF 1.5 POUNDS PER LINEAL FOOT AND 5 FEET LONG, AND 3 FEET FOR NON-WOVEN FABRIC.  
 3. THE GEOTEXTILE FABRIC SHALL BE ATTACHED DIRECTLY TO THE UP SLOPE. SIDE OF WOODEN POSTS WITH 0.5 INCH STAPLES IN AT LEAST 3 PLACES, OR WITH WOODEN LATH AND NAILS. ATTACHMENT TO STEEL POSTS WILL BE BY WIRE FASTENERS OR 50 POUND PLASTIC TIE STRAPS ON THE UP SIDE.  
 4. THE GEOTEXTILE FABRIC SHALL CONSIST OF EITHER WOVEN OR NON-WOVEN POLYESTER, POLYPROPYLENE, STABILIZED NYLON, POLYETHYLENE, OR POLYVINYL CHLORIDE. NON-WOVEN FABRIC MAY BE NEEDLE PUNCHED, HEAT BONDED, RESIN BONDED, OR COMBINATIONS THEREOF.

**SILT FENCE**  
 N.T.S.



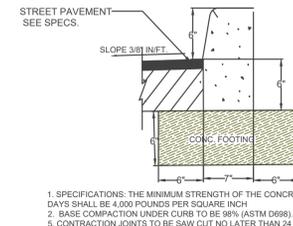
**NOTES:**  
 1. STONE SIZE - USE 2" STONE.  
 2. WIDTH - TWELVE (12) FOOT MINIMUM, BUT NOT LESS THAN THE FULL WIDTH AT POINTS WHERE INGRESS OR EGRESS OCCURS, TWENTY-FOUR (24) FOOT IF SINGLE ENTRANCE TO SITE.  
 3. FILTER CLOTH - WILL BE PLACED OVER THE ENTIRE AREA PRIOR TO PLACING OF STONE.  
 4. SURFACE WATER - ALL SURFACE WATER FLOWING OR DIVERTED TOWARD CONSTRUCTION ENTRANCES SHALL BE PIPED ACROSS THE ENTRANCE. IF PIPING IS IMPRACTICAL, A MOUNTABLE BERM WITH 5:1 SLOPES WILL BE PERMITTED.  
 5. MAINTENANCE - THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION WHICH WILL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO PUBLIC RIGHTS-OF-WAY. ALL SEDIMENT SPILLED, DROPPED, WASHED OR TRACED ONTO PUBLIC RIGHTS-OF-WAY MUST BE REMOVED IMMEDIATELY.  
 6. WHEN WASHING IS REQUIRED, IT SHALL BE DONE ON AN AREA STABILIZED WITH STONE AND WHICH DRAINS INTO AN APPROVED SEDIMENT TRAPPING DEVICE.  
 7. PERIODIC INSPECTION AND NEEDED MAINTENANCE SHALL BE PROVIDED AFTER EACH RAIN.

**STABILIZED CONSTRUCTION ENTRANCE**  
 N.T.S.



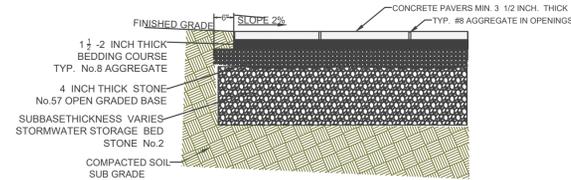
**NOTES:**  
 1. USE PRECAST CONCRETE OR EQUAL H-20 LOADING.  
 2. 24 INCH SUMP WHEN SHOWN ON THE SITE PLAN.

**CATCH BASIN**  
 N.T.S.



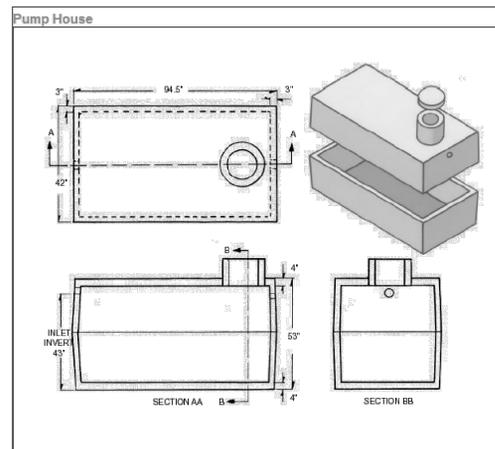
1. SPECIFICATIONS: THE MINIMUM STRENGTH OF THE CONCRETE AFTER 28 DAYS SHALL BE 4,000 POUNDS PER SQUARE INCH.  
 2. BASE COMPACTION UNDER CURB TO BE 98% (ASTM D698).  
 3. CONTRACTION JOINTS TO BE SAW CUT NO LATER THAN 24 HOURS AFTER THE POUR.

**CURB**  
 N.T.S.

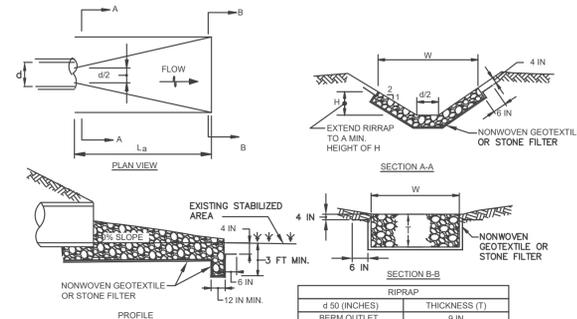


**STORAGE BED DRAIN TIME:**  
 THE APPROXIMATE DRAIN TIME FOR THE MAXIMUM DESIGN STORM RUNOFF VOLUME BELOW THE TOP OF THE SURFACE COURSE IS 24 HR.  
 • IF THE ACTUAL DRAIN TIME IS SIGNIFICANTLY DIFFERENT FROM THE DESIGN DRAIN TIME, THE COMPONENTS AND GROUNDWATER LEVELS MUST BE EVALUATED AND APPROPRIATE MEASURES TAKEN TO RETURN THE PERVIOUS PAVING SYSTEM TO MINIMUM AND MAXIMUM DRAIN TIME REQUIREMENTS.  
 • IF THE SYSTEM FAILS TO DRAIN THE MAXIMUM DESIGN STORM VOLUME WITHIN 72 HOURS, CORRECTIVE ACTION MUST BE TAKEN.

**PERVIOUS PAVERS**  
 N.T.S.



**1,500 PRECAST CONCRETE PUMP CHAMBER**  
 N.T.S.

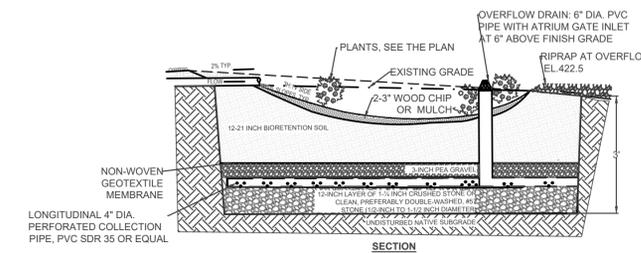


**CONSTRUCTION SPECIFICATIONS**

RIPRAP	THICKNESS (T)
d 50 (INCHES)	9 IN
6	14 IN

- $d_{50} = 3 N$ ;  $L_a = 4FT$ .
- USE NONWOVEN GEOTEXTILE, AND PROTECT FROM PUNCTURING, CUTTING, OR TEARING. REPAIR ANY DAMAGE OTHER THAN AN OCCASIONAL SMALL HOLE BY PLACING ANOTHER PIECE OF GEOTEXTILE OVER THE DAMAGED PART OR BY COMPLETELY REPLACING THE GEOTEXTILE. PROVIDE A MINIMUM OF ONE FOOT OVERLAP FOR ALL REPAIRS AND FOR JOINING TWO PIECES OF GEOTEXTILE TOGETHER.
- PREPARE THE SUBGRADE FOR GEOTEXTILE OR STONE FILTER (1/2" TO 1/2" INCH MINIMUM STONE FOR 6 INCH MINIMUM DEPTH) AND RIPRAP TO THE REQUIRED LINES AND GRADES. COMPACT ANY FILL REQUIRED IN THE SUBGRADE TO A DENSITY OF APPROXIMATELY THAT OF THE SURROUNDING UNDISTURBED MATERIAL.
- EXTEND GEOTEXTILE AT LEAST 6 INCHES BEYOND EDGES OF RIPRAP AND EMBED AT LEAST 4 INCHES AT SIDES OF RIPRAP.
- CONSTRUCT RIPRAP OUTLET TO FULL COURSE THICKNESS IN ONE OPERATION AND IN SUCH A MANNER AS TO AVOID DISPLACEMENT OF UNDERLYING MATERIALS. PLACE STONE FOR RIPRAP OUTLET IN A MANNER THAT WILL ENSURE THAT IT IS REASONABLY HOMOGENEOUS WITH THE SMALLER STONES AND SPALLS FILLING THE VOIDS BETWEEN THE LARGER STONES. PLACE RIPRAP IN A MANNER TO PREVENT DAMAGE TO THE FILTER BLANKET OR GEOTEXTILE. HAND PLACE TO THE EXTENT NECESSARY.
- WHERE NO ENDWALL IS USED, CONSTRUCT THE UPSTREAM END OF THE APRON SO THAT THE WIDTH IS TWO TIMES THE DIAMETER OF THE OUTLET PIPE, AND EXTEND THE STONE UNDER THE OUTLET BY A MINIMUM OF 18 INCHES.
- CONSTRUCT APRON WITH 0% SLOPE ALONG ITS LENGTH AND WITHOUT OBSTRUCTIONS. PLACE STONE SO THAT IT BLENDS IN WITH EXISTING GROUND.
- MAINTAIN LINE, GRADE, AND CROSS SECTION. KEEP OUTLET FREE OF EROSION. REMOVE ACCUMULATED SEDIMENT AND DEBRIS. AFTER HIGH FLOWS INSPECT FOR SCOUR AND RIPRAP DISLOADED RIPRAP. MAKE NECESSARY REPAIRS IMMEDIATELY.

**TYPICAL RIPRAP OUTLET PROTECTION**  
 N.T.S.



**GENERAL NOTES**  
 1. THE DESIGN ENGINEER SHALL OVERSEE THE PREPARATION OF THE AREA AND THE INSTALLATION OF THE VARIOUS COMPONENTS OF THE BIORETENTION SYSTEM (SOIL MIXTURE, PEA STONE LAYER).  
 2. A DENSE AND VIGOROUS VEGETATIVE COVER SHALL BE ESTABLISHED OVER THE CONTRIBUTING PERVIOUS DRAINAGE AREAS BEFORE RUNOFF CAN BE ACCEPTED INTO THE BIORETENTION SYSTEM.  
**TESTING THE BIORETENTION SOIL MIX PRIOR TO PLACEMENT**  
 1. THE BIORETENTION SOIL SHALL BE A UNIFORM MIX, FREE OF STONES, STUMPS, ROOTS OR OTHER SIMILAR OBJECTS LARGER THAN TWO INCHES. NO OTHER MATERIALS OR SUBSTANCES SHALL BE MIXED OR DUMPED WITHIN THE BIORETENTION AREA THAT MAY BE HARMFUL TO PLANT GROWTH, OR PROVE AN OBSTACLE TO THE PLANTING OR MAINTENANCE OPERATIONS. THE BIORETENTION SOIL SHALL BE FREE OF NOXIOUS WEEDS. THE BIORETENTION SOIL MIX SHALL BE TESTED PRIOR TO PLACEMENT ACCORDING TO THE DRAINAGE MANUAL SPECIFICATIONS, INCLUDING SOIL TEXTURAL ANALYSIS AND PHOSPHOROUS INDEX OR TOTAL PHOSPHOROUS TEST).  
 2. THE DESIGN ENGINEER SHALL CERTIFY THAT THE BIORETENTION SOIL MIX MEETS THE SPECIFICATIONS IN THE PREVIOUS SECTION BASED ON SOIL TESTING RESULTS. FOR PRE-MIXED BIORETENTION SOILS AVAILABLE FROM VENDORS, THE MIX SHALL FIRST BE APPROVED BY THE TOWN AS MEETING THE SPECIFICATIONS.  
**MONITORING THE BIORETENTION SYSTEM AFTER CONSTRUCTION**  
 1. FOLLOWING CONSTRUCTION, THE BIORETENTION SYSTEM SHALL BE MONITORED TO VERIFY THAT THE SYSTEM WAS CONSTRUCTED AND FUNCTIONS AS DESIGNED. THE POST-CONSTRUCTION MONITORING SHALL CONSIST OF VISUAL OBSERVATION OF THE BIORETENTION SYSTEM AFTER A STORM EVENT THAT RESULTS IN AT LEAST 5 INCHES OF PONDING IN THE BIORETENTION AREA. IF THE DRAWDOWN TIME INDICATES A FLOW RATE OF LESS THAN 5 INCHES PER HOUR, THE BIORETENTION SOIL SHOULD BE REMOVED AND REPLACED.

**STABILIZED CONSTRUCTION ENTRANCE**  
 N.T.S.

**General Notes**

**OPERATION AND MAINTENANCE OF STORMWATER MANAGEMENT PRACTICES:**

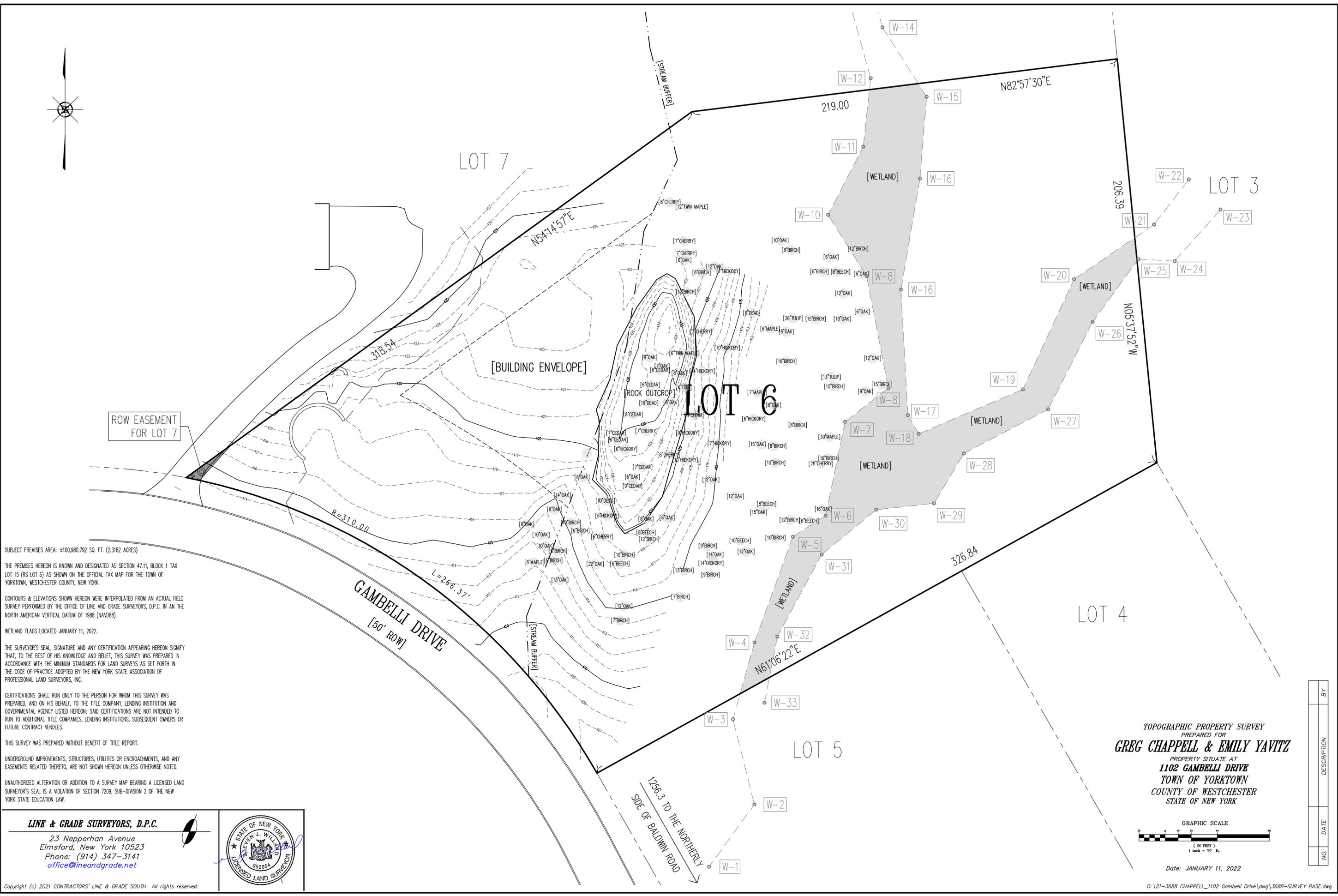
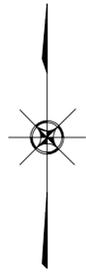
- Catch Basins & Drainage Inlets:**
  - Catch basins and drainage inlets shall be completely cleaned of accumulated debris and sediment at the completion of construction.
  - For the first year, catch basins and drainage inlets shall be inspected on a quarterly basis.
  - Any accumulated debris within the catch basins/inlets shall be removed and any repairs as required.
  - From the second year on-out, visual inspections shall occur twice per year, once in the spring and once in the fall, after fall cleanup of leaves has occurred.
  - Accumulated debris within the catch basins/inlets shall be removed and repairs made as required.
  - Accumulated sediments shall be removed at which time they are within 12 inches of the invert of the outlet pipe.
  - Any additional maintenance required per the manufacturer's specifications shall also be completed.
- Storm Drainage Piping and Clean-outs:**
  - All storm drainage piping shall be completely flushed of debris and accumulated sediment at the completion of construction.
  - Clean outs shall be inspected and repaired on a quarterly basis.
  - If system performance indicates degradation of piping, comprehensive video inspection of storm drainage piping shall be performed.
  - Any additional maintenance required per the manufacturer's specifications shall also be completed.
- Infiltration Systems:**
  - All infiltrators shall be completely cleaned of accumulated debris and sediments upon the completion of construction.
  - For the first year, infiltrators shall be inspected on a quarterly basis.
  - Any accumulated debris within the infiltrators shall be removed and any repairs made to the units as required.
  - From the second year on-out, visual inspection shall occur twice per year, once in the spring and once in the fall, after fall cleanup of leaves has occurred.
  - Accumulated debris within the units shall be removed and repairs made as required.
  - Any additional maintenance required per the manufacturer's specifications shall also be completed.
- Disposal of Debris and Sediment:**
  - All debris and sediment removed from the stormwater structures shall be disposed of legally. There shall be no dumping of silt or debris into or in proximity to any inland or tidal wetlands.
- Maintenance Records:**
  - The Owner(s) must maintain all records (logs, invoices, reports, data, etc.) and have them readily available for inspection at all times.

No.	Revision/Issue	Date

**Firm Name and Address**  
**TJ ENGINEERING LLC**  
 117 MAMANASCO RD.  
 RIDGEFIELD, CT 06877  
 INFO@TJENGINEERING.US  
 TEL: # 203-249-5755

**Project Name and Address**  
**STORMWATER MANAGEMENT AND S&E CONTROL DETAILS**  
 1102 GAMBELLI DRIVE  
 YORKTOWN HEIGHTS, NY 10598  
 OWNER: GREGG CHAPPELL & EMILY YAVITZ  
 70 HUDSON WATCH DR.  
 OSSINING, NY 10562

Project	Sheet
Date 02.14.22	2 of 2
Scale 1"=20'	



SUBJECT PREMISES AREA: ±100,960,792 SQ. FT. (2.3182 ACRES)

THE PREMISES HEREON IS KNOWN AND DESIGNATED AS SECTION 47.11, BLOCK 1 TAX LOT 15 (RS LOT 6) AS SHOWN ON THE OFFICIAL TAX MAP FOR THE TOWN OF YORKTOWN, WESTCHESTER COUNTY, NEW YORK.

CONTOURS & ELEVATIONS SHOWN HEREON WERE INTERPOLATED FROM AN ACTUAL FIELD SURVEY PERFORMED BY THE OFFICE OF LINE AND GRADE SURVEYORS, D.P.C. IN AN THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88).

WETLAND FLAGS LOCATED JANUARY 11, 2022.

THE SURVEYOR'S SEAL, SIGNATURE AND ANY CERTIFICATION APPEARING HEREON SIGNIFY THAT, TO THE BEST OF HIS KNOWLEDGE AND BELIEF, THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE MINIMUM STANDARDS FOR LAND SURVEYS AS SET FORTH IN THE CODE OF PRACTICE ADOPTED BY THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS, INC.

CERTIFICATIONS SHALL RUN ONLY TO THE PERSON FOR WHOM THIS SURVEY WAS PREPARED, AND ON HIS BEHALF, TO THE TITLE COMPANY, LENDING INSTITUTION AND GOVERNMENTAL AGENCY LISTED HEREON; SAID CERTIFICATIONS ARE NOT INTENDED TO RUN TO ADDITIONAL TITLE COMPANIES, LENDING INSTITUTIONS, SUBSEQUENT OWNERS OR FUTURE CONTRACT VENDEES.

THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF TITLE REPORT.

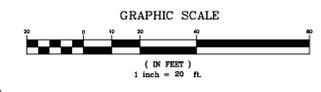
UNDERGROUND IMPROVEMENTS, STRUCTURES, UTILITIES OR ENCROACHMENTS, AND ANY EASEMENTS RELATED THERETO, ARE NOT SHOWN HEREON UNLESS OTHERWISE NOTED.

UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209, SUB-DIVISION 2 OF THE NEW YORK STATE EDUCATION LAW.

**LINE & GRADE SURVEYORS, D.P.C.**  
 23 Nepperhan Avenue  
 Elmsford, New York 10523  
 Phone: (914) 347-3141  
 office@lineandgrade.net



TOPOGRAPHIC PROPERTY SURVEY  
 PREPARED FOR  
**GREG CHAPPELL & EMILY YAVITZ**  
 PROPERTY SITUATE AT  
**1102 GAMBELLI DRIVE**  
 TOWN OF YORKTOWN  
 COUNTY OF WESTCHESTER  
 STATE OF NEW YORK



Date: JANUARY 11, 2022

NO.	DATE	DESCRIPTION	BY

State Environmental Quality Review  
**NEGATIVE DECLARATION**  
Notice of Determination of Non-Significance

Project Number:

Date:

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Yorktown Planning Board as lead agency, has determined that the proposed action described below will not have a significant environmental impact and a Draft Impact Statement will not be prepared.

**Name of Action:**

Lakeview Estates Lot 6

**SEQR Status:** Type 1   
Unlisted

**Conditioned Negative Declaration:**  Yes  
 No

**Description of Action:**

Proposed single-family home on Lot 6 of the Lakeview Estates subdivision.

**Location:** 1102 Gambelli Drive, Yorktown Heights, NY 10598  
Town of Yorktown, County of Westchester  
Section 47.11, Block 1, Lot 15

**Reasons Supporting This Determination:**

(See 617.7(a)-(c) for requirements of this determination ; see 617.7(d) for Conditioned Negative Declaration)

- 1) This negative declaration is based on a Short Environmental Assessment Form dated March 5, 2022.
- 2) The plan minimizes disturbance in the conservation easement area, which is on top of a rock, and direct all stormwater runoff away from the environmentally sensitive areas.

**If Conditioned Negative Declaration**, provide on attachment the specific mitigation measures imposed, and identify comment period (not less than 30 days from date of publication in the ENB)

**For Further Information:**

Contact Person: Robyn Steinberg

Address: 1974 Commerce Street, Yorktown Heights, NY 10598

Telephone Number: (914) 962-6565

**For Type 1 Actions and Conditioned Negative Declarations, a Copy of this Notice is sent to:**

**PLANNING BOARD  
TOWN OF YORKTOWN**

**RESOLUTION APPROVING  
SITE PLAN, STORMWATER POLLUTION PREVENTION  
PLAN, AND TREE PERMIT FOR LOT 6 WITHIN  
THE LAKEVIEW ESTATES SUBDIVISION**

**RESOLUTION NUMBER: #00-00**

**DATE:**

On the motion of \_\_\_\_\_, seconded by \_\_\_\_\_, and voted in favor by Fon, LaScala, Bock, Garrigan, and Phelan, the following resolution was adopted:

WHEREAS Lot 6 of the Lakeview Estates Subdivision is the parcel located at 1102 Gambelli Drive, Yorktown Heights, also known as Section 47.11 Block 1 Lot 15 on the Town of Yorktown Tax Map, and owned by Gregg Chappell & Emily Yavitz; and

WHEREAS the applicant has requested approval of the proposed site plan, titled “Stormwater Management and S&E Controls Plan,” prepared by TJ Engineering, LLC, dated February 14, 2022; and

WHEREAS the proposed site plan shows a residence with a finished floor elevation of [X] feet, where 424 feet was originally approved for this lot; and

WHEREAS, pursuant to SEQRA, the development of this lot for a single-family home was evaluated during the subdivision review process when the Lakeview Estates Subdivision was approved by the Planning Board by Resolution #91-6 on April 22, 1991 and as amended by Resolution #91-7 on April 22, 1991, and Resolution #91-24 on October 7, 1991 (hereinafter “Lakeview Estates Subdivision Approval”); and

WHEREAS, to evaluate the environmental impacts of the proposed residence relative to the original subdivision approvals:

1. The action has been identified as an Unlisted action.
2. The Planning Board has been declared lead agency on <DATE>.
3. A negative declaration has been adopted on <DATE> on the basis of a Short Environmental Assessment Form dated March 5, 2022.

WHEREAS, the applicant has submitted as part of the application the following maps and documents:

**Plans**

1. A drawing, Sheet 1 of 2, titled “Stormwater Management and S&E Controls Plan,” prepared by TJ Engineering, LLC, dated February 14, 2022;

2. A drawing, Sheet 2 of 2, titled “Stormwater Management and S&E Controls Plan Details,” prepared by TJ Engineering, LLC, dated February 14, 2022;
3. A survey, titled, “Topographic Property Survey prepared for Greg Chappell 7 Emily Yavitz,” prepared by Line & Grade Surveyors, D.P.C., and dated January 11, 2022;
4. Architectural drawings, 20 sheets, titled “New Single-Family Dwelling for Gregg T. Chappell & Emily Yavitz,” prepared by Rocco DiLeo, R.A., dated March 8, 2021, and last revised February 11, 2022;
5. A Stormwater Pollution Prevention Plan for 1102 Gambelli Drive, prepared for Gregg Chappell & Emily Yavitz, prepared by TJ Engineering, LLC, and dated February 14, 2022;
6. A letter from Gregg Chappell & Emily Yavitz dated June 29, 2022;

WHEREAS, the applicant is requesting the Planning Board to allow construction that encroaches approximately 500 square feet into a Conservation Easement created as part of the Lakeview Estates Subdivision Approval; and

WHEREAS, to minimize the impact of constructing the proposed home, the applicant has:

1. Had the adjacent wetland boundary re-delineated as shown on the submitted survey listed herein; and
2. Proposed to rotate the home from what is shown on the submitted site plan to ensure the entire structure is outside the 100-foot wetland buffer; and
3. Used the proposed septic system and well location from the Lakeview Estates Subdivision approval; and
4. Designed the proposed home and stormwater management system to ensure no stormwater drains towards the Conservation boundary or wetland and wetland buffer; and

WHEREAS, the Planning Board has referred this application to the following boards and agencies and has received and considered reports of the following:

<b>Boards &amp; Agencies</b>	<b>Report Date</b>
Conservation Board	04/08/2022
Planning Department	06/24/2022

BE IT NOW RESOLVED, the Planning Board has determined the applicant has minimized to the greatest extent practicable the encroachment into the approved Conservation boundary of the Lakeview Estates Subdivision Approval while also developing the property with a single-family dwelling that was designed to appreciate the natural features of the parcel; and

BE IT FURTHER RESOLVED, since the encroachment will be at the top of a rock outcropping and all of the site drainage will be directed away from the conservation easement area and the wetland and wetland buffer, the proposed development will not result in any significant adverse impacts to areas of the site the Lakeview Estates Subdivision Approval intended to protect; and

BE IT THEREFORE NOW RESOLVED, that the application of Gregg Chappell & Emily Yavitz for approval of a site plan titled, "Stormwater Management and S&E Controls Plan," prepared by TJ Engineering, LLC, dated February 14, 2022, be approved subject to the following modifications and conditions and that the Chairman of this board be and hereby are authorized to endorse this board's approval on said plan upon compliance by the applicant with such modification and additional requirements as noted.

RESOLVED, the site plan shall be modified to show:

1. The rotation of the proposed home as shown on the site plan included in the letter from Gregg Chappell & Emily Yavitz dated June 29, 2022.
2. Add the Conservation Note from the Lakeview Estates plat to the site plan.
3. \_\_\_\_\_

BE IT FURTHER RESOLVED, said site plan shall not be endorsed by the Planning Board until:

1. Submission of a statement signed by the Town's Tax Collector that all taxes due on this parcel have been paid.
2. Acceptance of a Final Stormwater Pollution Prevention Plan by the Town Engineer and to the satisfaction of the Planning Board.

BE IT FURTHER RESOLVED, that in accordance with Town Code Chapter 248 and Chapter 270, the application of Tessa Jucaite, P.E. of TJ Engineering LLC for the approval of a Stormwater Pollution Prevention Plan and Tree Permit **#T-FSWPP-005-22** is approved subject to the conditions listed therein; and

RESOLVED, Permit **# T-FSWPP-005-22** shall not be valid until it has been signed by the Chairman of this Board;

BE IT FURTHER RESOLVED, prior to issuance of a Building Permit, the Applicant shall submit four (4) copies of the final site plan to the Planning Department to be stamped approved for the record; and

BE IT FURTHER RESOLVED, no further encroachment into the conservation easement area shall be allowed without approval from the Planning Board.

F:\Office\WordPerfect\Current\_Projects\Lakeview Estates\1102 Gambelli Drive - Lot 6\Resolution\Draft Resolution.docx

Draft

# **Boniello Subdivision**

## Robyn Steinberg

---

**From:** Garcia, Cynthia <CGarcia@dep.nyc.gov>  
**Sent:** Wednesday, May 4, 2022 2:28 PM  
**To:** Robyn Steinberg  
**Subject:** RE: Boniello Subdivision

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Robyn,

DEP has reviewed the Town of Yorktown's Planning Board Intent to act at Lead Agency and short Environmental Assessment Form (EAF) for the above-referenced project. DEP does not object to the Board acting as Lead Agency for the Coordinated Review of the proposed action pursuant to the New York State Environmental Quality Review Act (SEQRA).

The proposed site is located in the Muscoot Reservoir drainage basin of New York City's Watershed. Muscoot Reservoir is unfiltered and phosphorous restricted; therefore, water quality impacts to the reservoir from pollutant laden runoff must be avoided or mitigated.

The proposed action involves 0.5 acres of disturbance, and the activity is not located in a DMSA. As such, DEP has determined that the subject proposal requires no further review or approval by DEP pursuant to the *Rules and Regulations for the Protection from Contamination, Degradation and Pollution of the New York City Water Supply and Its Sources*.

Thank you for the opportunity to comment.

---

**Cynthia Garcia** | Bureau of Water Supply | SEQRA Coordination Section  
465 Columbus Ave., Valhalla, NY 10595  
(O) 914 749 5302 | (F) 914 749 5472 | [cgarcia@dep.nyc.gov](mailto:cgarcia@dep.nyc.gov)

---

**From:** Robyn Steinberg <rsteinberg@yorktownny.org>  
**Sent:** Monday, April 25, 2022 2:45 PM  
**To:** Garcia, Cynthia <CGarcia@dep.nyc.gov>  
**Subject:** [EXTERNAL] Boniello Subdivision

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Forward suspect email to [phish@cyber.nyc.gov](mailto:phish@cyber.nyc.gov) as an attachment (Click the More button, then forward as attachment).

Cynthia,

I'm sending you the attached subdivision plans for Lead Agency however, the applicant has proposed only ½ acre of disturbance, so you don't have jurisdiction, correct? I just wanted to send it to you to be sure. Also just a note, the EAF says the full site is 2.5 acres, but they were included another adjacent lot they also own, but it isn't involved in the subdivision, so that's why my description states the site is 1.81 acres.

I have another 2 lot subdivision also with ½ acre disturbance that I will also be sending today.

Thank you,  
Robyn

\*\*\*\*\*

**Robyn A. Steinberg, AICP, CPESC**  
Town of Yorktown Planning Department  
Albert A. Capellini Community & Cultural Center  
1974 Commerce Street, Room 222  
Yorktown Heights, NY 10598  
Phone | 914-962-6565  
Email | [rsteinberg@yorktownny.org](mailto:rsteinberg@yorktownny.org)  
Web | <http://www.yorktownny.org/planning>

Christopher Taormina, RA  
Chairman

Matthew Slater  
Town Supervisor

## TOWN OF YORKTOWN

### ADVISORY BOARD ON ARCHITECTURE & COMMUNITY APPEARANCE (ABACA)

Albert A. Capellini Community and Cultural Center, 1974 Commerce Street, Yorktown Heights, New York 10598, Phone (914) 962-6565

**To:** Planning Department  
**From:** ABACA  
**Date:** April 20, 2022  
**Subject:** Boniello Subdivision– Review of architecture and building materials  
37.09-1-67, 70, 71; 2012-2016 Crompond Road

RECEIVED  
PLANNING DEPARTMENT

APR 20 2022

TOWN OF YORKTOWN

*Drawings Reviewed:*

Title:	Date:	Produced By:
Proposed Two-Family Homes (2) - Architectural Elevations and Building Materials Palette	4/15/22	Boniello Development Corp.

The Advisory Board on Architecture and Community Appearance reviewed the above referenced subject at their Board meeting held on Tuesday, April 19, 2022. Jared Boniello was present.

The proposal is to subdivide the existing lots to create two additional two-family homes. The proposed new structures will have a similar look to the existing structures that are built within the subdivision. The homes will vary slightly with respect to the architecture. The building materials are as follows:

**Two-Family Home #1**

- Cementboard Siding – Louisberg Green color
- Weather Resistant Trim – Dove white color
- Front Door – Chestnut Color
- Asphalt Roof Shingles – Pristine Hearthstone color

**Two-Family Home #2**

- Cementboard Siding – Winter Orchard color
- Weather Resistant Trim – River Reflections color
- Front Door – Nicolson Green color
- Asphalt Roof Shingles – Weathered Wood color
- Shutters – Clay color

The ABACA feels that the proposed architecture and building materials will tie in nicely with the existing structures. Based on the renderings reviewed and attached, the ABACA has no objections to this proposal.

*Christopher Taormina*

Christopher Taormina, RA  
Chairman

/nc

Attachments

cc: Applicant

Planning Board

Christopher Taormina, RA  
Chairman

# TOWN OF YORKTOWN

## ADVISORY BOARD ON ARCHITECTURE & COMMUNITY APPEARANCE (ABACA)

Albert A. Capellini Community and Cultural Center, 1974 Commerce Street, Yorktown Heights, New York 10598, Phone (914) 962-6565

ABACA Memo – Boniello Subdivision

Page 2 of 4

April 20, 2022

### Rendering & Material Palette – Two-Family Home #1

			
Cementboard Siding: Color: Louisberg Green	Weather-Resistant Trim: Color: Dove White	Front Door: Color: Chestnut	Asphalt Roof Shingles: Color: Pristine Hearthstone


<b>RESIDENCE FOR</b> <b>BONIELLO DEVELOPMENT CORP.</b> Town of Yorktown, N.Y.			<b>FRONT ELEVATION</b>	<b>1</b>
		SCALE: 1/4" = 1'	DATE: 1/1/2022	DATE: 1/1/2022
		CAVORCHAL	3-18-122	2408

Christopher Taormina, RA  
Chairman

# TOWN OF YORKTOWN

## ADVISORY BOARD ON ARCHITECTURE & COMMUNITY APPEARANCE (ABACA)

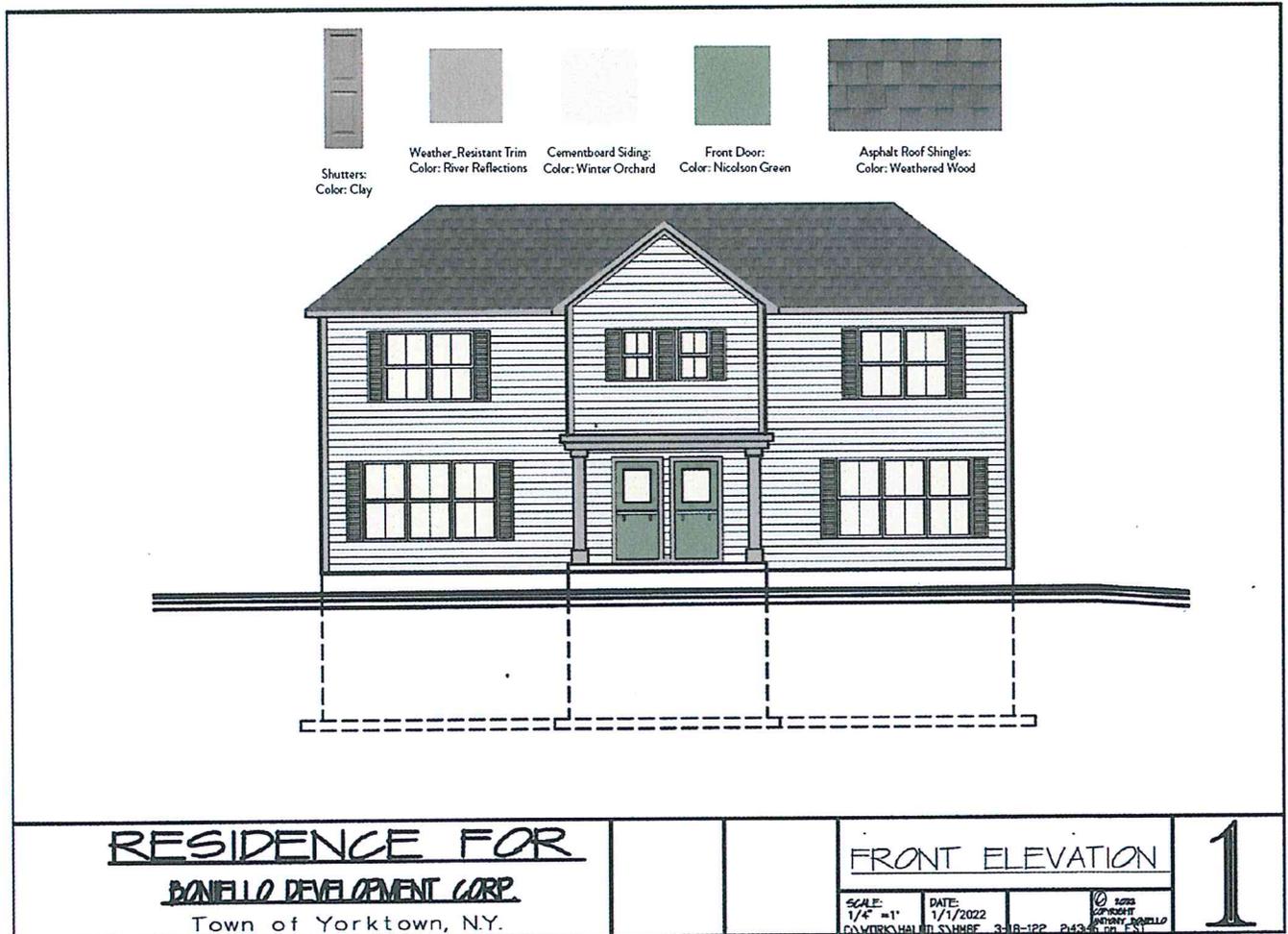
Albert A. Capellini Community and Cultural Center, 1974 Commerce Street, Yorktown Heights, New York 10598, Phone (914) 962-6565

ABACA Memo – Boniello Subdivision

Page 3 of 4

April 20, 2022

### Rendering & Material Palette – Two-Family Home #2



Christopher Taormina, RA  
Chairman

# TOWN OF YORKTOWN

## ADVISORY BOARD ON ARCHITECTURE & COMMUNITY APPEARANCE (ABACA)

Albert A. Capellini Community and Cultural Center, 1974 Commerce Street, Yorktown Heights, New York 10598, Phone (914) 962-6565

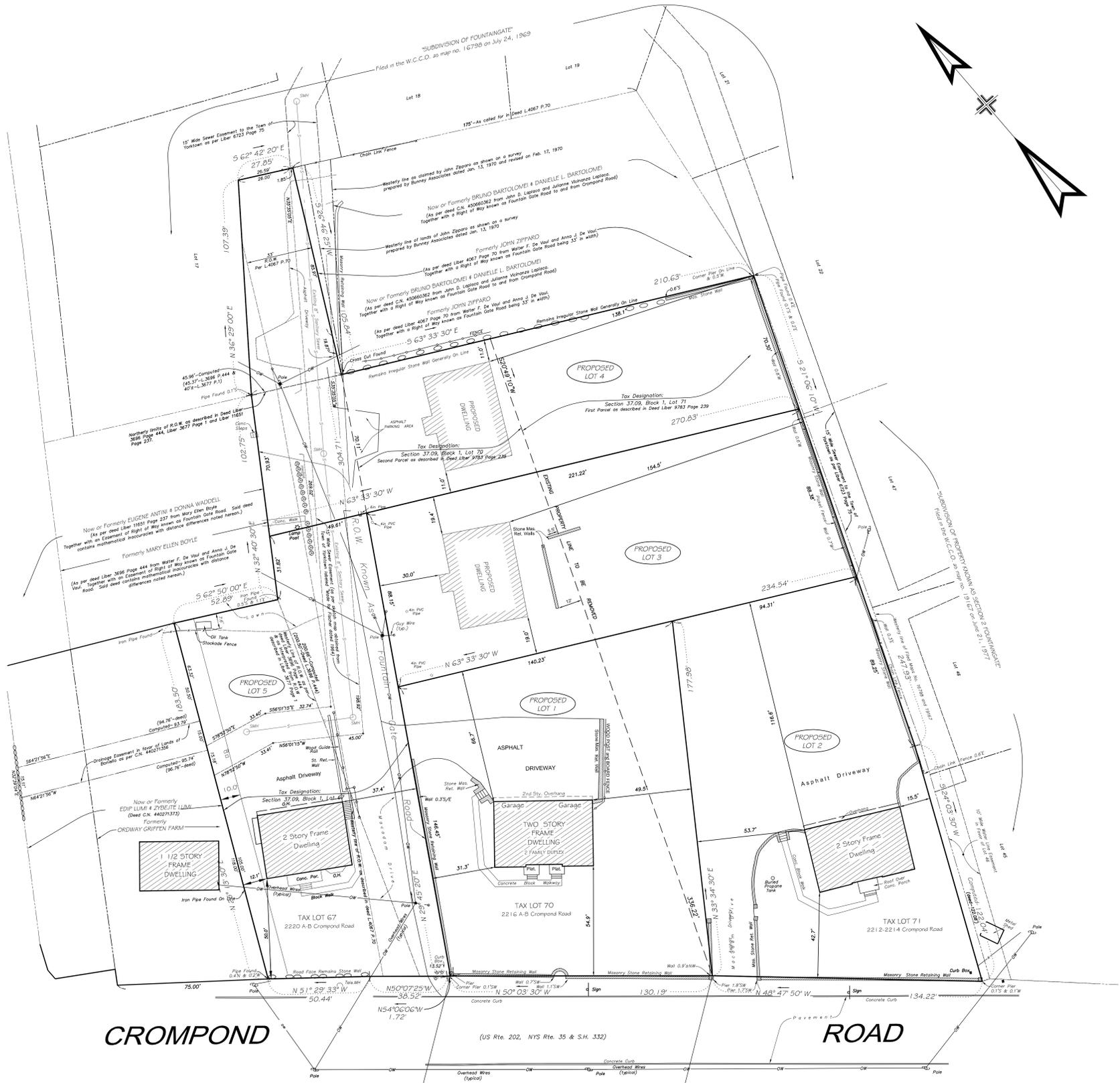
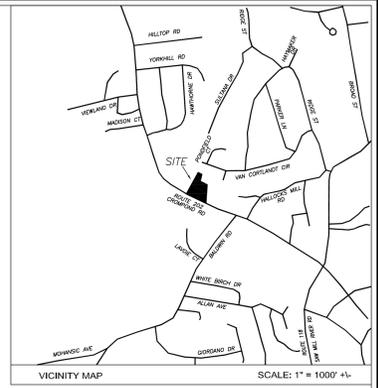
ABACA Memo – Boniello Subdivision

Page 4 of 4

April 20, 2022

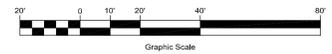
### Existing Structures Built Within the Subdivision





**CROMPOND ROAD SUBDIVISION PLAT**  
PREPARED FOR  
**BONIELLO EQUITIES - CROMPOND ROAD**  
SITUATE IN THE  
**TOWN OF YORKTOWN**  
WESTCHESTER COUNTY  
NEW YORK

SCALE: 1" = 20'  
MAP PREPARED: JUNE 8, 2022



ZONING REQUIREMENTS: ZONE R-2

LOT AREA (sq. ft.)	REQUIRED	LOT 1	LOT 2	LOT 3	LOT 4	LOT 5
1-FAMILY DWELLING 10,000	21,766	22,058	20,053	22,382	20,187	
2-FAMILY DWELLING 20,000	70	133.6	123.7	88.1	70.0	93.4
LOT DEPTH	85	162.1	193.7	227.9	263.4	193.4
FRONT YARD (feet)	30	54.9	42.7	30	85.6	50.0
SIDE YARD (feet)	10	31.3	53.7	19.0	11.0	12.1
SIDE YARD COMBINED (feet)	20	80.8	69.2	38.4	22.0	49.5
REAR YARD (feet)	30	66.7	116.8	154.5	138.2	102.8
MAXIMUM HEIGHT	35					
MINIMUM USABLE FLOOR AREA	600					
MAXIMUM BUILDING COVERAGE	25%					
OFF STREET PARKING	1					

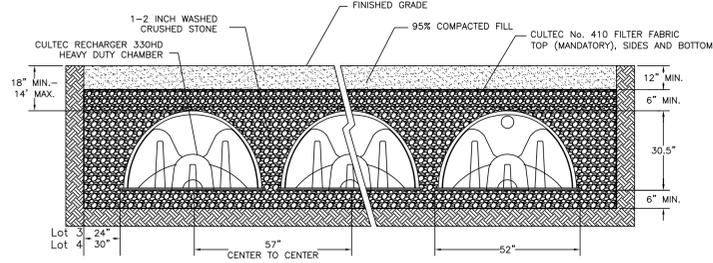
<b>SURVEYOR'S NOTES</b> ENCROACHMENTS BELOW GRADE AND/OR SUBSURFACE FEATURES, IF ANY, NOT LOCATED OR SHOWN HEREON. UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209, SUBDIVISION 2, OF THE NEW YORK STATE EDUCATION LAWS. ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY MARKED WITH AN ORIGINAL OF THE LAND SURVEYOR'S SEAL SHALL BE CONSIDERED TO BE TRUE VALID COPIES.	<b>RECEIVER OF TAXES</b> ALL TAXES DUE TO DATE HAVE BEEN PAID. TAX LOT: SECTION 37.09 BLOCK 1 LOTS 67, 70 & 71  _____ (OWNER)  _____ (DATE)	<b>Link</b> <i>Land Surveyors P.C.</i> 21 Clark Place, Suite 1-B Mahopac N.Y. 10541 Phone 845-628-5857
--	---	---

<b>PROPOSED PUBLIC WATER / PUBLIC SEWER MAIN EXTENSION</b> Westchester County Department of Health New Rochelle, New York Approved pursuant to Chapter 873, Article X, Sections 873.951 and 873.1021 and Articles VII and VIII of the Westchester County Sanitary Code subject to the provision of public water supply and public sanitary sewer facilities to serve each habitable building hereafter constructed. These facilities are to be installed in accordance with land improvement plans and specifications approved by and filed in this office prior to the construction of such building. Each purchaser of property shown herein shall be furnished a true copy of this plat showing this endorsement. Any erasures, changes, additions or alterations of any kind, except the addition of signatures of other approving authority and the date thereof made on this plan after this approval, shall invalidate this approval. Date: _____ Approved by the Assistant Commissioner of Health on Behalf of the Department of Health	<b>TOWN OF YORKTOWN PLANNING BOARD</b> APPROVED BY RESOLUTION OF THE PLANNING BOARD OF THE TOWN OF YORKTOWN, WESTCHESTER COUNTY, NEW YORK, ON THE _____ DAY OF _____ SUBJECT TO ALL REQUIREMENTS AND CONDITIONS OF SAID RESOLUTION. ANY CHANGE, ERASURE, MODIFICATION OR REVISION OF THIS PLAT, AS APPROVED, SHALL VOID THIS APPROVAL. SIGNED THIS _____ DAY OF _____ BY: _____ (CHAIRMAN) BY: _____ (SECRETARY)	<b>OWNER'S APPROVAL</b> THE UNDERSIGNED OWNER OF THIS PROPERTY HEREOF STATES THAT HE IS FAMILIAR WITH THIS MAP, ITS CONTENTS AND ITS LEGENDS AND HEREBY CONSENTS TO THE FILING OF THIS MAP  GUS BONIELLO 165 WACCABUC ROAD GOLDENS BRIDGE, NEW YORK 10526 DATE _____	<b>OWNER &amp; APPLICANT</b> GUS BONIELLO 165 WACCABUC ROAD GOLDENS BRIDGE, NEW YORK 10526	<b>PROPERTY DATA</b> TAX MAP DESIGNATION: SHEET 37.09 BLOCK 1 LOTS 67, 70 & 71 ZONING DISTRICT: R2 ONE FAMILY DWELLING (10,000 SQ. FT.) TWO FAMILY DWELLING (20,000 SQ. FT.) TOTAL AREA: 2.4437 ACRES 106,486 SQUARE FEET	<b>PROFESSIONAL LAND SURVEYOR</b> NEW YORK STATE LICENSED LAND SURVEYOR NO. 05042	<b>LAND SURVEYOR'S CERTIFICATION</b> I, ERIK J. LINK, LICENSED LAND SURVEYOR, WHO MADE THIS MAP DO HEREBY CERTIFY THIS MAP WAS COMPLETED JUNE 8, 2022  ERIK J. LINK NEW YORK STATE LICENSED LAND SURVEYOR NO. 05042
--	--	--	---	--	---	--



# Cultec 330 XLHD Recharger System

## CULTEC RECHARGER 330XLHD CHAMBER SYSTEM PAVED TRAFFIC APPLICATION TYPICAL CROSS SECTION DETAIL



**GENERAL NOTES**  
RECHARGER 330XLHD BY CULTEC, INC. OF BROOKFIELD, CT.  
ALL RECHARGER 330XLHD CHAMBERS MUST BE INSTALLED IN ACCORDANCE WITH ALL APPLICABLE LOCAL, STATE AND FEDERAL REGULATIONS.

REFER TO CULTEC, INC.'S CURRENT RECOMMENDED INSTALLATION GUIDELINES.  
ALL RECHARGER 330XLHD HEAVY DUTY UNITS ARE MARKED WITH A COLOR STRIPE FORMED INTO THE PART ALONG THE LENGTH OF THE CHAMBER.

**CULTEC, Inc.**  
P.O. Box 280  
878 Federal Road  
Brookfield, CT 06804 USA

PH: (203) 775-4416  
PH: (800) 4-CULTEC  
FX: (203) 775-1462  
www.cultec.com



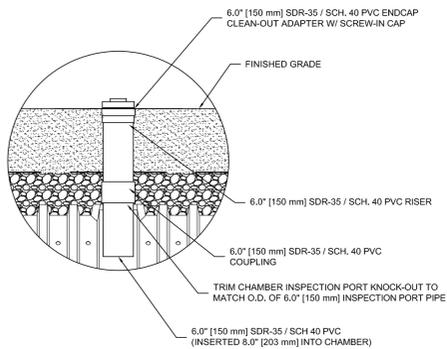
**CULTEC Contactor® and Recharger®**  
Plastic Septic and Stormwater Chambers

### Cultec 330 XLHD recharger calculation:

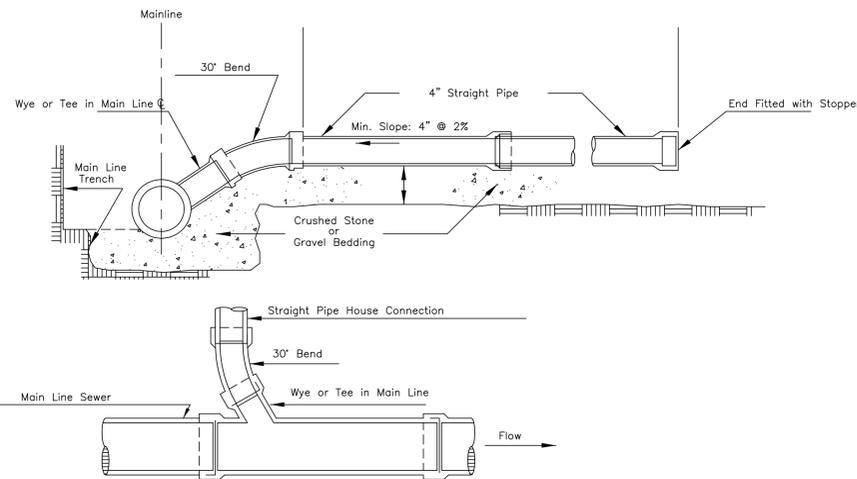
Hallocks Mill Subdivision Lot 3 Yorktown, New York	Unit width Unit spacing installed length in ft height =	52 57 7 30.5	ft ft ft ft
Perc Rate taken Perc hole diameter	8/2/2021 8 inches		
Side area of drop in perc hole =	0.174 s.f.		
Stabilized perc rate Volume of drop =	1 inch in 13 minutes 0.0291 c.f.		
Soil Rate = vol/area/minute =	0.0011 c.f./s./min 1.538 c.f./s./day		
Assume 25% clogging factor	1.154 c.f./s./day	<b>USE THIS PERC RATE</b>	
From Cultec Spec Sheet, Storage capacity / L.F. =	11.16 c.f./l.f.		
Layout: 2 rows of 4 units with 6" extra stone all around			
Bottom area for layout shown = L (ft) x W (ft)	31 x 12.08	374.5 s.f.	
Length x Width of stones =		374.5 s.f.	
Bottom absorption in 24 hours =		432 c.f.	
From Plans, area of new impervious =			
Proposed =	4,227 s.f.		
Existing =	- s.f.		
Net Change =	4,227 s.f.		
Rainfall required =			
Proposed Cn = 98	100 year storm = 9.24 in	9.00 in.	
Existing is "C" soil, good condition, CN=74	Er =	6.05 in.	
Net increase in Er =		2.95 in.	
Increase in runoff =		1,039 c.f.	
Less bottom absorption		432 c.f.	
<b>Net increase in runoff =</b>		<b>607 c.f.</b>	
Length of recharger required = net increase / cultec capacity =		54.4 ft.	
Effective Length of each unit =		7.00 l.f.	
Number of Units required = Length req'd / Eff. Length =		7.77	<b>REQ'D 8 units</b>

### Cultec 330 XLHD recharger calculation:

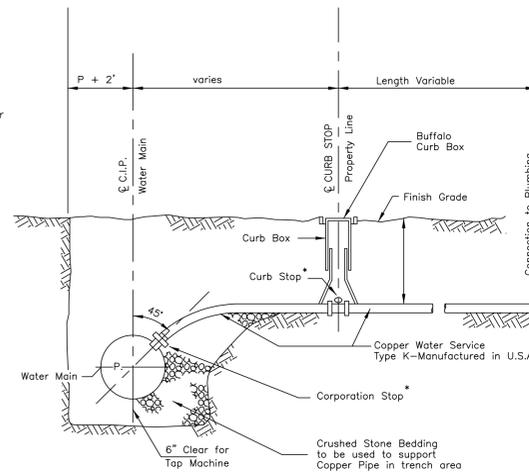
Hallocks Mill Subdivision Lot 4 Yorktown, New York	Unit width Unit spacing installed length in ft height =	52 57 7 30.5	ft ft ft ft
Perc Rate taken Perc hole diameter	8/2/2021 8 inches		
Side area of drop in perc hole =	0.174 s.f.		
Stabilized perc rate Volume of drop =	1 inch in 13 minutes 0.0291 c.f.		
Soil Rate = vol/area/minute =	0.0011 c.f./s./min 1.538 c.f./s./day		
Assume 25% clogging factor	1.154 c.f./s./day	<b>USE THIS PERC RATE</b>	
From Cultec Spec Sheet, Storage capacity / L.F. =	11.16 c.f./l.f.		
Layout: 2 rows of 4 units with 6" extra stone all around			
Bottom area for layout shown = L (ft) x W (ft)	31 x 12.08	374.5 s.f.	
Length x Width of stones =		374.5 s.f.	
Bottom absorption in 24 hours =		432 c.f.	
From Plans, area of new impervious =			
Proposed =	4,227 s.f.		
Existing =	- s.f.		
Net Change =	4,227 s.f.		
Rainfall required =			
Proposed Cn = 98	100 year storm = 9.24 in	9.00 in.	
Existing is "C" soil, good condition, CN=74	Er =	6.05 in.	
Net increase in Er =		2.95 in.	
Increase in runoff =		1,039 c.f.	
Less bottom absorption		432 c.f.	
<b>Net increase in runoff =</b>		<b>607 c.f.</b>	
Length of recharger required = net increase / cultec capacity =		54.4 ft.	
Effective Length of each unit =		7.00 l.f.	
Number of Units required = Length req'd / Eff. Length =		7.77	<b>REQ'D 8 units</b>



**INSPECTION PORT DETAIL**  
n.t.s.

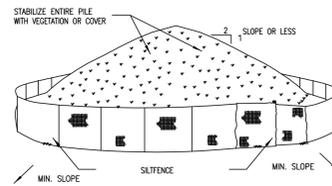


**DETAIL OF SEWER CONNECTION**  
N.T.S.



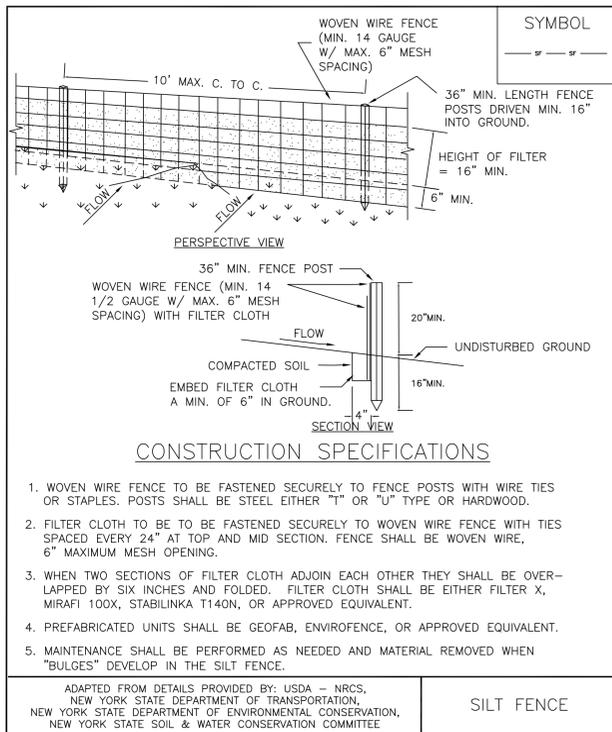
**DETAIL OF WATER SERVICE CONNECTION**  
N.T.S.

## Soil Stockpiling



### INSTALLATION NOTES

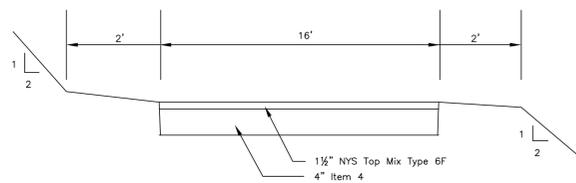
1. AREA CHOSEN FOR STOCKPILING OPERATIONS SHALL BE DRY AND STABLE.
2. MAXIMUM SLOPE OF STOCKPILE SHALL BE 1:2.
3. UPON COMPLETION OF SOIL STOCKPILING, EACH PILE SHALL BE SURROUNDED WITH EITHER SILT FENCING OR STRAMBLES, THEN STABILIZED WITH VEGETATION OR COVERED.
4. SEE SPECIFICATIONS (THIS MANUAL) FOR INSTALLATION OF SILT FENCE.



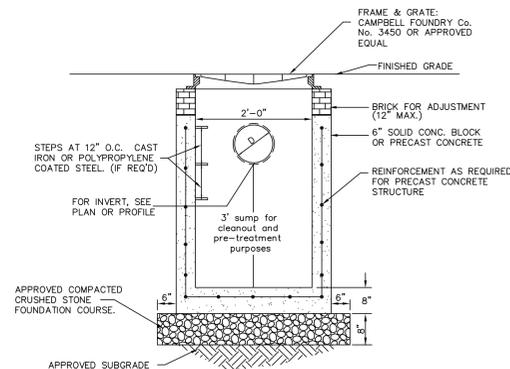
1. WOVEN WIRE FENCE TO BE FASTENED SECURELY TO FENCE POSTS WITH WIRE TIES OR STAPLES. POSTS SHALL BE STEEL EITHER "T" OR "U" TYPE OR HARDWOOD.
2. FILTER CLOTH TO BE TO BE FASTENED SECURELY TO WOVEN WIRE FENCE WITH TIES SPACED EVERY 24" AT TOP AND MID SECTION. FENCE SHALL BE WOVEN WIRE, 6" MAXIMUM MESH OPENING.
3. WHEN TWO SECTIONS OF FILTER CLOTH ADJOIN EACH OTHER THEY SHALL BE OVERLAPPED BY SIX INCHES AND FOLDED. FILTER CLOTH SHALL BE EITHER FILTER X, MIRAFI 100X, STABILINKA T140N, OR APPROVED EQUIVALENT.
4. PREFABRICATED UNITS SHALL BE GEOFAB, ENVIROFENCE, OR APPROVED EQUIVALENT.
5. MAINTENANCE SHALL BE PERFORMED AS NEEDED AND MATERIAL REMOVED WHEN "BULGES" DEVELOP IN THE SILT FENCE.

ADAPTED FROM DETAILS PROVIDED BY: USDA - NRCS,  
NEW YORK STATE DEPARTMENT OF TRANSPORTATION,  
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION,  
NEW YORK STATE SOIL & WATER CONSERVATION COMMITTEE

**SILT FENCE**



**DETAIL OF TYPICAL DRIVEWAY SECTION**  
not to scale



**SECTION A-A**

**CATCH BASIN DETAIL**

rev 3/7/2022 catch basins added trench drain removed  
rev 2/11/2022 cultecs recalculated

SHEET 2021-30-02  
SCALE AS NOTED  
FILE D:\LANDZK7\BONIELLO HALLOCKES  
DATE 10/25/2021

DETAIL SHEET FOR  
BONIELLO DEVELOPMENT CORP - CROMPOND ROAD  
YORKTOWN HEIGHTS, N.Y. 10598

ANTHONY S. PISARRI, P.E., P.C.  
CONSULTING ENGINEER  
3 Roslind Drive, Cortlandt Manor, N.Y. 10567



# NOI for coverage under Stormwater General Permit for Construction Activity

version 1.35

(Submission #: HPJ-TSJS-H8P74, version 1)

## Details

---

**Originally Started By** Anthony Pisarri  
**Alternate Identifier** Crompond Road Subdivision  
**Submission ID** HPJ-TSJS-H8P74  
**Submission Reason** New  
**Status** Draft

## Form Input

---

### Owner/Operator Information

**Owner/Operator Name (Company/Private Owner/Municipality/Agency/Institution, etc.)**

Boniello Equities, LLC

**Owner/Operator Contact Person Last Name (NOT CONSULTANT)**

Boniello

**Owner/Operator Contact Person First Name**

Gus

**Owner/Operator Mailing Address**

165 Waccabuc Road

**City**

Goldens Bridge

**State**

NY

**Zip**  
10526

**Phone**  
(914) 232-3421

**Email**  
gtboniello@aol.com

**Federal Tax ID**  
NONE PROVIDED

Do you have a Federal Tax ID?

## **Project Location**

**Project/Site Name**  
Crompond Road Subdivision

**Street Address (Not P.O. Box)**  
Crompond Road

**Side of Street**  
North

**City/Town/Village (THAT ISSUES BUILDING PERMIT)**  
Yorktown

**State**  
NY

**Zip**  
10598

**DEC Region**  
3

**County**  
WESTCHESTER

**Name of Nearest Cross Street**  
Hallocks Mill Road

**Distance to Nearest Cross Street (Feet)**  
1000

**Project In Relation to Cross Street**  
West

**Tax Map Numbers Section-Block-Parcel**  
Section 37.09 Block 1

## **Tax Map Numbers**

67, 70 and 71

### **1. Coordinates**

---

Provide the Geographic Coordinates for the project site. The two methods are:

- Navigate to the project location on the map (below) and click to place a marker and obtain the XY coordinates.

- The "Find Me" button will provide the lat/long for the person filling out this form. Then pan the map to the correct location and click the map to place a marker and obtain the XY coordinates.

**Navigate to your location and click on the map to get the X,Y coordinates**

41.2807317,-73.7915168

### **Project Details**

**2. What is the nature of this project?**

New Construction

**3. Select the predominant land use for both pre and post development conditions.**

**Pre-Development Existing Landuse**

Single Family Home

**Post-Development Future Land Use**

Single Family Subdivision (Please answer 3a)

**3a. If Single Family Subdivision was selected in question 3, enter the number of subdivision lots.**

5

---

4. In accordance with the larger common plan of development or sale, enter the total project site acreage, the acreage to be disturbed and the future impervious area (acreage)within the disturbed area.

\*\*\* ROUND TO THE NEAREST TENTH OF AN ACRE. \*\*\*

**Total Site Area (acres)**

2.4

**Total Area to be Disturbed (acres)**

0.6

**Existing Impervious Area to be Disturbed (acres)**

0

**Future Impervious Area Within Disturbed Area (acres)**

0.2

**5. Do you plan to disturb more than 5 acres of soil at any one time?**

No

---

**6. Indicate the percentage (%) of each Hydrologic Soil Group(HSG) at the site.**

**A (%)**

0

**B (%)**

0

**C (%)**

100

**D (%)**

0

**7. Is this a phased project?**

No

**8. Enter the planned start and end dates of the disturbance activities.**

**Start Date**

8/1/2022

**End Date**

8/1/2024

**9. Identify the nearest surface waterbody(ies) to which construction site runoff will discharge.**

Crompond Wetlands

**9a. Type of waterbody identified in question 9?**

Other Type Off Site (enter description below)

**Other Waterbody Type Off Site Description**

Off-site wetlands

**9b. If "wetland" was selected in 9A, how was the wetland identified?**

Other: Local mapping

**10. Has the surface waterbody(ies) in question 9 been identified as a 303(d) segment in Appendix E of GP-0-20-001?**

No

**11. Is this project located in one of the Watersheds identified in Appendix C of GP-0-20-001?**

Yes

**12. Is the project located in one of the watershed areas associated with AA and AA-S classified waters?**

Yes

**If No, skip question 13.**

**13. Does this construction activity disturb land with no existing impervious cover and where the Soil Slope Phase is identified as D (provided the map unit name is inclusive of slopes greater than 25%), E or F on the USDA Soil Survey?**

No

**If Yes, what is the acreage to be disturbed?**

NONE PROVIDED

**14. Will the project disturb soils within a State regulated wetland or the protected 100 foot adjacent area?**

No

**15. Does the site runoff enter a separate storm sewer system (including roadside drains, swales, ditches, culverts, etc)?**

Yes

**16. What is the name of the municipality/entity that owns the separate storm sewer system?**

Town of Yorktown

**17. Does any runoff from the site enter a sewer classified as a Combined Sewer?**

No

**18. Will future use of this site be an agricultural property as defined by the NYS Agriculture and Markets Law?**

No

**19. Is this property owned by a state authority, state agency, federal government or local government?**

No

**20. Is this a remediation project being done under a Department approved work plan? (i.e. CERCLA, RCRA, Voluntary Cleanup Agreement, etc.)**

No

## **Required SWPPP Components**

**21. Has the required Erosion and Sediment Control component of the SWPPP been developed in conformance with the current NYS Standards and Specifications for Erosion and Sediment Control (aka Blue Book)?**

Yes

**22. Does this construction activity require the development of a SWPPP that includes the post-construction stormwater management practice component (i.e. Runoff Reduction, Water Quality and Quantity Control practices/techniques)?**

No

**If you answered No in question 22, skip question 23 and the Post-construction Criteria and Post-construction SMP Identification sections.**

**23. Has the post-construction stormwater management practice component of the SWPPP been developed in conformance with the current NYS Stormwater Management Design Manual?**

NONE PROVIDED

**24. The Stormwater Pollution Prevention Plan (SWPPP) was prepared by:**

Professional Engineer (P.E.)

**SWPPP Preparer**

Anthony S. Pisarri, P.E.

**Contact Name (Last, Space, First)**

Pisarri, Anthony

**Mailing Address**

3 Rosalind Drive

**City**

Cortlandt Manor

**State**

NY

**Zip**

10567

**Phone**

9143291605

**Email**

apisarri@aol.com

**Download SWPPP Preparer Certification Form**

Please take the following steps to prepare and upload your preparer certification form:

- 1) Click on the link below to download a blank certification form
- 2) The certified SWPPP preparer should sign this form

3) Scan the signed form

4) Upload the scanned document

[Download SWPPP Preparer Certification Form](#)

**Please upload the SWPPP Preparer Certification**

swpppcert.pdf - 06/30/2022 04:25 PM

**Comment**

NONE PROVIDED

## **Erosion & Sediment Control Criteria**

**25. Has a construction sequence schedule for the planned management practices been prepared?**

No

**26. Select all of the erosion and sediment control practices that will be employed on the project site:**

### **Temporary Structural**

Silt Fence

Stabilized Construction Entrance

### **Biotechnical**

None

### **Vegetative Measures**

None

### **Permanent Structural**

Rock Outlet Protection

### **Other**

Soil stockpile

## **Post-Construction Criteria**

**\* IMPORTANT: Completion of Questions 27-39 is not required if response to Question 22 is No.**

**27. Identify all site planning practices that were used to prepare the final site plan/layout for the project.**

NONE PROVIDED

**27a. Indicate which of the following soil restoration criteria was used to address the requirements in Section 5.1.6("Soil Restoration") of the Design Manual (2010 version).**

NONE PROVIDED

**28. Provide the total Water Quality Volume (WQv) required for this project (based on final site plan/layout). (Acre-feet)**

NONE PROVIDED

**29. Post-construction SMP Identification**

Use the Post-construction SMP Identification section to identify the RR techniques (Area Reduction), RR techniques (Volume Reduction) and Standard SMPs with RRv Capacity that were used to reduce the Total WQv Required (#28).

Identify the SMPs to be used by providing the total impervious area that contributes runoff to each technique/practice selected. For the Area Reduction Techniques, provide the total contributing area (includes pervious area) and, if applicable, the total impervious area that contributes runoff to the technique/practice.

Note: Redevelopment projects shall use the Post-Construction SMP Identification section to identify the SMPs used to treat and/or reduce the WQv required. If runoff reduction techniques will not be used to reduce the required WQv, skip to question 33a after identifying the SMPs.

**30. Indicate the Total RRv provided by the RR techniques (Area/Volume Reduction) and Standard SMPs with RRv capacity identified in question 29. (acre-feet)**

NONE PROVIDED

**31. Is the Total RRv provided (#30) greater than or equal to the total WQv required (#28)?**

NONE PROVIDED

**If Yes, go to question 36. If No, go to question 32.**

**32. Provide the Minimum RRv required based on HSG. [Minimum RRv Required = (P) (0.95) (Ai) / 12, Ai=(s) (Aic)] (acre-feet)**

NONE PROVIDED

**32a. Is the Total RRv provided (#30) greater than or equal to the Minimum RRv Required (#32)?**

NONE PROVIDED

**If Yes, go to question 33.**

Note: Use the space provided in question #39 to summarize the specific site limitations and justification for not reducing 100% of WQv required (#28). A detailed evaluation of the specific site limitations and justification for not reducing 100% of the WQv required (#28) must also be included in the SWPPP.

If No, sizing criteria has not been met; therefore, NOI can not be processed. SWPPP preparer must modify design to meet sizing criteria.

**33. SMPs**

Use the Post-construction SMP Identification section to identify the Standard SMPs and, if applicable, the Alternative SMPs to be used to treat the remaining total WQv (=Total WQv Required in #28 - Total RRv Provided in #30).

Also, provide the total impervious area that contributes runoff to each practice selected.

NOTE: Use the Post-construction SMP Identification section to identify the SMPs used on Redevelopment projects.

**33a. Indicate the Total WQv provided (i.e. WQv treated) by the SMPs identified in question #33 and Standard SMPs with RRv Capacity identified in question #29. (acre-feet)**

NONE PROVIDED

Note: For the standard SMPs with RRv capacity, the WQv provided by each practice = the WQv calculated using the contributing drainage area to the practice - provided by the practice. (See Table 3.5 in Design Manual)

**34. Provide the sum of the Total RRv provided (#30) and the WQv provided (#33a).**

NONE PROVIDED

**35. Is the sum of the RRv provided (#30) and the WQv provided (#33a) greater than or equal to the total WQv required (#28)?**

NONE PROVIDED

If Yes, go to question 36.

If No, sizing criteria has not been met; therefore, NOI can not be processed. SWPPP preparer must modify design to meet sizing criteria.

**36. Provide the total Channel Protection Storage Volume (CPv required and provided or select waiver (#36a), if applicable.**

**CPv Required (acre-feet)**

NONE PROVIDED

**CPv Provided (acre-feet)**

NONE PROVIDED

**36a. The need to provide channel protection has been waived because:**

NONE PROVIDED

**37. Provide the Overbank Flood (Qp) and Extreme Flood (Qf) control criteria or select waiver (#37a), if applicable.**

**Overbank Flood Control Criteria (Qp)**

**Pre-Development (CFS)**

NONE PROVIDED

**Post-Development (CFS)**

NONE PROVIDED

**Total Extreme Flood Control Criteria (Qf)**

**Pre-Development (CFS)**  
NONE PROVIDED

**Post-Development (CFS)**  
NONE PROVIDED

**37a. The need to meet the Qp and Qf criteria has been waived because:**  
NONE PROVIDED

**38. Has a long term Operation and Maintenance Plan for the post-construction stormwater management practice(s) been developed?**  
NONE PROVIDED

**If Yes, Identify the entity responsible for the long term Operation and Maintenance**  
NONE PROVIDED

**39. Use this space to summarize the specific site limitations and justification for not reducing 100% of WQv required (#28). (See question #32a) This space can also be used for other pertinent project information.**  
NONE PROVIDED

## **Post-Construction SMP Identification**

### **Runoff Reduction (RR) Techniques, Standard Stormwater Management Practices (SMPs) and Alternative SMPs**

Identify the Post-construction SMPs to be used by providing the total impervious area that contributes runoff to each technique/practice selected. For the Area Reduction Techniques, provide the total contributing area (includes pervious area) and, if applicable, the total impervious area that contributes runoff to the technique/practice.

#### **RR Techniques (Area Reduction)**

---

Round to the nearest tenth

**Total Contributing Acres for Conservation of Natural Area (RR-1)**  
NONE PROVIDED

**Total Contributing Impervious Acres for Conservation of Natural Area (RR-1)**  
NONE PROVIDED

**Total Contributing Acres for Sheetflow to Riparian Buffers/Filter Strips (RR-2)**  
NONE PROVIDED

**Total Contributing Impervious Acres for Sheetflow to Riparian Buffers/Filter Strips (RR-2)**  
NONE PROVIDED

**Total Contributing Acres for Tree Planting/Tree Pit (RR-3)**

NONE PROVIDED

**Total Contributing Impervious Acres for Tree Planting/Tree Pit (RR-3)**

NONE PROVIDED

**Total Contributing Acres for Disconnection of Rooftop Runoff (RR-4)**

NONE PROVIDED

**RR Techniques (Volume Reduction)**

---

**Total Contributing Impervious Acres for Disconnection of Rooftop Runoff (RR-4)**

NONE PROVIDED

**Total Contributing Impervious Acres for Vegetated Swale (RR-5)**

NONE PROVIDED

**Total Contributing Impervious Acres for Rain Garden (RR-6)**

NONE PROVIDED

**Total Contributing Impervious Acres for Stormwater Planter (RR-7)**

NONE PROVIDED

**Total Contributing Impervious Acres for Rain Barrel/Cistern (RR-8)**

NONE PROVIDED

**Total Contributing Impervious Acres for Porous Pavement (RR-9)**

NONE PROVIDED

**Total Contributing Impervious Acres for Green Roof (RR-10)**

NONE PROVIDED

**Standard SMPs with RRv Capacity**

---

**Total Contributing Impervious Acres for Infiltration Trench (I-1)**

NONE PROVIDED

**Total Contributing Impervious Acres for Infiltration Basin (I-2)**

NONE PROVIDED

**Total Contributing Impervious Acres for Dry Well (I-3)**

NONE PROVIDED

**Total Contributing Impervious Acres for Underground Infiltration System (I-4)**

0.194

**Total Contributing Impervious Acres for Bioretention (F-5)**

NONE PROVIDED

**Total Contributing Impervious Acres for Dry Swale (O-1)**  
NONE PROVIDED

**Standard SMPs**

---

**Total Contributing Impervious Acres for Micropool Extended Detention (P-1)**  
NONE PROVIDED

**Total Contributing Impervious Acres for Wet Pond (P-2)**  
NONE PROVIDED

**Total Contributing Impervious Acres for Wet Extended Detention (P-3)**  
NONE PROVIDED

**Total Contributing Impervious Acres for Multiple Pond System (P-4)**  
NONE PROVIDED

**Total Contributing Impervious Acres for Pocket Pond (P-5)**  
NONE PROVIDED

**Total Contributing Impervious Acres for Surface Sand Filter (F-1)**  
NONE PROVIDED

**Total Contributing Impervious Acres for Underground Sand Filter (F-2)**  
NONE PROVIDED

**Total Contributing Impervious Acres for Perimeter Sand Filter (F-3)**  
NONE PROVIDED

**Total Contributing Impervious Acres for Organic Filter (F-4)**  
NONE PROVIDED

**Total Contributing Impervious Acres for Shallow Wetland (W-1)**  
NONE PROVIDED

**Total Contributing Impervious Acres for Extended Detention Wetland (W-2)**  
NONE PROVIDED

**Total Contributing Impervious Acres for Pond/Wetland System (W-3)**  
NONE PROVIDED

**Total Contributing Impervious Acres for Pocket Wetland (W-4)**  
NONE PROVIDED

**Total Contributing Impervious Acres for Wet Swale (O-2)**  
NONE PROVIDED

**Alternative SMPs (DO NOT INCLUDE PRACTICES BEING USED FOR  
PRETREATMENT ONLY)**

---

**Total Contributing Impervious Area for Hydrodynamic**  
NONE PROVIDED

**Total Contributing Impervious Area for Wet Vault**  
NONE PROVIDED

**Total Contributing Impervious Area for Media Filter**  
NONE PROVIDED

**"Other" Alternative SMP?**  
NONE PROVIDED

**Total Contributing Impervious Area for "Other"**  
NONE PROVIDED

**Provide the name and manufacturer of the alternative SMPs (i.e. proprietary practice(s)) being used for WQv treatment.**

**Note: Redevelopment projects which do not use RR techniques, shall use questions 28, 29, 33 and 33a to provide SMPs used, total WQv required and total WQv provided for the project.**

**Manufacturer of Alternative SMP**  
NONE PROVIDED

**Name of Alternative SMP**  
NONE PROVIDED

## **Other Permits**

**40. Identify other DEC permits, existing and new, that are required for this project/facility.**  
None

**If SPDES Multi-Sector GP, then give permit ID**  
NONE PROVIDED

**If Other, then identify**  
NONE PROVIDED

**41. Does this project require a US Army Corps of Engineers Wetland Permit?**  
No

**If "Yes," then indicate Size of Impact, in acres, to the nearest tenth**  
NONE PROVIDED

**42. If this NOI is being submitted for the purpose of continuing or transferring coverage under a general permit for stormwater runoff from construction activities, please indicate the former SPDES number assigned.**

No

## **MS4 SWPPP Acceptance**

**43. Is this project subject to the requirements of a regulated, traditional land use control MS4?**

Yes - Please attach the MS4 Acceptance form below

**If No, skip question 44**

**44. Has the "MS4 SWPPP Acceptance" form been signed by the principal executive officer or ranking elected official and submitted along with this NOI?**

Yes

### **MS4 SWPPP Acceptance Form Download**

Download form from the link below. Complete, sign, and upload.

[MS4 SWPPP Acceptance Form](#)

### **MS4 Acceptance Form Upload**

NONE PROVIDED

**Comment**

NONE PROVIDED

## **Owner/Operator Certification**

### **Owner/Operator Certification Form Download**

Download the certification form by clicking the link below. Complete, sign, scan, and upload the form.

[Owner/Operator Certification Form \(PDF, 45KB\)](#)

### **Upload Owner/Operator Certification Form**

NONE PROVIDED

**Comment**

NONE PROVIDED

## **Attachments**

---

<b>Date</b>	<b>Attachment Name</b>	<b>Context</b>	<b>User</b>
6/30/2022 4:25 PM	swpppcert.pdf	Attachment	Anthony Pisarri

**TOWN OF YORKTOWN - ENGINEERING DEPARTMENT  
MS4 STORMWATER MANAGEMENT PERMIT APPLICATION  
WETLAND PERMIT APPLICATION and/or TREE PERMIT APPLICATION**

Section 37.09  
Block 1  
Lot # 70 & 71

Approval Authority: TE [ ] PB [ ] TB [ ]  
Application #: \_\_\_\_\_  
Date Received: \_\_\_\_\_  
Date Issued: \_\_\_\_\_  
Date Expires: \_\_\_\_\_  
Fee Paid: \$ \_\_\_\_\_

Job Site Address: Crompond Road - Route 202  
City/State/Zip: Yorktown Hts  
NY 10598

NOTE: Application, Fee, Short/Long Form EAF, Map/Survey to be submitted to the Engineering

**APPLICANT:**  
YOUR NAME: Gus T. Boniello  
COMPANY: Boniello Equities  
ADDRESS: 165 Waccabuc Road  
Goldens Bridge, NY ZIP 10526  
PHONE: (914) 232-3421  
EMAIL: gtboniello@aol.com

**OWNER:**  
YOUR NAME: Same  
COMPANY: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
\_\_\_\_\_ ZIP \_\_\_\_\_  
PHONE: ( ) \_\_\_\_\_  
EMAIL: \_\_\_\_\_

**APPROVED PLANS AND PERMIT SHALL BE ON-SITE AT ALL TIMES**

Select One	Type	Approval Authority	Cost
<input type="checkbox"/>	Wetland/Watercourse/Buffer Area Permit (Administrative)	Town Engineer	\$800.00
<input type="checkbox"/>	Wetland/Watercourse/Buffer Area Permit	Town Board/Planning Board	\$1,800.00
<input type="checkbox"/>	Renewal of Wetlands/Watercourse/Buffer Area Permit (1 Year)	Town Engineer	\$150.00
<input type="checkbox"/>	MS4 Stormwater Management Permit (Administrative)	Town Engineer	\$300.00
<input checked="" type="checkbox"/>	MS4 Stormwater Management Permit	Town Board/Planning Board	\$1,500.00
<input type="checkbox"/>	Renewal of a MS4 Stormwater Management Permit (1 Year)	Town Engineer	\$150.00
<input type="checkbox"/>	Tree Permit	Town Engineer	\$0.00

Application fees are doubled with issuance of a Stop Work Order/Notice of Violation as per Town Code.

**PROPOSED ACTIVITY - If not located in wetland/wetland buffer (skip to 2b)**

**1. Description of wetlands (check all that apply):**

- a. Lake/pond \_\_\_\_\_ Control area of lake/pond \_\_\_\_\_
- b. Stream/River/Brook \_\_\_\_\_ Control area of stream/river/brook \_\_\_\_\_
- c. Wetlands \_\_\_\_\_ Control area of wetlands \_\_\_\_\_

**2a. Description of activity in the wetland and/or wetland buffer. Describe the proposed work including the following: i.e. maintenance, construction of dwelling, addition, driveway, culverts, including size and location.**

None  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**2b. Stormwater/Excavation - Description of proposed activity:**

Creation of two new building lots. Each lot to have (8) - Cultec 330XLHD rechargers to mitigate increases in runoff.  
The creation of the two 2 family homes will result in approximately 2,000 c.y. of cut and fill.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**3. Tree Removal:**

Amount of trees and/or stumps to be removed: None  
Sizes; approximate DBH: \_\_\_\_\_  
Species of trees to be removed (i.e. Birch, Spruce - if known): \_\_\_\_\_  
Reason for removal: \_\_\_\_\_  
Trees marked in field (trees must be marked prior to inspection): Yes: \_\_\_\_\_ No: \_\_\_\_\_  
Tree removal contractor: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Attach survey/sketch indicating property boundaries, existing structures, driveways, roadways and location of existing trees. Trees must be marked in the field before inspection.**

**4. PROPERTY OWNER CONSENT: If another entity (e.g. contractor, consultant) is applying on the owner's behalf, the PROPERTY OWNER is to complete, sign and date this authorization:**

I, \_\_\_\_\_ hereby authorize \_\_\_\_\_ to apply for this Stormwater/Wetland Permit/Tree Permit on my behalf.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
*Must be original signature. Digital signatures not accepted.*

**No application will be processed without the above-mentioned, required information.**

**GENERAL CONDITIONS**

1. The permittee is responsible for maintaining an active application. If no activity occurs within a six (6) month period, as measured from the date of application, the application will become null and void. Applications fees are non-refundable.
2. The Town of Yorktown reserves the right to modify, suspend or revoke this permit at any time after due notice when:
  - a. Scope of the project is exceeded or a violation of any condition of the permit or provision of the law pertinent regulations are found; or
  - b. Permit was obtained by misrepresentation or failure to disclose relevant facts; or
  - c. Newly discovered information or significant physical changes are discovered.
3. The permittee is responsible for keeping the permit active by requesting renewal from the Approval Authority. Any supplemental information that may be required by the Approval Authority, including forms and fees, must be submitted 30 days prior to the expiration date. The expiration date is one year from the date the bond is paid to the Engineering Department. In accordance with Chapter 178 of the Town Code, Freshwater Wetlands, Section 178-16 -Expiration of a Permit.
4. This permit shall not be construed as conveying to the applicant any right to trespass upon private lands or interfere with the riparian rights of others in order to perform the permitted work or as authorizing the impairment of any right, title or interest in real or personal property held or vested in person not party to this permit.
5. The permittee is responsible for obtaining any other permits, approvals, easements and right-of-way, which may be required.
6. Any modification of this permit granted by the Approval Authority must be in writing and attached hereto.
7. Granting of this permit does not relieve the applicant of the responsibility of obtaining any other permission, consent or approval from the U.S. Army Corps of Engineers, N.Y.C. Department of Environmental Protection, N.Y.S. Department of Environmental Conservation or local government, which may be required.

**Gus T. Boniello**

PRINT NAME



SIGNATURE OF APPLICANT

5-31-22

DATE

*Must be original signature. Digital signatures not accepted.*

**617.20**  
**Appendix B**  
**Short Environmental Assessment Form**

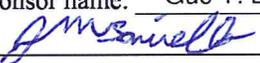
**Instructions for Completing**

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 - Project and Sponsor Information</b>				
Name of Action or Project: Crompond Road Subdivision				
Project Location (describe, and attach a location map): Crompond Road (Route 202) Yorktown Heights, NY				
Brief Description of Proposed Action: The proposal is to resubdivide three existing lots into a total of 5 lots. The existing lots already have a two family home on each lot. The proposal will create two additional lots that will have a two family home on each.				
Name of Applicant or Sponsor: Gus T. Boniello		Telephone: (914) 232-3421 E-Mail: gtboniello@aol.com		
Address: 165 Waccabuc Road				
City/PO: Goldens Bridge		State: NY	Zip Code: 10526	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:  Planning Board for subdivision, engineering for drainage, building dept for building permit			NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		1.980 acres		
b. Total acreage to be physically disturbed?		0.643 acres		
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		2.444 acres		
4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland				



18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: <u>Installation of 16 - Cultec 330XLHD infiltrators for increase in runoff mitigation.</u>	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
<b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
Applicant/sponsor name: <u>Gus T. Boniello</u>		Date: <u>5/6/2022</u>
Signature: <u></u>		

**Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2.** Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?		
2. Will the proposed action result in a change in the use or intensity of use of land?		
3. Will the proposed action impair the character or quality of the existing community?		
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?		
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?		
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?		
7. Will the proposed action impact existing: a. public / private water supplies? b. public / private wastewater treatment utilities?		
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?		
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?		

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?		
11. Will the proposed action create a hazard to environmental resources or human health?		

**Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3.** For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.	
<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.	
_____	_____
Name of Lead Agency	Date
_____	_____
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
_____	_____
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

State Environmental Quality Review  
**NEGATIVE DECLARATION**  
Notice of Determination of Non-Significance

Project Number

Date:

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Yorktown, Planning Board, as lead agency, has determined that the proposed action described below will not have a significant environmental impact and a Draft Impact Statement will not be prepared.

**Name of Action:**

Subdivision Plan for Boniello Subdivision (aka Crompond Road Subdivision)

**SEQR Status:** Type 1   
Unlisted

**Conditioned Negative Declaration:**  Yes  
 No

**Description of Action:**

It is proposed to re-subdivide two 1.81 acre parcels in the R-2 zone where two existing duplex units exist, into 2 additional lots. The two new lots will be accessed through an existing shared driveway.

Location: 2212-2216 Crompond Road, Yorktown Heights, NY 10598 Westchester County

Section 37.09, Block 1, Lots 67, 70, 71

**Reasons Supporting This Determination:**

(See 617.7(a)-(c) for requirements of this determination ; see 617.7(d) for Conditioned Negative Declaration)

- 1) This negative declaration is based on a Short Form Environmental Assessment Form dated May 6, 2022.
- 2) The plan conforms to the Town's Land Use and Zoning Policies.
- 3) The residences will all be served by Town water and sewer.
- 4) The project will fix an existing drainage issue on the neighboring property.
- 5) A stormwater water pollution prevention plan will be approved for the development.

**If Conditioned Negative Declaration**, provide on attachment the specific mitigation measures imposed, and identify comment period (not less than 30 days from date of publication in the ENB)

**For Further Information:**

Contact Person: Robyn Steinberg

Address: 1974 Commerce Street, Yorktown Heights, NY 10598

Telephone Number: 914-962-6565

**For Type 1 Actions and Conditioned Negative Declarations, a Copy of this Notice is sent to:**

Chief Executive Officer , Town / City / Village of

Other involved agencies (If any)

Applicant (If any)

Environmental Notice Bulletin, 625 Broadway, Albany, NY 12233-1750 (Type One Actions only)

**PLANNING BOARD  
TOWN OF YORKTOWN**

**RESOLUTION APPROVING  
SUBDIVISION PLAT AND STORMWATER POLLUTION  
PREVENTION PLAN PERMIT FOR THE  
BONIELLO SUBDIVISION**

**RESOLUTION NUMBER: #00-00**

**DATE:**

On motion of \_\_\_\_\_, seconded by \_\_\_\_\_, and unanimously voted in favor by Fon, LaScala, Bock, and Garrigan the following resolution was adopted:

WHEREAS, in accordance with the Planning Board's Land Development Regulations, Town of Yorktown Town Code Chapter 195, adopted February 4, 1969 and as amended, a formal application for the approval of a subdivision plat titled "Crompond Road Subdivision Plat," prepared by Link Land Surveyors, P.C., dated June 8, 2022, was submitted to the Planning Board on behalf of Boniello Development Corporation (hereinafter referred to as "the Applicant"); and

WHEREAS, the property owned by Boniello Equities LTD is located at 2012 – 2220 Crompond Road, Yorktown Heights, also known as Section 37.09, Block 1, Lots 67, 70, and 71, on the Town of Yorktown Tax Map (hereinafter referred to as "the Property"), and the applicant has represented to this Board that they are the lawful owners of the land within said subdivision; and

WHEREAS, pursuant to SEQRA:

1. The action has been identified as an Unlisted action.
2. The Planning Board has been declared lead agency on <DATE>.
3. A negative declaration has been adopted on <DATE> on the basis of a Short Environmental Assessment Form dated May 6, 2022.

WHEREAS, the applicant has submitted as part of his application the following maps and documents:

**Plat**

1. A map, titled "Crompond Road Subdivision Plat," prepared by Link Land Surveyors, P.C., dated June 8, 2022;

**Improvement Plans**

2. A drawing, titled "Crompond Road Subdivision," prepared by Anthony S. Pisarri, P.E., P.C., dated February 11, 2022, and last revised June 30, 2022;

3. A drawing, titled “Detail Sheet for Boniello Development Corp,” prepared by Anthony S. Pisarri, P.E., P.C., dated October 25, 2021, and last revised March 7, 2022;

**Additional Documents & Reports**

4. A report, titled “NOI Engineer’s Report,” prepared by anthony S. Pisarri, P.E., P.C., dated June 30, 2022;

WHEREAS, the Planning Board has reviewed the recreation needs created by the subject subdivision as well as the present and anticipated future needs of the surrounding area as analyzed and planned for in the Town's Recreation Plan adopted in 1978; and

WHEREAS, pursuant to Town Code Section §195-35(A)(1), approximately 10% of the total area of a subdivision is required to be dedicated by the subdivider for a playground or active recreation use;

WHEREAS, pursuant to Town Code Section §195-35(C), the Planning Board may accept money in lieu of parkland reservation upon written application from the subdivider and consideration of the following:

- (a) The relationship of the subdivision to the town Plan, and particularly as such plan may show proposed park and playground area;
- (b) The character and recreation needs of the neighborhood in which the subdivision is located;
- (c) The unsuitability of land in the subdivision for park and playground purposes by reason of location, access, grade or cost of development or maintenance;
- (d) The possibility that land immediately adjoining the subdivision will serve, in whole or in part, the park and playground needs of such subdivision; and

WHEREAS, the Planning Board has referred this application to the following boards and agencies and has received and considered reports of the following:

<b>Boards &amp; Agencies</b>	<b>Report Date</b>
ABACA	04/20/2022
NYC DEP	05/04/2022

WHEREAS, the requirements of this Board's Land Development Regulations, *inter alia* Town Code Chapter 195, have been met; and

WHEREAS, a Public Informational Hearing was held in accordance with Town Code Section §195-22A(5) of the Yorktown Town Code on the said subdivision application and plat at the Town Hall in Yorktown Heights, New York on January 10, 2022; and

WHEREAS, having reviewed all current site plans, building plans, environmental plans and reports, comments and reports from Town professional staff, the public, and other interested and involved agencies associated with the application before it; and having conducted a public hearing on the said site plan application in accordance with Town Code Section §195-22E commencing on and closing on April 25, 2022 at Town Hall in Yorktown Heights, New York;

BE IT THEREFORE NOW RESOLVED that the application of Boniello Development Corporation for approval of a subdivision plat titled "Crompond Road Subdivision Plat," prepared by Link Land Surveyors, P.C., dated June 8, 2022, be approved subject to the following modifications and conditions and that the Chairman and Secretary of this board be and hereby are authorized to endorse this board's approval on said plat upon compliance by the applicant with such modification and additional requirements as noted. If such modifications are not made and such conditions are not fulfilled within 180 days from the date of this resolution the plat shall be deemed disapproved.

RESOLVED, the plat shall be modified to show:

1. Add required easements for utilities.
2. Add a shared driveway easement for the two new homes.
3. \_\_\_\_\_

RESOLVED, the improvement plans shall be modified to show:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

RESOLVED, based on an assessment of the recreation needs created by the subject subdivision, the recreation needs of the surrounding area reflected in the Town's Recreation Plan, the Applicant shall provide \$10,000.00 per 2 new lots (\$20,000.00) in lieu of recreation lands to satisfy the recreational needs created by the subject subdivision and to help meet the present and anticipated needs of the surrounding neighborhood; and

BE IT FURTHER RESOLVED, said plat map shall not be endorsed by the Planning Board until:

1. Submission of all easement documents required to effectuate the utility connections and driveway access as shown on the plat.
2. Submission of a statement signed by the Town's Tax Collector that all taxes due on this parcel have been paid.
3. Submission of a Final Stormwater Pollution Prevention Plan acceptable to the Town Engineer and to the satisfaction of the Planning Board.
4. Submission of fees as per town requirements in the form of separate checks made payable to the Town of Yorktown:  

General Development	\$1,440.00
---------------------	------------
5. The plat has been reviewed by the Town Assessor.
6. Submission of the plat signed by the Westchester County Health Department.

BE IT FURTHER RESOLVED, the following additional requirements shall be met:

1. Applicant must submit final plat in AutoCAD DWG readable format.
2. Provide monuments at all points of curvature and points of tangency as directed by the Town Engineer at right-of-way/property line, for all lots.

BE IT FURTHER RESOLVED, that in accordance with Town Code Chapter 248, the application of Boniello Equities for the approval of a Stormwater Pollution Prevention Plan, Permit **#FSWPP-000-00** is approved subject to the conditions listed therein; and

RESOLVED, Permit **#FSWPP-000-00** shall not be valid until it has been signed by the Chairman of this Board;

RESOLVED, the Applicant will retain an independent third-party Environmental Systems Planner, a "Qualified Inspector" as defined by the New York State Department of Environmental Conservation in the SPDES General Permit for Stormwater Discharges from Construction Activity, to supervise and be present during the construction of the erosion control measures, and which Environmental Systems Planner will provide bi-weekly inspection reports regarding the status of erosion control measures to the approval authority via the Environmental Inspector and the Planning Department throughout construction; and

RESOLVED, the Applicant must notify the Planning Board in writing stating the name of the Environmental Systems Planner or Firm that will be completing the bi-weekly inspection reports and shall notify the Planning Board in writing if this Planner or Firm changes; and

BE IT FURTHER RESOLVED, that upon submission of a building permit for each lot of this subdivision, the owner shall submit a site plan or plot plan, to ABACA, at a minimum scale of 1" = 20' showing the following:

- a. The location of the proposed house.
- b. The proposed finished floor elevation of the first floor, garage, and basement.
- c. The proposed grade at the garage entrance.
- d. The percentage slope of the proposed driveway.
- e. All existing and proposed topographic contour lines. All contour lines must extend a minimum of 10'-0" beyond the property line.
- f. The line of all delineated wetland, wetland buffers, easements, etc.
- g. A line indicating the limit of the area which will be disturbed by construction.
- h. Any other pertinent information as shown on the subdivision and improvement plan.

BE IT FURTHER RESOLVED, that no tree cutting on individual lots shall be permitted unless and until each lot has been reviewed by the ABACA; and

BE IT FURTHER RESOLVED that upon application for a Building Permit for lots in this subdivision, the Building Inspector shall review the proposed building elevations to determine the requisite grading. Should the Building Inspector determine that the requisite grading exceeds by plus or minus two (2) feet the finished floor elevations the Planning Board approved on the signed improvement plans, the applicant shall apply to the Planning Board for approval of the proposed building plan. The Planning Board shall review such application to determine whether the proposed excavation is limited to the greatest extent practicable and does not create adverse environmental or aesthetic impacts. The Board shall approve or deny the proposed grading by resolution.

BE IT FURTHER RESOLVED, that no building permit for individual lots which require driveways in excess of ten (10) percent shall be issued by the Building Department unless approved by the Town Board; and

BE IT FURTHER RESOLVED, that no building permits be issued for any lot unless and until the Environmental Inspector has reported that all required erosion control measures are in place and functioning properly on entire site; and

BE IT FURTHER RESOLVED, that no certificate of occupancy will be issued unless an as-built survey of the lot is filed with the Building Inspector, Town Engineer, and Planning Department; and

BE IT FURTHER RESOLVED, that upon consideration by the Board the installation of street trees and sidewalks required by Town Code Sections §195-15 and §195-31 respectively, are hereby waived; and

BE IT FURTHER RESOLVED, that upon due consideration by the Board no other requirements of these regulations be modified; and

BE IT FURTHER RESOLVED, that the approved plat shall be recorded and filed in the County Clerk's office within 30 days from the signature on the plat, otherwise said approval shall become null and void.

F:\Office\WordPerfect\Current\_Projects\Boniello Subdivision\Resolution\Boniello - Draft Resolution.docx

# **Colangelo Subdivision**



**HOCHERMAN  
TORTORELLA  
& WEKSTEIN** LLP

Attorneys at Law  
Geraldine N. Tortorella<sup>(NY, CT)</sup>  
Adam L. Wekstein<sup>(NY)</sup>  
Noelle C. Wolfson<sup>(NY, CT)</sup>

Henry M. Hocherman, Retired

July 1, 2022

Via Electronic ([ncalicchia@yorktownny.org](mailto:ncalicchia@yorktownny.org)) and First Class Mail

Hon. Richard Fon, Chairman  
and Members of the Planning Board  
Town of Yorktown  
Albert A. Capellini Community & Cultural Center  
1974 Commerce Street, Room 222  
Yorktown Heights, NY 10598

Re: *Colangelo Subdivision (a/k/a Featherbed Properties, Inc.)  
1805 Jacobs Road, Yorktown Heights  
Tax Identification No.: Section 35.16, Block 1, Lot 4  
Resolution #22-04  
Request for Extension of Final Subdivision Approval*

RECEIVED  
PLANNING DEPARTMENT  
JUL 1 2022  
TOWN OF YORKTOWN

RECEIVED  
PLANNING DEPARTMENT  
JUL 1 2022  
TOWN OF YORKTOWN

Dear Chairman Fon and Members of the Planning Board:

By Resolution No. #22-04, dated January 24, 2022, the Planning Board reapproved the stormwater pollution prevention plan permit, wetland permit, tree permit and final subdivision plat for the Colangelo Subdivision, a/k/a Featherbed Properties, Inc., previously granted on February 8, 2021. (The subdivision approval is referred to as the "Final Plat Reapproval.") The Final Plat Reapproval is scheduled to expire on August 2, 2022. We are writing to request a ninety (90) day extension of the Reapproval, to and including October 31, 2022.

Since the Subdivision was reapproved, we submitted drafts of the legal agreements and documents to the Town Planning Department and Planning Board attorney for their review and comment. We have received comments from the Planning Department and are awaiting comments from counsel, whose review is underway. Given this timing, the Plat may not be "in final form" before the August 2<sup>nd</sup> deadline and, therefore, I am writing to request a 90-day extension of Final Plat Reapproval, to and including October 31, 2022. Your Board is authorized to grant this extension pursuant to Town Law Section 276(7)(c) and Yorktown Land Development Regulations Section 195-24(F)(5). This is our first request for an extension of Final Plat Reapproval.

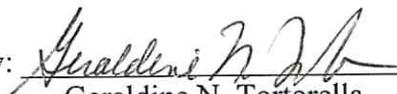
Kindly schedule this request for consideration at the Board's July 11, 2022 meeting.

Hon. Richard Fon, Chairman  
and Members of the Planning Board  
July 1, 2022  
Page 2

Thank you in advance for your courtesy. Best wishes for a pleasant July 4<sup>th</sup> holiday.

Respectfully yours,

Hocherman Tortorella & Wekstein, LLP

By:   
Geraldine N. Tortorella

GNT:hc

cc: *(via electronic mail)*  
John A. Tegeder, R.A. ([jtegeder@yorktownny.org](mailto:jtegeder@yorktownny.org))  
Robyn A. Steinberg, AICP ([rsteinberg@yorktownny.org](mailto:rsteinberg@yorktownny.org))  
James Glatthaar, Esq. ([jwglatthaar@bpslaw.com](mailto:jwglatthaar@bpslaw.com))  
Mr. John Colangelo  
Ms. Maria Costanzo  
Joseph Riina, P.E.

**TOWN OF YORKTOWN  
PLANNING DEPARTMENT**

---

Albert A. Capellini Community and Cultural Center, 1974 Commerce Street, Yorktown Heights, NY 10598, Phone 914-962-6565, Fax 914-962-3986

---

**PLANNING BOARD  
RESOLUTION ROUTING TRANSMITTAL**

**DATE:** March 4, 2021

**TO:**  File  
 Applicant (*via e-mail*)  
 Town Clerk  
 Building Inspector (*via e-mail*)  
 Town Engineer (*via e-mail*)  
 Fire Inspector (*via e-mail*)  
 Highway Superintendent (*via e-mail*)  
 Water Department (*via e-mail*)  
 Town Assessor (*via e-mail*)

**FROM:** Planning Department

**SUBJECT:** Colangelo Subdivision fka Featherbed Properties, Inc.

**RESOLUTION:** #21-01

**SBL:** 35.16-1-4

---

Attached please find a copy of Planning Board Resolution #21-01 approving stormwater pollution prevention plan permit, wetland permit, tree permit, and final subdivision plat titled Colangelo Subdivision fka Featherbed Properties, Inc. dated February 8, 2021.

Thank you,

John A. Tegeder, R.A.  
Director of Planning

/nc  
Attachment

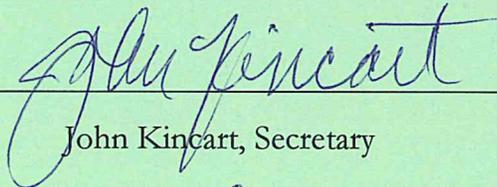
THIS IS TO CERTIFY that the attached copy is a true and correct copy of the Town of Yorktown Planning Board Resolution:

**PLANNING BOARD  
TOWN OF YORKTOWN**

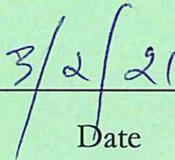
**RESOLUTION APPROVING  
STORMWATER POLLUTION PREVENTION PLAN PERMIT,  
WETLAND PERMIT, TREE PERMIT, AND  
FINAL SUBDIVISION PLAT TITLED  
COLANGELO SUBDIVISION  
fka FEATHERBED PROPERTIES, INC**

**DATE OF RESOLUTION: FEBRUARY 8, 2021**

HEREBY signed by the secretary of the Planning Board:

  
\_\_\_\_\_

John Kincart, Secretary

  
\_\_\_\_\_  
Date

**PLANNING BOARD  
TOWN OF YORKTOWN**

**RESOLUTION APPROVING  
STORMWATER POLLUTION PREVENTION PLAN PERMIT,  
WETLAND PERMIT, TREE PERMIT, AND  
FINAL SUBDIVISION PLAT TITLED  
COLANGELO SUBDIVISION  
fka FEATHERBED PROPERTIES, INC**

**RESOLUTION NUMBER: #21-01**

**DATE: FEBRUARY 8, 2021**

On motion of William LaScala, seconded by Aaron Bock, and unanimously voted in favor by Fon, Kincart, LaScala, Bock, and Garrigan the following resolution was adopted:

WHEREAS the Planning Board by Resolution #18-27 dated December 17, 2018, approved a preliminary subdivision layout titled "Feather Properties Inc." dated July 30, 2015 and last revised September 14, 2017; and

WHEREAS, in accordance with the Planning Board's Land Development Regulations, Town of Yorktown Town Code Chapter 195, adopted February 4, 1969 and as amended, a formal application for the approval of a subdivision plat titled "Subdivision Map of Property Belonging to John Colangelo," 2 sheets, prepared by Mastrogiacomo Engineering, P.C., dated January 21, 2021, was submitted to the Planning Board on behalf of John Colangelo (hereinafter referred to as "the Applicant"); and

WHEREAS, the property owned by the Applicant is located at 1805 Jacob Road, Yorktown Heights, also known as Section 35.16, Block 1, Lot 4 on the Town of Yorktown Tax Map (hereinafter referred to as "the Property"), and the applicant has represented to this Board that they are the lawful owners of the land within said subdivision; and

WHEREAS, a final application fee of \$1,620.00 covering 53.5 acres has been received by this Board; and

WHEREAS, pursuant to SEQRA:

1. The action has been identified as an Unlisted action.
2. The Planning Board has been declared lead agency on November 19, 2018.
3. A negative declaration has been adopted on November 19, 2018, on the basis of a Full Environmental Assessment Form dated December 1, 2016.

WHEREAS, the applicant has submitted as part of his application the following maps and documents:

**Plat**

1. A plat, Sheet 1 of 2, titled "Subdivision Map of Property Belonging to John Colangelo," prepared by Mastrogiacono Engineering, P.C., dated January 21, 2021;
2. A plat, Sheet 2 of 2, titled "Subdivision Map of Property Belonging to John Colangelo," prepared by Mastrogiacono Engineering, P.C., dated January 21, 2021;

**Improvement Plans**

3. A drawing, Sheet 1 of 11, titled "Featherbed Properties Inc. - Overall Plan," prepared by Site Design Consultants, dated July 8, 2015 and last revised October 28, 2020;
4. A drawing, Sheet 2 of 11, titled "Featherbed Properties Inc. - Site Plan," prepared by Site Design Consultants, dated July 30, 2015 and last revised October 28, 2020;
5. A drawing, Sheet 3 of 11, titled "Featherbed Properties Inc. – Existing Conditions," prepared by Site Design Consultants, dated July 30, 2015 and last revised October 28, 2020;
6. A drawing, Sheet 4 of 11, titled "Featherbed Properties Inc. – Erosion & Sediment Control Plan," prepared by Site Design Consultants, dated July 30, 2015 and last revised October 28, 2020;
7. A drawing, Sheet 5 of 11, titled "Featherbed Properties Inc. – Improvement Plan," prepared by Site Design Consultants, dated July 30, 2015 and last revised October 28, 2020;
8. A drawing, Sheet 6 of 11, titled "Featherbed Properties Inc. – Mitigation Plan," prepared by Environmental Design Consulting, dated October 2, 2017 and last revised October 28, 2020;
9. A drawing, Sheet 7 of 11, titled "Featherbed Properties Inc. - Profiles," prepared by Site Design Consultants, dated July 30, 2015 and last revised October 28, 2020;
10. A drawing, Sheet 8 of 11, titled "Featherbed Properties Inc. - Notes," prepared by Site Design Consultants, dated July 30, 2015 and last revised June 4, 2020;
11. A drawing, Sheet 9 of 11, titled "Featherbed Properties Inc. – E&SC Details," prepared by Site Design Consultants, dated July 30, 2015 and last revised October 28, 2020;
12. A drawing, Sheet 10 of 11, titled "Featherbed Properties Inc. – Improvement Details," prepared by Site Design Consultants, dated July 30, 2015 and last revised October 28, 2020;

13. A drawing, Sheet 11 of 11, titled "Featherbed Properties Inc. – Utilities Details," prepared by Site Design Consultants, dated July 30, 2015 and last revised October 28, 2020;

**Stormwater Plans**

14. A Stormwater Pollution Prevention Plan prepared by Site Design Consultants, dated August 2017 and last revised May 2020;
15. A drawing, Sheet Fig 5.1, titled "Featherbed Properties Inc. – Pre Developed Watershed," prepared by Site Design Consultants, dated August 23, 2017;
16. A drawing, Sheet Fig 5.2.1, titled "Featherbed Properties Inc. – Post Developed Watershed Map," prepared by Site Design Consultants, dated August 23, 2017;
17. A drawing, Sheet Fig 5.2.2, titled "Featherbed Properties Inc. – Post Developed Watershed Map 2," prepared by Site Design Consultants, dated August 23, 2017;

WHEREAS, on November 15, 2016 the Town Board authorized the Planning Board to use flexibility standards pursuant to Chapter 300, Article V, Section §300-22 of the Town Code and granted the following:

1. Modification of the zoning code's bulk regulations with respect to yard setbacks, building height, lot frontage, lot coverage, lot area, and minimum floor area; and
2. Eliminated the requirement that the proposed building lots have frontage on a public street and allowed frontage on a private road; and
3. Modification of the requirement for a 24 foot wide road pavement for the private road; and
4. The maximum density of the 53.5 acre property shall be six (6) residential lots; and

WHEREAS, the applicant petitioned the Town Board to establish Hunterbrook Sewer District Extension No. 21 and that the Town Board request the County Board of Legislators incorporate the land within said district into the Peekskill Sanitary Sewer District; and

WHEREAS, on April 18, 2017, the Town Board adopted Resolution #135 resolving to request the County of Westchester incorporate the Property into the Peekskill Sanitary Sewer District and adopted Resolution #136 creating Hunterbrook Sewer Extension No. 21; and

WHEREAS, the County Board of Legislators approved Hunterbrook Sewer Extension No. 21 on February 11, 2019; and

WHEREAS, the Applicant has shown additional future structures on the plans listed herein

that are noted as “Garage w/ Future Accessory Apartment Above” and “Proposed Two Story Community Barn,” with “Covered Farm Stand,” where including these potential structures on the plan is meant to show the Board the multi-generational and sustainable vision the Applicant has for the property in the future; and

WHEREAS, none of the aforementioned additional future structures are being approved by this resolution approving the final subdivision plat and that each structure is still subject to the Town of Yorktown Town Code and may require additional approvals before they are permitted; and

WHEREAS, the Planning Board has referred this application to the following boards and agencies and has received and considered reports of the following:

<b>Boards &amp; Agencies</b>	<b>Report Date</b>
Fire Inspector	11/20/2020
Town Engineer	01/31/2019
Westchester County Dept of Health	01/16/2020
NYC DEP	02/07/2020, 06/16/2020
Westchester Land Trust	11/20/2020

WHEREAS, the requirements of this Board's Land Development Regulations, *inter alia* Town Code Chapter 195, have been met; and

WHEREAS, a Public Informational Hearing for Preliminary Approval was held in accordance with Town Code Section §195-22A(5) of the Yorktown Town Code on the said subdivision application and plat at the Town Hall in Yorktown Heights, New York on January 9, 2017; and

WHEREAS, a Public Hearing for Preliminary Approval was held in accordance with the Town Code Section §195-22E commencing on October 16, 2017, and continuing and closing on November 20, 2017 at Town Hall in Yorktown Heights, New York; and

WHEREAS Preliminary Subdivision Approval was granted by Planning Board Resolution #18-27 dated December 17, 2018; and

WHEREAS, having reviewed all current site plans, building plans, environmental plans and reports, comments and reports from Town professional staff, the public, and other interested and involved agencies associated with the application before it; and having conducted a public hearing on the said site plan application in accordance with Town Code Section §195-22E commencing on October 16, 2017, and continuing and closing on November 20, 2017 at Town Hall in Yorktown Heights, New York; and

WHEREAS, the Planning Board has reviewed the recreation needs created by the subject subdivision as well as the present and anticipated future needs of the surrounding area as analyzed and planned for in the Town's Recreation Plan adopted in 1978; and

WHEREAS, pursuant to Town Code Section §195-35(A)(1), approximately 10% of the total area of a subdivision is required to be dedicated by the subdivider for a playground or active recreation use;

WHEREAS, in the Preliminary Approval the Planning Board has determined that due to the exceptional location of the Property and its ability to grant additional public access for and a connection to already established public trailways and Town owned parkland, that the 10 foot wide trailway easement is to be shown on the subdivision improvement plans and satisfies the recreation requirement for the subdivision; and

WHEREAS, the Applicant has also offered a Conservation Easement on a 5 acre piece of the Property along the Hunter Brook, that is to be granted to the Westchester Land Trust; and

WHEREAS, the Applicant has obtained approval from the New York City Department of Environmental Conservation by letter dated June 16, 2020; and

NOW BE IT RESOLVED, the Planning Board has determined the plat in final form to be in substantial agreement with the preliminary plat approved after a public hearing, and therefore pursuant to Town Code Section §195-24(F)(1), as the conditions of approval and/or required modifications to the preliminary plat have been complied with and are shown on the map in final form submitted for the Board's consideration, the Planning Board hereby waives the holding of a Public Hearing on the Final Plat; and

BE IT THEREFORE NOW RESOLVED that the application of John Colangelo for the final approval of a subdivision plat titled "Subdivision Map of Property Belonging to John Colangelo," 2 sheets, prepared by Mastrogiacomo Engineering, P.C., dated January 21, 2021, be approved subject to the following modifications and conditions and that the Chairman and Secretary of this board be and hereby are authorized to endorse this board's approval on said plat upon compliance by the applicant with such modification and additional requirements as noted. If such modifications are not made and such conditions are not fulfilled within 180 days from the date of this resolution the plat shall be deemed disapproved.

**Modify said plat to show the following:**

1. Label lots with lot numbers as assigned by the Town Assessor.
2. Remove all proposed structures.

**Modify Improvement Plans to show the following:**

1. Label the Proposed Community Barn as “Future Community Barn.”
2. Revise the label for the Proposed Gravel Parking Area, to indicate there are 46 parking spaces, as shown on Sheets 5 and 6 of the plans listed herein.
3. Show the parking spaces for the Proposed Gravel Parking Area on the Improvement Plan, sheet 2.
4. Add a note to the plan stating: The Future Community Barn, Covered Farm Stand, and accessory apartments shown on the plan are not approved by the Planning Board and must comply with the Town Code pursuant to these types of structures.
5. Add a note stating that in accordance with Town Code Section 300-21(1)(A)(5), the community barn is for use by its members only.
6. Add a note stating the farm stand must be permitted and comply with the Town Code prior to operation.

BE IT FURTHER RESOLVED, pursuant to Section 195-23(J), said approval shall expire 180 days from the date of this resolution unless a plat in final form, for at least 10% of the number of lots, has been submitted to the Board as required in the Town Code §195-25A; and

BE IT FURTHER RESOLVED, said plat map shall not be endorsed by the Planning Board until:

1. Submission of fees as per town requirements made payable to the Town of Yorktown:  

General Development     \$3,600.00
2. The plat has been reviewed by the Town Assessor.
3. Submission of the plat signed by the Westchester County Health Department.
4. Submission of the Tax Receiver’s Certification that all taxes due on this parcel have been paid prior to filing the plat in the Westchester County Clerk’s Office.
5. Submit a copy of the restrictive covenant and maintenance agreements, or other acceptable mechanism, for access over and maintenance of the private road by the lots within the subdivision.

BE IT FURTHER RESOLVED, the following additional requirements shall be met:

1. Automated gate will have key access approved by the Fire Department.
2. Recording of a 10 foot public access easement dedicated to the Town of Yorktown for public use of the hiking trail shown on the Site Plan (Sheet 2) listed herein.
3. Donation of a Conservation Easement to the Westchester County Land Trust on approximately 5.6 acres of the property located adjacent to the Hunter Brook.
4. Applicant must submit final plat in AutoCAD DWG readable format.
5. Submit a maintenance agreement for the proposed trail easement to be accepted by the Planning Board.

BE IT FURTHER RESOLVED that the endorsement of the County Health Office must be obtained; and

BE IT FURTHER RESOLVED the Applicant must comply with Town Code Chapter 240, Article III entitled "Low-Pressure Sewer Systems" and all the conditions agreed upon by the Applicant, the Westchester County Health Department and the Town Engineer shall be detailed in the Homeowner's Association Agreement; and

BE IT THEREFORE RESOLVED, said plat shall not be endorsed by the Planning Board until the improvements shown on the construction detail improvement plans, as modified, are completed by the applicant to the satisfaction of the Superintendent of Highway, Town Engineer and Town Board within one (1) year from the date of this resolution or alternatively:

The applicant shall post 5% of the estimated costs of improvements in the form of a letter of credit or other security acceptable by the Town Board and additionally a letter credit for 95% of the estimated costs of improvements with the term of one year approved by the Town Board as to manner of execution, form and sufficiency to guarantee and assure full compliance by the applicant with all the terms, conditions, requirements and provisions as set forth in this resolution.

RESOLVED, that Letters of Credit shall have an automatic renewal for additional terms of one (1) year. Both the issuing agent for the Letter of Credit and the applicant must notify the Town of Yorktown if Letter of Credit will not be renewed for any reason, and

BE IT FURTHER RESOLVED, that the Letter of Credit shall contain language requiring its issuing agent to notify the Town, in writing, at least thirty (30) days prior to the letter's expiration date if the drawer of the letter will not renew it. (Letter to be mailed to the Town

of Yorktown Engineering Department, 363 Underhill Avenue, Yorktown Heights, NY 10598.)

BE IT THEREFORE RESOLVED, that: Said letter of credit should contain the provisions that when the principals have fully and properly completed all of the work and improvements as required by this resolution and the work has been accepted by the Town Board for maintenance and repair, after recommendation of the Highway Superintendent and the Town Engineer and upon the request of the applicant the same be canceled in the manner provided for by law. Said letter of credit shall not be cancelled or reduced to less than 5% of the estimated cost of improvements and that the letter of credit so reduced and the deposit of cash surety remain in full force and effect to assure the satisfactory condition of said work and improvements until released by the town at the request of the applicant. Such release shall not be earlier than one (1) year from the date of acceptance of the work and improvements. The taking over of the roads in the subdivision as town highways shall in no way impede the effectiveness of either or both letter(s) of credit.

BE IT FURTHER RESOLVED, that in accordance with Town Code Chapter 248, Chapter 178, Section §300-228(A), and Chapter 270, the application of John Colangelo for the approval of a Stormwater Pollution Prevention Plan, Wetland, and Tree Removal Permit **#WP-FSWPP-T082-15** is approved subject to the conditions listed therein; and

RESOLVED, Permit **#WP-FSWPP-T-082-15** shall not be valid until it has been signed by the Chairman of this Board;

RESOLVED, the Applicant will retain an independent third-party Environmental Systems Planner, a "Qualified Inspector" as defined by the New York State Department of Environmental Conservation in the SPDES General Permit for Stormwater Discharges from Construction Activity, to supervise and be present during the construction of the erosion control measures, and which Environmental Systems Planner will provide bi-weekly inspection reports regarding the status of erosion control measures to the approval authority via the Environmental Inspector and the Planning Department throughout construction; and

RESOLVED, the Applicant must notify the Planning Board in writing stating the name of the Environmental Systems Planner or Firm that will be completing the bi-weekly inspection reports and shall notify the Planning Board in writing if this Planner or Firm changes; and

BE IT FURTHER RESOLVED, that upon submission of a building permit for each lot of this subdivision, the owner shall submit a site plan or plot plan, to ABACA, at a minimum scale of 1" = 20' showing the following:

- a. The location of the proposed house.
- b. The proposed finished floor elevation of the first floor, garage, and basement.

- c. The proposed grade at the garage entrance.
- d. The percentage slope of the proposed driveway.
- e. All existing and proposed topographic contour lines. All contour lines must extend a minimum of 10'-0" beyond the property line.
- f. The line of all delineated wetland, wetland buffers, easements, etc.
- g. A line indicating the limit of the area which will be disturbed by construction.
- h. Any other pertinent information as shown on the subdivision and improvement plan.

BE IT FURTHER RESOLVED, that no tree cutting on individual lots shall be permitted unless and until each lot has been reviewed by the ABACA; and

BE IT FURTHER RESOLVED that upon application for a Building Permit for lots in this subdivision, the Building Inspector shall review the proposed building elevations to determine the requisite grading. Should the Building Inspector determine that the requisite grading exceeds by plus or minus two (2) feet the finished floor elevations the Planning Board approved on the signed improvement plans, the applicant shall apply to the Planning Board for approval of the proposed building plan. The Planning Board shall review such application to determine whether the proposed excavation is limited to the greatest extent practicable and does not create adverse environmental or aesthetic impacts. The Board shall approve or deny the proposed grading by resolution.

BE IT FURTHER RESOLVED, that no building permit for individual lots which require driveways in excess of ten (10) percent shall be issued by the Building Department unless approved by the Town Board; and

BE IT FURTHER RESOLVED, that no building permits be issued for any lot unless and until the Environmental Inspector has reported that all required erosion control measures are in place and functioning properly on entire site; and

BE IT FURTHER RESOLVED, that no certificate of occupancy will be issued unless an as-built survey of lot is filed with the Building Inspector; and

BE IT FURTHER RESOLVED, that upon consideration by the Board the installation of street trees and sidewalks required by Town Code Sections §195-15 and §195-31 respectively, are hereby waived; and

BE IT FURTHER RESOLVED, that upon due consideration by the Board no other requirements of these regulations be modified; and

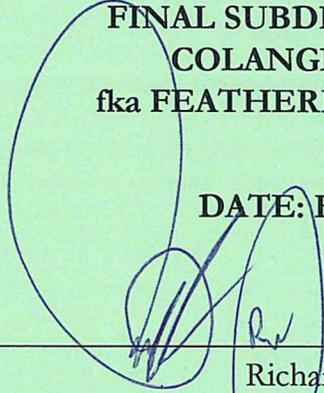
BE IT FURTHER RESOLVED, that the approved plat shall be recorded and filed in the County Clerk's office within 30 days from the signature on the plat, otherwise said approval shall become null and void.

PLANNING BOARD  
TOWN OF YORKTOWN

RESOLUTION APPROVING  
STORMWATER POLLUTION PREVENTION PLAN PERMIT,  
WETLAND PERMIT, TREE PERMIT, AND  
FINAL SUBDIVISION PLAT TITLED  
COLANGELO SUBDIVISION  
fka FEATHERBED PROPERTIES, INC

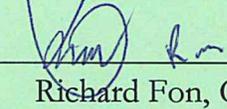
DATE: FEBRUARY 8, 2021

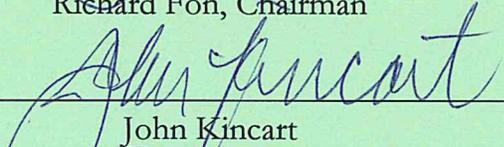
SIGNED BY:

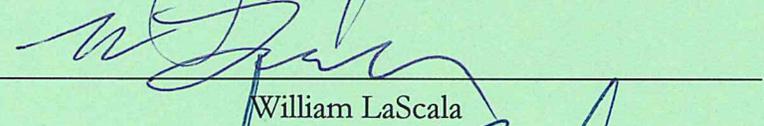
  
Richard Fon, Chairman

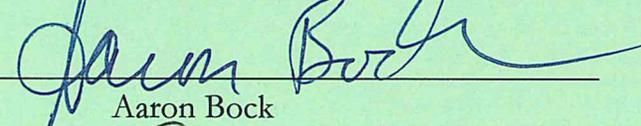
ROLL CALL:

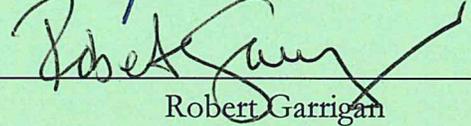
AYES:

  
Richard Fon, Chairman

  
John Kincart

  
William LaScala

  
Aaron Bock

  
Robert Garrigan

NAYES:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# TOWN OF YORKTOWN PLANNING DEPARTMENT

---

Albert A. Capellini Community and Cultural Center, 1974 Commerce Street, Yorktown Heights, NY 10598, Phone 914-962-6565, Fax 914-962-3986

---

## PLANNING BOARD RESOLUTION ROUTING TRANSMITTAL

**DATE:** March 10, 2022

**TO:**  File  
 Applicant (*via e-mail*)  
 Town Clerk (*via e-mail and hard copy*)  
 Building Inspector (*via e-mail*)  
 Town Engineer (*via e-mail*)  
 Fire Inspector (*via e-mail*)  
 Highway Superintendent (*via e-mail*)  
 Water Department (*via e-mail*)  
 Town Assessor (*via e-mail*)

**FROM:** Planning Department

**SUBJECT:** Colangelo Subdivision aka Featherbed Properties, Inc.

**RESOLUTION:** #22-04

**SBL:** 35.16-1-4; 1805 Jacob Road

---

Attached please find a copy of Planning Board Resolution #22-04 re-approving Stormwater Pollution Prevention Plan Permit, Wetland Permit, Tree Permit, and final subdivision plat titled Colangelo Subdivision aka Featherbed Properties, Inc. dated January 24, 2022.

Thank you,

John A. Tegeder, R.A.  
Director of Planning

/nc  
Attachment

THIS IS TO CERTIFY that the attached copy is a true and correct copy of the Town of Yorktown Planning Board Resolution:

**PLANNING BOARD  
TOWN OF YORKTOWN**

**RESOLUTION REAPPROVING  
STORMWATER POLLUTION PREVENTION PLAN PERMIT,  
WETLAND PERMIT, TREE PERMIT, AND  
FINAL SUBDIVISION PLAT TITLED  
COLANGELO SUBDIVISION aka FEATHERBED PROPERTIES, INC**

**DATE OF RESOLUTION: JANUARY 24, 2022**

HEREBY signed by the secretary of the Planning Board:



---

William LaScala, Secretary

3/10/2022

Date

**PLANNING BOARD  
TOWN OF YORKTOWN**

**RESOLUTION REAPPROVING  
STORMWATER POLLUTION PREVENTION PLAN PERMIT,  
WETLAND PERMIT, TREE PERMIT, AND  
FINAL SUBDIVISION PLAT TITLED  
COLANGELO SUBDIVISION aka FEATHERBED PROPERTIES, INC**

**RESOLUTION NUMBER: #22-04**

**DATE: JANUARY 24, 2022**

On the motion of William LaScala seconded by Robert Garrigan, and unanimously voted in favor by Fon, LaScala, Bock, and Garrigan, the following resolution was adopted:

WHEREAS, a subdivision layout entitled “Subdivision Map of Property Belonging to John Colangelo,” 2 sheets, prepared by Mastrogiacomo Engineering, P.C., dated January 21, 2021, was submitted to the Planning Board on behalf of John Colangelo (hereinafter referred to as “the Applicant”); and

WHEREAS the property owned by the Applicant is located at 1805 Jacob Road, Yorktown Heights, also known as Section 35.16, Block 1, Lot 4 on the Town of Yorktown Tax Map (hereinafter referred to as “the Property”), and the applicant has represented to this board that they are the lawful owners of the land within said subdivision; and

WHEREAS said subdivision plat and development plans were approved by Planning Board Resolution #21-01 on February 8, 2021; and

WHEREAS said resolution expired on **August 7, 2021**; and

WHEREAS this resolution was granted two ninety (90) day time extensions; and

WHEREAS said extensions lapse on **February 3, 2022**; and

WHEREAS as stated in a letter from the applicant’s engineer dated January 21, 2022, no modifications have been made to the subdivision nor to any laws, regulations, or rules of any jurisdiction in the process that would impact its approval by this Board; and

RESOLVED that Resolution #21-01 is hereby reapproved; and

BE IT FURTHER RESOLVED that this reapproval expires on **August 2, 2022**; and

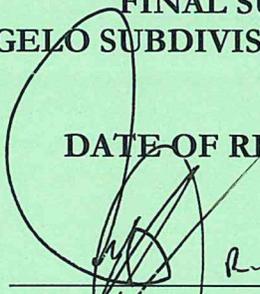
BE IT FURTHER RESOLVED that all conditions from Planning Board Resolution #21-01 remain in full effect.

PLANNING BOARD  
TOWN OF YORKTOWN

RESOLUTION REAPPROVING  
STORMWATER POLLUTION PREVENTION PLAN PERMIT,  
WETLAND PERMIT, TREE PERMIT, AND  
FINAL SUBDIVISION PLAT TITLED  
COLANGELO SUBDIVISION aka FEATHERBED PROPERTIES, INC

DATE OF RESOLUTION: JANUARY 24, 2022

SIGNED BY:

 \_\_\_\_\_

Richard Fon, Chairman

ROLL CALL:

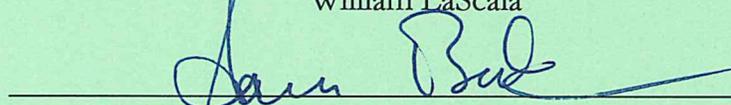
AYES:

 \_\_\_\_\_

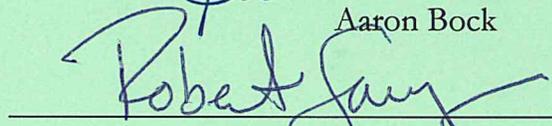
Richard Fon, Chairman

 \_\_\_\_\_

William LaScala

 \_\_\_\_\_

Aaron Bock

 \_\_\_\_\_

Robert Garrigan

NAYES:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# **Underhill Farm**

# TOWN OF YORKTOWN PLANNING DEPARTMENT

Albert A. Capellini Community and Cultural Center, 1974 Commerce Street, Yorktown Heights, New York 10598, Phone (914) 962-6565, Fax (914) 962-3986

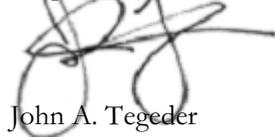
## MEMORANDUM

**To:** Planning Board  
**From:** Planning Department  
**Date:** July 8, 2022  
**Subject:** Underhill Farms *fka* Soundview Prep School  
**SBL:** 48.06-1-30

---

The Planning Department has prepared for the Board a collection of the public commentary received at the June 13<sup>th</sup> public information hearing with annotations to facilitate the Boards' discussion pursuant to the commentary. Most of the written comments that reflect the oral presentations and any other written comments received subsequent to the hearing have been annotated directly into the body of each written submission. In addition, generalized, repetitive comments were summarized and annotated for the Board's use and convenience. All annotations are in blue type. The annotations variously represent corrections, additional facts, or just acknowledgment of the comment. All are intended to facilitate a well rounded discussion of the issues raised at the hearing.

Respectfully submitted,



John A. Tegeger  
Director of Planning

cc: Applicant  
Town Engineer  
J. Glatthar, PB Counsel

## Underhill Farms Public Comments – June 13, 2022 Public Informational Hearing

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

- Will there be terraces on the buildings overlooking Glen Rock Street.  
No rear elevations of the building have been submitted, however whether there are terraces, decks, and/or patios on the units facing Glen Rock Street, they will be screened.
- Will there be green infrastructure used in the project such as heat pumps, solar panels, etc.?  
To be determined.
- What does “senior friendly” mean?  
Discussion—undetermined- applicant to elaborate
  
- Is Hudson Cultural Services qualified to assess the historical value of the property?  
Discussion—description of credentials provided in there reports. applicant can elaborate
  
- Was a Revolutionary War French encampment with potential archaeological value located on Underhill property?  
Discussion— not according to information available; see french army maps.
  
- 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.
  
- What does an adverse effect finding by NYS OPRHP mean?  
The term adverse effect does not equate or have any connection to the SEQRA process. It simply means a historical resource is adversely affected by a potential development. Steps can be taken to mitigate this effect and therefore minimize its impact. The Planning Board can determine the impact is not significant.
  
- What alternatives were studied? What other properties were considered for the development?
  - Alt #1: Avoid demolition of structures by reducing scale of proposed project.
  - Alt #2: Avoid demolition of structures by selecting alternative location of proposed project.
  - Alt #3: Adaptive re-use of the existing structures.
  - Alt #4: No Action.
  
- What is the adaptive reuse proposed for the main building?  
Underhill Farm has proposed to preserve and restore the main house to include a new restaurant and an 8 room inn on the upper floors.
  
- Would the Town hire its own historical consultant to review the applicant’s reports, as they have for the traffic and environmental reviews?  
Discussion—undetermined

- What is the difference between the current zoning with the overlay zone and a request to change the zone?  
The C-2R zone is the only zone that allows a mixed use building where there is commercial with apartments above. No other zone in the Town of Yorktown allows for mixed use. There is no mixed-use multi-family zone.
- How does the Comprehensive Plan support an overlay district in Yorktown Heights?  
Discussion—The comprehensive plan supports the overlay zone in multiple ways including an explicit policy that recommends periodic review of areas that may benefit from an enactment of an overlay.
- Is it required that the density in an overlay zone should be the same as the underlying zone?  
Discussion— no. the overlay has its own specific standard.
- What is the proposed timeline for construction of the project?  
Discussion—unknown at this time. Applicant can elaborate as to construction duration.
- What habitat is supported on the property in its current condition?  
Discussion—applicant can elaborate.
- Does it make more sense for market rate units to be geared to new families or for downsizing seniors? Will seniors be able to afford the units? Can both be accommodated?  
Discussion—the project will be marketed to multiple family size and types.
- How will views of the site be changed?  
The applicant has been asked to submit view from south of the property on Underhill Avenue, from Glen Rock Street, from Town Hall, and from the Caremount property.
- Will the connection between the project and Beaver Ridge cause cut through traffic on Allan Avenue?  
The Town's traffic consultant is evaluating the potential for cut through traffic.
- Do surrounding property values typically decrease when a new multi-family residential development is constructed?
- Has Unicorn accurately quantified and accounted for the projected increase in traffic?  
The Town's traffic consultant is evaluating the applicant's traffic study and will submit a report to the Board of their findings.
- Provide 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?  
The Town has already had a preliminary meeting with the DOT about this project and will be working with the DOT throughout the review process.
- 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?  
It is the Planning Board's obligation to ensure that all environmental impacts are mitigated to the greatest extent practicable.
- 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?  
This comment is focused on the traffic improvements, not the project improvement plan. The Planning Board and Town Board must determine how the master planned traffic improvements will be funded.
- The Full EAF is dated 12/9/20 and is 18 months old and contains numerous factual errors and should be updated based on current information.  
The EAF was updated, but not re-dated. The applicant should review the EAF and revise to reflect the current proposed project.
- Has the Town Engineer commented whether the estimated waste generation per day is reasonable for the proposed project and whether the Hallocks Mill plant can accommodate this additional flow (EAF section D.2.d)?  
Discussion—the TE has not issued a formal opinion but has preliminarily indicated that capacity for such flows exist at the plant
- Does the current property have flooding and stormwater runoff issues?  
Discussion—no notable data or anecdotal information has been found indicating any such issues.
- Is the town going to ensure that Unicorn obtains permits from the US Army Corp of Engineers before the wetlands are altered?  
Yes, the project was circulated to the USACOE and any required approvals from outside agencies would be a condition of the Planning Board's approval.
- 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.  
A wetland delineation report was submitted by the applicant and can be downloaded from the Town's website page for this project. This report will be reviewed and the delineated verified by the Town's environmental consultant.

- 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.

The applicant is required to submit a Stormwater Pollution Prevention Plan that addresses all of these issues. When this document is submitted, it will be posted on the Town's website page for this project.
- 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.

Restoring the main house and allowing public access can be for a public use or commercial use. The main house has always been in private ownership, therefore this would be the first time many from the public would be invited in at all for whatever reason.
- 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.

Though some may not feel an additional park is needed in Yorktown Heights, many have stressed that the park-like setting of the property is what they have loved to enjoy seeing when driving past the property. The developer has chosen to rehabilitate this area and allow public access instead of eliminating it or making it entirely private.
- 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.

The maintenance of the main house is an operating cost for taking on the property however many commenters expressed that they want to main house preserved because it is an important part of Yorktown's history and that is a benefit to the Town.
- 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. 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.

Pedestrian safety and amenities will be a requirement of the project regardless of whether there are commercial or public access components ultimately included in the project because the residents of the property, and surrounding properties, should have safe connections to the downtown.
- 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. These claims are not public benefits and therefore there is little justification for higher density and asserting the \$2.4M in public benefits.

The applicant is required to provide mitigation for their impact to the traffic network. Unicorn has proposed to provide these improvements in addition to improving existing traffic issues. The State has indicated in a preliminary meeting with the Town that they have no funds allotted to improve any of their intersections in Yorktown Heights. Many times, private investment is the only way public improvements can get funded.

- 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. A request was made for this partnership agreement and the Town Clerk's office advised that no public-private partnership exists.  
Perhaps Unicorn meant that they are working with the Town to provide public improvements and should not have used this term.
- 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.  
Residential developments are often named after what formerly existed on a property or just a name the developer liked. Cranberry Hill, Strawberry Meadows, Strawberry Hills, Blackberry Woods, and Green Meadow Farms are all examples of subdivision names in Yorktown.
- There is no structure or part of the property that has ever been called Captain Underhill's house. The Underhill Farm property was owned in the early nineteenth century by Abraham Underhill. Underhill began construction of his house in 1828, slowly expanding and enlarging the mansion which was completed in 1881 by his son Edward B. Underhill. Underhill named the mansion Floral Villa. The Underhills are descendants of Captain John Underhill (1608 – 1672) that settled in Westchester County. To be accurate, the term Captain Underhill House should not be used to describe the mansion.
- 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 Underhill Farm property does not contain a designated landmark nor is it in a historic district. The property is in the Yorktown Heights Planned Design District Overlay Zone, which does include design guidelines and special consideration of existing buildings that are listed as unique buildings that hold historical value even though they are not designated landmarks. The Underhill House is listed one of the unique buildings in the Yorktown Heights overlay zone.
- 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."

As part of the latest PILOT agreement with the Town, Beaver Ridge agreed to build a new senior center on their property. This building will be constructed regardless of the development of the Underhill Farm property, however the need for parking for the senior center will have to be addressed.

Beaver Ridge does have an easement for fire access through the Underhill Farm property. This connection must be maintained for emergency access. Whether the new site plan relocates this access, whether the connection is for emergency access only, etc. will be determined by the Planning Board.

- 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?  
The Planning Board can only consider the information submitted as part of the application.
- There are quality of life impacts associated with the proposed Underhill Farm development and, therefore the Planning Board should issue a positive declaration.  
Impacts that result from construction are temporary. Impacts that result from the public not being able to view the property as is forever are self-created.
- The Planning Board should require Unicorn to provide alternative development options that address a lower density proposal.  
Discussion—see alternatives analysis.
- The traffic connection to Beaver Ridge will cause increased traffic volume on Allan Avenue.  
Discussion—applicants consultant and towns consultant can evaluate.
- Can emergency access for Beaver Ridge be accomplished from Glen Rock Street?  
Discussion—challenging grades from glen rock street.
- How can Unicorn can claim the density of its proposed plan is consistent with surrounding neighborhoods when the surrounding neighborhoods were built for different reasons under different conditions and requirements?  
Discussion— comparing existing developments regardless of origin or yield calculations are relevant.
- 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.  
Discussion—this will be contained and explained in the stormwater plan, and reviewed and approved by the PB.
- 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?  
Discussion— applicant can elaborate.

- The Planning Board should adopt 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.

Discussion— PB to determine

- There are over 6,000 seniors in the community that need another place to live.  
The 2019 American Community Survey has the following population estimates for Yorktown:

Age	Population Estimate
55 – 59	3,051
60 – 69	4,877
70 – 79	3,000
80 and over	1,870
<b>Total</b>	<b>12,798</b>

- The Town should be looking at what they can do to make sure that housing is built for young families and that is affordable, especially for seniors who want to age in Yorktown. They need to work with developers to build for the future of Yorktown. Underhill Farm could be a place where young people could have their first house in Yorktown.
- Apartments drag the town down.  
Discussion—comment noted
- There is no need for additional commercial space.  
There are many reasons why existing commercial space is vacant.
- No one walks around Yorktown, so why bother making it walkable.  
There are many people that work in Yorktown Heights that walk around during the work day to get lunch, walk the track, visit local businesses, catch the bus, etc.
- The Underhill house will eventually become a fast food restaurant if the Planning Board allows commercial development of the property.  
Discussion—unsubstantiated. PB approval could condition the use of the main house to eliminate this potential.
- What is the build out of the overlay district (maximum unit count)?  
The full build out of the Yorktown Heights Overlay District was determined by the Town’s consultant, BFJ Planning, to be 405 residential units, where 152 units were allotted to Underhill Farm (the original proposal of 165 units less 12 single-family homes that could be probably be built under the current zoning).
- The oversized buildings will dwarf the historic Underhill house.

Discussion— this is a consideration that should be reviewed by the PB. There are architectural and design measures that can be employed to minimize any such effect.

- Will the Town's tax abatement law apply to the proposed development? If so, how will this change the tax revenue generated by the property?

Discussion—unknown at this time.

- How will the Town be liable for incidents that occur at the new senior center on Beaver Ridge or in the parking lot for the senior center on the Underhill Farm property?

Discussion—unknown at this time.

RECEIVED  
PLANNING DEPARTMENT

JUN 8 2022

TOWN OF YORKTOWN

MEMO

To: Planning Board  
From: Susan Siegel  
Re: Comments for PIH for Underhill Farm site plan  
Date: June 8, 2022

For your consideration, I submit the following written comments for the June 13, 2022 public information hearing on the Underhill Farm application. Please note that these comments represent my personal view.

My comments fall into three

categories 1. Compliance with  
SEQRA

Pursuant to SEQRA regulations, the Board should issue a positive Determination of Significance and proceed with an Environmental Impact Statement (EIS).

2. Compliance with the recently enacted Overlay Law.

The Law gives the Planning Board the flexibility to change all aspects of the conceptual plan approved by the Town Board when it granted overlay status to the Soundview parcel, including density, uses, and layout.

3. Questions/concerns about various site plan issues

Density, parking, traffic, wetlands, sidewalks,  
etc.

Compliance with SEQRA

SEQRA requires that the Planning Board adopt a Positive Determination of Significance when the Board, acting in its capacity as lead agency, finds that an application involves one — just one -potential adverse environmental impact.

SEQRA Handbook, page 76

*If the lead agency finds one or more significant adverse environmental impacts, it must prepare a positive declaration identifying the significant adverse impact(s) and requiring the preparation of an Environmental Impact Statement (EIS).*

Discussion—it is the Planning Board alone, as lead agency, that makes this finding and determination.

The existence of one adverse impact — the impact on the 13.8 acre historical Soundview site — is an undisputed fact already in the record.

August 21 2021 SHPO letter

*Demolition of the contributing outbuildings alone constitute an adverse impact to this historic property. The Underhill Mansion's setting is proposed to be further impacted by encroachment of the proposed surface parking and large-scale new construction.*

Discussion—The identification by SHPO of this action as having an adverse impact or adverse effect is a finding that that office makes under the aegis of section 14.09 of the historic preservation act. Such a finding does not necessarily mean that it rises to a significant adverse impact under SEQRA. Such a finding would be made by the Planning board as lead agency after careful consideration of all the facts related to the application as it surrounds this issue. Secondly this correspondence was produced prior to this seqra process' onset.

As the Planning Board has documentation that SHPO has determined that the Underhill Farm plan constitutes an adverse impact, the Planning Board should, as soon after the PIH as possible, declare itself lead agency, make a positive SEQRA Determination of Significance, and require the applicant to prepare an EIS after following the required scoping process. Note: To date, the applicant has failed to provide the Board with any factual information that challenges or changes the SHPO adverse impact finding.

Discussion—again this determination by SHPO is made pursuant to law governing a process of evaluation of a project involving a historic entity.

It is also clear from the applicant's traffic presentation, and the Board's comments on that presentation, that the development plan has a potential adverse impact on traffic — and that the major part of the applicant's multi-faceted traffic mitigation plan, e.g., the proposed \$450,000 contribution for future improvements to the Route 118/Underhill Avenue intersection, is not sufficient to address the adverse traffic impact the development will have on the intersection.

Discussion—the information put forth to date is that any of the mitigation proposals will fully mitigate any impacts and

potentially improve the condition and operation over the existing condition/no build action.

Given the clear language in the SEQRA regulations regarding the procedure for making a Determination of Significance

e.g.g., that one potential adverse impact mandates an EIS, from a legal perspective, requiring the application to complete an Expanded EAF is not an acceptable option or substitute for an EIS; with one adverse impact, SEQRA REQUIRES an EIS.

Discussion—an expanded EAF or any supplemental study or documentation is used to make a complete and accurate evaluation of probable impacts and identify adequate mitigation or solutions. This can provide a more in depth and diligent evaluation when making a determination of significance. This can lead to either a negative or positive declaration of significance. Again the board determines if a particular adverse impact is significant.

It should also be noted that an EIS would correct and update the numerous omissions, errors, and misleading statements in the EAF, dated 12/9/20. For example:

1. Project description. Claims that the project will provide a senior center.
2. C.3 (b) Use permitted by special permit. Checked yes, but no use is indicated
3. C.3 (d) existing public parks
  - a. Lists Downing, FDR, Junior Lake
  - b. But omits nearby Patriot Park and Railroad Park
4. D.1c. Is project an expansion of an existing use. Checked NO, despite the dramatic proposed new uses on the site.
5. D.1.d: Is proposed action a subdivision. Answer NO.
  - a. Won't overall site need to be subdivided to accommodate townhouses, condo flats, rental apartments and reuse of main house?
6. D.1f. Mix of units
  - a. Does not properly distinguish between multi family units (rental apartments and condo flats) and single family units (townhouses)
7. D.1.g. does plan include construction of new non residential use. Checked NO.
  - a. 11,000 sq ft of apartment building will be for commercial use
  - b. According to latest submission, the 7,000 sf main house will be for a restaurant and inn
8. D.2.a. does construction include any excavation or dredging. Checked NO.
  - a. But stream is being rerouted and wetlands filled
  - b. New "swamp/marsh" area is being created
9. D.2.c & d Projected increase in water & sewer use
  - a. Do projections account for proposed restaurant/inn/retail use?
  - b. Do projections include water use for two swimming pools?
10. D.2.e. Use of impervious surfaces. Checked YES
  - a. How? Where?
11. D.2.j.i Times for traffic generation
  - a. Weekend not checked although that is likely to be busiest time for restaurant
12. D.2.j.ii Commercial activity, e.g, trucks
  - a. No information provided re delivery trucks, garbage trucks
13. D.2.j.iii Commercial parking
  - a. No analysis of parking needs for different uses; chart on site plan omits several uses
14. D.2.j.v Modification to road network
  - a. No mention of road connection to Beaveridge property or east-west road from townhouses across to Beaveridge connection.
15. D.2.k.i Electric use
  - a. Calculation based on what uses?
  - b. Does calculation include restaurant/inn, special equipment in medical offices, two swimming pools, etc?
16. D.2.o Odors. Checked NO
  - a. What about restaurant use?
17. D.2.n.ii outdoor lighting
  - a. Implies negative impact of outdoor lighting is only temporary and during tree removal. But impact will remain as most of removed trees will not be replaced.

- 18 E.1.b. Land uses
  - a. Nothing filled in for wetlands
- 19 E.1.d nearby facilities for children etc, Checked YES
  - a. Why list Soundview? Closed for several years.
- 20 E.1.h.iii Nearby contamination site
  - a. Checked NO, but likely within 2,000 ft from town hall spill site
- 21 E.1.o & p endangered wildlife. Checked NO
  - a. Any bats or other species on DEC endangered list?
- 22 E.2.h.iv wetlands
  - a. Shows size only of pond and not wetlands
- 23 E.3.e. Eligible historic resource
  - a. Checked NO but answered yes
  - b. Yes only refers to house but SHPO considers the entire site as eligible for listing on historic register
- 24 E.3.h nearby scenic resource within 5 miles. Checked NO
  - a. Is Taconic Pkwy considered a scenic resource?
  - b. Or Turkey Mountain?

Discussion—EAF will be updated

### Compliance with the Overlay Law

Several sections of the Overlay Law make it clear, very clear, that the Planning Board has flexibility when it comes to waiving existing bulk regulations, density and other land use regulations when it considers site plan applications on parcels within the overlay zone. The fact that the Town Board granted the Underhill Farm application overlay status based on a conceptual plan – and without any SEQRA review as to the potential impacts of that plan – in no way obligates the Planning Board to approve a site plan based on that conceptual plan.

In granting the Planning Board this flexibility, the Overlay Law repeatedly uses the words "may," "at the discretion of," and "shall be guided by." See sections 300-254 and 300-255, E, G, H of the Law.

The Overlay Law also states, in section 300-254, that the Board should be "guided by" the standards in the underlying zone, which in the case of the Soundview parcel is RI-40.

Discussion—no exceptions

### Site plan issues

1. Amount of commercial square footage
  - a. Any reference to commercial space should include both the 11,000 sf in the apartment building and the 7,000 sf in the main house now proposed for a restaurant and 8-room inn.

Discussion—this has been done.

2. Density calculation
  - a. As per the Board's standard practice, residential density should be based on BUILDABLE acreage, not total acreage.
    - i. While current site plan does not appear to show the square footage of wetlands and wetland buffer, an earlier site plan shows 121,269 sf of wetland and buffer – leaving 479,190 sf of buildable square footage – which works out to 13 units/ac.
  - b. The density calculation should also include the 18,000 sf of commercial space.
  - c. Should density consider the site as a whole – or – should it be looked at based on the anticipated subdivision of the site into a) the for sale townhouses and condo flats and b) the rental apartments and commercial space?

Discussion—this is not a PB practice but a code requirement for R-3, R-2, RSP-1 thru 3. It is not a code requirement under the overlay district. The proposed project is currently compliant with the overlay district as it pertains to buildable area. The PB is currently engaged in evaluating the density of the project among other impacts as is its normal practice.

3. Density comparisons
  - a. The board should consider whether the proposed density is simply too much for the site and

out of character with the neighborhood.

- i. Current zoning calls for R-3 densities of 9-12 units/ac, or FARs of 0.20-.23. By contrast, Underhill Farm FAR is 0.50.

Discussion-- The PB is currently engaged in evaluating the density of the project as above. The board can use a multitude of methods of comparison to aid in its evaluation.

- b. The comparison should be limited to comparing apples to apples, i.e., Rochambeau condo units and apartments and Glen Rock single family homes and not include Beaveridge which is a special senior citizen zone.

Discussion—Comparing beaveridge is an apt and valuable comparison. It is an existing occupied facility, has known and quantifiable attributes, and has direct and tangible impacts to its surroundings.

- i. Density for 3 Rochambeau condos ranges from 6.75 units/ac to 8.3 units/acre
- ii. Density for Rochambeau apartments is 10.5 units/ac

Discussion— can be verified.

- c. The proposed Underhill Farm density far exceeds the densities the town approved or considered in recent years.

- i. Weyant .A proposal for 36 apartments on 2.6 acres (14 units/ac) was rejected in favor of 23 town houses (9 units /ac).

Discussion— correct, however neither was fully evaluated as to each alternatives impacts—the TB simply opted for the 23 unit proposal over the 36 unit proposal, arguably for reason of building typology and not necessarily environmental impacts.

- ii. The Town Board rejected as too dense the Summit plan for 50 units on 19 acres, or 8 units/acre.

Discussion—This project was never fully evaluated as to its impacts, applicant withdrew of its own accord.

- iii. The Town Board approved the Crompond Terraces rezoning (2015) at 6 units/acre in R-3 portion of site, plus 16 units in C2-R. The developer later asked for 110 units instead of 96, but the application was never pursued.

Discussion— inquires of late regarding this property continue to request over 200 units. This is inconclusive as it has not been the subject of a formal application to date.

- iv. The Town Board indicated that it supported the Croton Overlook rezoning to RSP-1 (2021) for 62 units on roughly 6S acres with 4S acres kept in open space

Discussion—correct, however note that the proposal exists in area dominated by 4 and 5 acre minimum lot size and is not within, adjacent to, or nearby, a commercial hamlet or other densely populated area.

- v. Toll Brothers is proposing 118 units on about 50 acres.

Discussion— correct, however note that the project has not been formally petitioned to the TB, nor have any impacts been evaluated. Also note that the property was the subject of a rezoning and subsequent site plan approvals of which were evaluated utilizing an expanded EAF as the basis of the rezoning approval.

- d. As part of an EIS, an alternative analysis should include concept plans at a lower overall density but which would still generate a reasonable ROI for the developer.

Discussion— comment noted but premature to the current discussion.

#### 4. Density and wetlands

- a. Given that the overriding goal of the Wetlands Law is to protect and preserve wetlands and wetland buffers, what is the justification for allowing an applicant to fill in a buffer and reroute a stream for the sole purpose of being able to squeeze more residential units onto the site?

Discussion— Pb is currently evaluating. Wetlands law allows encroachments provided adequate mitigation is provided.

#### S. Parking spaces

- a. Does not appear to include proposed restaurant/inn use of main house
- b. Does it include guest parking?
- c. Does it include parking for public park use?
- d. No study has been done on the parking needs for the senior center/Parks Department office.
  - i. On 2/9/21, the Planning Directed that based on input from the former manager of the YCCC, 50

spaces would be needed. The site plan only shows 30.

- e. What methodology and data were used to project space needs for 11,000 sf of commercial space, arbitrarily split SO/SO between office and retail.
  - i. What has experience been with Caremount site?
- f. Liability issues for public park parking and shared parking for senior center/Parks Department office.

Discussion—under review by PB

6. Traffic: generation numbers
  - a. Do they reflect ALL the proposed commercial uses, e.g., both the 11,000 sf space and the proposed restaurant/inn in the main house?
  - b. What percentage of the numbers reflect occupancy by seniors? If so called "senior friendly" units can't legally be restricted to seniors, then traffic generation numbers may need to be changed, i.e., increased.
  - c. Do numbers reflect the proposed redevelopment of Yorktown Green? And new tenant for Uncle G's space once Uncle G relocates to Yorktown Green?

Discussion—applicant can elaborate; town consultant will review.

7. Traffic: Intersection improvements
  - a. Who will study and develop a plan for the needed corridor improvements?
    - i. What will be scope of that study? Will it include Kear Street intersection which will be impacted both by Underhill Farm and Yorktown Green plans?
  - b. Can/should the Planning Board approve the site plan *before* there is a firm plan for the improvements to Route 118 corridor and intersections, including DOT approval, how the work will be financed, and a construction timetable? .

Discussion—under review by PB.

8. Traffic: Beaveridge
  - a. Does diverting residential and commercial traffic through a senior citizen/disabled complex make sense?
  - b. Does the existing Beaveridge driveway from the connection to the Underhill Farm parking lot out to Allan Avenue meet the specs for a town road?

Discussion—Under review by PB. Town consultant will evaluate. The connection is not considered for a town road so will be required to meet requirements for site parking, roadways/driveways.

9. Tree removal
  - a. Calls for removing trees along Route 118
    - i. What impact will this have on community character, especially given experience with tree removal on Caremount site?
    - ii. What impact on the main house?
  - b. Note the large number of specimen trees slated for removal
  - c. Once all the new structures, roads and parking areas are constructed, to what extent can new trees — as opposed to shrubs -be planted?

Discussion— noted. Under review by PB. Valid issue to be considered.

10. Sidewalks
  - a. None appear to be shown inside development .

- b. None are planned along the north side of Underhill Avenue and west side of Route 118. Instead, pedestrians would need to follow a convoluted plan requiring them to cross Underhill Avenue, then Route 118, then Underhill again to access the sidewalk on the east side of Route 118.
- c. The traffic consultant's comment that the DOT will not permit sidewalks on the west side of Route 118 needs to be verified; if DOT allowed sidewalks on east side of Route 118, why would it prohibit them on west side?

Discussion— noted and under review and development by the planning board.

#### 11. Refuse

- a. What provisions have been made for refuse collection for commercial uses, apartments and condo flats?
- b. What provisions have been made for centralized collections for town houses as opposed to curb side collection? (Taxes for properties in the refuse district are lower for condo developments than single family houses because the former typically have centralized collection points as opposed to the latter's curb side pick up.)

Discussion— under review and development by the PB

#### 12. Loading zones

- a. How will commercial deliveries be handled?
- b. Provisions for truck turn arounds

Discussion— under review and development by the PB

#### 13. On site playgrounds

- a. See note on site plan for on-site playgrounds for residents.  
THE DEVELOPER SHALL PROVIDE A SUITABLY IMPROVED PLAYGROUND/PLAY AREA. EACH SUCH PLAYGROUND/PLAY AREA SHALL HAVE A MINIMUM AREA OF 1,200 SQUARE FEET AND A MAXIMUM DISTANCE OF 1,000 FEET FROM THE UNITS TO BE SERVED.
- b. Where will the playgrounds be located?
- c. Will the playground/s be part of condo HOA or available to all 148 units?

Discussion— under review and development by the PB

#### 14. Distinguishing condo HOA land from public park land

- a. How does the site plan delineate what will be the privately restricted condo HOA land and the area that is to be the "public park"?
- b. How will the delineation be identified? Fencing? Bollards? Private property signs?

Discussion— under review and development by the PB

#### 15. Public park

- a. Where is the study showing the need/desire for a public park on the site?
  - i. Two existing public parks are within walking distance: Patriot Park and Railroad Park.
- b. The stormwater plan calls for a new wetland area to be created west of the pond. Is the proposed public trail around the pond compatible with this plan?
- c. Liability issues. Who will be responsible for accidents in this public portion of the site? The town or the owner of the site?
- d. Is the proposed public park a substitute for the \$4,000/unit recreation fee?

Discussion— under review and development by the PB

#### 16. Public entrance gate at 118/Underhill Avenue intersection

- a. If there are no sidewalks on the west side of Route 118 and the north side of Underhill Avenue, how will pedestrians access the gate?
- b. If the construction of a right turn lane onto Underhill Avenue from southbound Route 118 is postponed, will the current use of the shoulder present a safety problem?

Discussion— under review and development by the PB

#### 17. Senior units

- a. There is a legal basis for senior units that are "age restricted." What is the legal basis/definition of "senior friendly" units?
- b. Are units considered "senior friendly" compatible with the anti-discrimination provisions of the Fair Housing Act?

Discussion— under review and development by the PB. Any age restricted units must comply with federal fair housing act.

18 Adaptive reuse of main house

- a. How can the board approve a plan that includes the future use of the main house without a detailed plan of what use/uses there will be and their impact on: traffic, commercial vehicles, parking, refuse, noise, odors, lighting, etc?
- b. Under what code provisions can the Board approve an "8-room

inn"?

Discussion— under review and development by the PB. There is flexibility of uses under the overlay law, and in addition there is an explicit allowance for boutique hotels in the district allowable uses.

19. Visual impact issues

- a. What will be the visual impact of a 3-4 story building behind the historic main house
- b. What will be the visual impact on the historic main house of cutting down specimen trees surrounding the house?
- c. What will be the visual impact of removing the trees along Route 118? Note the resulting negative visual impact on the community when the trees on the west side of Route 118 were removed to make way for the Caremount building.
- d. What will be the visual impact on the condos on the south side of Underhill Avenue?

Discussion— under review and development by the PB

20. Fiscal impact

- a. Although fiscal impact is not a direct land use issue, because the applicant is alleging a \$1 million tax benefit from the project, several aspects of the fiscal impact analysis need to be questioned, especially the projected increase in the site's total assessed value and the number of school children that the plan will generate.
- b. What methodology was used to calculate the projected assessed value of the for sale residential unit? Town houses can be assessed as condos (Hunter Brook) or as fees simple single family houses (Maple Brook)? When units are the same size, condos are assessed at a lower rate.
- c. What assumptions were used to calculate the assessed value for the 11,000 sf of commercial space, the commercial use of the main house, and the rental income from the market rate apartments?
  - i. Has the town reviewed the fiscal analysis?
- d. School children calculation
  - i. Why does the analysis use a different multiplier than the one the same consultant used for Crompond Terraces in 2015?
  - ii. The analysis shows no school children for "age restricted" units. But, with the exception of this analysis, the senior units are being considered "senior friendly," not "age restricted and the Fair Housing Act may prevent them from being restricted to only seniors.
  - iii. What are the school district's future projections and do they include any new residential development?

Discussion— applicant can elaborate. under review and development by the PB

21. Emergency fire access to Beaveridge

- a. It's been established that the emergency access to Beaveridge from the Soundview property was never maintained and is likely currently unusable.
- b. If the fire commissioners consider this an important issue, the situation should be remedied irrespective of any future development plan for the Soundview site.
- c. Even if the Board approves the current plan for an access to Beaveridge, that access can be limited only to emergency use with a crash gate and would not have to be a connection to be used by the public.

Discussion— noted. under review and development by the PB

22. Phasing

- a. The applicant's initial presentations had town houses as first phase and apartments and commercial use as a second phase. Also, that Phase 2 would not move forward until improvements were made to the Route 118/Underhill Ave . intersection.
- b. Why has the phasing plan changed so that the apartments and commercial space will now be the first phase?

JUN 13 2022

TOWN OF YORKTOWN

MEMO

To: Planning Board  
From: Susan Siegel  
Re: Supplemental comments for June 13, 2022 Underhill Farm PIH  
Date: June 13, 2022

Remember the Weyant.

As you review the traffic mitigation plan for Underhill Farm, I hope the Board will keep in mind its experience with the Weyant site plan and how your approval of that plan was dependent upon a DOT approved improvement plan that took a holistic view of two separate developments that would have a combined traffic impact on Route 202/35 and the Triangle intersection.

The Town's Weyant precedent applies to the Underhill Farm plan. As members of the Planning Board have already said, the Board knows that it has to take a holistic approach to the existing and likely future traffic situation on Route 118, from the Triangle intersection to its intersection with Underhill Avenue, when considering the traffic mitigation portion of the Underhill Farm site plan.

Following the example used in the Weyant/Roma Building applications, the property owners in the Yorktown Heights Overlay District **with already known development plans** must work together, with the Town and the DOT, to develop a holistic improvement plan for the Route 118 corridor. And until that plan and the mechanism to fund the proposed improvements is in place, the Board should not approve an Underhill Farm site plan.

It should also be noted that while the Weyant developer had a short term solution to the Route 202 access issue pending the implementation of the long term improvement plan, there is no such short term solution to the Route 118/Underhill Avenue intersection problem that will be created by Underhill Farm. There is no short term mitigation "fix" to the significant increase in traffic that will result from the current high density mixed use site plan. Clearing brush and changing the timing of a traffic signal cannot adequately or safely address the development's acknowledged adverse traffic impact.

The holistic approach the Board plans to take also addresses SEQRA's anti-segmentation provisions, specifically that two of the basic tests for whether segmentation exists are a) whether separate actions share a common geographic location and b) whether separate actions will have a common impact.

JUN 14 2022

TOWN OF YORKTOWN

From: gilda aronson <gilda@gildaaronson.com>  
Sent: Monday, June 13, 2022 11:23 PM  
To: John Tegeder <jtegeder@yorktownwny.org>  
Cc: trish@bin-15.com  
Subject: Planning meeting on 6/13/22

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

My husband Steve Wirz was on the agenda to present my comments regarding Underhill Farm, because I couldn't attend the meeting. He left before he was called, so I am submitting my comments via email.

My name is Gilda Aronson and I live on French Hill Road in Yorktown Heights. The following are my comments about the proposed Underhill Farm development.

1. Overlay District – I'm opposed to the property being included in the overlay district, because it's not adjacent or in close proximity to the commercial corridors in Yorktown Heights. Its location will not be conducive to people walking to the commercial areas of the town. In addition, the overlay district allows mixed use development which means there will be businesses at Underhill Farm. With businesses come more traffic, light pollution, the use of signs, garbage and the potential for crime. This leads to my next point which is

**Discussion—**The property is located on a state road and across from commercial zoned properties, it also has frontage on a collector/commuter corridor and is cornered at a significant signalized intersection. Commercial use can be easily supported under these conditions. Ped. Accommodations can be provided safely at the intersection and are under review and development by the PB

2. Neighborhood character – I pass by the property every time I travel to and from town and have always loved the bucolic nature of it as well as the historic main house dating back to the 1800's. The proposed development including 148 residential units and an undisclosed number of office and retail units will have a major impact on the aesthetics of the property. Although the main house will remain, there will be many buildings surrounding it that won't necessarily match its character and will most probably change the overall aesthetic of it. This leads to my next point which is the

**Discussion—**A large percentage of the frontage will remain largely unchanged, and with some site planning measures may be possible to have much the same views into the property as now—most of the property and buildings are not easily visible from the street currently – The new buildings, as proposed will be much more architecturally compatible than the current outbuildings—not in scale necessarily but in texture and vocabulary.

3. Historical Value – The farm was established and the main residence built in the 1800's. Although the development calls for preserving the residence, the property will be altered in a major way and it will no longer be the farm that was built by one of the founding families of Yorktown Heights. The proposed structures are not in line with the history of the property and will greatly reduce the historical value of it.

**Discussion—**the property has not been a farm for many decades, the existing buildings have been modified to accommodate non-farm uses and several purpose-built for non-farm uses. It is hard to claim that there is a significant integrity to site as a farm use, and is certainly a collection of structures that have significantly evolved over its lifetime.

4. Environmental Impacts – Buildings and paved surfaces will replace many of the grassy areas. Trees will be cut down to allow for construction of the aforementioned. There will be light pollution from businesses, signage, large buildings, garbage, noise pollution, the disturbance of wild life and vegetation. We need to preserve as much of nature as we can and build where more density already exists.

**Discussion—**all of these issues are the type that the PB normally addresses through site planning techniques and mitigation. Still a developing application.

5. Traffic – The proposed road and signal improvements seem way off the mark to offset the additional traffic the development will bring. As of now rush hour is a challenge on Underhill to and from the Conic Parkway. With the addition of 148 residential units and an undisclosed number of office and retail businesses, the road really needs to be widened to include more lanes to accommodate the additional traffic.

**Discussion—**To date the applicant has demonstrated that the traffic generation can be mitigated and improved from the existing condition—town consultant will verify and/or offer additional measures techniques. The mitigation

offered does involve road widening.

In conclusion, I believe the proposed Underhill farm development is a detriment to Yorktown heights. I'm not against development, as we do need to have more affordable housing and expand the commercial sector. However, there are other properties that would be more appropriate for this type of mixed use development. I would like to see Underhill farm excluded from the overlay district and developed for residential use within the current zoning codes.

Gilda Aronson

Gyrotonic White Plains

[www.gyrotonicwhiteplains.com](http://www.gyrotonicwhiteplains.com)

914-522-5533

**Public Informational Hearing: 370 Underhill Avenue**

**Town of Yorktown**

**Planning Board**

**Monday, June 13, 2022**

RECEIVED  
PLANNING DEPARTMENT

JUN 16 2022

TOWN OF YORKTOWN

**John M. Flynn**

**Planning Board Member 2000 - 2015**

**Written Testimony**

Good evening members of the Planning Board and the Planning Department. Thank you for the opportunity to ask questions about Unicorn Corp.'s plans for developing 370 Underhill Avenue. I'm basing my questions on site plans and presentations related to your meetings last month.

First, let me preface my remarks by noting that I'm not opposed to multifamily housing, to mixing commercial with residential development, or to special zoning districts. As a member of this Planning Board, I voted for the mixed-use building at 322 Kear Street and for apartments in one of Yorktown's transition zoning districts. On the other hand, I grew up in a New Jersey town where the historical sites were obliterated in the 1950s and 60s. This gives me a good sense of what is at risk for Yorktown with this historically and architecturally significant site.

While I did participate, last year, in an attempt to negotiate a compromise between the town and the citizens' group suing the town over the recently enacted Overlay District legislation, I am speaking tonight as an interested Heights resident and not as a member of any group.

In general, Unicorn Corp.'s plan contains a number of negative features – a result of the many challenges of attempting to build 148 housing units, commercial space, a restaurant and a hotel – plus parking for an adjacent senior center on the 14 acre Underhill historical site. I will now discuss my specific concerns and questions about the plan as it relates to density, wetlands protection, demographic analysis, site topography, and walkability.

## **Density**

**Question:** how can Unicorn Corp. claim the density of its proposed plan – with 148 housing units, commercial space, a restaurant and a hotel – is "consistent" with surrounding neighborhoods?

Unicorn Corp. bases density calculations on 13.8 acres without subtracting the areas, such as the wetlands\ the pond, and areas reserved for commercial space and by the town for senior center

---

<sup>1</sup> Approx three acres according to presentation by Tim Miller Associates at 5/23/22 Planning Board meeting.

parking. On all the other proposals the Board has reviewed, the practice has been to distinguish between buildable and unbuildable areas when calculating density.

**Question:** Why is it not being done here?

*It is not required in the overlay district. It is required in the R-3 district.*

If you take a close look at the multi-family developments Unicorn Corp. cites as comparable they are anything but. For example, Unicorn Corp. cites the Beaveridge Senior Apartments as comparable. But this development was allowed higher density to encourage the supply of below market rate housing. As proposed, Underhill Farms will sell and rent at market rates – it will offer none of the benefits of affordable housing. And, unlike Underhill Farms, Beaveridge does not also include commercial space, a restaurant, or a hotel on site. The apartments at Beaveridge are much smaller than the condos and apartments proposed at Underhill Farms

Unicorn Corp. cites the Yorkridge Apartments as comparable. But Yorkridge was built more than 60 years ago – before developments were required to manage stormwater runoff. To build the infrastructure required to meet today's capture and treat stormwater regulations, Yorkridge would need to be built with many fewer apartment units. If you doubt this, take a look at the size of retention basins required for single family homes down the street from Yorkridge at the Arrowhead subdivision. Also, Yorkridge does not also include commercial space, a restaurant or a hotel on site, and the apartments at Yorkridge are much smaller than the condos and apartments proposed at Underhill Farms

Unicorn also cites other multifamily developments in the neighborhood as comparable :The Woods, Scenic Ridge, and Overlook Commons condominiums, which were built around 1990. The following chart shows how these developments differ from the proposed Underhill Farms.

	<b>Construction Date</b>	<b>Density (Units/Acre)</b>	<b>Wetlands</b>	<b>Additional Commercial Development</b>	<b>Four Bedroom Units</b>
<b>Underhill Farms</b>	TBD	12.0 <sup>2</sup>	Yes	Yes	Yes
<b>Overlook Commons</b>	1989	7.4	No	No	No
<b>Scenic Ridge</b>	1989	8.3	No	No	No
<b>Woods II</b>	1985	6.8	No	No	No
<b>Yorkridge Apartments</b>	1960 (est.)	10.5	No	No	No

Also part of this neighborhood are six single family homes located along the Western edge of Unicorn's property on Glenrock Street – where the Town Code limits density to approximately one dwelling unit per acre.

<sup>2</sup> Unicorn Corp. claims density of 12 units/acre. Density is 13.7 unites/acre deducting for wetlands, but not commercial space.

**Question:** will Unicorn Corp. provide an accurate calculation of the proposed housing density - based on acreage available to build housing – not the wetlands, not areas set aside for senior parking and commercial uses?

**Question:** can the Board scale back the Underhill Farms proposal so that it actually matches the density of other recent, market-rate, multi-family projects in Yorktown?

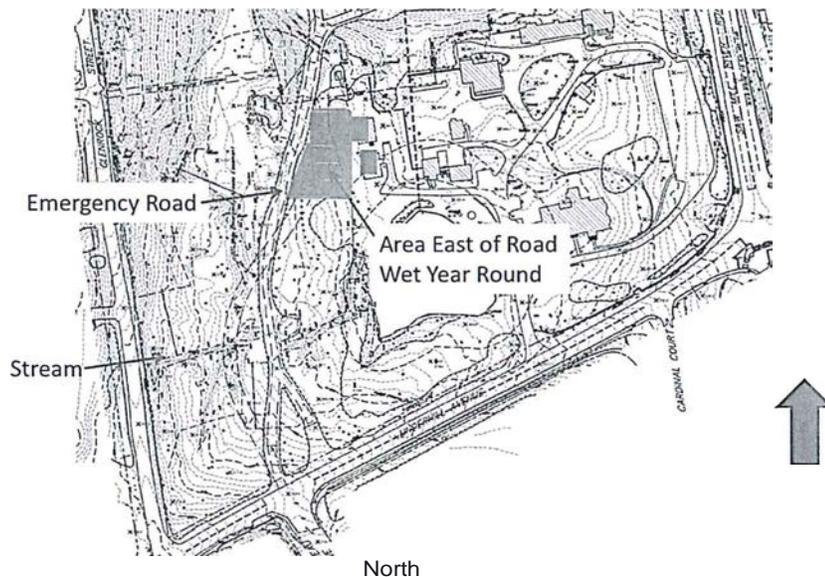
Lowering density also will facilitate moving some of the proposed buildings out of the wetlands buffers, which is my next concern.

*Discussion: The applicant provided comparison of density is a simple ratio of units to raw land upon which they are sited and is a straight one to one comparison of density. It measures units against area and gives a valid perspective of density. Introducing calculations of unit yield is misleading. First the calculation that requires subtracting areas of wetlands and buffers is a measure to protect wetlands, not a measure to control density. It is used for the R-3 zones but it is not a requirement in the overlay district. Secondly, the same holds for developments that have yielded additional density for reasons such as providing low income housing--- the method that determined the yield of unit count does not change the density of the project. This is simply conflating two separate issues.*

## Wetlands

In presentations to the Planning Board, Unicorn Corp. claims an emergency access road – shown on the map below - blocks water flowing West to East across the site. Unicorn Corp. further claims this road – due to faulty engineering and/or maintenance of culverts - created what it terms wetlands B and C.

Site Conditions - Wetlands



**Question:** If this were the case, wouldn't the areas to the East of the road – and the road itself – be dry?

But they are not. The above map shows the road and areas to the East of the road (shown in green) – behind the two accessory buildings (shown in red) – that are soaked year-round. They are impassable without fishing waders until winter, when the standing water freezes.

I have lived on Underhill Ave since 1985 and am very familiar with this site: Prior to Unicorn Corp.'s arrival, I walked dogs from Guiding eyes all over it and in all seasons. Tim Miller Associates cited land that is wet year-round as a definition of wetlands in an earlier presentation. This raises the following questions:

**Question:** does the access road go through the center of a wetland much larger than "B" and "C" – rather than serving as the barrier described by Unicorn Corp.?

**Question:** how much Groundwater recharge – an important wetlands function unmentioned during Unicorn Corp. presentation – does this area perform?

**Question:** how much water currently enters the site during a storm and how much runs off the site during a storm (volume of water for each inch of rainfall)?

**Question:** how much groundwater recharge – where wetlands keep water on the land for sufficient time to soak into the soil and add water to aquifers – do existing conditions at this site provide?

**Question:** will the artificial wetlands proposed by Unicorn Corp. perform this vital function as well as the natural ones do?

*Technical matters that will be answer by applicant and verified by town consultant.*

## **Demographic (Fiscal) Analysis**

At your last meeting, Tim Miller Associates estimated the population and fiscal impacts of the proposed Underhill Farms. The first and most important of these estimates is the number of people – including school children – who will live in the completed housing. This estimate was then used to calculate the post-construction costs to the town and to the school district. You will recall the consultant's conclusion that the project would be a "windfall" for the school district.

Their report, Fiscal Analysis Underhill Farms, shows their estimates are based entirely on data published by the Center for Urban Policy Research at Rutgers University in 2006.<sup>3</sup> Here are my questions:

**Question:** is this data – based on the 2000 census – relevant to Yorktown in 2022?

- The Center's report states this data is *"unique to (New Jersey) alone."*<sup>4</sup>
- The Center's report warns against using *"out-of-date demographic data."*

*The applicant should respond. Rutgers is widely used for this purpose.*

**Question:** can this data be used to project the population of a specific project?

- The Center's report states that its *"study is not meant to provide the exact number of people or children that will move into a new residential development ... the actual number to be generated is more likely to fall within a statistical range."*

*Noted.*

Note that these ranges vary widely.

---

<sup>3</sup> Tim Miller Associates, Fiscal Analysis Underhill Farms, March 31, 2022, p. 2.

<sup>4</sup> Listokin, David, Who Lives in New Jersey Housing?, Center for Urban Policy Research, Rutgers University, New Brunswick, November 2006.

Question: doesn't Yorktown need supplementary data for such an important, baseline calculation?

- The Center's report states: *"For best results, the state-level data presented here should be supplemented by local analysis, such as conducting case studies of the actual population, and especially public school children generation, of occupied housing developments comparable in character ... to the subject development being considered."*

*The school district may have data.*

## **Topography:**

Question: what changes to the natural topography of the site does Unicorn Corp. envision for Underhill Farms?

This is a vital question because across the street, when building the offices for Caremount Medical, Unicorn Corp. clear-cut the trees and leveled the site, requiring many truckloads of fill and immense retaining walls that disconnect the new building from existing office buildings nearby. At your last meeting, Unicorn Corp. presented a Tree Removal Plan<sup>56</sup> that calls for cutting down most of the trees on the site. This suggests Unicorn Corp. plans to reapply the approach used at Caremount .

Question: Is destroying the site's natural topography a good way to preserve Yorktown's history?

*This is in development and subject to PB review.*

## **Walkability**

A goal of the overlay district is to *"maintain and encourage designs and layouts that enhance the pedestrian experience of the Town within the Yorktown Heights Planned Design District Overlay Zone."*<sup>7</sup>

Rather than build sidewalks along its side of Underhill Ave., Unicorn Corp. proposes to promote walkability by adding a crosswalk and signal on Underhill Ave. at one of its driveways. The Town Board and the Highway Superintendent have discussed a similar arrangement for the new Mohansic Trail at the intersection of Downing Drive and Saw Mill River Road. They have concluded that such an arrangement would have too high an accident risk.

Question: how is Unicorn's proposal any less risky?

- These types of crossings on the North County Trailway have been the site of fatal and near-fatal accidents in recent years
- The sidewalk on the South side of Underhill Avenue that the crosswalk would connect with is poorly maintained, unusable by handicapped people, and – due to its proximity to speeding traffic - hazardous to pedestrians.

- As the Westchester County Planning has pointed out, sidewalks are a default requirement of the Overlay Zone.<sup>8</sup>

*Which crossings have had fatalities? Ped connections are under review of the PB and subject to development and refinement*

<sup>5</sup> Tree Removal Plan, Site Design Consultants, 6/22/22.

<sup>6</sup> Contrary to Unicorn Corp.'s claims, species of cottonwood and poplar trees are native to the Hudson Valley.

<sup>7</sup> Town Code, Chapter 300: Planned Design District Overlay Zones.

<sup>8</sup> County Planning Board Referral File YTN 22-003 - Underhill Farm, 370 Underhill Avenue, February 14, 2022.

**Question:** If a goal of Overlay Design District is to promote the pedestrian experience, why doesn't the project provide better pedestrian access to the nearest bus stop?

*The nearest bus stop is across from town hall—the project is enhancing the connection to that stop.*

**Question:** If a goal of Overlay Design District is to promote the pedestrian experience, why doesn't the project promote walkability by providing a sidewalk connection between Underhill Farms and Glenrock Street/Giordano Drive neighborhoods?

*Subject to review of the PB—glen rock does not have sidewalks currently*

### **Recommendation:**

- 1) Planning Board has authority to require revisions to Unicorn Corp.'s site plan.
  - a) County Planning Department letter advocating changes to site plan.<sup>9</sup>
  - b) Implied in Sergio Esposito's statement: *"I think (Unicorn has) a long road ahead of them. They have to go through planning."*<sup>10</sup>
- 2) Under the NY State Environmental Quality Review Act, the lead agency – in this case the Planning Board – must weigh a project's environmental impacts and decide whether they are significant. In cases of significant impacts, the agency issues a "positive declaration" and proceeds with a Draft Impact Statement (DIS). I recommend a positive declaration due to the likelihood that this project – as proposed – will adversely affect:
  - Traffic on nearby streets and highways. *Impacts to date have been shown to be mitigateable and improved from current conditions.*
  - A historically and architecturally significant site. Discussion: *the only notable architecture is the main house which itself is not a high example of the Italianate style. The history of the site is largely tied to underhill family only*
  - The local school district. *They are expecting reduced population*
  - The municipal sewage system *Capacity exists. Town engineer can elaborate..*
  - The surrounding residential neighborhoods via the proposed commercial operations .
  - The surrounding residential neighborhoods via the scale of cutting and filling envisioned in the site plan. *Under review*

<sup>9</sup> Ibid.

<sup>10</sup> Pezzullo, Rick, "Plans for housing Reduced on Soundview Site in Yorktown", The Northern Westchester Examiner, February 1-7, 2022, p.1

JUN 13 2022

TOWN OF YORKTOWN

June 13, 2022

Re: Public Hearing Underhill Farms.

Dear Supervisor Slater and the members of the Yorktown Town Board,

*It is with deep regret that I am unable to make the Board Meeting tonight and I appreciate your including this letter in the public comments. Based on your policy, please feel free to read it to the people at the board meeting as well. Thanks so much, Katherine Quinn, Shrub Oak, NY, 914-672-4515*

I have been following the proposed development of Underhill Farms. It is my hope that I can offer an open-minded perspective that will assist in decision making around this issue.

I am a 40-year resident of Yorktown; I live and work here, raised my family here and want to stay here for years to come. I am a community advocate and represented many of my neighbors' concerns for two major developments—Wynwood Oaks in Shrub Oak and Trump Park Residences also in Shrub Oak. In addition, I recently served for over 2 years on the Yorktown Economic Development and Revitalization Committee that is a non-partisan volunteer committee whose mission is to identify and promote activities and projects that will strengthen and enhance Yorktown's business environment and improve the quality of life for residents through creation of job opportunities and promotion of the town's assets, making Yorktown a sought-after place to work, live and visit.

I have learned a great deal from my volunteer work, getting to know thousands of people through the years and speaking with experts who have successfully revitalized downtown areas. I want to share some of the findings.

There remains a tremendous need for housing in Yorktown particularly for seniors who don't want to or can't afford owning a home as well as singles and young families who either cannot afford to buy or do not want to own a home.

[Discussion—the comprehensive plan does support and acknowledge the need for diverse housing stock of all types.](#)

Yorktown has a tremendous wealth of assets such as our great parks and walking trails. With people wanting to live a healthier lifestyle and control costs, walking or biking to these amenities is important. Downtown Yorktown is an ideal spot to incorporate housing and places to work and shop. It is necessary to continue to make improvements to the walkability of the town in order to strengthen its assets.

[Discussion-- The comprehensive plan recommends that multifamily housing be located in and around the commercial hamlets.](#)

While some might not agree, it is in developers' best interest to work with the community and they are willing to do so. They can bring much needed improvements to the area and add to the tax base. Community members experienced this first-hand when working with the developers of Wynwood Oaks and representatives from Louis Cappelli who developed what is now known as Trump Park. I cannot tell you how many countless meetings we attended. We voiced our concerns and we were heard. The developers of Wynwood Oaks cleaned up the area and provided much needed housing for seniors. Nearly 15 years later it is well maintained and always filled to capacity.

The developers of Trump Park took what was an undeveloped and unattracted site and built a beautiful facility that is well maintained. They reduced the number of units originally planned from over 200 to approximately 140, installed sewers for area residents and built a beautiful track and gazebo that is open to all community residents to use.

There were many concerns about traffic and possible increases in car accidents in both developments. The developers conducted the appropriate traffic studies and, in the case of Trump Park, an additional lane was put in at Barger and Route 6. In all the years since these developments have been built, there have been no traffic issues.

It is my belief based on experience and involvement in the community that Underhill Estates will serve as a great asset to Yorktown. I think it is critical that we look to preserve the beauty and history in our town and we can do so while bringing in much needed housing and improving an existing structure. The history of the property is often brought up but in the 40 years I have been living here the only time I was invited on the property was to attend a tag sale. While maybe it should have been a historical focus, it has not been to date. If the developer is held to its promise of restoring the main building and we have no reason to believe he will not, the building will be visited by many.

[Discussion—The comprehensive plan cites several goals as it regards historic resources. Most are reflective of the current project. See attached.](#)

Let us not forget that the developer will also be building a much desired senior center, so important to our senior citizens.

[Discussion—incorrect. Beaveridge is building the senior center/recreation office. This developer is providing parking for the building on its own property.](#)

I urge everyone to keep an open mind to this project. We cannot afford to let a great opportunity slip by. Yorktown must be forward thinking to ensure a strong future for this wonderful community.

Sincerely,

*Katherine Quinn*

Shrub Oak NY

## MEMORANDUM

RECEIVED  
PLANNING DEPARTMENT

June 13, 2022

JUN 13 2022

To: Planning Board, Town of Yorktown

TOWN OF YORKTOWN

From: Ken Belfer, Chair, Yorktown Community Housing Board

Subject: Underhill Farm Proposed Development

The Community Housing Board has been following this development proposal and has some comments.

First, it has been represented that a certain number of units will be senior friendly. The Community Housing Board does not understand the meaning of "senior friendly." Does this mean that those units will follow NYS building code in regard to handicapped adaptability, which they would be required to follow regardless? The term could be deceptive, and the specific intent of the developer should be clarified.

[Discussion—the descriptions that have been put forth to date will need clarification with the potential to become resolution conditions or citations of fact if this proceeds to such decision. Planning Dept. agrees with this point.](#)

Second, there is mention in one of the exhibits that units will be age restricted to a 55+ population. On what basis will the units be age restricted, if in fact they will be? Will there be any zoning requirement that the units be age restricted? A developer restricting occupancy by age to some units in a larger development without any statutory restrictions may run afoul of fair housing law.

[Discussion—the applicant has put this forth with respect to the condo building. They asserted that the age restriction will comply with the FHA. The board will need to determine to what extent if any this becomes a requirement of the project. This may be necessary due to the potential variation in impact from age restricted to non-age restricted.](#)

Third, if Underhill Farm is developed under the Overlay Zone, the developer will be receiving both a substantial density bonus over existing zoning, and substantial flexibility in regard to zoning requirements. From the point of economic development, the Overlay Zone is a significant tool to encourage larger scale residential development. From the point of housing diversity, the Town should ensure that it is meeting housing needs through use of these incentives. Will this housing enable seniors to downsize, attract young families, and provide housing opportunities for the local workforce?

[Discussion—This project has the potential to provide diverse housing stock. The overlay is constructed to provide this potential.](#)

In years past, the Planning Board reviewed the impact on affordability of housing, as allowed under SEQRA, and negotiated mitigation with the developers. In the case of Underhill Farm, if we want senior units, we should work with the developer to get real

senior units. We should require inclusion of a certain number of fully handicapped accessible units. Finally, we should require a certain number of affordable units, either through designated affordable units provided by the developer, or through some other mechanism. While there's a demand for luxury housing, that shouldn't be all that gets developed in Yorktown. There's a need for starter homes, workforce housing, senior housing, and affordable housing (including age-restricted affordable housing). We should use the leverage we have with developers to meet this need and ensure a diversity of housing types and prices.

[Discussion—the Planning Board has considered affordability in the past under various scenarios and legal means.](#)

**Nancy Calicchia**

---

**From:** Michael Epting <epting.michael@gmail.com>  
**Sent:** Tuesday, June 14, 2022 1:18 PM  
**To:** Planning Department  
**Subject:** Copy for file  
**Attachments:** 2022.June .13.Planning.board.michael.epting .pdf

RECEIVED  
PLANNING DEPARTMENT

JUN 14 2022

TOWN OF YORKTOWN

---

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

---

Attached please find a copy of my statement to the PB board last night on the Unicorn/Soundview prep hearing.

Thanks,  
Michael Epting

JUN 14 2022

TOWN OF YORKTOWN

Planning Board Statement

Soundview Prep project

June 13, 2022

My name is Michael Epting and I am a 33-year resident of Allan Avenue. Tonight, I would like to explain why I strongly oppose the 'traffic relief valve' to allow traffic from the Soundview property to exit through the Beaver Ridge property and onto Allan Avenue. For many of the same reasons, I am also opposed to the plan to build a senior center on the property behind Beaver Ridge.

Let's first consider the history of the Allan Avenue neighborhood. The homes on Allan Avenue and within the rest of this portion of the Clover Ridge development were built in the late 1950's and early 1960's. This was a time when the vast majority of households had just one vehicle; the roads are narrow without sidewalks and there are 5 cul-de-sacs within the development. At the time, Allan Avenue was not quite a cul-de-sac, but was definitely a small country road that connected two slightly larger country roads, Baldwin Road and the predecessor to today's Route 118. Prior to the construction of the Beaver Ridge Apartments in the 1980's, Allan Ave. passed by cultivated fields of crops which were part of the Underhill farm property as this small secondary road exited onto what is now Rt. 118.

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 just off the road. Throughout the day there are frequently trucks making deliveries of 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 has installed some eight traffic bumps to force traffic to slow down between Rt. 118 and Baldwin Road. When one of these bumps was temporarily removed during the recent construction of a house on the last remaining vacant lot, the effect was immediate and traffic sped up significantly in the area until the bump was replaced.

Due to these constraints, it would be grossly unfair to Allan Avenue and other residents of the development who must all use this road to exit the development, to allow additional routes of

entry onto Allan Avenue that would significantly increase the overall traffic volume on this already constrained road. The traffic consultant estimated that there would be an additional 30 cars added to Allan Ave. during rush hour. As a scientist myself, I 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?

Discussion—The study puts forth that 30 additional cars are site generated and are traveling to the intersection, not through Allen Avenue to Baldwin Rd. That being said the issue of the connection being used as a cut through is a valid concern. The PB could request the applicant to evaluate this potential and same can be reviewed or verified by the Town's consultant. Use as cut through for nonresidents is a concern, although we anticipate the configuration as such does not lend well to offer advantage as a cut through. Site residents on the other hand might use it to more efficiently travel to Yorktown heights which reduces the stress on the 118/Underhill intersection. The connection itself is necessary to substitute for the removal of the emergency access road to beaverridge existing within the site.

I therefore strongly oppose any permanent traffic route through the Soundview 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 Road which is significantly wider than Allan Ave. and would be a convenient alternative route to Baldwin Road.

Discussion—this can be evaluated but grades may inhibit such a measure.

In addition, it makes no sense to build a new senior center with offices for the Parks and Rec 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. Why move the Center from its current home with adequate infrastructure to drive more traffic to a neighborhood which was designed for it.

Discussion—This will draw traffic and can be evaluated sufficiently by the applicant and town consultant. The Town Board negotiated the location and construction of the new center with

beaverridge.

Please protect the safety of our neighborhood and our property values by eliminating the proposed traffic route through the Soundview property exiting onto Allan Avenue, and **DO NOT** allow the construction of a Senior Center building on Beaver Ridge property. Maintain the Center at its current location in the Community center building where the infrastructure already exists to support its functions.

Sincerely,

Michael Epting

JUN 15 2022

From: "trish bin-15.com" <trish@bin-15.com>

Date: 6/15/22 8:24 AM (GMT-05:00)

TOWN OF YORKTOWN

To: Robyn Steinberg <rsteinberg@yorktownny.org>

Cc: Joseph P Streany Jr <Joe.Streany@gmail.com>, SR D <srdolled@gmail.com>, Martin Costello <mccccos@gmail.com>, Grace Siciliano <amazingg459@outlook.com>, donnac5579@gmail.com, batchm16@gmail.com

Subject: PYQLF submitting comments, questions & recommendations into public record

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning Robyn,

The Protecting Yorktown's Quality of Life Foundation, Inc. is submitting the comments, questions and recommendations we communicated at the Public Informational Hearing on June 13, 2022 for Underhill Farm.

We would like you to submit the attached file into the written Public Record.

Thank you.

PYQLF

Agenda – Protecting Yorktown's Quality of Life Foundation, Inc.	
Introduction - Trish Sullivan - Rothberg	2
Speaker #1 - Land Use - Trish Sullivan - Rothberg	3
Speaker #2 - Community / Neighborhood Character / Open Space / Aesthetics and Visual Impact - Jennie Sunshine	4-5
Speaker #3 - Personal and Family Quality of Life Impacts – Joe Streany with Sue Dolled (with Steve Dolled, Donna and Rudy Cheron at podium, not speaking)	6-7
Speaker #4 - Traffic Congestion (vehicle and pedestrian) – Marty Costello (Reference Fang)	8-9
Speaker #5 - Infrastructure / Sewer - Grace Siciliano	10
Speaker #6 - Environmental (Water Quality, Stormwater, and Wetlands) - Grace Siciliano	11-14
Speaker #7 - Unicorn Commits Millions of Dollars in Unwanted Public Benefits - Steve Dolled	15-16
Speaker #8 - Unicorn Misrepresentations About Underhill Farm to the Public - MJ Batchelor	17
Close - Summary and Ask - MJ Batchelor	18

**Introduction: Trish Sullivan Rothberg**

- I'm Trish Sullivan Rothberg; I am a 20 year Yorktown resident and one of the directors of the Protecting Yorktown's Quality of Life Foundation, Incorporated.
- The Foundation is a New York state not - for -profit corporation made up of a diverse membership of citizens and residents from all walks of life, local to Underhill Farm, Yorktown Heights Hamlet and the broader Yorktown community.
- We share a common interest in understanding, protecting, and preserving Yorktown's existing community and neighborhood character for current and future generations.
- Our mission is aligned and support the efforts of the Yorktown Heritage Preservation Commission to administer and enforce Chapter 198 of the Town Code, protecting the Town's historic assets.
- We are not anti-development but we have come together out of significant concern for the environmental impacts associated with the proposed Underhill Farm mixed use, 148 unit residential development proposed by Unicorn Contracting.
- Several members of our non-profit will speak and address specific quality of life and environmental impacts that we strongly believe this development will cause - community/neighborhood character, traffic, environmental - among others.
- We will close with a summary of our concerns and a request of the Planning Board.
- Please note that we are mindful of the 3 minute limit and have worked with our members to honor this.

## Speaker #1- Land Use-Trish Sullivan Rothberg

- I am going to start and address Sound Land Use; during repeated Town Board Courtesies of the Floors in 2021, we urged Supervisor Slater and the Town Board members to remove Underhill Farm property from the proposed Yorktown Heights overlay zone law and allow this proposed development to follow the traditional process.
- That is, to have the applicant request a mixed use, multi-family rezone with lower density and negotiated commercial space size and use.
- In fact, in a February 9, 2021 Town Board meeting, Council Woman Roker asked the developer, Unicorn owner, Paul Guillaro, would you consider the regular zoning process and he indicated "Yes."

Discussion— the only section of code that would accommodate this is the transitional zone. This zone has few if any use or bulk limitations. In the midst of developing the overlay district, the TB opted to include this property which led to the instant application.

- However, the Community's repeated requests were ignored and ultimately answered with the Town Board's adoption of the Planned Design District Overlay Zone/Law on December 31, 2021. The end result was to roll the 13.8 acre Underhill Farm property into the newly formed Yorktown Heights Hamlet zone, enabling the zoning change from RI-40 residential to mixed use, multi-family.

Discussion— noted; see above.

- The bottom line is that the Town of Yorktown's Comprehensive Plan does NOT call for the Underhill Farm property to be included in a Yorktown Heights Planned Design District Overlay Zone.

Discussion— The comprehensive plan explicitly recommends the town board review other areas in town that might benefit from the placement of an overlay district. See Policy \_\_\_\_\_

- The Contract of Sale included a \$350K contingency payable by the buyer, Unicorn, to the seller, Soundview Preparatory School, if the Town of Yorktown changed the zoning law for the property from single family residential to multi-family dwellings. Many of us see this as an accommodation to the developer.

Discussion— noted

- So here we are: reviewing the environmental impacts of the Town Board's first applicant of the new law, Unicorn's Underhill Farm; as you will hear from the next speakers, there is significant concern among the residents that this planned 148 unit development will significantly and adversely impact community character, neighborhood character and individual Yorktowners' quality of life.
- Our first speaker is Jennie Sunshine who will address these very impacts. Jennie:

## Speaker #2 - Jennie Sunshine - Impact on Community / Neighborhood Character and Open Space/Aesthetics/ Visual Impact

Start: I'm Jennie Sunshine and my family's lived here since 1969. We love Yorktown because of its history and open space.

- I'm speaking to you today as a concerned citizen about a rare and magnificent town asset that is about to be destroyed

This is what Yorktown's and visitors enjoy today

- Underhill Farm is a grand, scenic gateway into Yorktown
- The mansion, outbuildings, mature trees, parklike grounds, pond and stone walls --- provide a bucolic setting; collectively, they were and are the cornerstone of our agricultural heritage
- These 138 acres, the cultivated soil and structures, came directly from the hands of the Underhills, Yorktown's founding fathers, who fueled our economic development in the 18th and 19 centuries

If the Planning Board allows this proposed development to proceed, here's what will happen:

Impacts on Community Character

- One of Yorktown's last surviving historic and architectural anchors will be wiped out

Discussion— Yorktown's historic resource survey identified over a hundred historic buildings and other resources, and recommended, in 2006, 90 properties for national landmarking. This property was not on that list.

- 13.8 acres of park like, open space will be reduced to 3 -- connected by blacktop infill and parking lots

Discussion— much of the site is wooded and not "parklike" as compared to the area visible around the pond and main house. Please note that the area around the pond will be retained and enhanced with parklike amenities and open to public access.

- The Italianate mansion and vernacular farmhouse will be compromised, surrounded by scores of faceless row houses, refuse bins and tall light stanchions

Discussion— refer to the architectural renderings to date. Architecture is contextual and complementary. Townhomes exhibit high architectural quality.

- Almost 11,000 square feet of new commercial space totaling almost 18000

Discussion— noted

- Already a nightmare, traffic will be compounded from employees, tenants and customers coming and going day and night

Discussion— mitigation schemes claim to fully mitigate and improve traffic operations over the existing condition.

Impacts on Neighborhood Character

- For the next four plus years, quiet enjoyment from this beautiful serene setting will be disrupted by the constant sounds of sawing, cutting, grinding, chipping, hauling and dumping

Discussion— noted

- Wildlife will be driven away from their natural habitat or killed in the removal process

Discussion— noted. Applicants consultant can elaborate. town consultant to review.

- Our air will be filled with exhaust fumes, dust and dirt; roads will be chronically muddy and dirt tracked

Discussion— noted. Erosion control measures prevent dust, and mud tracking and are required under town code.

- Wetlands will be rechanneled and filled to generate more land to build more faceless structures

Discussion— noted; see above.

- Historic outbuildings will be replaced by cookie-cutter multi story residential units

Discussion— proposed architecture is contextual and complementary to existing mansion's style and vocabulary.

- Property values will decline; property sales will be difficult in the face of four years of intense construction

Discussion— applicant can elaborate; no substantiation as yet.

Impacts on Open Space, Aesthetics and Visual Impact

- Over 500 trees will be cut down; starter trees and shrubs will be installed that will take years to mature
- Thick and beautiful vegetation will be ripped out
- Our quality of life will never be the same!
- And 200 years of Yorktown history will be gone and GONE FOREVER!
- There be no resemblance to Edward Underhill's Floral Villa! (hold up placard of lithograph)

Discussion— the portion of the property most closely associated and substantiated as 200 y.o. underhill farm will be retained.

### Questions for the Planning Board:

1. How can you, members of the Planning Board, stewards of land development on behalf of the community, support the transformation of this historic and architecturally significant property proposed by Unicorn?

Discussion— noted; while architecturally notable, it may not necessarily be significant example of architectural style or to architectural history. It is not a high example of Italianate architecture, and it is comprised of two architectural forms of different periods and style.

2. Will you require Unicorn to develop reasonable, Alternative Development options that reflect lower density and practical sighting options, to avoid and/or mitigate the adverse effects of Unicorn's current development plan?

Discussion— noted; refer to alternatives analysis.

Thank you very much.

### Speaker #3-Joe and Jillian Streany, Susan and Steve Dolled, Rudy and Donna Cheron and reference to Martha Doderhoff – Quality of Life Impact Statements

Good Evening, I am Joe Streany; my wife, Jillian and I, both educators, have lived here 6.5 years, at the corner of Underhill and Glen Rock Street

- We wanted to raise our family in Yorktown: great schools, no crime, safe neighborhood, caring neighbors
- We bought the only house we could afford, set back off a main road to guarantee the safety for our kids and pets, with a view of a multi-acre, scenic parklike setting with Soundview Preparatory School located on it; we felt we hit the jackpot!
- The school welcomed us and our growing family: encouraged us to walk our dog on its property, allowed me cut the grass to create a sidewalk between Glen Rock and Rochambeau for a safe place to push a stroller
- We were a happy, growing family until we got the devastating news at Christmas 2021 that the Town Board was leading an effort to change the zoning of this property from residential single family to multi-family, mixed use
- Worse yet, we learned that the Town Board was championing Unicorn's Underhill Farm as the first applicant under the new zoning law, setting up the desecration of parklike property into a dense 148 unit residential complex with 17,580 sq ft of commercial and retail space
- If the Planning Board allows this 148 unit dense residential complex to go forward, my family's lives will change forever!

Discussion— comments noted; note that multi family developments exist north and south of the proposed action.

- First, my family's view of the beautiful the open space, Underhill Farm property across the street will be replaced by the back wall of four story faceless row houses

Discussion— noted; the PB can request higher sensitivity architecture where views from the street or other properties will exist. Landscape buffering and screening can be employed to mitigate any negative effects.

- Glen Rock, now essentially a country dirt road, will likely be resurfaced and become a cut through for traffic congestion avoiders

Discussion— Glen Rock is paved and connects to Baldwin via several other roads. Town consultant and applicant can review as to its potential for cut through as a result of the proposed action. Note that traffic operations have the potential to be improved over current conditions depending on the level of mitigation measures employed.

- My dreams of teaching my kids to ride a bike on Glenrock, use our yard to shoot baskets, play lacrosse, play fetch with our dog Duchess, will be replaced with the constant fear of speeding vehicles, my child chasing an errant ball into racing traffic or construction equipment

Discussion— applicant can evaluate traffic impacts to Glen Rock as a result of the proposed action.

- The most significant impact of all is...I will likely have to sell my home...at a diminished value...and my dream of raising my family in Yorktown will be gone
- This home and our neighborhood will have irreparably changed from our "hit the jackpot home" to a place where I do not want to raise my family!!

Discussion— comments noted

- Our neighborhood has an unspoken respect, honor, dignity and a commitment to care for each other. I'd like to introduce three of them:
- Neighbor Martha Dodenhoff, who has lived here at 1811 Glen Rock six decades--60 years- (Martha was unable to join us today) and neighbors who have joined me at the podium:
- Susan and Steve Dolled, who have lived at 1801 Glenrock Street for a quarter of a century and Donna and Rudy Cheron, who live next door to me at 1777 Glenrock Street, since 1980's, 41 years.

Neighbor Sue Dolled would like to speak to you too:

- Thank you Joe. I know that Martha, Donna, Rudy and my husband Steve and I agree with Joe. Over the next several years, if this development proceeds as planned, our quality of life will change forever as well!
- Not only will the pastoral view we've enjoyed for decades be replaced by characterless, multi-story row houses (hold up the photo): if this is the front of the town homes, you can imagine the view from the back - WHICH WILL BE OURS- which by way, bears an uncanny resemblance to the Caremount Medical Center which Unicorn built across the street.

Discussion— noted; see notes above regarding proposed architecture.

- In addition to this view, over the next several years of construction, our quiet enjoyment will be disrupted by constant noise, light and air pollution
- But there is another very important impact and worry to us, and I know that all surrounding property owners share-and that is the concern that our **residential property** will be **devalued** based on the Town Board's adoption of the law changing the neighborhood land use---enabling the development of this dense 148 unit residential complex, so out of character with this neighborhood of single family homes.

**And So Our Questions for You Are:**

1. Mr. Guillaro, this question is for you: have you considered the fact that this development could not only irreparably change the character of our neighborhood itself, but could also disrupt the lives of many residents, forcing us to make sudden life altering decisions about one of the most personal choices we make, where we live?
- 2 Planning Board, this question is for you: If the Streany's, Dodenhoff's or my family were your son or daughter's families, and you helped them select their current properties and move to Yorktown years ago, **what** would you say to them now?
- 3 And we have another question for you: What do you want your legacy to be? The Planning Board who did not protect the very origins of who we are-200 years of history-- for current and future generations of Yorktowners?

Thank you for listening to our deep concerns.

## Speaker #4 - Martin Costello - Traffic Congestion

- I'm Marty Costello; I am 47 year Yorktown resident and live on Underhill Avenue
- Let's be frank, Yorktowners drive everywhere, we are not a "walking" community; we commute
- As has been well stated by many before me (including my neighbor Louise Fang on Cardinal Court), the traffic congestion today in this area is a nightmare, especially weekdays between the hours of 6am and 9am and 3pm and 7pm at night
- I know, I have a front row seat every day!
- Traffic pours out of the hamlet from all directions onto Underhill Avenue at the intersection of Rte. 118; it flows north and south to and from the Taconic and onto to Rte. 129 back and forth to Metro North Croton Train Station
- There is no question that the current vehicle traffic congestion will get substantially worse...there will be an exponential increase in new sources of congestion

Discussion— see notes above regarding traffic study and mitigation.

Questions for the Planning Board:

Chairman Fon, you have challenged Unicorn to develop a longterm, holistic approach and rightly so. We agree with your concern. And it's because you have acknowledged that the Planning Board will take a very close, hard look at traffic, we have the following questions for you:

The first question has to do with the Traffic Data:

1. Does the Planning Board agree that Unicorn has accurately quantified / accounted for the projected increase in traffic (both vehicle and pedestrian)?

Discussion— town traffic consultant will review and verify.

To answer this question, we request that the Planning Board provide the Public the details of the traffic counts and assumptions by year for the construction phases of the Unicorn development, including:

-for each specific known hard development and soft development, provide the specific traffic and pedestrian projections

Note (do not read: for reference):

Hard developments-e.g. restaurant and inn, additional Underhill Farm 11K sq. ft. of commercial space (medical usage?), Yorktown Green, relocation of Uncle Giuseppe's, etc.

Soft developments-e.g. backfill to old Uncle Giuseppe's, reopening of French Hill School

The second question has to do with the Improvement Plan

1. Will the Planning Board approve Unicorn's site plan based on its preliminary traffic improvement plan? OR:
2. Will the Planning Board ensure that all of the affected parties, including New York State Department of Transportation, manager of Route 118, are in agreement with the improvement plan?
3. Will the Planning Board ensure there is a clear understanding by the affected parties of any

changes to historic and environmental resources to be made in conjunction with the improvement plan?

Discussion— comments noted; see above notes regard traffic and historic resources.

Will the Planning Board ensure that there is clear understanding that the improvement plan is fully funded and identify who will fund what component of the plan?

4. 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?

Thank you very much....we truly hope that the Planning Board do the right thing for the residents of Yorktown!

### Speaker #5 - Grace Siciliano - Infrastructure /Sewer

- Good evening,I'm Grace Siciliano, 51year resident of Yorktown and a member of the Protecting Yorktown's Quality of Life Foundation

I am going to quickly cover two topics we would like the Planning Board to address :

The first is infrastructure, and specifically sewer:

- The Full Environment Assessment Form (FEAF), submitted by Unicorn and dated December 9, 2020, is 18 months old and contains numerous factual errors
- It should be updated based on current and accurate information
- It did not assume that the proposed development was to include a restaurant, an inn, 11,000 square feet of commercial /retail space (that may include medical tenants?) and
- Two swimming pools

Our Question to the Planning Board is:

1. Are you comfortable / satisfied with the estimated 43,558 gallons per day of liquid waste estimate in the FEAF in light of the additional planned usage for the proposed development?

Discussion— noted; town engineer will confirm capacity at sewer plant, health department, and NYCDEP will be approval authorities as well.

### Speaker#6-GraceSiciliano-WaterQuality/StormwaterPermittingandWetland Protection

The second environmental issue is water. We understand that the Underhill Farm property has long standing flooding and storm water runoff issues and linkages to wetlands.

To assist us with our understanding of these issues and questions, we reached out to an environmental consultant who performed a desk review of the Underhill Farm wetlands documents and communicated several areas of concern and additional information that would be required to complete a proper project review:

Our Specific Questions for the Planning Board are:

1. Is the Town of Yorktown going to ensure that Unicorn obtains permits from the United States Army Corps of Engineers before the wetlands are altered?
2. Was the Unicorn wetland delineation data collected according to the procedures in the Army Corps of Engineer's Manual? Please provide the delineation data for review by an independent party so we can be sure that the full extent of all wetlands were included in the project plans.

Discussion— noted; All wetland identification and permitting requirements will be met at all governmental levels.

3. Has the Town of Yorktown considered the stormwater controls requirements? Please provide any calculations that have been done that determine 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. Please also provide studies that show whether stormwater will flow to the storm sewers and/or directly to the wetland after development.
4. 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 its plan.

Discussion— stormwater measures require permits from multiple agencies and will be designed to comply with all code requirements of all agencies.

Further details (which follow) regarding the environmental consultant's desk review will be provided into the Public Record.

Thank you.

#### Details - Water Quality / Stormwater Permitting and Wetland Protection

We understand that the Underhill Farm property suffers from long standing flooding and storm water runoff issues and linkages to wetlands.

To assist us with our understanding of these issues and questions, we reached out to an environmental consultant, Christina Falk, who performed a desk review of the Underhill Farm wetlands documents and communicated several areas of concern and additional information that would be required to complete a proper project review.

Ms. Falk's credentials include:

-Member of EnviroCert International, who has three professional certification from EnviroCert International:

-Certified Professional in Stormwater Quality, Cert. ID No. 1131

-Certified Professional in Industrial Stormwater Management, Cert. ID No. 15; and

-Certified Professional in Municipal Stormwater Management, Cert ID NO 412

-Scientist/Water Ecologist at the New York City Department of Environmental Protection from 2003 to 2008

-Multi-Sector General Permit Coordinator for the NYSDEC, Division Office Water, Central Office/Albany, New York to form 2008-2001

-Environmental Consultant/Principal at Water Action Compliance Assistance & Planning, LLC

After completing the desk review of the Dropbox link documents:

1. The consultant said, "Tim Miller Associate Inc.'s (TMA's) Delineation Report identifies freshwater Wetlands A, B, C and a pond included in the United States Fish and Wildlife's National Wetland Inventory, which together have a total area of approximately .84 acres. This area exceeds the 1/10 acre threshold that makes them subject to federal regulations. Federal regulations prohibit dredging or filling without a permit."

Her comments go on to say:

"The report states that Wetland A receives stormwater from a culvert under Glen Rock Street and has a baseflow component. The author suggests that sediment has accumulated, and if the culvert were cleared a significant part of the "wetland" (Tim Miller's report shows wetland in quotes) would dry out. It's not clear why wetland is in quotes, unless it is to imply that a wetland isn't a wetland if it can be "dried out". The Town should be aware that such "clearing" of sediment that would dry out a wetland may be considered dredging and draining, which requires permitting under Section 404 of the Clean Water Act. An application must be submitted to the United States Army Corps of Engineers before alteration to determine whether the mitigation plan is acceptable. This is especially important since, flows from the wetland are to State Regulated Wetlands."

Question: Is the Town of Yorktown going to ensure the applicant obtains permits from the United States Army Corps of Engineers before these wetlands are altered?

Discussion— see notes above. All required permits from all agencies will be fully vetted and reviewed. Applicant can elaborate. Town consultant will review and verify.

2 Also from the consultant's review:

"According to the United States Army Corps of Engineers Wetland Delineation Manual, soil sampling, species-level plant identification and hydrology data must be provided for upper community and lower community areas in a study site (wetland) so a boundary (and therefore wetland area), can be accurately determined.

- The soils data provided for review was small scale USDA Soil Survey data that is not a substitute for soil sampling necessary for the purpose of wetland delineation.
- The delineation was performed in November of 2020. The species-level identification of plants necessary to support a delineation is very difficult to accomplish in November, which is well past the growing season. The data collected, and calculations of upper and lower community vegetative cover used to determine wetland boundaries should be provided for independent review.
- The presence of wetland hydrology is not determined by the condition of inundation during one visit. For the purposes of wetland delineation, a "typical" year is determined by averaging a rolling 30- year period. If this range of historical data was considered, it was not provided for review."

Question: Was wetland delineation data collected according to the procedures in the Army Corps of Engineer's Manual? Please provide the delineation data for review by an independent party so we can be sure that the full extent of all wetlands were included in the project plans.

Discussion— [applicant can elaborate.](#)

3 The proposed project plan removes hundreds of trees and other vegetation that takes up stormwater, and will harden as much as 10 acres that is currently covered by soil that infiltrates stormwater after a storm. This means the compared to existing conditions, the project will increase stormwater runoff by the amount of rain that falls on these 10 acres. According to the USGS rainfall calculator, 4 inches of rain in 24 hours on 10 acres produces 1,086,160 (one million, eighty six thousand, one hundred sixty) gallons of water. The consultant tells us that this water will flow to the storm sewer system, to the State Regulated Wetland to the east and possibly to a State Regulated Wetland to the northwest. Stormwater that flows to these wetlands are connected to the New Croton Reservoir. The increase in stormwater runoff raises several concerns :

- Local flooding that occurred during Hurricane Ida and other large storms should be a warning that the effects of increased runoff should be carefully considered before approval is granted. These storms have been much more intense than the 4 inch storm that USGS says produces over a million gallons.
- The Town Sewer System may need to be improved to handle the increased stormwater at taxpayer's expense.
- Increased stormwater carries pollutants and can cause erosion, so the increased flow may cause adverse impacts to State Regulated Wetlands.
- Under the SPDES (pronounced SPEE-DEES) Municipal Separate Storm Sewer permit, the Town of Yorktown is responsible to ensure that any new development has a plan for construction of stormwater controls to handle the increased volume of stormwater. The stormwater controls must meet standards in the New York State Stormwater Design Manual. The information provided by the developer doesn't include these post-construction stormwater controls and it's not clear that there is any room left in the project area where they can be located.

Question: Has the Town of Yorktown considered these requirements? Please provide any calculations that have been done that determine 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. Please also provide studies that show whether stormwater will flow to the storm sewers and/or directly to the wetland after development.

4 Because the project is in an area where stormwater flows to waterbodies entering the New Croton Reservoir, the New York State Construction General Permit requires the project to meet the Design Manual's Enhanced Phosphorus Removal Standards.

Question: Has the Town of Yorktown considered these requirements? Please provide information to show how the Unicorn has incorporated this requirement into its plan.

Discussion— applicant can elaborate.

Speaker #7 – Steve Dolled - Unicorn Commits Millions of Dollars in Unwanted /

### Unneeded Public "Benefits"

I am Steve Dolled, Glenrock Street resident; I want to speak to you about the fact that Unicorn's Underhill Farm website states that, and I quote: "the Underhill Farm will provide millions of dollars in benefits and services to Yorktown at no cost to local taxpayers ...." Close quote.

Bottom line, these so called "public benefits" are nothing more than a contrivance to justify Unicorn's higher density and commercial space. These "benefits" are neither needed or wanted and will not benefit the community. Let me share these "benefits" with you.

1. Restore Main Mansion – Unicorn claims that \$1 million will be invested in the mansion, and I quote: "The centerpiece...will be the restoration of the historic Underhill House and its reopening to the public." Close quote.

-contrary to initial plans, Unicorn stated that they plan to install an eight room regional inn and a restaurant in the main mansion

-we view these investments as Unicorn's responsibility and 100% for its benefit

2. Restore Ice Pond and Create Public Park – Unicorn claims that \$850,000 will be invested, and I quote, "to create a park-like setting that will be open to public use ....Yorktown's historic ice pond will be renovated and complimented by a new park, with walking trails and seating." Close quote.

-there is no needs assessment or quantified demand for another park, walking trails and rehabilitated ice pond at a private residential complex

-in addition, there are five nearby parks to Underhill Farm, several in walking distance (no need to read: Patriot Skate Park, Railroad Park, DeVito Memorial Park, Turkey Mountain Nature Preserve, and FDR Park

3. Maintain Captain Underhill House – Unicorn claims that \$250,000, and I quote, "will be spent each year at no cost to taxpayers to maintain the historic Captain Underhill House and

the grounds and property ..." Close quote .

-maintaining the historic Underhill House and grounds is a Unicorn operating cost, not a benefit to Town residents

4. New Community Gateway – Unicorn's website states that, and I quote: "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 Rte. 118 and Underhill Avenue." Close quote.

-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

**5. Traffic Mitigation** - Unicorn claims, and I quote, "**more than a half a million dollars** for traffic improvements at the intersection of Rte. 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

In closing,it is clear that these benefits are not necessary. Yorktown does not need a new the public park, the main mansion will restored for commercial purposes and therefore there is little justification for higher density and asserting the \$2.4M in "public benefits."

**Questions for Planning Board:** So we ask: Will the Planning Board allow itself to be fooled by the so called "public benefits" Unicorn is marketing?

[Discussion— comments noted.](#)

Speaker #8 MJ Batchelor - Unicorn's Misrepresentations to the Public About the Proposed Underhill Farm Project

My name is MJ Batchelor. I am a resident of Yorktown Heights for 68 years. Tonight, I am addressing the Town of Yorktown's leaving unchallenged several Unicorn misrepresentations about the Underhill Farm project.

Here they are:

- Public - Private Partnership: Unicorn has announced on its website that Underhill Farm is a Public-Private partnership with the Town of Yorktown that and I quote: "provides a wide variety of benefits to Yorktown residents and taxpayers ..." end quote; 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.

[Discussion— there is no formal partnership agreement. The overlay district is intended to foster collaboration between applicant and town agencies.](#)

- Underhill Farm Name: Unicorn has named and aggressively marketed its proposed

development site as Underhill Farm; however, the property design and its intent has nothing to do with a farm and in no way is reflective of the agricultural heritage of property.

- Captain Underhill House or Room: On their website, Unicorn refers to the property's centerpiece, quote: "the fully renovated Captain Underhill House;" end quote. There is no structure or part of the property that has ever been called Captain Underhill's house or room.
- Partner with Yorktown Historical Society (VHS) to Preserve Property Legacy: The Unicorn Website states that the Underhill house will and Iquote: "partner with the Yorktown Historical Society to preserve the property's legacy."..end quote. 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.
- In The Examiner News, May 31-2022, issue, it states and Iquote: "Finally, a new senior center for Yorktown: Underhill Farm will include an access road to the Beaveridge 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." End quote.

This is false and misleading and conveys 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.

[Discussion— comments noted](#)

Questions for the Planning Board:

1. Will the Planning Board challenge the accuracy and/or validity of the misrepresentations on the Unicorn website, as well the content of press releases and public pronouncements?

## **Close – MJ Batchelor - Summary and ASK of Planning Board**

In closing, on behalf *Quality of Life Foundation*, we share a common interest in understanding, protecting, and preserving our community and neighborhood character for current and future generations of Yorktowners.

Based on our review of Unicorn's plans, we believe we have identified overwhelming evidence that there are quality of life impacts associated with the proposed Underhill Farm development.

**ASK:** We therefore ask that the Planning Board move quickly to:

1. Issue a Positive Declaration of significance (meeting the minimum SEQRA requirement) for Underhill Farm and initiate an Environmental Impact Study.

[Discussion— see other notes regarding this question.](#)

2. Require Unicorn provide Alternative Development options that address lower density and sighting plans.

[Discussion— see other notes regarding this question.](#)

Thank you.

On Behalf of Protecting Yorktown's Quality of Life Foundation, Inc.

Respectfully submitted into the Underhill Farm Public Record,

June 13, 2022

## Public Hearing – June 13, 2022, 7pm

### Yorktown Heritage Preservation Commission Comments to Public Record - Underhill Farm

Good evening, I'm Lynn Briggs, Chairman of the Yorktown Heritage Preservation Commission, and joining me is fellow member, Christine Sisler.

We are volunteers who love Yorktown and our heritage. We are part of the Town of Yorktown municipal government, appointed by the Town Board, to apply local law: Chapter 198 Heritage Preservation.

Recently, we 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 (e.g. ruling in or out whether a Revolutionary War French encampment with potential archaeological value was located on Underhill property).

Chairman Fon, at the outset of this process, you indicated that "historic" was one of your four big focus areas. We agree it should be. We have several significant concerns regarding the **archaeological, historical and architectural development plans** and submit the following comments and recommendations into the Public Record.

1. First, the Underhill Farm property is historically and architecturally significant: the **ENTIRE** property (mansion, outbuildings, farmland, parklike lawns, stone walls, entry gate, pond, vegetation and trees) meets four of five Yorktown land marking criteria, under local code, Chapter 198.

[Discussion—the bases for this should be provided to the PB. Note that the buildings on site represent constructions and uses that evolved and changed over nearly 2 centuries.](#)

2. On May 26, 2021, the New York State Office of Parks, Recreation and Historic Preservation (OPRHP), I'll refer to them as the State from here on...determined that the **ENTIRE** Underhill Farm property was eligible for listing on the state and national registers of historic places.

[Discussion— the bases for this should be provided to the PB. See note above; much of the interior driveways are paved in asphalt; varied buildings represent varied periods and varied uses.](#)

3. Having issued the eligibility determination, the following day, the State (OPRHP) declared what is officially known as an **Adverse Effect** finding for Underhill Farm, and I quote:

- "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." Close quote.

Based on this Adverse Effect finding, the State (OPRHP) requested that Unicorn, and I quote: "pursue feasible alternatives that might **avoid or reduce the project effects.**" Close quote.

[Discussion— noted.](#)

4. To this end, in July 2021, Unicorn identified four alternatives and concluded that it could not envision and I quote: "a scenario that would be consistent with the project goals and retain the existing outbuildings," close quote. These Alternatives were self-serving and unsupported assertions that had no demonstrated proof or evidence in quantitative fact.

Discussion— noted. The state as accepted the alternatives analysis and agreed that no other feasible alternative exist. This was the basis of the drafting of the letter of resolution.

5. 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.

Discussion— see above.

6. Unicorn stated, and I quote: "Reducing the overall size of the proposed Underhill Farm 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." Close quote.

Discussion— noted

7. However, in this same Alternatives Study, Unicorn revealed it had explored other available alternative properties in Yorktown and I quote: "that have the appropriate size and zoning that will allow mixed use", close quote. These alternatives were not provided and need to be presented in the public domain .

Discussion— this is the full quote below. Please refer to the alternatives analysis.

*"The project is ideally located within the residential neighborhood of Yorktown Heights. There are a limited number of properties available within the region that have the appropriate size and zoning that will allow mixed use development."*

8. Unicorn's studies and presentations consistently failed to acknowledge the State's (OPRHP's) **Adverse Effect** finding and that the National Register of Historic Places eligibility determination was for the **ENTIRE** Underhill Farm property, based on the a) intensity of the construction proposed, b) the alteration of the historic setting and feeling of the property and c) the planned demolition of the outbuildings.

Discussion— to planning departments knowledge the applcian and state have communicated on this project and reached conclusion on the draft LOR.

9. Unicorn has failed to produce an integrated master plan for the **ENTIRE** property recognizing the State's (OPRHP) eligibility determination: mansion, outbuildings, farmland, parklike lawns, stone walls, entry gate, pond, vegetation and trees.

Discussion— incomplete information.

10. 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.

Discussion— noted. Applicant can elaborate for PB consideration.

**Given that there is at least one Adverse Effect finding, the Heritage Preservation Commission recommends that the Planning Board:**

Discussion— the adverse effect finding cited by SHPO relates to section 14.09 of the historic preservation law and its procedures for evaluating properties that are the subject of a state action. It does not directly relate to the SEQRA process for which the PB is the lead agency in this case and solely responsible for making such a determination.

1. Issue a Positive Declaration of significance (meeting the minimum SEQRA requirement) for Underhill Farm and move to an Environmental Information Study.

Discussion— the Pb must make a determination as to the existence of a significant adverse impact.

- 2 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.

Discussion— Alternate scenarios are routinely considered in such a process by the PB.

- 3 Require Unicorn present the other local available property options assessed in the Alternatives Study to the Public.

Discussion— applicant can elaborate. The section in question should be read in its entirety.

- 4 Require Unicorn provide clear, integrated plans to preserve the **ENTIRE** historic and architecturally national register eligible Underhill Farm property: mansion, outbuildings, farmland, parklike lawns, stone walls, entry gate, pond, vegetation and trees (not just the main mansion).

Discussion— refer to the alternatives analysis. Shpo has accepted its conclusions.

- 5 Based on the recommendations in our comprehensive documents review, agree to hire Commission recommended objective qualified consultants, paid for by Unicorn (a la traffic, wetlands consultants) and engage us in the selection and scoping process.

Discussion— noted

Thank you very much. Respectfully submitted into the Public Record, June 13, 2022

Yorktown Heritage Preservation Commission

# **Yorktown Heritage Preservation Commission**

## **Comments and Questions**

**In response to**

**Planning Board Referral Request**

**For**

**Applicant Underhill Farm**

**05 - 26 - 2022**

## Table of Contents

<b>Planning Board Referral Request</b>	<b>3</b>
<b>Summary</b>	<b>4</b>
<b>Organizational Clarification</b>	<b>5-6</b>
Yorktown Heritage Preservation Commission	5
Yorktown Historical Society	6
<b>Historical Significance of the Underhill Farm Property</b>	<b>7-12</b>
<b>Overall Comments and Questions</b>	<b>13-16</b>
Conclusions	13-14
Recommendations	15-16
<b>Detailed Comments and Questions</b>	<b>17-34</b>
Yorktown Heritage Preservation Commission Consultation and Engagement	17-20
Applicant 1A Literature Search and Sensitivity Assessment & Phase 1B Archaeological Field Reconnaissance Survey – Historical Dropbox	21-21
Applicant April 25 Power Point Presentation – Consultation with New York State Historic Preservation Office for Cultural Resources - Historical Dropbox	22-28
Applicant Architectural Plans Dropbox	26
Applicant Trees Dropbox	26
Applicant Alternatives Analysis – Historical Dropbox	29-32
Applicant Full Environmental Assessment Form March 28 Planning Board Meeting Packet	33-34

**Request for Referral – Planning Board to Yorktown Heritage Preservation Commission**  
**Applicant: Underhill Farm**

**May 4, 2022 Email From R. Steinberg**

3. The Board would like your comments on the historical aspects of this project. In those comments you can pose questions or suggest the Board request additional information you think is needed to evaluate the project. We will refer additional materials to you whenever they are submitted. We usually don't refer out as many additional times to outside agencies. For instance, if the Conservation Board was going back and forth with an applicant regarding their wetlands mitigation plan, the Planning Dept wouldn't send revisions of that plan to the DEP and DEC every time the applicant submitted it. We would only send it back out when the Boards were settled on the plan they liked. That could be just in the middle of the review process, but would likely be prior to a public hearing.

-----Original Message-----

From: Robyn Steinberg <[rsteinberg@yorktownny.org](mailto:rsteinberg@yorktownny.org)>  
To: John Landi <[jlandi@yorktownny.org](mailto:jlandi@yorktownny.org)>; Edward Kolisz <[edward@yorktownny.org](mailto:edward@yorktownny.org)>; Dan Ciarcia <[dciarcia@yorktownny.org](mailto:dciarcia@yorktownny.org)>; Louise Kobiliak <[louise@yorktownny.org](mailto:louise@yorktownny.org)>; David Paganelli <[dpaganelli@yorktownny.org](mailto:dpaganelli@yorktownny.org)>; Anne Anderson <[aanderson@yorktownny.org](mailto:aanderson@yorktownny.org)>; Lynn Briggs <[lynn1200@aol.com](mailto:lynn1200@aol.com)>  
Cc: John Tegeder <[jtegeder@yorktownny.org](mailto:jtegeder@yorktownny.org)>; Nancy Calicchia <[ncalicchia@yorktownny.org](mailto:ncalicchia@yorktownny.org)>  
Sent: Fri, Apr 29, 2022 1:15 pm  
Subject: Routing Referral - Underhill Farm / 370 Underhill Avenue; 48.06-1-30

Afternoon,

Attached is a routing referral for the above referenced project for your review and comments. This project is scheduled for the May 9<sup>th</sup> Planning Board meeting agenda.

All submitted materials can be found in the Dropbox linked below. We have separated the documents into folders by topic that we will keep updated upon each submission and routing. Please view the files that are needed for your review.

<https://www.dropbox.com/sh/2vc6l640bqkgau0/AABxbWxqYdDcHFd-M64svAyRa?dl=0>

Have a nice day,  
Robyn

\*\*\*\*\*

**Robyn A. Steinberg, AICP, CPESC**  
Town of Yorktown Planning Department  
Albert A. Capellini Community & Cultural Center  
1974 Commerce Street, Room 222  
Yorktown Heights, NY 10598  
Phone | 914-962-6565  
Email | [rsteinberg@yorktownny.org](mailto:rsteinberg@yorktownny.org)  
Web | <http://www.yorktownny.org/planning>

## Summary – YHPC Review of Applicant Studies and Documents

1. The Yorktown Heritage Preservation Commission (YHPC) is accountable for protecting the Town of Yorktown’s historic resources under local code, Chapter 198 Heritage Preservation § 198-1 - § 198-20.

*Discussion: The commission is RESPONSIBLE for the duties listed in 198-3 C of the code. It does not broadly bestow the power for “protecting the Town of Yorktown’s historic resources...”*

2. The Underhill Farm property is historically significant: it meets four of five local landmarking criteria and has been determined eligible for listing on the State and National Registers of Historic Places by the Office of Parks, Recreation and Historic Preservation (OPRHP).

*Discussion: They should be enumerated and referenced.*

3. The YHPC has not been consulted during the two-year planning effort but has taken steps to preserve the architecturally and historically significant Underhill Farm property.

*Discussion: There has been no 2-year planning effort aimed at either preserving this property or developing it. There has been a 2-year effort at creating an design district overlay law of which this property is a part. This effort was conducted publicly and with significant public input which was not limited to required adjudicatory hearings. Members of the commission and the commission as a whole participated in the process as did other interested parties, at each ones desire and discretion. Participation was not “by invitation only.” Further the commission unilaterally engaged the NYS SHPO office without consultation of the owner of the property nor with the Town Board related to the overlay district effort. As this comment relates to the referral documents, the applicant has no obligation to engage the commission as the property is not locally landmarked or under consideration to be landmarked. Despite this it is our information that the applicant, prior to this application, engage the members of the commission and invited them to a site visit which is described herein.*

4. The Applicant archaeological shovel test standards need to be clarified pursuant to OPRHP guidelines (Section 3.f) and New York Archaeological Council Standards.

5. The Applicant’s assessment of the outbuildings was made on visual observation alone, without testing or technical input from a structural engineer and without the determination that they are historically significant and eligible for National Register.

6. The Applicant’s Alternatives Analysis concludes that there are no viable alternatives to meet the stated project goals but based on circular reasoning; if the Applicant’s goal is to build a 165/148 unit residential complex plus 11K sq. ft. commercial/retail structure at the 13.8 acre property, then it follows that the Applicant would not consider retaining the outbuildings as a viable option to achieve the goals. The effect of the alternatives, including lower density and no-build, needs to be quantified and assessed for the historic property, not the Applicant’s project vs. dismissed as not feasible because it did not meet the goal.

*Discussion: The state SHPO has apparently accepted the alternatives analysis and developed a letter of resolution based on those findings.*

7. In the Alternatives Analysis, the Applicant revealed that other properties in Yorktown that have appropriate size, zoning and allow mixed use” were explored. Please provide copies to the YHPC.

8. Two Applicant studies, previously unavailable to YHPC, need to be made available: a study of the buildings (described by the Applicant at a 02 09 2021 Town Board Meeting and in the 02 18 2021 Yorktown News) and an Additional Information for Alternative Analysis study cited by the Applicant at the April 25, 2022 Planning Board meeting.

*Discussion: Do we have these? Check.*

9. The Full Environmental Assessment Form is eighteen months old, contains numerous factual errors, and should be updated based on current and accurate information.

*Discussion: Cite the inaccuracies.*

10. The Applicant’s studies and presentations fail to acknowledge OPRHP’s Adverse Effect determination for State and National Registers of Historic Places for the ENTIRE Underhill Farm property and that the determination resulted from the intensity of the construction proposed, the alteration of the historic setting and feeling of the property and the planned demolition of the outbuildings.

*Discussion: The state concluded, and has offered a resolution based on the current proposal.*

11. The Applicant’s presentations do not describe how the historic and architecturally significant structures and the historic setting and feeling (landscape) of the property will be respected and preserved consistent with the OPRHP eligibility determination.

*Discussion: Again, the draft letter of resolution from the state have addressed this.*

12. The Applicant has failed to present an integrated master plan that addresses the OPRHP eligibility designation for the ENTIRE property: mansion, outbuildings, farmland, parklike lawns, stone walls, entry gate, pond, flora/vegetation and trees.

*Discussion: Unknown what such a plan would be or how it would address “OPRHP eligibility designation.” Further there is no farmland present at this site. The mansion, parklike lawns, stone walls, entry gate, pond, flora/vegetation and trees will in whole or in part be preserved. At least one additional outbuilding may be preserved.*

## **Organizational Clarification – Yorktown Heritage Preservation Commission vs. Yorktown Historical Society**

### **Purpose**

This clarification is submitted into the Planning Board record by the Yorktown Heritage Preservation Commission in conjunction with the application for Underhill Farm project. The purpose is to clarify the organizational confusion between the Yorktown Heritage Preservation Commission and the Yorktown Historical Society:

### **Yorktown Heritage Preservation Commission (YHPC)**

- is a Town of Yorktown commission, part of the municipal government, organizationally located in the Planning Department
- members are volunteers and appointed by the Town Board, serving three-year staggered terms

- role is to identify, authenticate, preserve and / or save, and create awareness to our robust historic resources; collaborate with residents and the development community to identify practical, reasonable and cost-effective solutions to preservation challenges

***Discussion: Roles are enumerated in 198-3 C.***

- governed by the Model Landmarks Preservation Law for New York State Municipalities (Model Preservation Law) that sets forth the legal framework and body of law for our historic preservation efforts; local preservation law is Chapter 198.0 Heritage Preservation (§ 198-1 – § 198-20) and located at the Town of Yorktown website: <https://www.ecode360.com/6851490>

***Discussion: It is governed by the LOCAL law, not the model ordinance? Check.***

- recommends land marking to the Town Board who approves or disapproves the recommendations; owner consent is encouraged but not required
- has the sole power to approve or disapprove Certificates of Appropriateness for landmarked structures and to designate Homes of Historic Distinction
- designated as a Certified Local Government (CLG) by Office of Parks, Recreation and Historic Preservation on August 1, 2006; requirements include adopting local preservation law that meets state and federal criteria, a qualified and operational preservation commission, member training, an inventory of historic resources, preservation plan, public outreach programs, and demonstrated preservation results; recertified on March 14, 2017, joining over seventy other CLGs in New York State
- Is funded by a combination of periodic Town budget allocations, program fund raising and grants; maintains a website link at the Town of Yorktown municipal government website and a Facebook page; partners with numerous organizations to deliver programs

**Yorktown Historical Society (YHS)**

- is a 501c3 non-profit organization
- independent, not organizationally or lawfully connected to the Town of Yorktown government
- comprised of volunteer members who are governed by a Board of Trustees and President, Vice President, Treasurer and Program Manager
- an educational organization established to bring together those interested in the history of the Yorktown
- designs and delivers programs about history with an emphasis on the Town of Yorktown, its hamlets, surrounding towns and communities, Westchester and surrounding counties, and the Hudson Valley
- funded by memberships, donations and corporate sponsorships
- operates a Facebook and Website
- uses Town facilities to deliver programs
- partners with the Yorktown Heritage Preservation Commission to deliver joint programs

**Respectfully Submitted**

**Yorktown Heritage Preservation Commission**

**May 26, 2022**

## Historical Significance of the Underhill Farm Property

### Purpose

This summary is submitted into the Planning Board record by the Yorktown Heritage Preservation Commission in conjunction with the Applicant's proposed residential development at the historic Underhill Farm property. The purpose is to provide a summary of the historic significance of the property as researched, authenticated and recognized by the Yorktown Heritage Preservation Commission, the Town Board appointed Commission whose role is to identify, authenticate, preserve, protect and/or save Yorktown's historic resources.

*Discussion: Roles enumerated in 198-3 C do not reflect this sentence. The commission makes recommendations to the Town Board on landmarking; they DO NOT make that decision to landmark.*

### Overview of Historical Significance

The Underhill Farm property (also known as the Beaver Conference Center, and Soundview Preparatory School, and now owned by the developer, Soundview Underhill, LLC ), is a 13.8 acre parcel at 370 Underhill Avenue, Yorktown, Section 48.01, Parcel 1, Lot 30. The original owners of the Underhill Farm (Flora Villa, aka Floral Villa) were descendants of Captain John Underhill, considered the founder of the oldest and largest Underhill family in the United States, and among Yorktown's oldest families. Underhill Farm property was the cornerstone of the town's agricultural heritage, fueling economic development during the 18th and 19th centuries. The home and its surrounding property are surviving architectural and landscape anchors of the Town of Yorktown and stand as a scenic gateway to the Yorktown Heights Hamlet. The property contributes community character and acts as a showplace of open space and local history to visitors and residents.

### Meets Landmark Criteria

After extensive research, the Yorktown Heritage Preservation Commission concludes that Underhill Farm (Flora Villa, aka Floral Villa), meets four (4) out of the five (5) criteria set forth in Section 198-4 of the Town of Yorktown Town Code on historic preservation. This qualifies the main house, seven (7) of the outbuildings, and the 13.8 acres of contributing historic landscape as a candidate for local landmark designation, demonstrating its historic significance to the Town of Yorktown.

Specifically, the Underhill Farm property meets the following landmarking criteria set forth in the Town of Yorktown Preservation Code:

**Criterion 1 - Possesses special character or historic or aesthetic interest or value of the property as a part of the cultural, political, economic, or social history of the locality, region, state, or nation** - As historic property, for its importance in the formation of Yorktown, its agricultural legacy, its economic development and its transition into an industrialized municipality as well as its later uses as an internationally recognized conference center specializing in social and political

discourse, and as a private school serving students who flourish in small, non-competitive supportive settings.

*Discussion:*

*State what the importance was. Conclusory.*

*State what the importance was. Conclusory*

*State what the importance was. Conclusory*

*Does this imbue the characteristics as listed in the criterion1?*

**Criterion 2 - Is identified with historic personages** - For its direct association with Captain John Underhill, a leading figure in the settlement of colonial America, founder of the largest Underhill family in the U.S. and Canada, and his descendants who were instrumental in the development of Westchester County and central New York. For Abraham I. and Edward B. Underhill's settlement, agricultural, economic, and civic development of Yorktown. As well as for Edward B. Kear's civic leadership, and Gilbert and Jean Beaver's humanitarian and social justice activism.

*Discussion:*

*Questionable. He did not live here or in Yorktown*

*Cite notable actions or events. Conclusory.*

**Criterion 3 - Embodies the distinguishing characteristics of an architectural style** - For the main house as an intact example of a Federal-style farmhouse later transformed into a large Italianate-style residence reflecting the evolution of changing architectural tastes in the second half of the nineteenth century. For the interior's retention of period historic details such as substantial woodwork within the bay windows and arched entrance ways, moldings and trims at the doors, windows, fireplace surrounds, staircase banister and newel posts and plaster ceiling medallions.

**Criterion 5 - Because of the unique or singular physical characteristic, represents an established and familiar visual feature of the neighborhood** - For the overall 13.8-acre farmland, the historic landscape features, including a small pond, outbuildings (a former summer kitchen/root cellar, three residential cottages, a carriage house/horse barn, a chapel with bell tower, and carpenter's workshop), parklike lawns, mature trees, surrounded by stone walls, retain period integrity to the property's past agricultural history. For its importance as a scenic gateway to Yorktown, and the setting of one of the Town's architectural treasures, the historic Italianate mansion. As well as its almost 225 years of largely undeveloped and unaltered history, remaining much as depicted in the 1880's etching reproduced in Thomas Scharf's 1886 *History of Westchester County*.

*Discussion:*

*Cite the historic features beyond the pond. (which is being retained).*

*Questionable. Which period? The structures date from mid-19<sup>th</sup> century to early-mid 20<sup>th</sup> and reflect various uses and styles. The main house comprises two distinct architectural styles and therefore does not exhibit a high example of either federal or Italianate.*

*It's a mix of styles.*

## **Related Recognition**

1. On May 10, 2020, the Yorktown Heritage Preservation Commission advised the Town Supervisor that the Commission was partnering with the Soundview Preparatory School to landmark the Underhill Farm property.

*Discussion: Provide written evidence of this effort. Soundview was in negotiations to sell the property at this time as they were concluding the last school year. However it is clear that there were discussions to erect a historic marker in which soundview school had participated.*

2. On June 9, 2020, following a presentation of the history of the property, the Town Board authorized the Commission to apply for a grant application to the William G. Pomeroy Foundation to recognize the property's historic significance with a roadside marker. *Note: The Foundation declined the application on January 22, 2021, because the property had been sold and the land permission letter from the Soundview Preparatory School board was no longer valid.*

3. On March 11, 2021, the YHPC emailed the Town Supervisor to:

*Discussion: 1 year later.*

a) clarify a Yorktown News article that the Design District Overlay Zone was not necessary to provide protections for historic properties (Section 198 of the landmark code does) and

*Discussion: Protections are afforded only under landmarking. This property has not been landmarked nor to our knowledge been recommended to the Town Board for landmarking.*

b) remind town leaders that the YHPC was in the process of preparing the landmark application for the Soundview Preparatory School/Underhill Farm in early 2020, and

*Discussion: There is no LOCAL landmark application. It is a designation proposal and recommendation to the town board. Please provide. Possibility that this is a reference to a state or national landmarking effort. Provide documentation.*

b) recall that the YHPC presented the property history to the Town Board on June 9, 2020, who approved our grant application to the William G. Pomeroy Foundation for a roadside marker to recognize the property's historical significance and to

c) be aware that the Underhill Farm property meets local landmark criteria and that the YHPC would like to partner with Unicorn and the Town of Yorktown to explore doing so

A further update by the YHPC indicated that until all the developer studies were completed, the Commission was allowed access inside the structures, and received the results of Commission initiated studies, the YHPC would not be in a position to determine what was worthy of landmarking consideration.

4. On April 24, 2021, the YHPC submitted an application to the Office of Parks, Recreation and Historic Preservation Office, requesting an eligibility determination of the Underhill Farm property for listing on the State and National Registers of Historic Places.

*Discussion: Provide all documentation letters correspondence reflecting this effort.*

5. On May 26, 2021, the OPRHP informed the YHPC that the Underhill Farm property was determined eligible for listing in the State and National Registers of Historic Places, under:

*Discussion: Provide this correspondence.*

-Criterion A for Abraham and Edward B Underhill's contributions to the settlement, agricultural and economic development of Yorktown.

-Criterion C in the area of architecture as an intact example of a Federal-style farmhouse transformed into a large Italianate-style residence reflecting the evolution of changing architectural tastes in the second half of the nineteenth century.

*Discussion: Questionable. Check.*

**The mansion, outbuildings, farmland, parklike landscape and stone walls all contribute to the property and retain historic integrity.**

6. On May 27, 2021, an *Adverse Effect* finding was issued by Derek Rohde, of the New York State Office of Historic Preservation under Section 106 of the National Preservation Act of 1966, for the Underhill Farm property, 370 Underhill Avenue. **With the "intensity of the construction proposed the setting and feeling of the property would be significantly altered. We further note that the majority of outbuildings on site are proposed for removal. Under the provisions of Section 106 of the National Preservation Act of 1966, demolition of historic resources is deemed an *Adverse Effect*."**

7. On August 24, 2021, Derek Rohde, OPRHP, acknowledged a review of the Applicant's alternatives analysis dated July 2021 for proposed work at Underhill Estate property **to remove an Adverse Effect finding or minimize harm to the historic property.** He was pleased to learn that the mansion building will be retained and rehabilitated with the ice pond being restored, but stated that the project proposes demolition of seven contributing buildings and extensive changes to the historic setting. **Due to these impacts, OPRHP reconfirmed the project remains Adverse to historic resources, and requested additional alternatives be explored.**

8. On October 18, 2021, the New York State Office of Historic Preservation officially amended its *Adverse Effect* finding from Section 106 of the National Preservation Act of 1966 to Section 14.09 of the New York State Preservation Law of 1980 for the Underhill Farm property, 370 Underhill Avenue. With the "intensity of the construction proposed the setting and feeling of the property would be significantly altered. We further note that the majority of outbuildings on site are proposed for removal. Under the provisions of Section 14.09 of the New York State Historic Preservation Law, demolition of historic resources is deemed an *Adverse Effect*."

9. On October 29, 2021, OPRHP declared that based on a review of the alternatives analysis, it concurred with the local determination that there are no prudent and feasible alternatives to the development proposed; however, our Adverse Effect finding remained unchanged and it was recommended that the parties proceed with the development of a Letter of Resolution (LOR)

that would outline specific mitigation plans to offset the impacts that the proposed demolition and new construction will have on the Estate.

10. On March 21, 2022, OPRHP issued a letter to the Town of Yorktown Director of Planning, Planning, the DEC Preservation Officer, and Unicorn Contracting owner, indicating that:

a. it had come to the attention to the Division for Historic Preservation of the Office of Parks, Recreation and Historic Preservation (OPRHP) that the State Environmental Quality Review Act (SEQRA) process for this project had been initiated

b. OPRHP will allow for public comment and for potential updates to the alternatives analysis for the National Register eligible Underhill Estate

*Discussion: Not a clear representation of the statement made in the referenced letter.*

c. the Letter of Resolution (LOR) will remain open throughout the SEQRA process and be reviewed and executed at the end of the process

*Discussion: Not a clear representation of the statement in the referenced letter.*

11. Underhill Farm (former Flora Villa and Beaver Conference Center) is recognized by the Town of Yorktown as worthy of historic recognition:

a. In the 2006 Town of Yorktown Reconnaissance - Level Historic Resources Survey conducted by Neil Larson & Associates, Underhill Farm was identified as a significant historic resource in the town and a vital component of Yorktown's heritage.

*Discussion: Check its exact notations.*

b. The Town of Yorktown 2010 Comprehensive Plan lists the Beaver Conference Center (aka Flora Villa, Soundview Preparatory School), Section 6, Scenic & Historic Preservation, as a candidate for nomination to local and/or state registers of historic places, in association with Town History, page 6-8 and 6-19.

12. Outbuildings fabricated contemporaneously with the original farmhouse and Italianate wing reflect the agricultural history of the property:

*Discussion: Cite these specific buildings.*

a. one may be the former boyhood home of historically important Yorktown civic leader, Edward B. Kear, who served as Yorktown Supervisor, Town Clerk, Justice of the Peace and Justice of the Courts of Sessions, as well as County Registrar of Deeds. In addition, he founded the Yorktown Telephone Company and served as one of its directors.

b. Henry C. Kear, foreman of the Underhill Farm and his wife, Catherine, the housekeeper, lived on the farm. Edward B. Kear was mentored by Edward B. Underhill who bequeathed a portion of his estate to him, and in 1907, Kear purchased an additional plot of land, once part of Edward B. Underhill's estate, and built a large home for his family on the same street on which he always

lived, today called Underhill Avenue. His home, one of the last grand Victorian homes built around the town center is recognized as one of Yorktown's Homes of Historic Distinction.

c. The chapel, featuring a bell tower, was originally an ice house. In the winter, chopped ice from the pond was brought to the building and stored for the Underhill family. Jean Beaver, co-founder of the Beaver Conference Center, turned the building into a chapel; community weddings and funerals were held in the chapel. Later, the Soundview Preparatory School used the building as a music conservatory and recording studio.

*Discussion: Provide documentation.*

d. Peace Hall, once considered the center of the farm, housed smaller farm animals, including lamb; eggs and milk were sold from this structure to Yorktowners and transported on the train to New York City and surrounding areas. The Beaver Conference Center used the hall for a residential cottage and for retreat meetings and programs, hence the name Peace Hall. Soundview Preparatory School called this the Soundview Playhouse. Chapel pews were moved into this structure.

*Discussion: Provide documentation.*

13. There are approximately thirty documented biological and genealogical connections between the Underhill lineage and local prominent abolitionists during the Underground Railroad period. For example, there is evidence that Underhill Farm owner, Abraham I. Underhill's younger brother, Joshua, harbored fugitives from slavery. Further research is underway to conclude whether the Abraham I., his wife Rebecca, or his son Edward B., had direct activity related to the Underground Railroad.

*Discussion: Genealogical connections do not necessarily equate to historical significance of any buildings. If slaves were harbored on this property it may increase the significance of the property but as yet this is inconclusive.*

14. Using available low-cost labor in the mid-19<sup>th</sup> century, Edward B. Underhill oversaw the removal of acres and acres of rocks and stones from the land to erect the substantial stone walls which still border the parcel today. Roughly one hundred and eighty years later, the stone walls still stand firm, retaining period integrity to the property's past agricultural history.

*Discussion: Provide documentation.*

15. There are several first-hand accounts of tunnels existing on the property, including the former caretaker and family members and former employees of the Building Department.

*Discussion: Provide documentation.*

16. There is also a pond on the property built by Edward B. Underhill in 1867. It provided a naturally regenerating source of water for farm irrigation, hydrating the livestock, providing bathing water for the residents, as well as a source for ice for food storage. During the Beaver Conference Center era, the management team initiated an experimental project with the DEC to

stock the pond with Asian carp to mitigate algae formation, with agreement to regularly account for the carp and block their migration into the Croton Reservoir.

*Discussion: Provide documentation.*

17. There have been no major developments on the estimated two-hundred year-old property making it a likely candidate for archeological research into the transitory period between the 18<sup>th</sup> and 19<sup>th</sup> centuries and industrialization of the Town of Yorktown.

*Discussion: The phase 1b shovel tests were largely inconclusive. The results were submitted and disseminated. Historic consultant can elaborate.*

18. The property is historic in multiple ways. It is important to the history of Yorktown, of Westchester County and of New York State. The Underhill family and their properties provided valuable services during the American struggle for independence in the Revolutionary War. During the march to victory in 1781, thousands of French forces under the comte de Rochambeau bivouacked in Yorktown, on or near the property owned by Abraham and Edward Underhill. Research is underway to determine whether there were encampments on the Underhill property, and if so, whether there is also archaeological value (artifacts and/or or hallowed grounds) in addition to architectural and historic significance to the property. On the return march from victory in Virginia in 1782, Rochambeau and his almost 6,000 officers and men encamped in the area for four weeks, making this one of the longest encampments of French forces in the United States.

*Discussion:*

*Cite instances and from where those events occurred.*

*The phase 1b shovel tests found no artifacts related to the French encampments. None of the French maps indicate any encampments in the area of this property.*

Dr. Robert A. Selig, preeminent scholar of the Washington-Rochambeau Revolutionary Route, is currently working on documentation of the Revolutionary War era and Washington-Rochambeau National Historic Route connections to Yorktown and this property, including a comprehensive narrative of historical significance of the French encampments in Yorktown. This research is also vital to support the national, state, county and local commemoration of our nation's 250<sup>th</sup> anniversary of the Declaration of Independence in 2026, only four years from now.

**Respectfully Submitted**

**Yorktown Heritage Preservation Commission**

**May 26, 2022**

## Overall Comments and Questions - Planning Board Referral Request of YHPC to Review the Applicant's Studies, Documents and Letters

### I. Conclusions

#### Yorktown Heritage Preservation Commission Consultation and Engagement

1. The Yorktown Heritage Preservation Commission (YHPC), the Town Board appointed commission whose mission is to preserve and protect Yorktown's historic resources based on local preservation law, Section 198.0, has not been consulted during the nearly two year-long development planning but has taken steps to preserve the historically and architecturally significant Underhill Farm property.

*Discussion: See note above regarding the powers and duties of the commission. And see note above about the 2-year process related to the overlay district, NOT this project. That notwithstanding, the commission was indeed involved and as they state, conducted a unilateral effort with the NYS historic office. The commissions should submit to the planning board all documentation reflecting the "steps" taken toward preservation of then property.*

#### Applicant Studies and Documents

##### Archaeological Study – 1A Literature and Sensitivity Assessment

1. The Applicant's literature and sensitivity study does not acknowledge the French encampments, a potentially significant Revolutionary War event in the proximity of the Underhill Farm property.

##### Archaeological Study - 1B Reconnaissance Survey

1. It is unclear what archaeological shovel test standards the Applicant used and how they compare to OPRHP guidelines (Section 3.f) and New York Archaeological Council Standards.

*Discussion: Historic consultant can elaborate*

2. It appears that almost half of recorded shovel tests were not excavated; some shovel tests that were excavated were not discussed in the report and there are no artifact photos to verify analysis or the tests.

*Discussion: Historic consultant can elaborate*

3. There appears to be discrepancies between the test records and what is captured in the catalog.

*Discussion: Please cite the discrepancies.*

4. The studies do not provide archaeological signatures (foundations, likely uses of the outbuildings, period of significance) for all of the structures and landscape elements relevant to the historical development /evolution of the property (1780's to 1820's to 1886 lithograph to present).

*Discussion: Commenter should cite deficiencies. Historic consultant can elaborate*

## **Building Conditions Assessment**

1. The Applicant provided a two page “Building Summary,” of the structures on the property without information regarding the credentials of the individuals performing the assessment, methodology, and detailed findings supporting the summary, conclusions and claims that the outbuildings should be demolished.

*Discussion: The applicant produced an alternatives analysis hat was submitted to the state and this board. It firmed the basis of the states acceptance that there are no other viable alternatives. This analysis has a 3.5 page discussion of all the buildings and their structural condition. The report was authored by the historic consultant.*

2. In the Building Summary, the Applicant repeatedly states that “based on the goals of the project,” (construction of 165 residential units in 13.8 acres), demolition of the outbuildings is proposed. There would be no expectation for the Applicant’s consultant to reach any other conclusion in light of the developer’s goals.

3. The May 9, 2022 Power Point Applicant presentation of the structures contains numerous speculations and presumptions about the condition, age, use of the outbuildings without documented evidence or proof.

*Discussion:*

*Historic consultant can elaborate.*

*The commission should outline any evidence or assumptions that refute the information presented to date by the applicants consultants.*

## **Alternatives Analysis**

1. This claim was reasserted in the Applicant’s Alternatives Analysis: “based on the overall goals of the project,” (building of 165 apartments, condominiums, and townhomes), it is “not feasible to incorporate or adaptively reuse the barns and outbuildings with the Floral Villa Estate property.” Further, the Applicant revealed that the assessment of the condition of the outbuildings was completed visually; no structural analysis or testing was undertaken.

*Discussion: Historic consultant can elaborate*

2. Further, the Applicant’s Alternatives Analysis is largely unsupported assertions that have no demonstrated proof or evidence in quantitative fact. See detailed comments and questions.

*Discussion: The commission detail these assumptions for the board and should outline any evidence or assumptions that refute the information presented to date by the applicants consultants.*

3. The Applicant references “Additional information for Alternatives” but this information is not provided.

*Discussion: Where is this referenced.*

## **Full Environmental Assessment Form**

1. The Full Environmental Assessment Form is eighteen months old, and contains numerous errors, including answering NO to Question E.3.e:

-Does the project site contain, or is it substantially continuous to, a building, archaeological site or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible on the State Register of Historic Places?

*Discussion: The historical attributes of the site and buildings have been acknowledged by Town Board, Planning Board and staff from the very beginning of any discussions regarding this site. The state shpo have made a staff level evaluation pertaining to the property's eligibility. At this time we do not have any indication that the commissioner has determined it to be eligible. Nonetheless an updated eaf will be submitted and should acknowledge this question accurately.*

## **Applicant Assessments and Plans**

1. The Applicant's studies and presentations fail to acknowledge OPRHP's Adverse Effect determination for the ENTIRE Underhill Farm property and that the determination is for the intensity of the construction proposed, the alteration of the historic setting and feeling of the property and the planned demolition of the outbuildings.

*Discussion: The correspondence has been provided to the board from state shpo – again while acknowledging the adverse affect, the shpo has accepted the that no feasible alternatives exist and have drafted mitigation measures in the form of a letter of resolution. Adverse effect does not mean “significant adverse impact” under SEQRA, which only the lead agency will determine.*

2. The Applicant's presentations do not describe how the historic and architecturally significant structures will be respected and preserved consistent with the OPRHP eligibility determination.

*Discussion: The draft letter of resolution does. We disagree that the applicant has not communicated these preservation actions, and we also note that none have been yet finalized by the Board.*

3. The Applicant's presentations fail to describe how the historic setting and feeling (landscape) of the Underhill Farm property will be preserved consistent with the OPRHP eligibility determination.

*Discussion: SHPO's letter of resolution makes stipulations regarding this issue.*

4. The Applicant has failed to present an integrated master plan that addresses the OPRHP eligibility designation for State and National Register of Historic Places for the ENTIRE property: mansion, outbuildings, farmland, parklike lawns, stone walls, pond, vegetation/ trees.

*Discussion: Commission should elaborate—unclear as to what is being asked for here.*

**Respectfully Submitted**

**Yorktown Heritage Preservation Commission**

**May 26, 2022**

## II. Recommendations

As indicated in the Planning Board referral request, the Yorktown Heritage Preservation Commission requests additional independent assessments by licensed professionals in specialized areas indicated below:

### A. Potential Archaeological Value:

1. Verify Applicant's colleague certifications meet OPRHP archaeology standards and requirements

**Deliverable: OPRHP Requirements and Individual Applicant/Proof of Compliance**

*Discussion: Historic consultant can elaborate. See draft letter of resolution.*

2. Hire an experienced National Parks Service (NPS) metal detectorist trained and certified in AMDA, Advanced Metal Detecting for Archaeologists (training offered by the Register for Professional Archaeologist (RPA) and recognized by NPS as the minimum requirement for working on battlefield and military sites

**Deliverable: Metal Detector Study-rule out French Encampment artifacts**

*Discussion: This has not been determined to be a battlefield or military site.*

3. Conduct subsurface scanning study to assess the potential existence of underground tunnels

**Deliverable: Ground Penetrating Radar Report – rule out underground tunnels**

*Discussion: Provide documentation as above.*

4. Clarify the OPRHP shovel test standards and methodology and how the Applicant's study results meet the NYAC standards and methodology

**Deliverable: Recertification of Shovel Test Results and Documentation Compliance**

*Discussion: Historic consultant can elaborate. See draft letter of resolution*

5. Complete an archeological signature study (size, use, period of significance: e.g. root cellar or detached furnace?)

**Deliverable: Identification of Archaeological Signatures for each structure and landscape during evolution of the property**

*Discussion: Historic consultant can elaborate. See draft letter of resolution.*

### B. Historic and Architecturally Significant Resources:

1. hire a licensed structural engineer

**Deliverable: Current Conditions Report** completed by a structural engineer based on comprehensive structural and technical analysis and testing (vs. visual inspection)

*Discussion: If the alternatives analysis has been accepted by SHPO with mitigation measures, what purpose would such an evaluation serve.*

2. hire a licensed preservation architect

-vernacular farm house and Italianate 19<sup>th</sup> century main mansion

-outbuildings

**Deliverable: Character Defining Features and Impact Analysis, Lower Density Alternatives, Including Financials (ROI on lesser densities), Alternate Siting Options, Modeling / Visual Impact Study**

*Discussion:*

*Question whether this is normal to a preservation architect.*

*Meaning different sites or different site layouts?*

*Can be done by any number of professional disciplines.*

**C. Overall Property Setting and Feeling (landscape and all associated elements):**

1. hire a historic landscape architect with a proven track record/experience in cultural resource landscaping, heritage planting and biodiversity (Vis a Vis Floral Villa lithograph)

**Deliverable: Cultural Landscape Plan, including period of significance and management plan**

- park like land
- open space
- trees
- flora and fauna
- pond
- wetlands
- stone walls
- entry gate

With the above inputs, the Yorktown Heritage Preservation Commission recommends collaborating with the Town of Yorktown and Soundview Underhill LLC, to develop an economically sustainable solution that recognizes and protects the Underhill Farm's unique heritage and the entire historic property and enhances the community's quality of life for generations to come.

*Discussion: If the entire site was proposed to be restored, this would be an appropriate pathway.*

**Respectfully Submitted**

**Yorktown Heritage Preservation Commission**

**May 26, 2022**

## Detailed Comments and Questions – Yorktown Heritage Preservation Commission Consultation and Engagement

1. The Yorktown Heritage Preservation Commission (YHPC), the Town Board appointed commission whose mission is to preserve and protect Yorktown’s historic resources based on local preservation law, Section 198.0, has not been consulted during the nearly two year-long development planning effort but has taken steps to preserve the historically and architecturally significant Underhill Farm property.

*Discussion: See above. Submit all documentation detailing the steps that have been taken.*

### 2020

1. On May 10, 2020, the Yorktown Heritage Preservation Commission (YHPC) advised the Town Supervisor that the Commission was partnering with the Soundview Preparatory School (AKA Underhill Farm) to landmark the property.

*Discussion: Provide documentation.*

2. On June 9, 2020, the YHPC, partnering with the Soundview Preparatory School history teacher, presented the history of the Underhill Farm property to the Town Board; the Town Board authorized the Commission to apply for a grant application to the William G. Pomeroy foundation for a roadside marker to recognize the property’s historic significance.

*Note: The Foundation declined the application on January 22, 2021, because the property had been sold and the land permission letter from the Soundview Preparatory School board was no longer valid.*

3. On August 28, 2020, YHPC sent the Town Supervisor an email link: Soundview to sell campus, adding. “...Do you have any perspective on the potential developer’s plans for the property or structure....preservation /restoration of the existing structures vs tear down and development?”

4. Received the Town Supervisor’s same day August 28, 2020, response: “We haven’t seen a proposal but obviously protecting historical assets and open space will be our priority.”

5. On December 9, 2020, during our monthly YHPC meeting, the Commission discovered Unicorn’s plans for 165 residential units, demolition of the outbuildings, removal of hundreds of trees, and addition of 20K sq. ft. office and retail space to be added; there was no mention of historic preservation plans.

6. On December 10, 2020, the Town Supervisor telephoned the YHPC Chair to say that the developer had just filed the application / plan with Planning, erroneously, as if the project was approved, without the proper “due diligence” and “refer out” to appropriate interested parties.

The Chair indicated that the YHPC saw the developer’s plans, under the Approved link at the developer’s website, and expressed concern that any plans to preserve the historically and architecturally significant property were absent.

The Supervisor assured the Chair that:

- “YHPC would have a “seat at the table” and
- that there would be no end runs or process steps executed without us and
- that it was day zero of the process and we will be a part of it.”

7. Two weeks later, at the December 21, 2020 Planning Board meeting, the developer presented a pre-preliminary application, stating:

“Through a public/private partnership with the Town of Yorktown, parts of the building will serve as a historical and multi-purpose center with public access. “

At this meeting, the developer expressed thanks to the Planning team for the extensive assistance they had provided in developing the plan so far.

The YHPC had no knowledge of this partnership --as a historical and multi-purpose center--nor was consulted or engaged in this planning.

*Discussion: There is no public/private partnership. This comment was probably a reference to the nature and intent of the overlay districts language. The planning team did not assist in the development of the project except in the form of commentary on aspects of presented plans, the desire to respect as much of the history as possible etc.*

## **2021**

1. On January 6, 2021, the YHPC Chair personally telephoned the Applicant, Mr. Paul Guillaro, and introduced the YHPC, offering to share the history of the property, the mansion and outbuildings, to work together.

2. Within a day or two, Mr. Guillaro’s property manager, Terrence Murphy, contacted the former history teacher at Soundview Preparatory School and obtained the historical review of the property.

3. In a January 21, 2021 article in the Yorktown News, the YHPC communicated this offer:

“The Yorktown Heritage Preservation Commission urges Unicorn Contracting and the Town of Yorktown to reexamine their plans for this site, consider preserving some of the historic farm’s adjacent outbuildings, and most of all, modify its density. There is room for residential dwellings on the property while still maintaining much, much more open, park-like space at this lovely entrance to our hamlet.”

4. On January 23, 2021, the YHPC was invited to tour the Underhill Farm site; none of outbuildings or the main buildings were open due to COVID; the tour guide, Mr. Joe Riina, advised that the wood from the two barn outbuildings was already committed to a reclaimer in Mt. Kisco and Mr. Riina was not familiar with any historic preservation plans for the property.

5. Subsequently, the YHPC requested return visits to observe the interior of the structures, on 1/26, 2/4, 2/12 and 3/1 and received no response from Planning.

6. At the February 9, 2021 Town Board meeting, Underhill Farm owner, Mr. Paul Guillaro announced that that an assessment of the buildings on the property had been completed. The YHPC contacted Planning on February 12, 2021 to obtain a copy, and asked if any more studies were to be conducted. The YHPC was advised, “we only know what he said at the meeting... we don’t have anything.”

7. On March 1, the YHPC contacted Planning and asked, “In the Yorktown News February 18 issue, Mr. Guillaro is quoted and it states: ‘All the other structures are either in poor condition or are modified to the point where they do not have much historical value any longer’...; the YHPC asked, “who commissioned Hudson Valley Cultural Resource Consultants to survey the buildings. Would it be possible to obtain a copy of this study for the HPC?” The YHPC received no response.

8. On March 11, 2021, the YHPC emailed the Town Supervisor to:

a) clarify a Yorktown News article that Design District Overlay Zone law was not necessary to provide protections for historic properties (Section 198 of the landmark code does) and

*Discussion: The overlay law requires an applicant to consider any historic structures on the site and offer potential preservation/reuse strategies, architectural detailing inspired by same. It requires this whether these structures are currently landmarked or not thereby offering a measure of protection. Chap 198 requires an action of the town board after recommendation of the commission after which legal protection would be in force.*

b) remind town leaders that the YHPC was in the process of preparing the landmark application for the Soundview Preparatory School/Underhill Farm in early 2020, and

*Discussion: Provide this paperwork, including notification to Town board recommending landmarking.*

b) recall that the YHPC presented the property history to the Town Board on June 9, 2020, who approved our grant application to the William G. Pomeroy Foundation for a roadside marker to recognize the property’s historical significance and to

c) be aware that the Underhill Farm property meets local landmark criteria and that we would like to partner with Unicorn, the Town to explore doing so

*Discussion: Provide recommendation letter to town board.*

As a follow-up, the YHPC indicated that until all the developer studies are complete, the Commission was allowed access inside the structures, and received the results of Commission initiated studies, the YHPC would not be in a position to determine what was worthy of landmarking consideration.

10. On April 24, 2021, the YHPC submitted an application to the Office of Parks, Recreation and Historic Preservation (OPRHP) for eligibility determination of Underhill Farm property to the State and National registers of historic places (owner approval not required).

***Discussion: Provide letter.***

11. On May 26, 2021, the YHPC received notification that OPRHP had declared that the ENTIRE Underhill Farm property (13.8 acres, farmland, park like landscape, pond, stone walls, outbuildings, vernacular farm house, 19<sup>th</sup> Italianate main mansion) eligible to the State and national register listing of historic places.

***Discussion: See letter provided.***

12. On May 27, 2021, an *Adverse Effect* finding was issued by Derek Rohde, of the New York State Office of Parks, Recreation and Historic Preservation under Section 106 of the National Preservation Act of 1966, for the Underhill Farm property, 370 Underhill Avenue. With the "intensity of the construction proposed the setting and feeling of the property would be significantly altered. We further note that the majority of outbuildings on site are proposed for removal, confirming an Adverse Effect finding...Consulting parties should be invited to participate in the process. Please note that the Yorktown Heritage Preservation Commission and the Underhill Society of American, Inc., may be interested in being included as consulting parties as required under 36 CFR Part 800.2."

***Discussion: The commission is an interested agency under SEQRA.***

13. On October 29, 2021, OPRHP declared that based on its review of the alternatives analysis, the State concurred with the local determination that there are no prudent and feasible alternatives to the development proposed at the Underhill Estate property; the Adverse Effect finding remained unchanged and it was recommended that the parties proceed with the development of a Letter of Resolution (LOR) that will outline specific mitigation plans to offset the impacts that the proposed demolition and new construction will have on the Estate...."we encourage working with the local preservation community to develop additional meaningful and creative mitigation measures."

***Discussion: Note and see letter provided. The context of this letter is prior to the drafting of the letter of resolution detailing proposed mitigation measures.***

14. On several occasions throughout 2021, and into February, 2022, the YHPC contacted OPRHP to express an interest in the status of the Underhill Farm Project, 21PRO02382, with our role in municipal government, be a participant in the historic preservation and planning process, consistent with federal and state preservation law.

15. On March 21, 2022, OPRHP's Director of Technical Preservation Services Bureau issued a letter to the Town of Yorktown Director of Planning, the DEC Preservation Officer, and the owner of Unicorn Contracting, indicating that:

a) It has come to the attention to the Division for Historic Preservation of the Office of Parks, Recreation and Historic Preservation (OPRHP) that the State Environmental Quality Review Act (SEQRA) process for this project has been initiated. To allow for:

b) public comment and for potential updates to the alternatives analysis for the national Register eligible Underhill Estate

...OPRHP will review and execute the Letter of Resolution at the completion of the SEQRA review process.

*Discussion: See letter provided*

**Respectfully Submitted**  
**Yorktown Heritage Preservation Commission**  
**May 26, 2022**

## **Detailed Comments and Questions - Phase 1A Literature Search and Sensitivity Assessment and Phase 1B Archaeological Field Reconnaissance, January 2021 – Historical Dropbox link**

1. In the 1A study, in the historical context section, page 12, the study fails to acknowledge a significant historical event: the existence of the French encampments during the Revolutionary War in Yorktown in the very geographic area where the Underhill Farm property is located (several thousand French Army troops camped here in 1781).

*Discussion: Historic consultant can elaborate. So far we have no indication the encampments were on this site.*

In the 1B study, it states that Franco Zani Jr. supervised the study.

### **Questions:**

#### **Who is Franco Zani, Jr. and what are his credentials vis a vis OPRHP requirements?**

2. Sixty-five shovel (27%) tests were not excavated of our calculations of 240. Another forty-three (18%) were terminated due to tree roots, drainage pipes. This is 108 out of 240 or 45% or almost half were not undertaken.

*Discussion: Historic consultant can elaborate.*

### **Questions:**

#### **What number of shovel tests and at what intervals does the OPRHP and NYAC standards and methodology require for this property area and sensitivity area? 50 feet, 25 feet? How does the Applicant study compare to the standards?**

3. Test 63 bricks at depth and Test 98 historic driveway: are these archaeologically significant? Possible foundation? part of the landscape? period of significance? Not discussed in report.

4. There are several artifacts found in the testing but not recorded in the catalog, e.g. discrepancies between test records and catalog.

-Pearl ware (c. 1780-1820) noted in test B-A-6, not in the catalog

-B-A 17 pipe bowl

-B-B 2 horseshoe discarded?

-B-h1 pearl ware

-B-J 3 pearl ware

*Discussion: Historic consultant can elaborate.*

5. There is no quantitative summary of the shovel test results to support the conclusion: "the proposed undertaking will not affect significant archaeological deposits. In the opinion of HVCRC that no additional archaeological investigation are warranted for the proposed Project."

*Discussion: Historic consultant can elaborate.*

**Questions:**

**How can this conclusion be derived when 45% of the shovel tests were not completed?**

*Discussion: Historic consultant can elaborate.*

**Detailed Comments and Questions - Power Point Presentation, Consultation with New York State Historic Preservation Office for Cultural Resources, April 25, 2022 - Historical Dropbox link**

**Reference the Page Labeled Investigations and HHPO Review, our count page 2**

It states that Philip Perazio of OPRHP indicated “No archaeological concerns regarding this project.” Further, in the April 27, 2021 letter from Philip Perazio to Tim Miller Associates, it states: “Based on the information provided, we have no further archaeological concerns.”

*Discussion: Historic consultant can elaborate.*

In the historical context of the Applicant’s study, the study fails to acknowledge a significant historical event: the existence of the Revolutionary War encampments in Yorktown in 1781 in the very area of the Underhill Farm property.

*Discussion: See above.*

**Questions:**

- 1. Why was the study prepared for Tim Miller Associates vs. the property owner, Soundview Underhill, LLC (Unicorn Contracting)?**
- 2. How does the Applicant propose to rule out, prior to any survey, any potential archaeological value of the full Underhill Farm property associated with the French encampments?**

*Discussion: Historic consultant can elaborate.*

In interviews with Underhill Farm employees and people familiar with the property, they report the existence of tunnels on the property.

*Discussion: Provide documentation.*

**Question:**

- 1. How does the Applicant propose to rule out, prior to any excavation, the existence of tunnels and potential archaeological value?**
- 2. Full Environmental Assessment Form, Question E2.g. Are there any unique geologic features on the project site? Answer is No. Are there?**

*Discussion: We know of none.*

**Respectfully Submitted  
Yorktown Heritage Preservation Commission  
May 26, 2022**

## Detailed Comments and Questions – Power Point Presentation – Consultation with New York State Historic Preservation Office for Cultural Resources, April 25, 2022 - Historical Dropbox Link Continued

Reference the Page Labeled Investigations and SHPO Review, our count pages 2-4, and SHPO letter

It states: “On May 27, 2021, Derek Rhode of (OPRHP) reviewed the proposed project and indicated that Floral Villa “also known as the Underhill Estate and Soundview Preparatory School, is eligible for listing in the State and National Registers of Historic Places.

The determination letter further states “The mansion, outbuildings, farmland, parklike lawns and stone walls all contribute to the property and retain integrity. Our office has reviewed the proposed development of the property. **With the intensity of construction proposed the setting and feeling of the property would be significantly altered. Under the provisions of Section 106, demolition of historic resources is deemed an adverse effect.”**

Questions:

- 1. Why did the Applicant fail to include the OPRHP letter determining that the Underhill Farm was eligible for State and National Register of Historic Places?**
- 2. Why did the Applicant fail to acknowledge that THE ENTIRE Underhill Farm is eligible for listing on the State and National register of historic places?**
- 3. Why did the Applicant fail to acknowledge that the “intensity of the construction proposed and setting and feeling of the property” and the demolition of the outbuildings result in an OPRHP Adverse Effect finding for the entire property?**

The May 27, 2021 letter from OPRHP (Derek Rhode) states that “During the Section 106 process, consulting parties should be invited to participate in the process. Please note that the Yorktown Heritage Preservation Commission and the Underhill Society of America, Inc., may be interested in being included as consulting parties as required under 36 CFR 800.2.”

*Discussion: Historic consultant can elaborate. YHPC is an interested agency under SEQRA. See draft letter of resolution applicant indicated willingness to sign on to the letter.*

Questions:

- 1. Why did the Applicant fail to reach out to YHPC for consultation in May 2021?**
- 2. Why didn’t the Planning Department (who date stamped the letter in a day later, May 28, 2021), where YHPC organizationally resides, refer the letter to the YHPC for consultation?**

*Discussion: The overlay district law for Yorktown heights had not been adopted at that time and there was ongoing public debate, that included the YHPC, as to whether the Underhill property should be included in he law. Therefore, without a valid application we would not begin a referral process.*

The Applicant's Power Point presentation further states: "August of 2021 Derek Rhode of (OPRHP) reviewed the Alternatives Analysis and requested additional information."

**Questions:**

**What "Additional Information" was provided? Please post a copy of this "study" in the Dropbox for review and comment.**

From November 2021 through February 2022, the Applicant engaged in several mitigation discussions with OPRHP; on March 21, 2022, "Nancy Herter (OPRHP) indicated the LOR (Letter of Resolution) would be executed after the completion of the SHPO process."

**Questions:**

**1. This is incorrect. The Herter letter states that "OPRHP will review and execute the Letter of Resolution at the completion of the SEQRA review process."**

*Discussion: SHPO usual process is to finalize an LOR prior to the close of the SEQRA process. Historic consultant can elaborate.*

**2. Why did the Applicant fail to engage both local municipal entities accountable for preservation, Planning Department and the YHPC, in the discussions, first to exhaust all possibilities to avoid the adverse impacts, and second to explore alternatives to reduce adverse impacts before directly pursuing the last resort option, mitigation, with OPRHP?**

**3. Explain how it is possible that the Applicant drafted and sent proposed mitigation plans to OPRHP for a 165 unit apartment/condo development in July 2021 for the Underhill Property without involving Planning and the YHPC and before:**

- the Town Board adopted the PDDOZ law on December 28, 2021, enabling the zoning to be changed from Single Family Residential to Multi family? And before

-the Town Board adopted the resolution on February 22, 2022 qualifying Underhill Farm as the first applicant under the PDDOZ law?

**Mansion Building (our page count 6)**

The Applicant's plans have been presented in a fragmented fashion, making it challenging to understand the integrated master plan, and the interrelationships and hierarchy, that addresses the ENTIRE property that OPRHP determined eligible for National Register. To illustrate:

**The Applicant indicates that:**

-the Mansion will be rehabilitated,

-the exterior will be retained,

-historic features of the interior are planned to remain,

-the interior will be rehabilitated on bringing the Mansion up to current building code

-the proposed rehabilitation efforts are a principal aspect of this overall project

These are broad and general statements which offer no clarity or specificity regarding the architectural standards, character defining features, plans or details for how any of these efforts will be accomplished.

In addition, the Applicant has indicated that the interior of the main mansion is going to be:

- parts of the building will serve as a historical and multi-purpose center with public access
- a coffee shop
- a cafe
- a restaurant
- an inn on the second and third floors
- a regional 8 room inn
- offices for the Yorktown Historical Society
- Town of Yorktown offices
- conference room spaces
- Town of Yorktown administrative services
- home of the Yorktown Museum

There continues to be a great deal of fluctuation and uncertainty regarding the Applicant's internal plans.

In addition, the Applicant has publicly committed \$1M to:

- preserve the Underhill Mansion
- restore Captain Underhill House,
- rehabilitate the Underhill House

It is unclear how the planned investment is going to be used.

*Discussion: This will be clarified and finalized through the Planning Board process.*

#### **Ancillary Buildings (our count page 7 and two page consultant letter)**

The Applicant indicates that the outbuildings should be demolished or removed and are not salvageable due to structural issues.

#### **Questions:**

- 1. What professional credentials and experience does the Applicant possess to assess the structural integrity of the buildings and make these claims, especially based on visual inspection?**
- 2. What is the two page letter based on? Is there a more in depth study? If so, please make it available for review and comment.**

*Discussion: See alternatives analysis.*

### **Setting (our count page 8)**

The Applicant states that the “existing landscape setting will be preserved to the extent possible-  
-the routes of the existing driveways, lawn spaces and the pond will be retained.

New paths will be designed in a curvi-linear fashion to resemble the historic layout. Parking locations have been determined in consultation with the town of Yorktown. Trees that need to be removed will be replaced in kind. Changes to the vegetation will be subject to Town of Yorktown ordinances.

#### **Questions:**

- 1. What does “to the extent possible” mean?**
- 2. What does preserve mean?**
- 3. What existing driveways, lawn spaces and pond (all or part) will be retained?**
- 4. What is landscape plan that integrates this all together in light of the OPRHP state and national register eligibility determination for the historic setting and feeling of the entire Underhill Farm property?**

*Discussion: Landscape plan will be developed to the satisfaction of the board.*

#### **Architectural Plans – Dropbox link**

The Applicant has produced renderings, floor plans and elevations for apartments, condominiums and townhomes. No information is provided regarding character defining features that will be retained or impacted and how nor are there specific plans for the overall proposed development: buildings (exterior and interior) and all of the elements that make up the historic setting and feeling of the property.

*Discussion: Unclear as to the question. Plans are self-evident. Descriptions of architectural features can be requested if needed.*

#### **Trees – Dropbox link**

The Applicant has stated that there are 703 “protected trees” on the 13.78 acre Underhill Farm property. Approximately 523 of these trees would need to be removed for the proposed development (approximately 10.9 acres, about 80% of the total acres). The Applicant did not acknowledge that the Underhill Farm property is an historic cultural resource / landscape nor that the ENTIRE property was designated by OPRHP as eligible for State and National Register listing.

The Applicant indicates that a final landscaping and tree replacement plan has not yet been completed. The Applicant is proposing a detailed invasive species management program for the property and a landscaping plan that will incorporate a number of native species into the landscape.

*Discussion: Noted and in development*

**A preliminary landscape plan has not been presented.**

**Questions:**

1. The Applicant has indicated that a “world- renowned architect designed the project” and an “award winning team of architects, engineers, and historic preservation and environmental experts” created the Underhill Farm plan.

Please identify who these individuals are, their firms, credentials and the specific world recognition / awards they have received in their respective fields.

2. What specific historic restoration experience does the Applicant have (Soundview LLC / Unicorn contracting, Inc.)? ...that is, similar to the proposed Underhill Farm project – respecting the architectural and historical significance of its focal point—in this case, 19th Italianate structure—while surrounding the showplace with the “intense” construction per OPRHP of a 148 residential complex of three story condominiums and apartments while simultaneously juxtaposing a four story 11K sq. ft. commercial and retail building next to it?

*Discussion: Applicant can elaborate.*

Please describe the project(s), location, name of the restoration architect and credentials, the project objectives and the end results (demonstrate how the historic and architectural integrity of the center piece was preserved).

3. The Underhill Farm is a cultural resource and presents as a powerful gateway and enduring cultural landscape to the community. Please provide a list of ALL of the character distinguishing / defining features (visual and physical) the Applicant is addressing with the Underhill Farm development project? Include but not limit to:

- exterior of buildings (style, size, shape, roof, roof features, windows, doorways, porches, materials, opening, trim, shutters, gables, etc.)
- interior of buildings (related spaces, stairways, fireplaces, mantles, plaster ceiling medallions, molding, lighting, hardware, individual important space, materials and finishes
- setting and feeling (topography, relationship to adjoining streets, importance of side projections, stone walls, pond, entry gate, plantings, vegetation, pathways/walkways, etc.)

4. For each of these character defining features, indicate which will be retained?

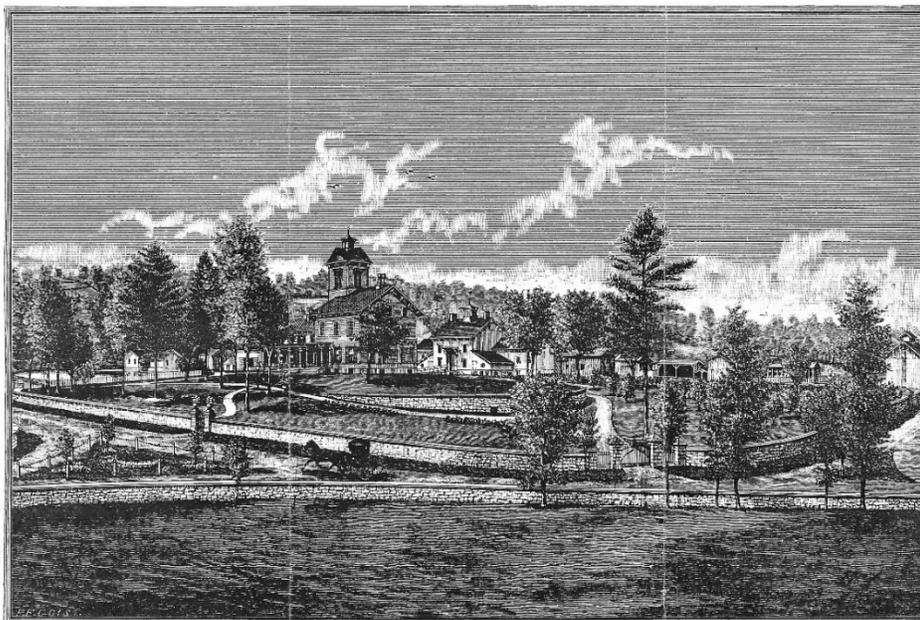
5. For each of the character defining features, indicate which will be impacted and describe how?

6. What are the architectural plans and timing for construction of the 11K sq. ft. commercial/retail building?

*Discussion: Plan to be developed.*

7. What specific architectural plans will address how the 19<sup>th</sup> century focal point Italianate main mansion will be respected vis a vis the surrounding 148 units of apartments, condos and townhomes? E.g. not be swallowed up or overpowered by the residential complex or the juxtaposed four story commercial building.

*Discussion: All of the architecturals will address the issue cited. discussion on the style of the house--- not a pure example of Italianate architecture. two distinct sections of the structure are apparent and actual. They were built decades apart. This is a valid comment.*



"FLORAL VILLA."  
RESIDENCE OF EDWARD B. UNDERHILL,  
YORKTOWN, WESTCHESTER CO., N. Y.

The Applicant's consultant presented the lithograph above at the May 9, 2022 Planning Board meeting (and in the 1A Literature Search and Sensitivity Assessment, page 23, Alternatives Analysis, page 5). The lithograph is of the Underhill Farm property, Floral Villa by its owner, Edward Underhill, published in J. Thomas Scharf's 1886 History of Westchester County New York. The Planning Board asked the consultant how much of this setting will be retained in the Applicant's plans. As the Underhill Farm property is a potential national and state cultural resource and a magnificent historic landscape in our community:

**What is the integrated master plan, including the interrelationships and hierarchy among all of the elements of the property that addresses the ENTIRE property's OPRHP eligibility**

**determination: the mansion, outbuildings, and the setting and feeling (farmland, park like lawns, pond, stone walls, trees, vegetation, and entry gate)?**

## **Detailed Comments and Questions – Alternatives Analysis Study Performed by Hudson Valley Cultural Resource Consultants, Ltd. - Historical Dropbox link**

Hudson Valley Cultural Resource Consultants, Ltd., (HVCRC) was retained (paid) by the owner, Unicorn Contracting, Inc.), to perform an Alternatives Analysis Study. The study states to address “an exploration of prudent and feasible alternatives that might avoid or reduce the project effects,” of the planned development.

1. The study was conducted by HVCRC with the understanding that its client, Unicorn Contracting, is seeking to develop the 370 Underhill Avenue property into large residential housing complex.

Specifically, the developer’s plans call for:

-clearing, excavating / grading 13.8 acres of open space park like land to about three acres of remaining land

-removing at least 500 mature trees, and hundreds if not thousands of flora and fauna

-demolishing and/or removing the seven outbuildings,

-installing an eating establishment on the first floor of the historic building and an inn on the second and third floors of the historic building

-fabricating 165 (at the time), now 148 condominiums/apartments targeted to seniors

-building a new four story, 11K square feet commercial / retail space building next to the historic main building

2. HVCRC is a firm specializing in archaeology services. Regarding the structural condition of the buildings, the Alternatives Analysis was conducted based on “visual observations of the Floral Villa Estate. No testing or comprehensive structural analysis has been completed for this Alternatives Analysis.”

*Discussion: Discuss why structural testing is needed.*

3. Introduction and Project Description

a) The HVCRC Alternatives Analysis fails to state that on May 27, 2021, Derek Rohde, New York State Office of Historic Preservation, issued an **Adverse Effect finding for the entire Underhill Farm property**, 370 Underhill Avenue, under Section 106 of the National Preservation Act of 1966. “Our office has reviewed the proposed development of the property. With the intensity of the construction proposed the setting and feeling of the property would be significantly altered. We further note that the majority of outbuildings on site are proposed for

removal. Under the provisions of Section 106, demolition of historic resource is deemed an *Adverse Effect.*”

*Discussion: The review of eligibility and the review of the proposed project under 14.09 were nearly concurrent. The state used the analysis to reach their determination notwithstanding this comment.*

Note: On October 18, 2021, the identical Adverse Effect finding was amended to Section 14.09 of the New York State Historic Preservation Law of 1980.

b) The Alternatives Analysis study (Alternative #1) failed to examine a single project smaller in scale, indicating that “reducing the project size would impact the overall financial viability of the planned project.”... “The reduced scale would not achieve the level of investor rate of return necessity for a privately funded project.” The analysis failed to provide any basis in fact to support this assertion (such as analysis scaled back options—e.g. 75 units, costs, financials to show return on investment).

*Discussion: Discuss the investment to rehab the mansion as it regards the intensity of the project.*

**Questions:**

**1. What lower density options were examined?**

*Discussion: The applicant has lowered the unit count from 165 to 148*

**2. What is the quantifiable proof with rate of return calculation for each option that supports the Applicant’s assertion?**

c) The Alternatives Analysis study (Alternative #1) states that a “scaled back project” (vague, not defined or quantified) would not provide “needed housing units within the Yorktown Heights region of Westchester County, needed parking and community space, and safety improvements at a nearby intersection.” No quantitative data to support these assertions – needs, requirements, or business cases – are provided.

*Discussion*

**Questions:**

**What are the needs analyses, methodology and sources, and quantified demand with assumptions for:**

- housing units
- parking space
- community space
- safety improvements at a nearby intersection?

*Discussion: Planning Board is considering these issues under this review.*

d) The Alternatives Analysis study (Alternative #2) states: “There are a limited number of properties available within the region that have the appropriate size and zoning that will allow mixed use development.

*Discussion: Generally true as to the zonig available for mixed use. Development environment is trending in that direction.*

#### Summary and Conclusions

“Unicorn Contracting has explored the other available properties in the Town of Yorktown,”... however, due to the Yorktown Heights Design Overlay District, this property is uniquely suited to provide both residential and commercial opportunities, as well as retain a significant historic resource.”

#### Questions:

**1. What other properties were assessed?**

**2. What are the results of the financial assessments for each property?**

*Discussion: Applicant can elaborate*

e) The Alternatives Analysis study (Alternative #3) discusses adaptive re-use of the outbuildings into multi-family housing units concluding that due to their construction, age, current condition and prohibitive cost to modify, “any renovations to these buildings to create additional housing units would significantly alter the architectural and historical integrity, and fail to provide a sufficient number of housing units to meet the project goals.”

#### Questions:

**1. Why didn’t the Applicant include discussions about adaptive re-use of the outbuildings with the Yorktown Heritage Preservation Commission as suggested by SHPO in their letter dated May 27, 2021 letter?**

*Discussion: Applicant can elaborate*

**2. What are quantitative analyses to support the Applicant assertion that “any renovations to these buildings to create additional housing units ...would fail to provide a sufficient number of housing units to meet the project goals.”**

*Discussion: Applicant can elaborate*

The Alternatives Analysis study (Alternative #4) outlines a “no action” option with the owner/developer keeping the property underutilized and vacant, resulting in further deterioration of the buildings and the community’s continued lack of access to the property if the project did not move forward as planned.

**Questions:**

- 1. What is the Applicant's documented community requirement / demand statement supporting the need to access this private property for recreation benefits?**

*Discussion: Planning Board determines rec needs under Chapter 195.*

- 2. How does the Applicant benefit by offering recreational benefits to the community on his private property?**

*Discussion: Applicant can elaborate*

The Applicant's Alternatives Analysis study (Alternatives #1-4) engaged in circular reasoning. The Applicant's plan to fabricate 148-165 residential units was a given. Naturally, it would follow that the alternative options considered to address the overall scale of the project and the historic setting and feeling of the property would not be viable.

**Questions:**

- 1. Did the Applicant hire and pay for consultants to conduct the 1A Literature Search & Sensitivity Assessment, the 1B Archaeological Field Reconnaissance Survey, Alternatives Analysis, Additional Information Study (not received yet)?**

*Discussion: Yes*

- 2. If yes, isn't this a conflict of interest?**

*Discussion: It is not.*

- 3. Why didn't the Town of Yorktown hire the consultants, oversee completion of the studies and charge the cost of the studies to the Applicant?**

- 4. Why does the study fail to address how the proposed development impacts the open space, character or quality of historical resources, community or neighborhood?**

*Discussion: Applicant can elaborate*

Further, in the Summary and Conclusions, it states that the "rehabilitation is expected to cost close to 1 million dollars, and will revitalize this vacant and unused resource. The current plan for this building is to create office and conference room spaces, and rejuvenate the outdated and older portions of the building. The current plans include retaining the historic elements of the building to preserve the overall historic integrity of the structure."

**Questions:**

- 1. How will the rehabilitation revitalize the unused resource?**
- 2. How will the outdated and older portions of the building be rejuvenated?**
- 3. What historic elements of the building will be retained to preserve the overall integrity of the structure?**

*Discussion: Under review by the Planning Board.*

“While the construction of the new buildings adjacent to the former Underhill Mansion will have a visual effect, however, it can be minimized through architectural style, building design and materials as well as landscaping and vegetation.” ...”The community will be able to utilize this reinvigorated property that is currently underutilized.”

**Questions:**

- 1. What does “visual effect” mean?**
- 2. What specifically can be minimized?**

**Respectfully Submitted**  
**Yorktown Heritage Commission**  
**May 26, 2022**

## **Detailed Comments and Questions - Full Environment Assessment Form – Included - March 28, 2022 Planning Board Meeting Packet**

1. The form is signed and dated, eighteen months ago, on December 9, 2020, prior to the PDDOZ zoning law being passed and the Underhill Farm being qualified by the Town Board under the new PDDOZ law.

-it shows Soundview Preparatory School as the property owner; many other questions appear to have appear to have out of date answers or are incorrect. To illustrate:

In Question E.3.e., it asks: does the project site contain, or is it substantially contiguous to, a building, archaeological site or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and historic Preservation to be eligible for listing on the State Register of Historic Places?

### **Question:**

**The answer is NO. This is incorrect. The entire Underhill Farm property has been deemed eligible for listing on the State and National Register of historic places on May 26, 2021.**

### *Discussion*

Other comments and questions:

In the Brief Description section on page 1, it states that the Project will provide for public benefit amenities.....space for Town offices and administrative services?

### **Questions:**

**1. What space at Underhill Farm will be used to provide offices to the Town of Yorktown? What are the financial parameters, terms, benefits, between the Underhill Farm developer and the Town of Yorktown, over what period of time?**

**2. What specific Town offices will be provided space? What criteria are used to select the offices and by whom? When will the Town offices move to the Underhill Farm property?**

*Discussion: All options open and under consideration by Planning Board.*

In the Brief Description section on page 1, it states that the Project will preserve a locally significant structure through creative adaptive re-use of the existing building.

Questions:

**1. What specifically is meant by creative adaptive re-use of the existing building? And how will the creative adaptive re-use preserve the locally significant structure?**

*Discussion: Under review and development by Planning Board.*

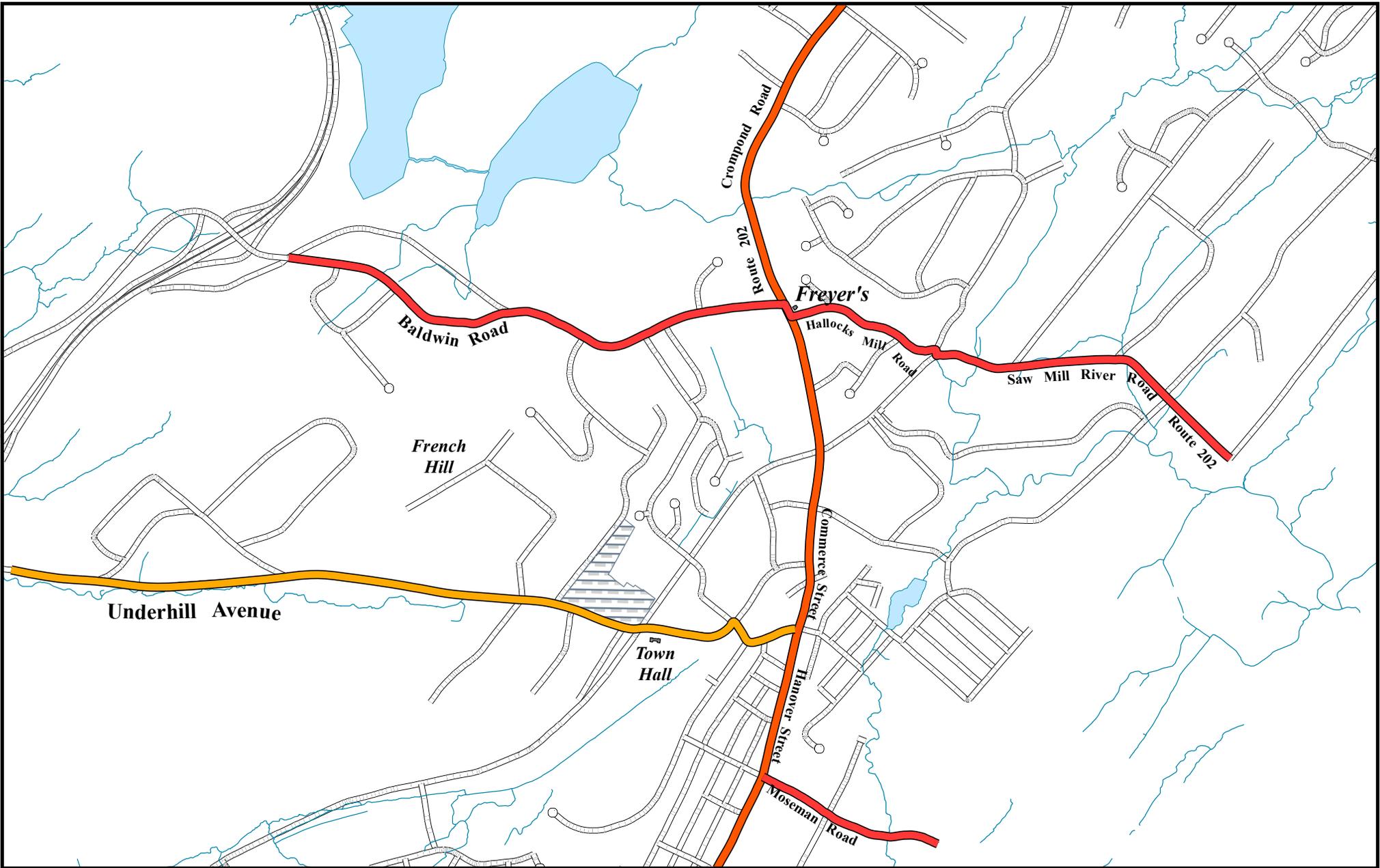
In the Brief Description section, it states that the Project will house retail spaces, thereby increasing economic growth and activity.

**Questions:**

- 1. How many retail spaces will be created? Which ones?**
- 2. What is the expected traffic impact to the neighborhood?**
- 3. What quantifiable specific economic growth is expected over what period of time and who specifically will benefit in quantifiable terms?**
- 4. Please provide the dates, methodology and results of the Tim Miller Associates biologist visits.**

**For the FEAF overall, please provide an accurate FEAF and repost to the Dropbox.**

**Respectfully Submitted  
Yorktown Heritage Preservation Commission  
May 26, 2022**

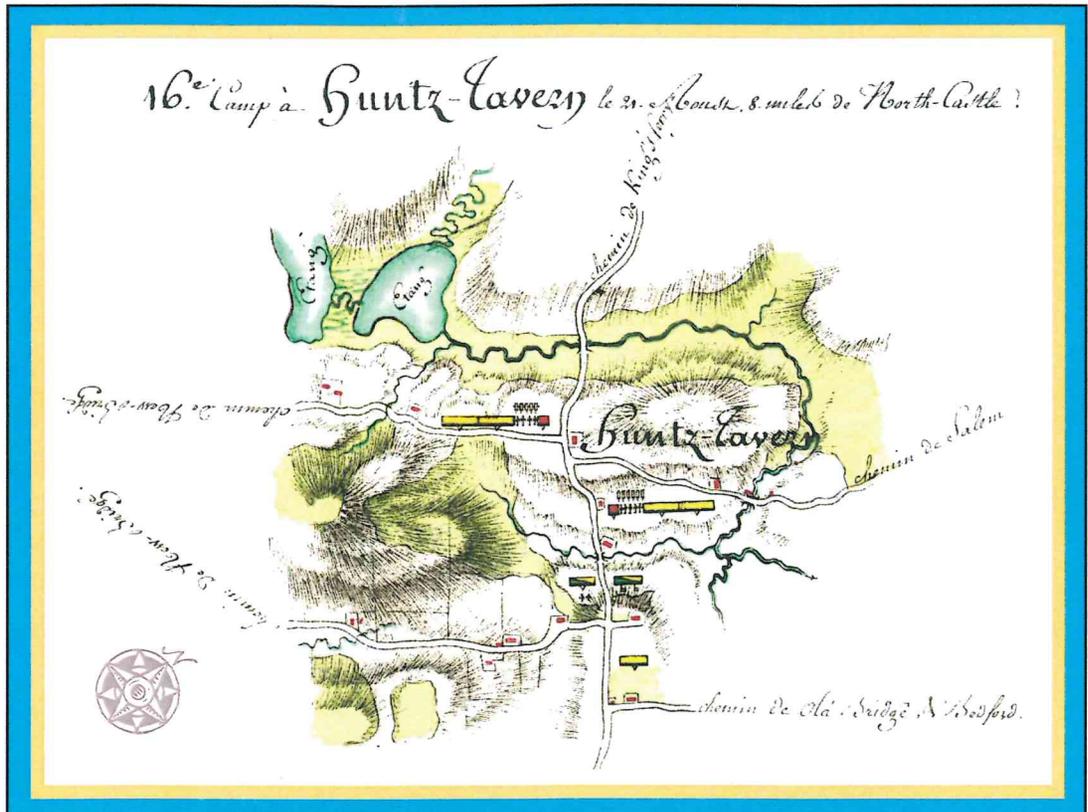


TOWN OF YORKTOWN PLANNING DEPARTMENT  
Albert A. Capellini Community & Cultural Center  
1974 Commerce Street, Yorktown Heights, NY 10598  
(914) 962-6565, [www.yorktownny.org/planning](http://www.yorktownny.org/planning)



# Yorktown as it appeared in 1781 and 1782

These French maps depict the intersection of Route 202, Baldwin Road and Hallocks Mill. Mohansic Lake and its smaller neighboring pond are also visible.

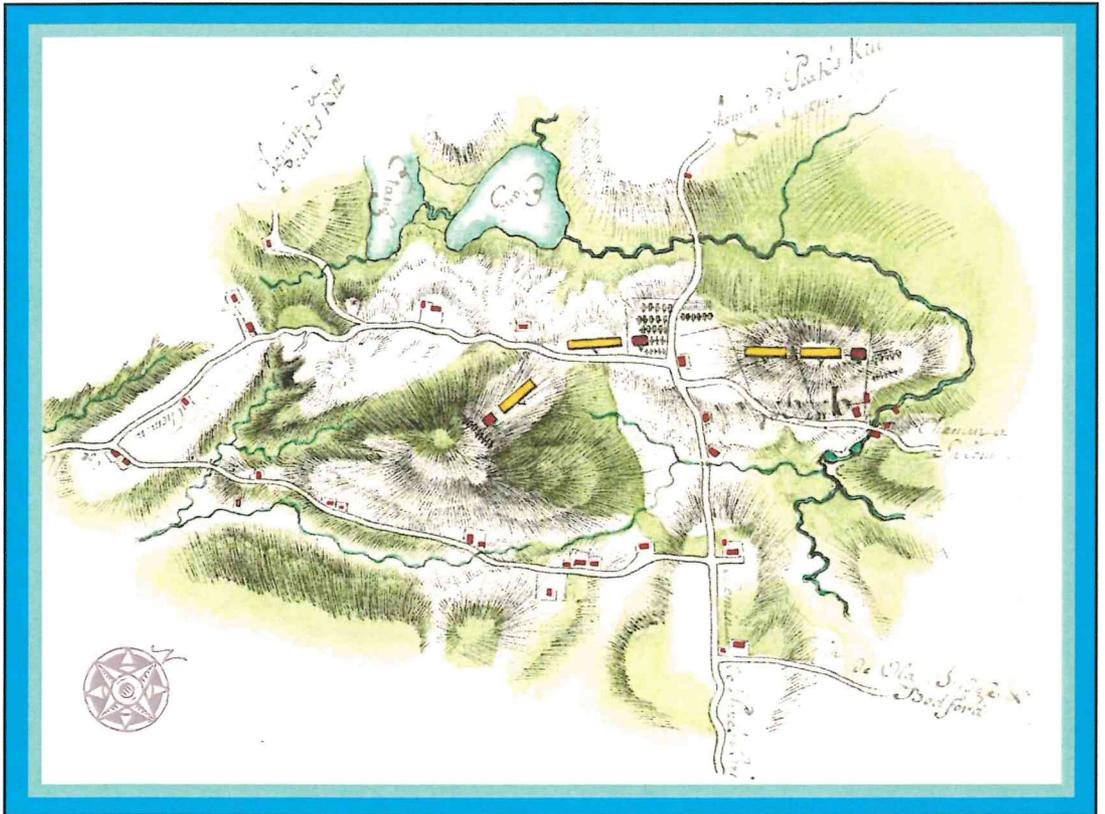


## French Camp No. 16

*Reprinted with permission*

This map shows the French encampment of August 21, 1781. Note that Hunts Tavern which is Freyer's Nursery today, is located in the center of the map. You can see the two ponds, Mohansic and Little Mohansic just northwest of Freyer's. The road intersection by Hunts Tavern is the present roads of, Baldwin, 202 and Hallocks Mill. The French regiments camped along the north side of Baldwin Road and between 202 and Hallocks Mill.

38<sup>e</sup> Camp à Huntz Covezy le 24. Septembre; 8 milles de Peach Kill.  
Sejour jusqu'au 21. Octobre.



### French Camp No. 38

*Reprinted with permission*

This was the Crompond encampment of the French, September, 16 - October 22, 1782. You can see the deployment of regiments on French Hill (South of Baldwin Rd) and northeast of Freyer's Nursery. Notice the location of homes, depicted in red, and the flow of the stream moving east from Little Mohansic. This stream became the subject of controversy upon the departure of the French army on October 22, 1782. The Lauzun Legion camped to the south near Hanover Farms in both 1781 and 1782.

## 6. Scenic & Historic Preservation

### 6.1 VISION STATEMENT

---

Yorktown has a distinctive scenic and historic character, comprised of farmland, woodlands, lakes and streams, historic structures and sites, and unique natural resource areas like the Croton Reservoir. These characteristics contribute to Yorktown's unique character and help make the Town an attractive place to live, work, and play. Yorktown's scenic and historic resources should be protected and carried forward into the Town's future.



Locke Avenue, Yorktown Heights.

### 6.2 GOALS

---

Goal 6-A: Preserve the unique character, heritage, and identity of Yorktown for the benefit of future generations, by protecting historic sites, historic districts, and scenic corridors.

Goal 6-B: Increase public awareness and appreciation of Yorktown's history, its historical figures, and its historic sites and districts.

Goal 6-C: Work with private property owners, residents, and local, County, and State organizations to continuously identify, document, and preserve historic sites and districts.

Goal 6-D: Take into account private property rights, while undertaking historic preservation initiatives.

Goal 6-E: Encourage the ongoing use and re-use of historic structures by private property owners, while encouraging owners to take steps to protect the historical or architectural attributes of those structures.

Goal 6-F: Ensure visual compatibility between new development and nearby historic sites and districts.

Goal 6-G: Take advantage of funding, information, and other resources available through County, State, and federal agencies, as well as private-sector entities and non-profit organizations, for historic preservation purposes.

Goal 6-H: Work with the Yorktown Historical Society, the Landmarks Preservation Commission, the John C. Hart Memorial Library, as well as County, State, and federal agencies, to identify and protect those resources that might provide insights into local history or historical figures.

Goal 6-I: Protect the visual quality of scenic corridors throughout Yorktown, and maintain landscape and woodland buffers along identified "green" corridors.

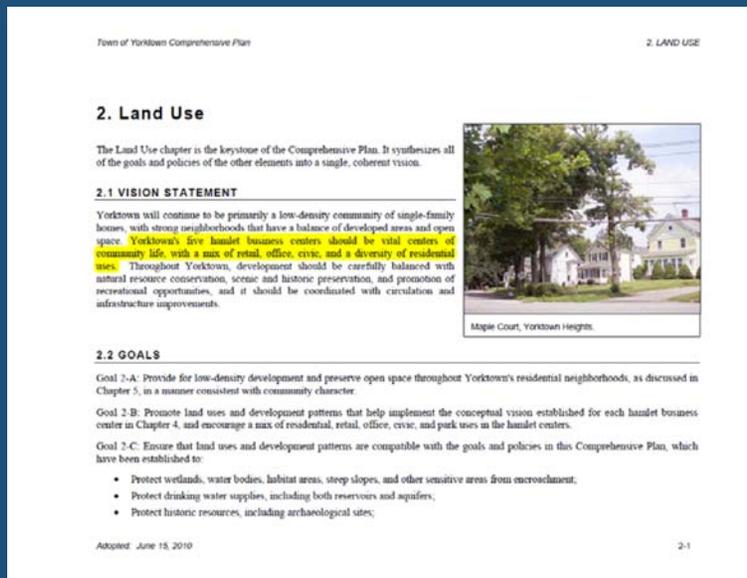
Goal 6-J: Protect vistas of open space from key locations.

### 6.3 OVERVIEW OF SCENIC AND HISTORIC RESOURCES

---

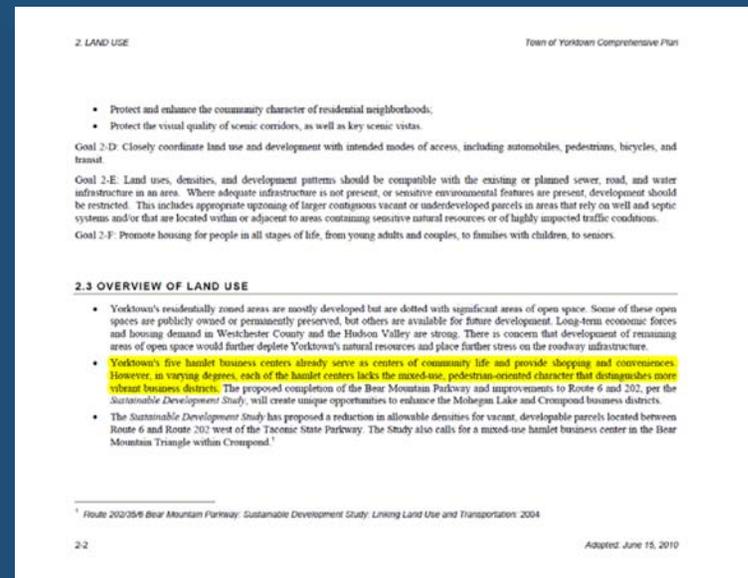
- Historic resources in Yorktown are notable for their historical integrity and quality. Their historic character is relatively intact and recognizable. In addition, Yorktown has a great diversity of historic resources and significant landmarks. These resources range from *nationally* significant Revolutionary War sites to *regionally* significant resources such as the Croton Reservoir and Aqueduct to *locally* significant sites and landscapes such as stonewalls, cemeteries, and farms.
- Yorktown has important archaeological sites dating to Revolutionary War times. These include French Hill and Crow Hill earthworks, which were the sites of encampments.
- Growth pressures have increased the need for historic preservation strategies and tools. The Town should enact legislation that will protect historic resources while also respecting private property rights and maintaining a healthy business climate.
- Through the topography and natural features of its landscape, from wetlands and woodlands, to farms and meadows, to hills and slopes, Yorktown has a valuable scenic beauty and retains important elements of its rural character.
- Yorktown has potential for heritage tourism, attracting people for recreational trips (i.e., biking), as well as history enthusiasts on short day-trips. There are opportunities for State and regional linkages as well, such as the Washington-Rochambeau Trail and the Westchester County African American Heritage Trail.
- Historic and scenic resources are a source of community pride, and Yorktown has a strong preservation ethic.
  - During the Task Force workshops, a few participants said that they consider themselves to be “temporary stewards” of the history of the place.
  - Yorktown has a Landmarks Preservation Commission that has been locally designating properties of historic significance throughout the community.
  - In surveys, eighty-two percent of respondents said they felt historic preservation to be important or very important.
  - Ninety percent of respondents either agreed or strongly agreed that the Town should protect scenic roads and vistas.
  - Forty-nine percent of respondents said that historic stonewalls should be protected. An additional twenty six percent said that all stonewalls should be maintained, whether historic or not.
  - There are several longstanding families tied to the Town that help characterize its historic sense of community.

# Comprehensive Plan



## 2.1 VISION STATEMENT

Yorktown will continue to be primarily a low-density community of single-family homes, with strong neighborhoods that have a balance of developed areas and open space. Yorktown's five hamlet business centers should be vital centers of community life, with a mix of retail, office, civic, and a diversity of residential uses. Throughout Yorktown, development should be carefully balanced with natural resource conservation, scenic and historic preservation, and promotion of recreational opportunities, and it should be coordinated with circulation and infrastructure improvements.



## 2.3 OVERVIEW OF LAND USE

- Yorktown's residentially zoned areas are mostly developed but are dotted with significant areas of open space. Some of these open spaces are publicly owned or permanently preserved, but others are available for future development. Long-term economic forces and housing demand in Westchester County and the Hudson Valley are strong. There is concern that development of remaining areas of open space would further deplete Yorktown's natural resources and place further stress on the roadway infrastructure.
- Yorktown's five hamlet business centers already serve as centers of community life and provide shopping and conveniences. However, in varying degrees, each of the hamlet centers lacks the mixed-use, pedestrian-oriented character that distinguishes more vibrant business districts. The proposed completion of the Bear Mountain Parkway and improvements to Route 6 and 202, per the Sustainable Development Study, will create unique opportunities to enhance the Mohegan Lake and Crompond business districts.

# Comprehensive Plan

## 2.4 POLICIES

**Policy 2-1:** Adopt the Proposed Land Use Plan, shown in Figure 2-1, as Yorktown's zoning map.

- The Land Use Plan synthesizes the concepts of Chapters 4 and 5, which deal with Yorktown's hamlet business centers and residential neighborhoods. Whereas many of the land use-related goals and policies espoused in those chapters are general in nature, the Land Use Plan is specific and puts forth a zoning scheme that can help implement those concepts.

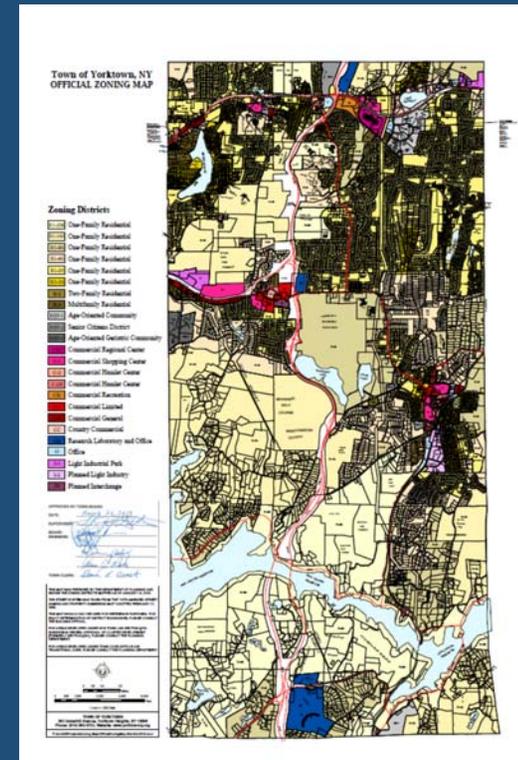


Deerhollow Estates, Crompond.

- As discussed in Chapter 5, upzoning is being recommended in many residential areas throughout Yorktown. Upzoning is focused on areas with a pattern of contiguous open space and/or larger lots. (See Chapter 5 for more detail.) Upzoning has many potential benefits, as discussed throughout the Comprehensive Plan. First, it promotes natural resource conservation and open space preservation. With lower densities, less land is generally disturbed for the purpose of development, meaning that natural features and sensitive ecological areas can be better protected. Second, with fewer homes and septic systems, upzoning helps protect the water quality of aquifers and watersheds. Finally, by allowing a smaller number of homes to be built, upzoning helps to reduce potential future traffic generation.

**Policy 2-2:** Use Tables 2-1 through 2-20 as the basis for establishing new zoning districts and updating existing zoning districts in the Town's zoning code.

- The Proposed Land Use Plan includes several new zoning and overlay districts. These new districts are intended to help implement proposals in the various elements of the Comprehensive Plan. Some of the previous zoning districts are being replaced or changed, while others are being maintained. Most of the new or revised zoning districts are for commercial areas.
- Each district is summarized in a single table, which includes a purpose statement, a list of allowable land uses, and a description of "development and design concepts."



**Policy 2-2:** Use Tables 2-1 through 2-20 as the basis for establishing new zoning districts and updating existing zoning districts in the Town's zoning code.

The Proposed Land Use Plan includes several new zoning and overlay districts. These new districts are intended to help implement proposals in the various elements of the Comprehensive Plan. Some of the previous zoning districts are being replaced or changed,

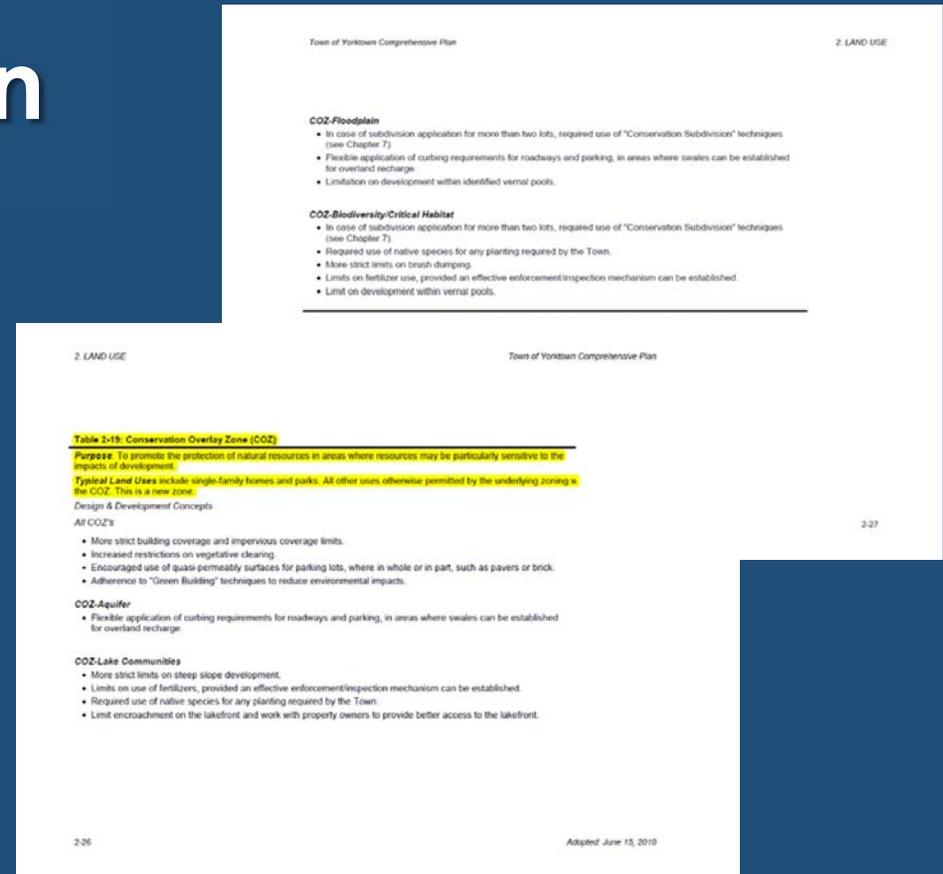
# Comprehensive Plan



**Table 2-17: Farmland Preservation Overlay District (FPO)**

**Purpose:** To promote the conservation, in whole or in part, of farms that hold a significant place in the historic or historical landscape of Yorktown, that contribute to the diversity of the Town's economic base, and that benefit the quality of life of Yorktown's residents.

**Typical Land Uses** include farms and clustered single-family homes. This is identical to the previous FPO zone.

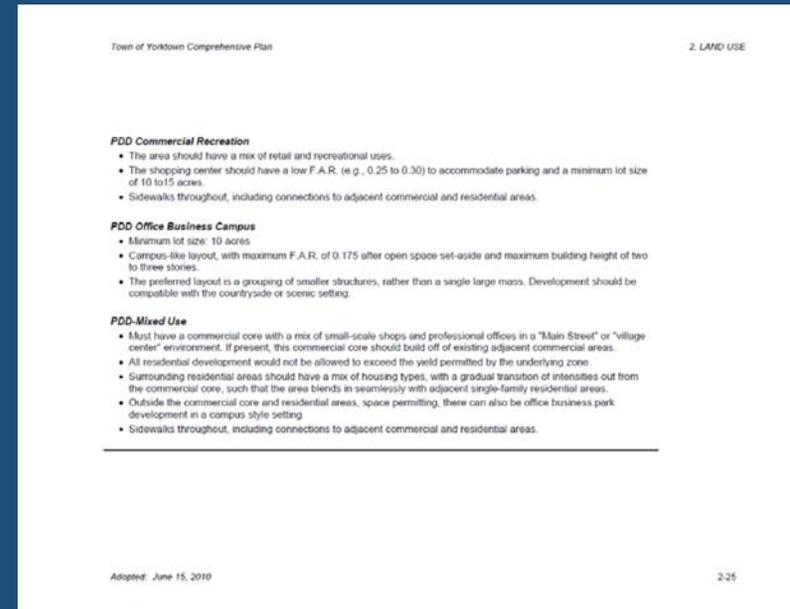
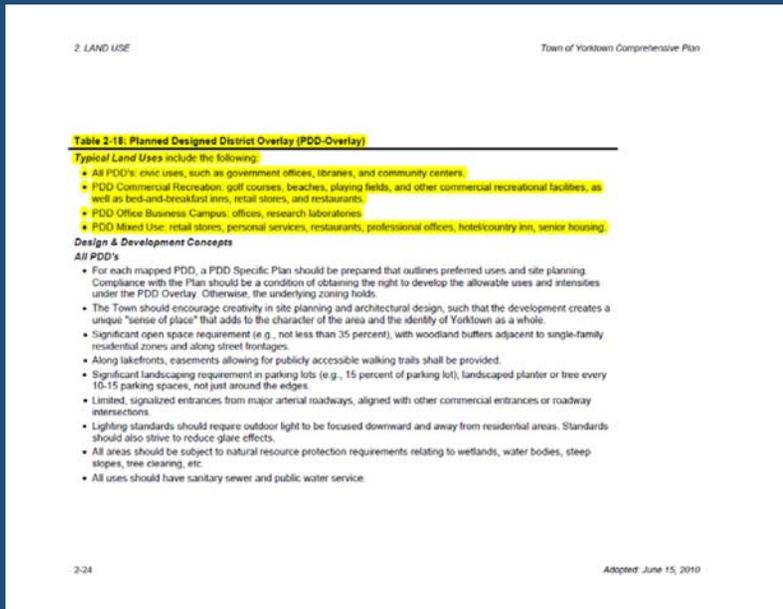


**Table 2-19: Conservation Overlay Zone (COZ)**

**Purpose:** To promote the protection of natural resources in areas where resources may be particularly sensitive to the impacts of development.

**Typical Land Uses** include single-family homes and parks. All other uses otherwise permitted by the underlying zoning w the COZ. This is a new zone.

# Comprehensive Plan



**Table 2-18: Planned Designed District Overlay (PDD-Overlay)**

**Typical Land Uses** include the following:

- All PDD's: civic uses, such as government offices, libraries, and community centers.
- PDD Commercial Recreation: golf courses, beaches, playing fields, and other commercial recreational facilities, as well as bed-and-breakfast inns, retail stores, and restaurants.
- PDD Office Business Campus: offices, research laboratories.
- PDD Mixed Use: retail stores, personal services, restaurants, professional offices, hotel/country inn, senior housing.



# Comprehensive Plan

- The descriptions included in these tables serve as the basis for the Yorktown's zoning district regulations.
- The updated zoning ordinance regulations may go beyond the provisions outlined under the "development and design concepts." For example, most of the tables do not discuss building height, but maximum heights are currently, and will continue to be, regulated under the zoning ordinance.
- Although Yorktown's residential districts have remained largely unchanged, the commercial districts are being altered and updated. Currently, the commercial zoning districts promote auto-oriented development patterns, which promote automobile access and parking. New zoning districts provide for pedestrian-oriented environments as well.

**Policy 2-3:** Ensure that new development and roadway and infrastructure improvements are compatible with the Proposed Land Use Plan, as well as with the other provisions of this Comprehensive Plan.

- This will help work toward the overall vision espoused throughout this Plan. It will promote better circulation and natural resource conservation, as well as an enhanced quality of life overall.

**Policy 2-4:** Monitor future development and population trends, and regularly update the Land Use Plan and Comprehensive Plan.

- As new development occurs, portions of the Land Use Plan may no longer make sense, or new ideas may spring forth. The Town should regularly reevaluate and update the Plan, so that it remains current and relevant. The Town should establish a reasonable time horizon for a comprehensive update.

**Policy 2-5:** Consider using Overlay Zones to protect unique resources from the impacts of development.

- On an ongoing basis, the Town should study new areas where such overlay zones might provide a benefit to the environment or the community.



Hilltop Hanover Farm, Croton Heights.



**Policy 2-5:** Consider using Overlay Zones to protect unique resources from the impacts of development.

- On an ongoing basis, the Town should study new areas where such overlay zones might provide a benefit to the environment or the community.

# Comprehensive Plan

- *Yorktown Heights.* As Yorktown's downtown, this business center should continue to have a mix of civic institutions, parks, and shopping. A pedestrian-oriented "Main Street" with small shops and restaurants should be created along Commerce Street, complementing the large-format shopping centers and building a sense of place.

## 4.2 GOALS

Goal 4-A: Facilitate a positive business climate in Yorktown and provide opportunities for non-residential development and local employment where appropriate.

Goal 4-B: Maintain diversity in the economic base and job base so that Yorktown can withstand the effects of changing business cycles and fluctuations in different industries.

Goal 4-C: Strive for tax and fiscal stability for Yorktown residents by continuing to seek out stable, low-impact, high-quality ratables.

Goal 4-D: Bolster the long-term economic vitality of Yorktown's five hamlet business centers, building on their current strengths, and taking into account retail trends and competition.

Goal 4-E: Promote the five hamlet business centers as hubs of civic life and community identity, and promote a mix of retail, professional office, park/civic uses, and compatible residential uses that create an atmosphere of vitality.

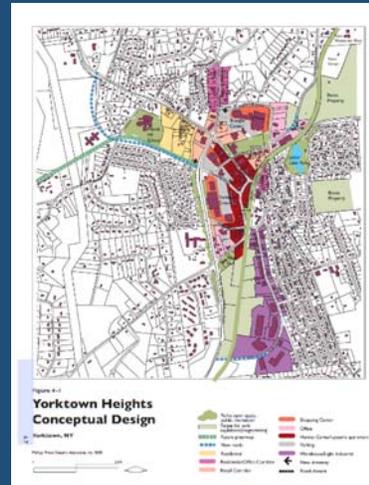
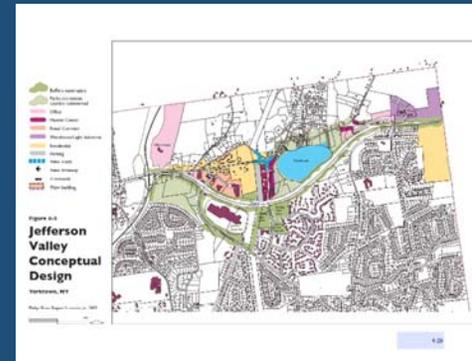
Goal 4-F: Avoid sprawl along Yorktown's commercial corridors, and encourage a high standard of architectural design, landscaping, and maintenance for all development.

Goal 4-G: Promote the continued success of the Jefferson Valley Mall, and seek to keep the mall competitive with other major retail outlets in the region.

Goal 4-H: Promote Yorktown Heights as Yorktown's "downtown," with a concentration of commercial, civic, and park uses that create a special sense of place.

Goal 4-I: Improve access into and circulation throughout the five hamlet business centers through roadway and intersection improvements, but also promote walking and biking by creating safer and more comfortable environments for pedestrians and cyclists.

Goal 4-J: Promote convenient parking, while also promoting more efficient parking patterns and striving to reduce unnecessary expanses of blacktop.



Goal 4-B: Maintain diversity in the economic base and job base so that Yorktown can withstand the effects of changing business cycles and fluctuations in different industries.

Goal 4-D: Bolster the long-term economic vitality of Yorktown's five hamlet business centers, building on their current strengths, and taking into account retail trends and competition.

Goal 4-E: Promote the five hamlet business centers as hubs of civic life and community identity, and promote a mix of retail, professional office, park/civic uses, and compatible residential uses that create an atmosphere of vitality.

# Comprehensive Plan

Goal 4-K: Ensure that infrastructure improvements are provided before or concurrent with significant new development.

## 4.3 OVERVIEW OF ECONOMIC DEVELOPMENT

- Hamlet business centers that have vacant or underutilized land can accommodate new business activity for the purpose of economic development. In some parts of the hamlet business centers, parking lots are poorly laid out. If some of the parking lots were connected and reorganized, some land could be freed up for infill development. By attracting more business activity, the Town can gain more tax revenue to pay for Town services.
- At the same time, in all of the hamlet business centers (particularly Yorktown Heights, Crompond, and Mohegan Lake), there are serious concerns about traffic congestion. Before any significant new development takes place, traffic problems need to be addressed. There needs to be a link between continued development and infrastructure improvements. In particular, infrastructure improvements must be provided before or concurrent with significant development.
  - The automobile will continue to be the primary mode of travel for most customers, and therefore, the Town needs to continue to provide convenient access and parking.
  - At the same time, creating more walkable environments can actually help reduce traffic congestion and parking needs. Some of the land now given over to roads and parking lots is excessive and can be broken up and used for a combination of infill buildings, expanded pedestrian areas, and landscaping.
- Hamlet business centers are not just places of business activity. They are also centers of community life. Their character and quality contribute to the Town's quality of life and community pride and identity. There are many opportunities in the hamlet business centers to provide additional park space, village greens, and landscaping. Such green space complements the built-up nature of the hamlet business centers and adds to the unique identity and character of the place.
- An attractive commercial area not only contributes to community pride, but also helps attract customers. The hamlet business centers can be improved in terms of their overall attractiveness, the quality and mix of stores, and walkability. Many of the hamlets also have historic buildings or scenic qualities that warrant protection.



- Hamlet business centers are not just places of business activity. They are also centers of community life. Their character and quality contribute to the Town's quality of life and community pride and identity. There are many opportunities in the hamlet business centers to provide additional park space, village greens, and landscaping. Such green space complements the built-up nature of the hamlet business centers and adds to the unique identity and character of the place.
- An attractive commercial area not only contributes to community pride, but also helps attract customers. The hamlet business centers can be improved in terms of their overall attractiveness, the quality and mix of stores, and walkability. Many of the hamlets also have historic buildings or scenic qualities that warrant protection.

# Comprehensive Plan

## 4.4 POLICIES

### All Hamlet Business Centers

**Policy 4-1: Promote a mix of retail shopping, professional offices, and housing in the hamlet business centers, and in specified locations, promote mixed-use "Main Street" or "Village Center" development.**

- Retail-only districts are most active on weekends, whereas office-only districts are active mornings and evenings. Mixing the two creates a district that is vital and busy every day, all week long.
- Residential uses would add more evening and weekend activity to the hamlet business center. More importantly, housing units in hamlet business centers would tend to be smaller than single-family homes, providing much-needed housing diversity and greater affordability to Yorktown's housing supply (see Chapter 5.) Second-floor apartments over retail uses should be permitted where appropriate.
- "Main Street" or "Village Center" development would have a mix of housing units, offices, and shops, all in a pedestrian-oriented setting. Such sites should generally have the following characteristics:
  - Sidewalk connections throughout and connecting to surrounding areas.
  - A Main Street or village green accessible to the general public.
  - Parks and abundant landscaping.
  - Requirement that a portion of housing units be set aside for seniors.
  - High-quality architectural design, effective traffic and parking schemes, wetland and slope protection, buffering (where appropriate), etc.
  - Coordinated signage.

**Policy 4-2: Based on the Comprehensive Plan, develop more detailed business center plans, and update the Town's zoning map to reflect the conceptual maps included in this Chapter. Also, update the Town's use regulations and bulk, landscaping, parking, and lighting standards as they relate to the hamlet business centers.**

- The business center plans should make recommendations for improving circulation and parking, include streetscape and gateway design plans, and identify resource areas for protection, and provide action items for park expansion.
- Significant revisions to the commercial zoning regulations are warranted, as discussed in Chapter 2. In particular, bulk standards (i.e., coverage, height, setbacks) need to be revised.



**Policy 4-1: Promote a mix of retail shopping, professional offices, and housing in the hamlet business centers, and in specified locations, promote mixed-use "Main Street" or "Village Center" development.**

- Residential uses would add more evening and weekend activity to the hamlet business center. More importantly, housing units in hamlet business centers would tend to be smaller than single-family homes, providing much-needed housing diversity and greater affordability to Yorktown's housing supply (see Chapter 5.) Second-floor apartments over retail uses should be permitted where appropriate.
- "Main Street" or "Village Center" development would have a mix of housing units, offices, and shops, all in a pedestrian-oriented setting. Such sites should generally have the following characteristics:

# Comprehensive Plan

## Yorktown Heights

See Figure 4-1.

**Policy 4-6:** Promote a multi-faceted market niche for Yorktown Heights, building off its current strengths.

- Yorktown Heights is a popular destination for grocery shopping, and this retail focus should be continued. To favor grocery shopping, continue to have stores of adequate size, but also abundant parking and easy vehicular access.
- Also, Yorktown Heights is the place where most survey respondents (35 percent) go for professional services, such as accountants and lawyers. Continue to maintain Yorktown Heights as the center of professional services in the Town by providing space for additional small-scale office space.
- According to the 1997 Economic Census, Yorktown ranked only 23<sup>rd</sup> out of 39 Westchester municipalities in terms of annual sales (\$26.5 million) and number of employees (206) in the Professional, Scientific, and Technical Service industries. Yorktown Heights is one location where such businesses can be encouraged.
- Survey respondents said that the most important issue to address in Yorktown Heights is the quality and mix of stores, and many respondents said that it is important to address walkability and the attractiveness of storefronts. Time and time again, Task Force meeting participants have said that they would like to see more of a "Main Street" environment in Yorktown Heights with a special sense of place. The Town should create such an environment along Commerce Street, featuring specialty shops and restaurants where people can walk, browse, dine, and pass the time.
- These three market niches — grocery shopping, professional services, and "Main Street" are complementary and can fit together nicely in the same hamlet business center, provided that: (1) the access and parking work, (2) there is a walkable network of streets that tie the uses together, and (3) the developed areas of the downtown are balanced by open space and park amenities nearby.

**Policy 4-7:** Establish a mixed-use, walkable "Main Street" with shops and restaurants, while maintaining large-format retail buildings with grocery shopping and large parking lots to the rear.

- Using strategic infill development, create a "Main Street" shopping environment along Commerce Street and Underhill Avenue, from the Route 118-Route 202 intersection to Town Hall.
  - These streets should be pedestrian-oriented, with sidewalks, street trees, pedestrian-scale lighting, a mix of small- and moderate-size business, all built up close to the street, with main entrances and display windows fronting the sidewalk.
  - Preferred businesses would include non-chain shops, services, café's, restaurants, etc. on the ground floor, as well as second-floor offices and apartments (see below.)



**Policy 4-7:** Establish a mixed-use, walkable "Main Street" with shops and restaurants, while maintaining large-format retail buildings with grocery shopping and large parking lots to the rear.

# **Correspondence Received**



# Parks, Recreation, and Historic Preservation

## Resource Evaluation

Date: 05/26/2021

Staff: Chelsea Towers

USN Number: 11918.000175

Name: Underhill Estate ("Floral Villa")

Location:

RECEIVED  
PLANNING DEPARTMENT

JUL 8 2022

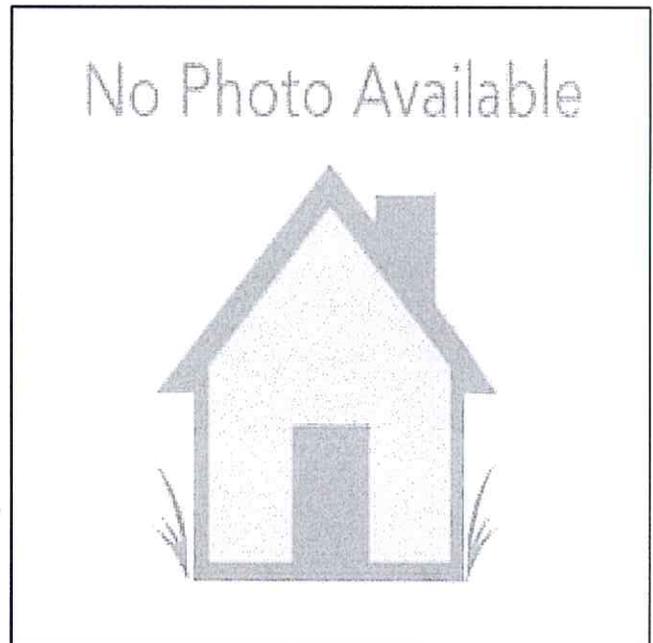
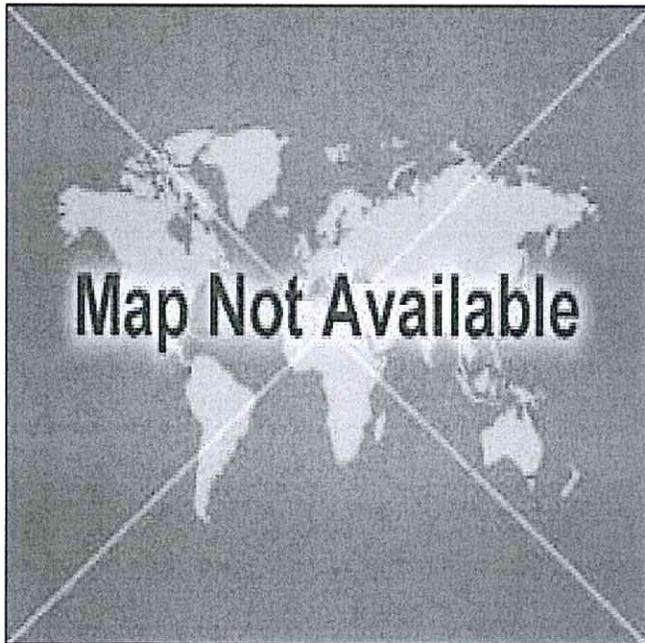
TOWN OF YORKTOWN

### Resource Status:

1. **Determination:** Determined SR/NR eligible by the Commissioner of the Office of Parks, Recreation and Historic Preservation on the date noted above.
2. **Contributing:**

### Criteria for Inclusion in the National Register:

- A.  Associated with events that have made a significant contribution to the broad patterns in our history.
- B.  Associated with the lives of persons significant in our past.
- C.  Embodies the distinctive characteristics of a type, period or method of construction; or represents the work of a master; or possesses high artistic values; or represents a significant and distinguishable entity whose components may lack individual distinction.
- D.  Have yielded, or may be likely to yield information important in prehistory or history.



### Summary Statement:

Summary



The Underhill Farm is eligible for the State and National Registers under Criterion A for Abraham and Edward B. Underhill's contributions to the settlement, agricultural, and economic development of Yorktown. It is also significant under Criterion C in the area of architecture as an intact example of a Federal-style farmhouse transformed into a large Italianate-style residence reflecting the evolution of changing architectural tastes in the second half of the nineteenth century. The former estate, first developed in 1828, is currently comprised of over 13 acres of land including historic landscape features such as a small pond and stone walls, and seven contributing outbuildings (a former summer kitchen/root cellar, three residential cottages, a carriage house/horse barn, a carpenter's workshop/storage barn, and a chapel). Though many of these ancillary structures were later adapted to meet the needs of a conference center and school they retain sufficient period integrity to represent the past agricultural history of the property. The period of significance is 1828 to 1888 encompassing the development of the property under the ownership of Abraham Underhill followed by his son, Edward B. Underhill.

### Development of Underhill Farm from 1828 to 1888

Located in northcentral Westchester County, the once 240-acre Underhill Farm was owned by Abraham Underhill in the early nineteenth century. One of the founding families of Yorktown, who owned a number of mills and mill rights on the Croton River, Underhill began construction of the Federal-style main house in 1828 when there was very little development in the surrounding area. His mill rights allowed for processing of large quantities of flour that were shipped to New York City markets. When the leases expired, Abraham Underhill turned his attentions to his farm in Yorktown making improvements to the land and raising Merino sheep. Upon Abraham Underhill's death in 1841 the farm was left to his only son, Edward B. Underhill.

Edward continued making improvements to the land and adding several agricultural outbuildings. He also significantly remodeled and expanded upon the original Federal-style house. By 1881 it was transformed into the elegant Italianate-style residence named Floral Villa.

The asymmetrical-plan frame residence consists of two distinct parts: the original 1828 2-1/2-story rectangular western portion built in the Federal style with later Italianate style updates and the taller 2-1/2-story Italianate style eastern addition with 3-story tower, likely completed by 1881. The 1828 block features porches on both side elevations, wooden clapboard siding and asphalt shingle roofing. The addition features clapboard siding matching the 1828 section, a substantial cut stone foundation and stone steps, as well as larger windows, including two bay windows on the eastern elevation. Character-defining features of the Italianate style at Floral Villa include the towered asymmetrical form, segmental arch windows, hooded window crowns, bracketed cornices, porches with decorative support columns, paired windows in the tower, decorative chimneys and chimney pots and a rusticated basement level. On the northern elevation and northwestern corner, are two additions that were added ca. 1976. The interior of the residence retains historic details such as substantial woodwork within the bay windows and arched entranceways, moldings and trims at the doors and windows, fireplace surrounds, staircase banister and newel posts, and plaster ceiling modillions. The 1881 section also appears to retain its historic plan as well.

At the time of Edward Underhill's death in 1888 the estate included the house, a barn, chapel with a bell tower, carpenters' workshop, and several other outbuildings. The lithograph of the Floral Villa, published in 1886, shows several lean-tos, a pigsty and a small boat house by the pond. This lithograph also shows a series of stone-lined paths around the buildings with wrought iron gates at the access to Underhill Avenue.

Though the former estate's acreage is substantially diminished from the original the remaining landscape around the house and ancillary buildings still embodies the rambling asymmetrical character of Italian Villa farmhouses and informal rural ideals. The parklike lawns and stone walls surrounding the house remain much as depicted in the 1880s etching reproduced in Thomas Scharf's "History of Westchester County." The surviving outbuildings reflect the property's former agricultural history.

### Twentieth Century History: From Dairy Farm to Conference Center to Private School

In the first decade of the 1900s, the farm was purchased by Gilbert and Anna Simonton Beaver. The Beavers were dairy farmers and maintained the farm buildings and residence. In the 1920s and 1930s, Gilbert Beaver established the Gilbert Beaver Conference Farm (Westchester County Land Records). Throughout the twentieth century much of the original acreage was sold off to private developers. In 1952 Gilbert Beaver died, leaving half of his holdings to his second wife Jean Keir Beaver, and the balance to the Gilbert Beaver Conference Farm, to whom the property was left to in full when Jean Beaver died in 1985. Throughout the latter portion of the twentieth century, the property was operated by Rev. Schuyler Barber-Rhodes and his wife, Carole (Rosenberg 1987). The Beaver Conference Farm provided ecumenical



retreats, and farm experiences to promote humanitarian justice. By 2008, the Soundview Preparatory School had taken over the property, catering to children who required a greater level of individualized attention than could be provided by the public-school system. In 2020 the school filed for bankruptcy and closed its doors.

The information presented here is largely accredited to the Historic Building Assessment: Soundview-Underhill Farm Project, prepared by Hudson Valley Cultural Resource Consultants (Feb. 2021), and the Application for Designation as a Local Landmark, prepared by the Yorktown Heritage Preservation Commission.

**Sources:**

Hudson Valley Cultural Resource Consultants, Ltd. "Historic Building Assessment Soundview-Underhill Farm Project," February 2021.

Rosenberg, Harriet. "Peace with Justice." The Herald Statesman, July 5, 1987. Newspaper.com.

Scharf, John Thomas. History of Westchester County: New York, Including Morrisania, Kings Bridge, and West Farms, Which Have Been Annexed to New York City. L. E. Preston & Company, 1886.

"Westchester Records Online?: Land Records." Accessed May 26, 2021.  
<https://wro.westchesterclerk.com/landsearch.aspx>.

Yorktown Heritage Preservation Commission. "Application for Designation as a Landmark: Underhill Farm," April 2021.

RECEIVED  
PLANNING DEPARTMENT

JUL 8 2022

TOWN OF YORKTOWN

**From:** Lynn Briggs <lynn1200@aol.com>

**Sent:** Friday, July 8, 2022 12:18 PM

**To:** Robyn Steinberg <rsteinberg@yorktownny.org>

**Cc:** [afetzer36@gmail.com](mailto:afetzer36@gmail.com); [bridgetkrowe@gmail.com](mailto:bridgetkrowe@gmail.com); [tmcloughlin2384@gmail.com](mailto:tmcloughlin2384@gmail.com);  
[christine.sisler@gmail.com](mailto:christine.sisler@gmail.com)

**Subject:** YHPC Comments Re Unicorn/Selig Revolutionary War / French Encampments

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Robyn, please place the attached files into the Underhill Farm Advance Meeting Packet and written Public Record.

Also, we would appreciate your placing our request to be an "Interested Agency" into the record as well.

Thanks.

YHPC

July 8, 2022

RECEIVED  
PLANNING DEPARTMENT

To: Planning Board

JUL 8 2022

From: Yorktown Heritage Preservation Commission

TOWN OF YORKTOWN

**Subject: Beth Selig Omission, Misrepresentations and Assertions- Revolutionary War Period and Yorktown French Encampments**

The YHPC submits the following comments into the Underhill Farm Public Record to address Unicorn's omission, misrepresentations and inaccuracies regarding the Revolutionary War and Yorktown French encampments. The comments are in two parts: Summary and Supporting Details.

### Summary

- 1. Omission:** The Unicorn February 2021 1A Archaeological Literature and Sensitivity Assessment performed by Beth Selig failed to acknowledge a significant Revolutionary War event: the existence of the French encampments during the Revolutionary War in Yorktown in the very geographic area where the Underhill Farm property is located (several thousand French army troops camped in 1781).
- 2. Misrepresentation of YHPC Position:** On June 17, 2022, Beth Selig emailed Dr. Robert A. Selig (no relation), Revolutionary Route and Rochambeau scholar and historian, and stated that YHPC "has offered up the idea that (Edward B. Underhill Estate) **was part** of the Rochambeau Route through Yorktown, and part of the French army encampment." Per number 1 above, the YHPC indicated that the research assessment did not cite this significant historical event at all.
- 3. Premature/Misrepresentation of Historic Encampment Facts:** Beth Selig also states that it is her "understanding that **the** camp was located a mile to the north at Hallock's Mill," asking Dr. Selig for evidence that would corroborate her statement. Without waiting for his response, Beth Selig sent a same day letter to John Tegeder stating, "A review of the materials in this historical records, fn2, along with documents written by Robert A. Selig, fn3, the encampment was located a mile to the north of the Underhill Estate at Hollock's Mill (misspelled)." Facts readily accessible on the internet reveal that a total of nine, not just one in 1782, of Rochambeau's French army encampments were in Yorktown in 1781 and 1782.
- 4. Misrepresentations of Dr. Robert Selig's Writing and Timetable Omission?:** While Dr. Selig wrote the historical summary in the referenced document, the location of the encampment Beth Selig indicates is NOT mentioned in the text, nor cited in the text under the photograph. Further, the statements, "the encampment was located a mile to the north of the Underhill Estate at Hollock's Mill" ... "along with the documents written by Robert A. Selig, fn3", **are false** and are not referenced in the document cited in footnote 3. When Dr. Selig responded on June 22, "The research is complex and has many components...still in the discovery stages and do not yet have a timetable for completion," did Beth Selig send this information on to John Tegeder?
- 5. Encampment Remains Assertion without Proof:** Further, in her June 17 letter to John Tegeder, Beth Selig states that due to changes Edward Underhill "is reported to have made to the property, fn4, ...any remains of the French encampment would have been lost through these processes." This statement is an unsupported assertion; without archaeological testing to rule out the existence French encampment artifacts, this statement is speculation.
- 6. Historic Preservation Assertions and Conjectures:** In her June 17 letter to John Tegeder, Beth Selig makes numerous unsupported assertions and conjectures about the future of the "Mansion," building standards and codes, impact on historic features and integrity, adaptive reuse, and includes vague, unspecific and unapproved developer plans and commitments. The YHPC urges Unicorn's preservation and landscape architects to present an integrated master plan for the historically and architecturally significant ENTIRE property: a character defining features and impact analysis, lower density alternatives with financial ROIs, alternate sighting options, cultural landscape plan and modeling/visual impact study.

## Supporting Details

### Background/Context:

1. In the YHPC comments submitted to the Planning Board Public Record for Underhill Farm on May 26, regarding Beth Selig's Phase 1A Literature Search and Sensitivity Assessment:

**Detailed Comments section**, page 21, the YHPC stated "in the historical context section, page 12, the study fails to acknowledge a significant historical event: the existence of the French encampments during the Revolutionary War in Yorktown in the very geographic area where the Underhill Farm property is located (several thousand French army troop camped in 1781)."

**Conclusions section**, page 13, the YHPC indicated that Beth Selig's "Archaeological Study 1A – Literature and Sensitivity Assessment did not acknowledge the French encampments, a potentially significant Revolutionary War event in the proximity of the Underhill Farm property."

**Recommendations section**, on page 15, the YHPC recommended a metal detector study, performed by the National Parks Service (NPS) metal detectorist trained and certified in Advanced Metal Detecting for Archaeologists for working in battlefield and military sites.

2. At the **June 13 Public Informational Hearing**, the YHPC stated: "we reviewed two years of Unicorn studies and documents and provided the Planning Board with a comprehensive critique of these documents...and missing elements (e.g. **ruling in or out whether a Revolutionary War French encampment with potential archaeological value was located on the Underhill property.**"

### Unicorn Omission and Misrepresentation:

1. In a June 17 email to Dr. Robert A. Selig with his June 22 response appended, Unicorn Consultant Beth Selig (no relation) states that "the local historic preservation commission has offered up the idea that this property was part of the Rochambeau Route, and part of the French encampment."

2. In a June 17 letter to John Tegeder appended, section labeled Revolutionary War Period, page 2, Beth Selig states that "the Yorktown Heritage Preservation Commission has suggested that this location was part of the Rochambeau's Army encampment in Yorktown Heights."

### YHPC Clarification to the Public Record:

1. The YHPC did not "offer up" or "suggested that this location was part of the Rochambeau's Army encampment in Yorktown Heights." The YHPC simply stated that Unicorn's 1A assessment failed to acknowledge the potential existence of a significant Revolutionary War event in Yorktown and a potential French encampment on the Underhill property with archaeological value, and requested that Unicorn authenticate the presence or absence on the property.

2. Robert A. Selig is a preeminent scholar of the Washington-Rochambeau Revolutionary Route, and author of several books on the American War of Independence. He is a specialist on the role of French forces under the *comte* de Rochambeau during the American Revolutionary War and serves as project historian to the National Park Service for the Washington-Rochambeau Revolutionary Route National Historic Trail Project.

3. The YHPC is collaborating with Dr. Selig to develop a historical narrative about the cooperation between the French and Continental armies during the American War on Independence through Yorktown, New York. This effort is in support of the Congressional Semiquincentennial Act of 2016, a national effort to commemorate our nation's 250<sup>th</sup> anniversary of the Declaration of Independence from England in 2026.

#### **Unicorn Omissions and Misrepresentations:**

1. In her June 17 email to Dr. Robert A. Selig, Beth Selig states: "Its my understanding that **the** camp was located a mile to the north at Hallock's Mill."

2. In her June 17 letter to John Tegeder, page 2, Beth Selig states: "A review of the materials in this historical records (footnote 2)... "along with documents written by Robert A. Selig (footnote 3), **the** encampment was located a mile to the north of the Underhill Estate at Hollock's Mill." (Misspelled, it is Hallock's Mill).

#### **YHPC Clarification to the Public Record:**

1. Beth Selig states there was one encampment in Yorktown in 1782; in point of fact, Rochambeau's French forces were in Yorktown in both 1781 and 1782 and there were nine encampment sites / locations in Yorktown during the two years.

2. The existence of multiple encampments, the years and their locations in Yorktown is easily researchable. Beth Selig could have accessed, verified and included in her February 2021 Phase 1A Literature Search and Sensitivity Assessment.

#### **Unicorn Misrepresentation:**

1. In her June 17 letter to John Tegeder, page 2, Beth Selig states: ..... "along with documents written by Robert A. Selig (footnote 3), the encampment was located a mile to the north of the Underhill Estate at Hollock's Mill." (Misspelled, it is Hallock's Mill).

#### **YHPC Correction to the Public Record:**

1. Dr. Selig wrote the historical summary on pages 11-21 and there is a photograph of Hallock's Mill Pond on p. 15. But the location of the encampment Beth Selig indicates is **not** mentioned in the text, and **not even cited** in the text under the photograph.

2. The statements—.... "the encampment was located a mile to the north of the Underhill Estate at Hollock's Mill"..."along with the documents written by Robert A. Selig, Footnote 3", **are false and are not referenced in any of the materials in footnote 3:** Washington – Rochambeau Revolutionary Route Resource Study & Environmental Assessment, National Park Service—U.S. Department of the Interior, October 2006."

#### **Unicorn Assertion Without Demonstrated Proof or Evidence in Fact:**

1. In her June 17 letter to John Tegeder, page 3, Beth Selig states: "Given the changes that Edward Underhill is reported to have made to the property (footnote 4), including draining wetlands and removing a large amount of surface rock and modifying soils to make the land

usable for crops, any remains of the French encampment would have been lost through these processes.”

**YHPC Comment to the Public Record:**

1. Beth Selig’s statement is an unsupported assertion. Without archeological testing to rule out the existence of French encampment artifacts, this statement has no validity.
2. As mentioned our Recommendations section, on site field testing by nationally recognized experts vs an unsupported assertion is needed to rule in or out the existence of a French encampment and / or potential archaeological value associated with the Underhill property.

**Respectfully Submitted**

**Yorktown Heritage Preservation Commission**

**July 8, 2022**

-----Original Message-----

From: robert a Selig <[robertaselig@gmail.com](mailto:robertaselig@gmail.com)>

To: [HUDSONCULTURAL@gmail.com](mailto:HUDSONCULTURAL@gmail.com)

Sent: Wed, Jun 22, 2022 11:07 am

Subject: Re: Yorktown Heights/Crompond Encampment 1782

Dear Ms. Selig,

Thank you for your inquiry; my apologies for this tardy response but I was gone on vacation. There is a comprehensive effort underway to determine the locations of the French encampments along the march routes from Boston to Yorktown. Research into the campsites in Yorktown Heights is part of a long standing, multi-year commitment of the Washington - Rochambeau Revolutionary Route (W3R-US) organization, in partnership and cooperation with the National Parks Service, to create a detailed, historical narrative of the cooperation between the French and Continental armies during the American War of Independence; in particular, this multi-phase research project seeks to document the journey of the comte de Rochambeau and his French soldiers from their arrival in Newport, Rhode Island in July 1780 along the 700 + mile National Historic Trail through Yorktown Heights, New York, to the victorious siege of Yorktown, Virginia, in October 1781.

This research effort is also integral to the national undertaking, in support of the Congressional Semiquincentennial Act of 2016, to commemorate our nation's 250th anniversary of the Declaration of Independence from England in 2026. The results will be incorporated into wayfinding interpretative signage, lectures, exhibits, tours and brochures and serve as educational material for an aggressive public awareness calendar of organized local and state activities, events and programs.

This research is complex and has many components, and as I'm sure you can appreciate, must be completed with unflinching accuracy, authentication and stand up to peer review to meet the high standards of the National Park Service. We are still in the discovery stages and do not yet have a timetable for completion.

Respectfully,  
Dr. Robert A. Selig

=====

On Fri, Jun 17, 2022 at 1:08 PM <[HUDSONCULTURAL@gmail.com](mailto:HUDSONCULTURAL@gmail.com)> wrote:

Hi Mr. Selig,

I am reaching out as I am working on a project that involves the Edward Underhill Estate at the intersection of Underhill Road and Sawmill River Road (41°16'6.87"N, 73°47'2.73"W).

The local historic preservation commission has offered up the idea that this property was part of the Rochambeau Route through Yorktown, and part of the French army encampment.

Its my understanding that the camp was located a mile to the north at Hallock's Mill. Is there any evidence in the historical record that would corroborate a presence or absence on the Underhill Parcel shown above? Can you offer an opinion on whether or not this property would have been part of the encampment?

Your feedback and input are most appreciated  
Thanks in advance

Best Wishes,

Beth Selig

**Hudson Cultural Services**

914-456-3698 [HUDSONCULTURAL@gmail.com](mailto:HUDSONCULTURAL@gmail.com)



Hudson Cultural Services  
PO Box 124, Lagrangeville NY 12540  
914-456-3698

RECEIVED  
PLANNING DEPARTMENT  
JUN 28 2022  
TOWN OF YORKTOWN

June 17, 2022

John Tegeder  
Director of Planning  
Town of Yorktown  
1974 Commerce Street  
Yorktown Heights, N.Y. 10598  
jtegeder@yorktownny.org

Re: Underhill Farms Project

Dear Mr. Tegeder,

The Applicant, Mr. Paul Guillaro, has requested that I provide you with some additional information to provide clarity to some of the concerns among the members of the Planning Board as well as the public. I offer the following to help bring an overall understanding of the SHPO review process, and some additional information on the property's history and the historic preservation process generally.

#### SHPO REVIEW

On May 23<sup>rd</sup> 2022 I had a phone conversation with Nancy Herter, Director, Technical Preservation Services Bureau: Division for Historic Preservation, of the Office of Parks, Recreation and Historic Preservation (hereafter the "SHPO") to discuss her position regarding the timing of the execution of the Letter of Resolution (LOR). In this conversation she indicated that there is no vehicle for including or allowing public comment in Chapter 14.09 of the State Historic Preservation Act, the guidance under which this project was reviewed. Ms. Herter stated that this is a deviation from the normal process of executing a LOR based on the comments she has received from the Yorktown Heritage Preservation Commission, but she felt it provided an opportunity for them to be heard. She has no issues with the mitigation strategies outlined in the LOR (listed below) and has no issues with the previously completed reports and review thereof (completed by her staff) for the project.

The SHPO's finding for the proposed project is an Adverse Effect. This has not been ignored, and in fact the record shows that it was thoroughly addressed. The SHPO review identified an Adverse Effect to the Underhill Estate Historic district and as a result, the SHPO asked that the applicant look at additional options and scenario's (Alternatives Analysis) to avoid an Adverse Effect. The Alternatives Analysis was completed. The SHPO reviewed the Alternatives Analysis and stated that "there are no prudent and feasible alternatives to the development proposed at the Underhill Estate Property".<sup>1</sup> To mitigate the Adverse Effects, the following measures are included in the Letter of Resolution. As previously stated, the SHPO has no objection to the LOR as it stands.

---

<sup>1</sup> Letter from OPRHP dated 10/29/2021.

A. Underhill Estate Building District (USN: 11918.000175)

- The Applicant agrees to preserve and rehabilitate the Mansion House (11918.000173) and retain the carriage paths on the southern side of the building. Rehabilitation Plans for the Mansion House will be submitted the Town of Yorktown Planning Board for review and approval at the preliminary and pre-final stages of development. Review and approval by the Planning Board shall be completed prior to construction activities.
- The Applicant agrees to preserve the pond, and retain the historic landscape for community use.
- The Applicant agrees that any constructed ancillary or accessory buildings will reflect the character and architecture of the Chapel and/ or Carriage Barn.
- The Applicant agrees to consult with the town of Yorktown Planning Board for review and approval in regard to the proposed designs of any ancillary or accessory structures, and the rehabilitation efforts within the Mansion house. These plans shall be reviewed and approval at the preliminary and pre-final stages of development and prior to any construction activities.
- Existing vegetation on the property shall be maintained to reduce the potential visual impacts to the Mansion House due to the new construction. Changes to the vegetation will be subject to Town of Yorktown ordinances. Any vegetation removed due to necessity will be replaced in kind.

B. The Applicant will offer the buildings that are slated for demolition as donation and relocation to any interested parties, including local historic and preservation groups. Evidence of these offers and the interested parties' response shall be provided to OPRHP.

C. The Applicant will approach historic preservation salvage entities and offer salvage items from the buildings slated for demolition to be used in historic preservation projects. Evidence of these offers to interested entities shall be provided to OPRHP.

D. The Applicant will create a historic exhibit that conveys the history of the Underhill Estate that will be displayed in a publicly accessible location design for this exhibit and location shall be submitted to the Town of Yorktown Planning board for their review and approval.

E. A Comprehensive documentation report will be completed of the entire property, following OPRHP's Standards for Structure Documentation.

#### REVOLUTIONARY WAR PERIOD

The Yorktown Preservation Commission has suggested that this location was part of the Rochambeau's Army encampment in Yorktown Heights. A review of the materials in this historical records,<sup>2</sup> along with documents written by Robert A Selig,<sup>3</sup> the encampment was located a mile to the north of the Underhill Estate at Hollock's Mill. The SHPO's archaeological site files identify the location of Hollock's Mill as north of 2160 Saw Mill River Road, adjacent to an existing pond. Mr. Robert Selig has been contacted to offer insight, and his response, if any,

<sup>2</sup> "Position des Armées américaine et française à Kings-ferry, Peaks-hill, Crompond et Hunts-taverne du 17. septembre au 20 octobre 1782". Map. Accessed through the Library of Congress.

<sup>3</sup> Washington-Rochambeau Revolutionary Route Resource Study & Environmental Assessment. National Park Service—U.S. Department of the Interior, October 2006.

will be shared. Given the changes that Edward Underhill is reported to have made to the property,<sup>4</sup> including draining wetlands and removing a large amount of surface rock and modifying soils to make the land usable for crops, any remains of the French encampment would have been lost through these processes.

The Underhill's of Yorktown are descendants of Captain John Underhill. The Captain is Edward B Underhill's Great-great grandfather. The Underhill's had several houses in Yorktown, including one on Saw Mill River Road owned by Isaac Underhill, where Major John Andre stayed the day before his arrest by the Continental Army.

#### HISTORIC PRESERVATION

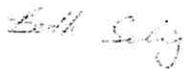
Buildings have to have a function, otherwise they deteriorate due to lack of use and maintenance. This is *demolition by neglect*. If the project does not go forward, the Mansion may be lost by through neglect as there may not be another party willing to take on the prospect of saving the building. It has been suggested that the use be more "appropriate" such as a library, or wedding resort. Any building that is fully open to the public will need to be renovated to meet applicable ADA access standard and building codes. This can involve things such as enlarging window openings for appropriate fire/rescue access, adding an elevator tower, widening interior door spaces to accommodate a wheel chair etc. The changes needed to accommodate such building codes may result in a significant loss of the historic features and its overall integrity.

William Sumner Appleton Jr., a pioneer in historic preservation, developed the concept of adaptive reuse, so that historic properties may be put to a beneficial use. Adaptive Reuse preserves the historic property, affords opportunities for commemoration and interpretation and allows the property to have a continued contribution to the local community and economy.

The proposed project will save the historic building as a monument to the property's extensive history and to the History of the Underhill's in Yorktown. Yorktown's History will be preserved rather than lost, the Mansion retained through adaptive reuse and the restored park will be open to the community. In the past six years I have been involved in more than 25 projects that have involved historic (National Register Listed/Eligible) properties. The majority of these have involved building that cannot be saved or adaptively reused and have been or will be demolished. The fact that the applicant is willing to provide funds to improve and retain the building, provide for its upkeep, and keep it in service (in use) is not only commendable but also a very rare occurrence.

Thank you sincerely for your thoughtful consideration to this matter, and if you require any further information, please do not hesitate to ask.

Sincerely,



Beth Selig  
President, Hudson Cultural Services

---

<sup>4</sup> Scharf: History of Westchester County, page 459.

RECEIVED  
PLANNING DEPARTMENT

JUL 7 2022

TOWN OF YORKTOWN

**From:** Lynn Briggs <[lynn1200@aol.com](mailto:lynn1200@aol.com)>  
**Sent:** Wednesday, July 6, 2022 6:47 PM  
**To:** Robyn Steinberg <[rsteinberg@yorktownny.org](mailto:rsteinberg@yorktownny.org)>  
**Cc:** [afetzer36@gmail.com](mailto:afetzer36@gmail.com); [bridgetkrowe@gmail.com](mailto:bridgetkrowe@gmail.com); [tmcloughlin2384@gmail.com](mailto:tmcloughlin2384@gmail.com); [christine.sisler@gmail.com](mailto:christine.sisler@gmail.com)  
**Subject:** YHPC Comments Re Unicorn January 2022 Proposed Mitigation LOR

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Robyn, please place the attached files into the Underhill Farm Advance Meeting Packet and written Public Record.

Thanks.

YHPC

JUL 7 2022

TOWN OF YORKTOWN

July 6, 2022

To: Planning Board

From: Yorktown Heritage Preservation Commission

Subject: Unicorn's January 22, 2022 Proposed Mitigation LOR (appended)

The Yorktown Heritage Preservation Commission submits the following comments into the Public Record for the Unicorn proposed mitigation LOR, signed by Paul Guillaro and dated January 22, 2022. The LOR is out of date and inadequate.

Despite the fact that the proposed LOR is out of date and inadequate, Unicorn continues to enter it into the Underhill Farm Public Record and attempts to convey to the Planning Board that SHPO is on board with the proposed LOR:

-May 9, 2022 Working Draft LOR in Planning Board Work Session Meeting Packet

-May 23, 2022 Selig Discussion with SHPO

-June 13, 2022 Selig Public Informational Hearing Meeting Packet and Comments

-June 17 Selig Letter to John Tegeder

SHPO's commitment regarding the LOR is clear per its June 23 comments below (see further details in June 30 YHPC comments to Planning Board):

**"The SHPO will not sign the LOR until I have confirmed with the Town that there is no more opportunity for SEQRA public comment and I have had the opportunity to review and consider the public comments and the Towns responses.**

**"We can indicate in our final response to the Town that if project plans change after we sign the LOR, the Section 14.09 process will need to be reinitiated. "**

Given the above, the YHPC requests that the Planning Board ask Unicorn to refrain from posting the January 22, 2022 proposed Unicorn mitigation LOR into the Underhill Farm Public Record and/or discussing it until:

- a) the Planning Board approves the Underhill Farm site plan and
- b) a modified LOR is submitted into the record based on the approved site plan for review of comment by SHPO and the YHPC.

Even though the January 22, 2022 proposed Unicorn LOR is out of date and inadequate, the YHPC submits the following comments into the record for the document.

#### **Reasons Why the January 22, 2022 Unicorn LOR is Out of Date**

#### **YHPC Summary Comments:**

1. The Unicorn proposed LOR was submitted to SHPO on January 22, 2022, one month prior to the Town Board authorizing Underhill Farm on February 22, 2022, as an approved applicant under the newly adopted Planned Design District Overlay Law.

2. The Unicorn LOR was based on Underhill Farm plan of 165 residential units and has subsequently changed along with several other aspects of the plan:

-Unicorn's January 22 LOR plan of 165 units was reduced to 148 units at the SEQRA site plan review kickoff,

-Unicorn's plans for the use of the main structure have fluctuated over the last two years: coffee shop, town of Yorktown offices, home of the Yorktown museum, cafe, and conference rooms, Yorktown Historical Society space, and on April 12, Unicorn announced that it is installing a regional inn on the second and third floor of the Italianate main structure and a restaurant on the ground floor,

-The Planning Board challenged Unicorn to address the "density" at the outset of the SEQRA site plan review process,

-Several Public Informational Hearing (PIH) speakers requested that the Planning Board require Unicorn submit alternate development plans that reduce the density and provide alternate sighting options,

-And several PIH speakers, and our Commission, requested that the Planning Board declare a Positive Declaration for Underhill Farm which would require Unicorn to prepare an Environmental Impact Statement and possibly result in plan changes

Previous plan changes and potential future plan changes from any of the above could render the January 22, 2022 Unicorn proposed LOR further out of date and irrelevant.

### **Reasons Why the January 22, 2022 Unicorn LOR is Inadequate**

#### **LOR Stipulation**

##### **I. Historic Resources**

##### **A. Underhill Estate Building District (USN: 11918.000175)**

**.The Applicant agrees to preserve and rehabilitate the Mansion House (11918.000173) and retain the carriage paths on the southern side of the building. Rehabilitation Plans for the Mansion House will be submitted the Town of Yorktown Planning Board for review and approval at the preliminary and pre-final stages of development. Review and approval by the Planning Board shall be completed prior to construction activities."**

##### **YHPC Comments:**

1. This proposed mitigation Letter of Resolution is a plan for a plan; it lacks specifics regarding what, how and who will "preserve....rehabilitate and ...retain" the entire historic and architecturally significant register eligible property; these are broad and general statements which offer no clarity or specificity regarding the architectural standards, character defining features, or details for how any of these efforts will be accomplished.

2. This LOR agreement stipulation is convoluted; it mixes structure with landscape; it uses multiple cultural / architectural standards phrases, each with a different meaning, making it more challenging to understand what is intended.

3. The credentials of those proposing and doing the work are unknown. The Applicant has indicated that a “world - renowned architect designed the project” and an “award winning team of architects, engineers, and historic preservation and environmental experts” created the Underhill Farm plan. These individuals need to be identified along with their firms, credentials and the specific world recognition / awards they have received in their respective fields.

4. The Yorktown Heritage Preservation Commission’s role, governed by Section 198 Heritage Preservation of the local municipal code, is to authenticate, preserve and/or save Yorktown’s historic resources and requests that mitigation plans be submitted to the YHPC for review and comment.

**LOR Stipulation:**

**I. Historic Resources**

**A. Underhill Estate Building District (USN: 11918.000175)**

**.The applicant agrees to preserve the pond, and retain the historic landscape for community use.**

**YHPC Comments:**

1. Again, these are broad and general statements which offer no clarity or specificity regarding cultural landscape standards employed, defining landscape features, or details for how any of these efforts will be accomplished and by whom.

2. There is no understanding of what is meant by “retain historic landscape.” The historic character distinguishing/defining landscape features (topography, relationship to adjoining streets, importance of side projections, stone walls, pond, entry gate, plantings, vegetation, pathways/walkway, parking) need to be clarified—which will be retained, impacted and how.

3. The LOR misrepresents the pond’s function; there is no community requirement nor Town of Yorktown supporting study or quantified demand to preserve the pond at a private residential complex for community use. The pond is an integral part of Unicorn’s stormwater management plan and will be used to rechannel wetlands on the property.

4. Finally, there is no understanding of whether a landscape architect with a proven track record /experience in cultural resource landscaping, heritage planting and biodiversity, will perform the work.

**LOR Stipulations:**

**I. Historic Resources**

**A. Underhill Estate Building District (USN: 11918.000175)**

**.The Applicant agrees that any constructed ancillary or accessory buildings will reflect the character and architecture of the Chapel and/or Carriage Barn.**

**YHPC Comments:**

1. Once again, this is a plan for a plan with no specifics. A contemporary re-creation must be preceded by a thorough archeological investigation to identify and evaluate those features and artifacts that are essential to the accurate reconstruction. Reconstruction must include measures to preserve any remaining historic materials, features and spatial relationships and be based on accurate duplication of historic features and elements substantiated by documentary or physical evidence. It cannot be based on conjecture designs or the availability of different features of other historic resources. The reconstructed structures re-create the appearance of the non-surviving historic property in materials, design, color and texture. No details regarding any of these reconstruction requirements are provided.

**LOR Stipulations:**

**I. Historic Resources**

**B. The Applicant will offer the buildings that are slated for demolition donation and relocation to any interest parties, including local historic and preservation groups. Evidence of these offers and the interested parties response shall be provided to OPRHP.**

**C. The Applicant will approach historic preservation salvage entities and offer salvage items from the buildings slated for demolition to be used in historic preservation projects. Evidence of these offers to interested entities shall be provided to OPRHP.**

**YHPC Comments:**

1. The Planning Board has not agreed that the outbuildings will be demolished or slated for salvage. This stipulation in the Unicorn proposed LOR is simply premature.

**LOR Stipulation:**

**I. Historic Resources**

**D. The Applicant will create a historic exhibit that conveys the history of the Underhill Estate that will be displayed in a publicly accessible location design for this exhibit shall be submitted to the Town Yorktown Planning board for their review and approval.**

**YHPC Comments:**

1. The Yorktown Heritage Preservation Commission's role, governed by Section 198 Heritage Preservation of the local municipal code, is to identify, authenticate and preserve and/or save Yorktown's historic resources. In this role, the YHPC requests that the requirements, design, content, artifacts, implementation plans, management, maintenance and location for the historic exhibit be submitted to the YHPC for review, comment and approval.

**Respectfully submitted,  
Yorktown Heritage Preservation Commission  
July 6, 2022**

LETTER OF RESOLUTION AMONG  
NEW YORK STATE OFFICE OF PARKS, RECREATION & HISTORIC  
PRESERVATION  
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
AND  
UNDERHILL SOUNDVIEW LLC  
REGARDING the UNDERHILL FARM  
21PR02382

WHEREAS, Underhill Soundview LLC ("Applicant") intends to build "Underhill Farm" a multi-family and mixed-use project is planned for the property located at 370 Underhill Avenue in the Town of Yorktown Heights, Westchester County, New York, which property is owned by the Applicant and, WHEREAS, the project requires multiple permits from the New York State Department of Environmental Conservation ("NYSDEC"); which include coverage under a General Permit for Stormwater Discharges from Construction Activities (GP-0-12-001), and a Permit for Private, Commercial & Institutional (P/C/I) (GP 0-15-001) and the approval of the Town of Yorktown Heights locality; and

WHEREAS, the Department has consulted with the New York State Office of Parks, Recreation, and Historic Preservation (OPRHP) in accordance with Section 14.09 of the New York State Parks Law, 9 NYCRR part 428 and the procedures agreed upon in a 2015 interagency Letter of Resolution for construction activities relating to GP-0-12-001; and

WHEREAS, OPRHP has determined that the existing Soundview-Underhill /Floral Villa Estate ("Underhill Estate"), located at 370 Underhill Avenue, in the Town of Yorktown Heights, Westchester County, New York, are eligible for inclusion in the State and National Registers of Historic Places. The Soundview complex is eligible under National Register criterion A for Abraham and Edward B. Underhill's contributions to the settlement, agricultural, and economic development of Yorktown and Criterion C in the area of architecture as an intact example of a Federal-style farmhouse transformed into a large Italianate-style residence.

WHEREAS, the Applicant is proposing to construct a multi-family and mixed use project (Underhill Farm), and it has been determined that the proposed project will have an Adverse Impact on the Underhill Estate

WHEREAS, In a letter dated October 29, 2021, OPRHP has concurred that no prudent or feasible alternatives exist that would lessen or avoid the adverse impacts to the historic resources,

NOW, THEREFORE, in accordance with the New York State Parks, Recreation and Historic Preservation Law, NYCDEC, OPRHP, and Applicant agree that the Project may proceed subject to the stipulations set forth below:

#### STIPULATIONS

##### I. Historic Resources

A. Underhill Estate Building District (USN: 11918.000175)

- The Applicant agrees to preserve and rehabilitate the Mansion House (11918.000175) and retain the carriage paths on the southern side of the building. Rehabilitation Plans for the Mansion House will be submitted to the Town of Yorktown Planning Board for review and approval at the preliminary and pre-final stages of development. Review and approval by the Planning Board shall be completed prior to construction activities.
- The Applicant agrees to preserve the pond, and retain the historic landscape for community use.
- The Applicant agrees that any constructed ancillary or accessory buildings will reflect the character and architecture of the Chapel and/ or Carriage Barn.
- The Applicant agrees to consult with the town of Yorktown Planning Board for review and approval in regard to the proposed designs of any ancillary or accessory structures, and the rehabilitation efforts within the Mansion house. These plans shall be reviewed and approved at the preliminary and pre-final stages of development and prior to any construction activities.
- Existing vegetation on the property shall be maintained to reduce the potential visual impacts to the Mansion House due to the new construction. Changes to the vegetation will be subject to Town of Yorktown ordinances. Any vegetation removed due to necessity will be replaced in kind.

B. The Applicant will offer the buildings that are slated for demolition as donation and relocation to any interested parties, including local historic and preservation groups. Evidence of these offers and the interested parties response shall be provided to OPRHP.

C. The Applicant will approach historic preservation salvage entities and offer salvage items from the buildings slated for demolition to be used in historic preservation projects. Evidence of these offers to interested entities shall be provided to OPRHP.

D. The Applicant will create a historic exhibit that conveys the history of the Underhill Estate that will be displayed in a publicly accessible location design for this exhibit and location shall be submitted to the Town of Yorktown Planning board for their review and approval.

E. A Comprehensive documentation report will be completed of the entire property, following OPRHP's Standards for Structure Documentation (Exhibit A).

II. Other Terms and Conditions:

- Modifications, amendments, or termination of this agreement as necessary shall be accomplished by the signatories in the same manner as the original agreement.
- Disputes regarding the completion of the terms of this agreement shall be resolved by the signatories.

III. If suspected human remains are encountered at any point during this project, OPRHP's Human Remains Discovery Protocol (Exhibit B) will be followed.

The signatories agree that by execution of this agreement the Department of Environmental Conservation has satisfied its requirements for compliance with Section 14.09 of the New York State Parks Law of 1980 and 9 NYCRR part 428.

Underhill Soundview LLC

*Paul F. Guilliano*

Signature

*1/22/22*

Date

*PAUL F. GUILLIANO*

Name

*MEMBER*

Title

NYS Department of Environmental Conservation

Signature

Date

Charles E. Vandrei  
Agency Historic Preservation Officer

NYS Office of Parks, Recreation and Historic Preservation

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Daniel Mackay R. Daniel Mackay  
Deputy Commissioner for Historic Preservation  
Division for Historic Preservation

**Exhibit A:**

**Structure Documentation**

The State and National Register eligible Underhill Estate Building District (USN: 11918.000175) located in the Town of Yorktown Heights, Westchester County, New York, are to have current conditions documented using the following format:

Photographs

Photographs submitted, as documentation should be clear, well-composed, and provide an accurate visual representation of the property and its significant features. Submit as many photographs as needed to depict the current condition and significant features of the property both exterior and interior (where safely accessible).

Digital photographs should be taken using a ten (10) mega pixel or greater digital SLR camera. Images should be saved in Tag Image File (TIFF) format images. This allows for the best image resolution. RGB color digital TIFFs are preferred.

Several historic images (if available) depicting the facility should be included in the documentation. Each photograph be titled/numbered to correspond to the photograph number on a photo log or key. For simplicity, the name of the photographer, photo date, etc. will be listed once on the photograph log.

Historic Narrative

A brief narrative history pertaining to development and construction of the building(s) should be provided. Historic period documentation, *if available*, should also be included.

Plans/Drawings

Copies of construction plans, *if available*, should be reproduced and included in the documentation package.

DVD Copy

The final report (including images and a PDF version of the Historic Narrative) should be saved on digital media (CD, DVD, or USB thumb drive) and 2 copies will be submitted to the Agency Preservation Officer at the Division for Historic Preservation.

Printed Copy

Two copies of the report will be printed and bound. One copy of the report will be submitted to the Agency Preservation Officer at the Division for Historic Preservation for forwarding to the NY State Archives and one copy of the report will be forwarded by the Applicant to a local public library or historical society.

RECEIVED  
PLANNING DEPARTMENT

JUL 1 2022

TOWN OF YORKTOWN

**From:** Lynn Briggs <lynn1200@aol.com>  
**Sent:** Thursday, June 30, 2022 9:05 PM  
**To:** Robyn Steinberg <rsteinberg@yorktownny.org>  
**Cc:** [afetzer36@gmail.com](mailto:afetzer36@gmail.com); [bridgetkrowe@gmail.com](mailto:bridgetkrowe@gmail.com); [tmcloughlin2384@gmail.com](mailto:tmcloughlin2384@gmail.com);  
[christine.sisler@gmail.com](mailto:christine.sisler@gmail.com)  
**Subject:** YHPC - Planning Board Comments Re LOR Clairification

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Robyn, please place the attached files into the Underhill Farm Advance Meeting Packet and written Public Record.

Thanks.

YHPC

June 30, 2022

To: Planning Board

From: Yorktown Heritage Preservation Commission

Subject: Selig's Misrepresentations Re SHPO (AKA OPRHP) LOR Process – Her June 13 PIH Comment and June 17 Letter to J. Tegeder

The YHPC submits the following comments into the Underhill Farm Public Record to correct Unicorn's misrepresentations about SHPO's role in the Underhill Farm LOR application process.

1. On March 21, 2022, Nancy Herter, Director, Technical Preservation Services Bureau, sent a letter to John Tegeder, with a copy to Charles Vandrei, DEC Agency Preservation Officer and Paul Guillaro, Unicorn Contracting, explaining:

“To allow for public comment and for potential updates to the alternatives analysis for the National Register eligible Underhill Estate Building (11918.000175), the OPRHP will review and execute the Letter of Resolution at the completion of the SEQRA review process.”

2. But at the June 13, 2022 PIH, Unicorn consultant, Beth Selig, revealed that she had contacted Ms. Herter at OPRHP and requested that the LOR be closed after the PIH so that Unicorn could move forward with its mitigation plan.

3. On June 15 and June 22, 2022, the YHPC sought clarification regarding the March 21, OPRHP LOR completion process. Ms. Herter provided the following responses on June 23, underlined, and appended:

“The SHPO will not sign the LOR until I have confirmed with the Town that there is no more opportunity for SEQRA public comment and I have had the opportunity to review and consider the public comments and the Towns responses.

“We can indicate in our final response to the Town that if project plans change after we sign the LOR, the Section 14.09 process will need to be reinitiated. “

4. But - In her June 17 letter to John Tegeder (appended), Ms. Selig again misrepresents SHPO's process regarding the LOR process. As Ms. Herter's June 23 email makes clear, there are two applicable – but distinct - processes at play during the Underhill Farm application review, SEQRA and 14.09, each with its own procedures. In citing only the 14.09 in her June 17 letter, Ms. Selig ignores Ms. Herter's earlier comments that SHPO will not act on the LOR until after it has reviewed public comments made as part of the SEQRA process. It appears that Unicorn is trying to give the Planning Board the impression that SHPO is on board with the January 22, 2022 proposed LOR that is out of date (see below) and before SHPO has reviewed all of the relevant comments and documents.

5. As for the LOR, please note that our Commission has not yet commented on the January 22 proposed LOR, either to Planning Board members or SHPO. Why not? Because the LOR

assumes a site plan that is no longer being considered; the January LOR is based on a 165 unit site plan but the plan submitted to the Planning Board is for 148 units. The January LOR also assumed numerous uses for the main building that are no longer under consideration; two entirely new uses are now being proposed: regional inn on the second and third floors and restaurant on the ground floor.

6. The Underhill Farm site plan is fluid, a work-in-progress and any future LOR will have to be based on a site plan that has the approval of the Planning Board. Based on comments from both Planning Board members and the public, it is very likely that before there is an agreed upon site plan, the Planning Board will want to consider alternate development plans that reduce the project's density, which in turn will change the overall layout of the site and its respect for the site's historic character. The Planning Board will also have to decide on the future use/s of the main building.

As Unicorn submits revised site plans and potential modified LORs, the YHPC will review and comment.

**Respectfully submitted,**  
**Yorktown Heritage Preservation Commission**  
**June 30, 2022**

**From:** Nancy.Herter@parks.ny.gov,  
**To:** lynn1200@aol.com,  
**Subject:** RE: Updates - Underhill Farm, Public Hearings and LOR  
**Date:** Thu, Jun 23, 2022 3:06 pm

---

Good Afternoon Lynn,

The SHPO's responses are underlined below.

Nancy

**Nancy Herter, Ph.D.**

Director, Technical Preservation Services Bureau

Division for Historic Preservation

New York State Parks, Recreation & Historic Preservation

PO Box 189, Peebles Island, Waterford, New York 12188-0189

(518) 263-2179 | [nancy.herter@parks.ny.gov](mailto:nancy.herter@parks.ny.gov)

<https://parks.ny.gov/shpo>

**From:** lynn Briggs <lynn1200@aol.com>  
**Sent:** Wednesday, June 22, 2022 11:25 AM  
**To:** Herter, Nancy (PARKS) <Nancy.Herter@parks.ny.gov>  
**Subject:** Updates - Underhill Farm, Public Hearings and LOR

---

Good Morning Nancy, thanks for your email response.

A few updates, clarifications, and a question:

1. June 13 was a Planning Board Public Informational Hearing (PIH), an event unique to Yorktown that gives the Planning Board an opportunity to get an early read of public sentiment toward the proposed Underhill Farm development.
2. The PIH does NOT replace the Public Hearing required by Town law; that hearing will likely be months off, maybe at the tail end of 2022 or in 2023, and will only be scheduled after Unicorn has addressed the multiple issues that were raised at the PIH: protecting the entire historically and architecturally significant property, density of the planned construction, acres of excavating and filling stipulated in their site plan, large scale tree /vegetation cutting, traffic congestion in the Underhill Avenue and the Route 118 corridor and mitigation plans, including affect on historic resources, and architectural plans and integration with existing historic resources of an additional 11,000 sq. ft. commercial / retail structure.
3. Several of the PIH speakers, including our Commission, requested that the Planning Board declare a Positive Declaration for Underhill Farm which would require Unicorn to prepare an Environmental Impact Statement. This could further extend the SEQRA process.
4. Question: After considering the above updates, can you please clarify what you meant when you wrote that SHPO "will not sign the LOR until we have considered all the public comments related to historic resources and the public comment period has concluded." Are you saying that the LOR will not be signed by SHPO until the completion of the second Public Hearing or, as noted in your March 21, 2022, after the SEQRA process is completed?

The SHPO will not sign the LOR until I have confirmed with the Town that there is no more opportunity for SEQRA public comment and I have had the opportunity to review and consider the public comments and the Towns responses.

5. As for the LOR, please note that our Commission did not officially comment, either to the Planning Board or your office, on the draft LOR submitted, signed by Paul Guillaro, on January 22, 2022; the draft LOR was submitted a month before the Town Board approved the Underhill Farm as an applicant under the new Planned Design District Overlay Zone law, February 22, 2022. We believed Unicorn's draft LOR was premature, fluid and would change during the SEQRA process, with public input.
6. Further, in mid-February, Unicorn's plans called for 165 units (LOR was based on this number); a week later, at the outset of the Underhill Farm site plan review process, Unicorn reduced the plan to 148 units; at the initial site plan review kickoff, the Planning Board chair challenged Unicorn to address the "density" during the review process. Several PIH speakers requested that the Planning Board require Unicorn submit alternate development plans that reduce the density and provide alternate sighting options. We believe the plan's density may be fluid as well and affect the LOR.
7. Unicorn's plans for the use of the main structure have fluctuated over the last two years: coffee shop, town of Yorktown offices, home of the Yorktown museum, cafe, conference rooms, Yorktown Historical Society space; on April 12, Unicorn announced that it is installing a regional inn on the second and third floor of the Italianate structure and a restaurant on the ground floor. We are uncertain if this is Unicorn's final proposed use? Again, changes here could affect an LOR.

We can indicate in our final response to the Town that if project plans change after we sign the LOR, the Section 14.09 process will need to be reinitiated.

With Unicorn's recent request to expedite the LOR (author: Guillaro, January 22, 2022), the YHPC will provide comments re this document to both the Planning Board and SHPO.

Thanks again for your continued updates and working with the YHPC in preserving the historic Underhill Farm property.

Lynn

-----Original Message-----

From: Herter, Nancy (PARKS) <[Nancy.Herter@parks.ny.gov](mailto:Nancy.Herter@parks.ny.gov)>

To: [lynn1200@aol.com](mailto:lynn1200@aol.com) <[lynn1200@aol.com](mailto:lynn1200@aol.com)>

Sent: Mon, Jun 20, 2022 4:17 pm

Subject: RE: Public Informational Hearing - Underhill Farm Yorktown and Request

Good Afternoon Lynn,

I spoke with Beth Selig and based on this conversation, I realized that my concern was that community members have a chance to provide comments on the project and that I have an opportunity to review and consider these comments not with when the SEQRA process ends. The SHPO will not sign the LOR until we have considered all the public comments related to historic resources and the public comment period has concluded.

Nancy

**Nancy Herter, Ph.D.**

Director, Technical Preservation Services Bureau  
Division for Historic Preservation

New York State Parks, Recreation & Historic Preservation  
PO Box 189, Peebles Island, Waterford, New York 12188-0189  
(518) 268-2179 | [nancy.herter@parks.ny.gov](mailto:nancy.herter@parks.ny.gov)  
<https://parks.ny.gov/shpo>

**From:** lynn Briggs <[lynn1200@aol.com](mailto:lynn1200@aol.com)>

**Sent:** Wednesday, June 15, 2022 5:08 PM

**To:** Herter, Nancy (PARKS) <[Nancy.Herter@parks.ny.gov](mailto:Nancy.Herter@parks.ny.gov)>

**Subject:** Public Informational Hearing - Underhill Farm Yorktown and Request

**ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or untrusted domains.**

Good afternoon Nancy,

On Monday evening, June 13, the Yorktown Planning Board held a Public Informational Hearing (PIH) for Underhill Farm, developer Unicorn Contracting, Cold Spring.

Appended are the YHPC's comments and recommendations communicated at the PIH: historic, archaeological and architectural.

At the PIH, Beth Selig, Consultant, Hudson Valley Cultural Resource Consultants, Ltd., leading spokesperson for Unicorn's historic, archaeological, and architectural plans, revealed that she had contacted Derek Rohde and you and requested that the Letter of

Resolution (LOR) be closed after the PIH so they could move forward with their mitigation plan. In support of this, Unicorn submitted their proposed LOR signed by Paul Guillaro on January 22, 2022 (appended) into the Advance Information Packet for the meeting.

Ms. Selig gave the impression that OPRHP and Unicorn were on the verge of closing out the LOR.

Nancy, I am writing to request that you reaffirm your commitment to "execute the Letter of Resolution at the completion of the SEQRA process" (original attached) in an updated letter to John Tegeder, Director of Planning, with copies to Paul Guillaro, Unicorn and Charles Vandrei, DEC and me.

As always, thank you very much.

Lynn



Hudson Cultural Services  
PO Box 124, Lagrangeville NY 12540  
914-456-3698

RECEIVED  
PLANNING DEPARTMENT  
JUN 28 2022  
TOWN OF YORKTOWN

June 17, 2022

John Tegeder  
Director of Planning  
Town of Yorktown  
1974 Commerce Street  
Yorktown Heights, N.Y. 10598  
jtegeder@yorktownny.org

Re: Underhill Farms Project

Dear Mr. Tegeder,

The Applicant, Mr. Paul Guillaro, has requested that I provide you with some additional information to provide clarity to some of the concerns among the members of the Planning Board as well as the public. I offer the following to help bring an overall understanding of the SHPO review process, and some additional information on the property's history and the historic preservation process generally.

#### SHPO REVIEW

On May 23<sup>rd</sup> 2022 I had a phone conversation with Nancy Herter, Director, Technical Preservation Services Bureau: Division for Historic Preservation, of the Office of Parks, Recreation and Historic Preservation (hereafter the "SHPO") to discuss her position regarding the timing of the execution of the Letter of Resolution (LOR). In this conversation she indicated that there is no vehicle for including or allowing public comment in Chapter 14.09 of the State Historic Preservation Act, the guidance under which this project was reviewed. Ms. Herter stated that this is a deviation from the normal process of executing a LOR based on the comments she has received from the Yorktown Heritage Preservation Commission, but she felt it provided an opportunity for them to be heard. She has no issues with the mitigation strategies outlined in the LOR (listed below) and has no issues with the previously completed reports and review thereof (completed by her staff) for the project.

The SHPO's finding for the proposed project is an Adverse Effect. This has not been ignored, and in fact the record shows that it was thoroughly addressed. The SHPO review identified an Adverse Effect to the Underhill Estate Historic district and as a result, the SHPO asked that the applicant look at additional options and scenario's (Alternatives Analysis) to avoid an Adverse Effect. The Alternatives Analysis was completed. The SHPO reviewed the Alternatives Analysis and stated that "there are no prudent and feasible alternatives to the development proposed at the Underhill Estate Property".<sup>1</sup> To mitigate the Adverse Effects, the following measures are included in the Letter of Resolution. As previously stated, the SHPO has no objection to the LOR as it stands.

---

<sup>1</sup> Letter from OPRHP dated 10/29/2021.

- A. Underhill Estate Building District (USN: 11918.000175)
- The Applicant agrees to preserve and rehabilitate the Mansion House (11918.000173) and retain the carriage paths on the southern side of the building. Rehabilitation Plans for the Mansion House will be submitted the Town of Yorktown Planning Board for review and approval at the preliminary and pre-final stages of development. Review and approval by the Planning Board shall be completed prior to construction activities.
  - The Applicant agrees to preserve the pond, and retain the historic landscape for community use.
  - The Applicant agrees that any constructed ancillary or accessory buildings will reflect the character and architecture of the Chapel and/ or Carriage Barn.
  - The Applicant agrees to consult with the town of Yorktown Planning Board for review and approval in regard to the proposed designs of any ancillary or accessory structures, and the rehabilitation efforts within the Mansion house. These plans shall be reviewed and approval at the preliminary and pre-final stages of development and prior to any construction activities.
  - Existing vegetation on the property shall be maintained to reduce the potential visual impacts to the Mansion House due to the new construction. Changes to the vegetation will be subject to Town of Yorktown ordinances. Any vegetation removed due to necessity will be replaced in kind.
- B. The Applicant will offer the buildings that are slated for demolition as donation and relocation to any interested parties, including local historic and preservation groups. Evidence of these offers and the interested parties' response shall be provided to OPRHP.
- C. The Applicant will approach historic preservation salvage entities and offer salvage items from the buildings slated for demolition to be used in historic preservation projects. Evidence of these offers to interested entities shall be provided to OPRHP.
- D. The Applicant will create a historic exhibit that conveys the history of the Underhill Estate that will be displayed in a publicly accessible location design for this exhibit and location shall be submitted to the Town of Yorktown Planning board for their review and approval.
- E. A Comprehensive documentation report will be completed of the entire property, following OPRHP's Standards for Structure Documentation.

#### REVOLUTIONARY WAR PERIOD

The Yorktown Preservation Commission has suggested that this location was part of the Rochambeau's Army encampment in Yorktown Heights. A review of the materials in this historical records,<sup>2</sup> along with documents written by Robert A Selig,<sup>3</sup> the encampment was located a mile to the north of the Underhill Estate at Hollock's Mill. The SHPO's archaeological site files identify the location of Hollock's Mill as north of 2160 Saw Mill River Road, adjacent to an existing pond. Mr. Robert Selig has been contacted to offer insight, and his response, if any,

<sup>2</sup> "Position des Armées américaine et française à Kings-ferry, Peaks-hill, Crompond et Hunts-taverne du 17. septembre au 20 octobre 1782". Map. Accessed through the Library of Congress.

<sup>3</sup> Washington-Rochambeau Revolutionary Route Resource Study & Environmental Assessment. National Park Service—U.S. Department of the Interior, October 2006.

will be shared. Given the changes that Edward Underhill is reported to have made to the property,<sup>4</sup> including draining wetlands and removing a large amount of surface rock and modifying soils to make the land usable for crops, any remains of the French encampment would have been lost through these processes.

The Underhill's of Yorktown are descendants of Captain John Underhill. The Captain is Edward B Underhill's Great-great grandfather. The Underhill's had several houses in Yorktown, including one on Saw Mill River Road owned by Isaac Underhill, where Major John Andre stayed the day before his arrest by the Continental Army.

#### HISTORIC PRESERVATION

Buildings have to have a function, otherwise they deteriorate due to lack of use and maintenance. This is *demolition by neglect*. If the project does not go forward, the Mansion may be lost by through neglect as there may not be another party willing to take on the prospect of saving the building. It has been suggested that the use be more "appropriate" such as a library, or wedding resort. Any building that is fully open to the public will need to be renovated to meet applicable ADA access standard and building codes. This can involve things such as enlarging window openings for appropriate fire/rescue access, adding an elevator tower, widening interior door spaces to accommodate a wheel chair etc. The changes needed to accommodate such building codes may result in a significant loss of the historic features and its overall integrity.

William Sumner Appleton Jr., a pioneer in historic preservation, developed the concept of adaptive reuse, so that historic properties may be put to a beneficial use. Adaptive Reuse preserves the historic property, affords opportunities for commemoration and interpretation and allows the property to have a continued contribution to the local community and economy.

The proposed project will save the historic building as a monument to the property's extensive history and to the History of the Underhill's in Yorktown. Yorktown's History will be preserved rather than lost, the Mansion retained through adaptive reuse and the restored park will be open to the community. In the past six years I have been involved in more than 25 projects that have involved historic (National Register Listed/Eligible) properties. The majority of these have involved building that cannot be saved or adaptively reused and have been or will be demolished. The fact that the applicant is willing to provide funds to improve and retain the building, provide for its upkeep, and keep it in service (in use) is not only commendable but also a very rare occurrence.

Thank you sincerely for your thoughtful consideration to this matter, and if you require any further information, please do not hesitate to ask.

Sincerely,



Beth Selig  
President, Hudson Cultural Services

---

<sup>4</sup> Scharf: History of Westchester County, page 459.

MAY 26 2022

TOWN OF YORKTOWN

**From:** McCullough, Mary (DOT) <[Mary.McCullough@dot.ny.gov](mailto:Mary.McCullough@dot.ny.gov)>  
**Sent:** Thursday, May 26, 2022 9:18 AM  
**To:** Robyn Steinberg <[rsteinberg@yorktownny.org](mailto:rsteinberg@yorktownny.org)>  
**Cc:** Gorney, Lance (DOT) <[Lance.Gorney@dot.ny.gov](mailto:Lance.Gorney@dot.ny.gov)>; Darelius, Anne D (DOT) <[Anne.Darelius@dot.ny.gov](mailto:Anne.Darelius@dot.ny.gov)>  
**Subject:** Underhill Farms - NYSDOT SEQR# 22-092

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Morning,

The New York State Department of Transportation (NYSDOT) is in receipt of a Town of Yorktown Application for Site Plan Approval, along with Lead Agency Designation Request from the Town of Yorktown, dated May 3, 2022. The NYSDOT consents to the Town of Yorktown Planning Board) assuming the role of Lead Agency for review of the referenced proposal. Please find your selection form attached.

Although the project access is off-system, traffic impacts on State roadways appear substantial. Therefore, a Traffic Impact Study (TIS) along with electronic SYNCHRO files, shall be submitted to this Department for further review and comments. Depending upon the impacts, additional engineering details may be required. The TIS needs to address the traffic, drainage, and other impacts to the NYS highway system as well as the applicant's proposed mitigation.

**Mary McCullough**

SEQRA – HW Permit Unit

New York State Department of Transportation, Hudson Valley Region

4 Burnett Blvd., Poughkeepsie, NY 12603

(845) 437-3398 [mary.mccullough@dot.ny.gov](mailto:mary.mccullough@dot.ny.gov)



**Department of  
Transportation**

This LEAD AGENCY SELECTION FORM is being circulated for the purpose of determining the Lead Agency under SEQRA for the following project:

**Applicant:** Unicorn Contracting  
**Map titled:** Preliminary Site Plan prepared for Underhill Farm  
**Prepared by:** Site Design Consultants  
**Dated:** June 22, 2020, and last revised March 16, 2022

RECEIVED  
PLANNING DEPARTMENT  
MAY 26 2022

**Project Location:** 370 Underhill Avenue, Yorktown Heights, NY  
Section 48.06, Block 1, Lot 30

TOWN OF YORKTOWN

**Contact Person:** Robyn Steinberg, Town Planner, Town of Yorktown  
**Response Required:** June 1, 2022

**Reply Form** (to be complete by Involved Agency)

The NYS DOT has examined this form and its accompanying documentation and (check A or B).

A. \_\_\_\_\_ Concludes that the proposed action is not likely to have a significant effect on the environment.

B.  Concludes that the proposed action is likely to have a significant effect on the environment and (check appropriate choices 1,2,3,4)

1. \_\_\_\_\_ desires to be the Lead Agency.

2. \_\_\_\_\_ recommends \_\_\_\_\_ be Lead Agency.  
(list recommended agency)

3.  comments are attached.

4. \_\_\_\_\_ has no comment.

**Reviewed by:**

5/26/22 Mary McCullough  
Date Name

Title Transportation Analyst

PLEASE RETURN TO THE AGENCY INITIATING THIS PROCESS AS LISTED ON PAGE 1 BY THE DATE INDICATED. If your Agency does not submit a written objection to the Planning Board acting as Lead Agency, within thirty (30) days of the mailing of this notification to the contact person listed on page 1, then the Town of Yorktown, Planning Board will assume Lead Agency for this project.



**MARY MCCULLOUGH**  
Transportation Analyst

Region 8, Traffic Safety & Mobility Group  
4 Burnett Blvd., Poughkeepsie, New York 12603  
(845) 437-3398 | f:(845) 437-3395 | Mary.McCullough@dot.ny.gov  
www.dot.ny.gov

JUN 2 2022

TOWN OF YORKTOWN

May 31, 2022

Mr. Richard Fon, Chairman  
Town of Yorktown Planning Board

Re Proposed Underhill Farm Mixed Use Development  
Application of Tree Law  
Underhill Avenue

Dear Mr. Fon and Members of the Planning Board

The TCAC has reviewed the referral materials for the referenced project which were received on 29 April, 2022. The correspondence from Tim Miller Associates, dated 4 May, 2022 clearly states that a Tree Removal Permit is required but that a Tree Replacement Plan has not been prepared and upon checking the Drop Box established by the Yorktown Planning Department for distributing additional documents as they become available, nothing new has been posted as of today. Therefore, the Yorktown TCAC must insist that this project not be issued a Tree Permit until a complete Mitigation Plan has been submitted, reviewed and approved by the Yorktown TCAC.

Respectfully yours,

Lawrence W. Klein, PE, Member  
Tom Schmitt, Member  
Keith Schepart, ISA, Member  
Jay Gussak, Member  
Joe Verardo, Member



May 25, 2022

RECEIVED  
PLANNING DEPARTMENT

MAY 25 2022

TOWN OF YORKTOWN

Robyn Steinberg, AICP, CPESC  
Town of Yorktown  
363 Underhill Avenue  
Yorktown Heights, New York 10598

Rohit T. Aggarwala  
Commissioner

Paul V. Rush, P.E.  
Deputy Commissioner

465 Columbus Avenue  
Valhalla, NY 10595

Tel. (845) 340-7800  
Fax (845) 334-7175  
prush@dep.nyc.gov

Re: **Notice of Intent to be Lead Agency  
Underhill Farm Development  
370 Underhill Avenue  
Town of Yorktown; Westchester County, NY  
Tax Map #: 48.06-1-30  
DEP Log #: 2007-MU-0266-SQ.1**

Dear Ms. Steinberg and Members of the Planning Board:

The New York City Department of Environmental Protection (DEP) has reviewed the Town of Yorktown Planning Board's (Board) Notice of Intent to act as Lead Agency and site plans for the above referenced project. DEP does not object to the Board acting as Lead Agency for the Coordinated Review of the proposed action pursuant to the New York State Environmental Quality Review Act (SEQRA).

The project site is located in the Muscoot Reservoir drainage basin of New York City's Water Supply. As Muscoot Reservoir is phosphorous restricted, water quality impacts to the receiving reservoirs from pollutant-laden runoff must be avoided or mitigated.

The proposed action, located on the campus of the former Soundview Prep School, is for both mixed-use residential and retail/office space. The projects involves the construction of 148 residential units, a senior care center, 11,000 sq. ft. retail/office space, 314 parking spaces and recreational amenities to be served by municipal water. The action will generate approximately 43,588 gpd of wastewater flow which is projected to be serviced by Yorktown Sewer District #1.

DEP's status as an involved agency stems from its review and approval authority for a Stormwater Pollution Prevention Plan (SWPPP) pursuant to Section 18-39 of the *Rules and Regulations for the Protection from Contamination, Degradation, and Pollution of the New York City Water Supply and Its Sources* (Watershed Regulations). The subject parcel is situated within a Designated Main Street Area (DMSA). DEP also maintains review and approval for the sewer extension pursuant to Section 18-37 of the Watershed Regulations.

Based upon review of the circulated documents, DEP respectfully submits the following comments for the Board's consideration:

1. The predominant NRCS soil type on the parcel is identified as Paxton. Paxton soils typically exhibit high seasonal groundwater and erosive conditions that increase with steepness. It is unclear from the site plan, as topographic contours are not shown, how much soil disturbance is proposed on slopes in excess of 10%. Cutting and regrading of Paxton soils typically results in significant adverse impacts to land and water due to rilling, excess surface flow, erosion, and downstream sedimentation during construction. "Daylighting" of groundwater in the post-construction condition is not uncommon and can impact permanent stormwater practices. Ultimately, insufficient detail has been provided to demonstrate that the adverse impacts associated with construction activity on this parcel have been fully identified and either avoided or adequately mitigated.
2. The site plan does not identify the method for post-construction stormwater management or and no sizing calculations or details are provided regarding the proposed structures. Information including drainage area analysis that properly analyzes the drainage areas in the pre and post development condition, and design points/lines that evaluate the runoff flow rates and volumes for the 1 year and greater storms must be included. Without this information, it is difficult to assess the full impact of development with over 10 acres of disturbance proposed on marginal soils.

As the project sponsor has not demonstrated any means of capturing and treating runoff in the post-development condition, DEP is unable to assess whether the applicant has adequately mitigated any potential impacts associated with stormwater runoff. As such, a more focused analysis of drainage, construction phase impacts, and pollutant loading is required.

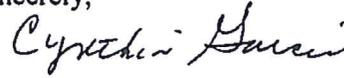
3. A channel from the unnamed pond located on the property is identified on the plans. As shown, the condo building is proposed to be built over, or at least in close proximity to, the watercourse. This approach should be avoided, as it may lead to flooding and subsidence in and around the proposed building. Efforts should must be made to relocate the building away from open water resources. In addition, this approach to building construction could lead to erosion and sedimentation. As stated above, with regard to adverse surface water impacts, the project sponsor has failed to demonstrate how the potential impacts have been avoided or adequately mitigated.
4. The project site will result in significant changes to land cover. Potential impacts associated with increases in stormwater pollutant loading must be identified and the capacity of the proposed stormwater management facilities to adequately mitigate these impacts should be discussed. Based on the predominant soil types discussed above, projected increases in impervious cover, and conversion of forested area to lawn, and the lack of detailed information regarding the stormwater management measures proposed, DEP is unable to offer substantive comments at this time.

5. No information is provided on phasing, construction sequencing or the erosion control practices to be utilized during construction. Without this information, it is impossible to analyze whether the construction-phase impacts may be adequately mitigated and/ or avoided.
6. The Board should clarify how the Yorktown Heights WWTP can accommodate flows from this action and the planned Hallocks Mill Sewer Extension Project which under Phase 1 is intended to connect 315 existing parcels in the district.
7. Part 1.D2.b.i of the EAF identifies the wetland that will be altered by this activity as an “unnamed pond” and references a wetland mitigation plan. Also, Part D2.b.ii states the creation of a “new wetland mitigation area potential alteration of channel and banks,” however the submission did not provide plans or a narrative report to support either proposal. This information must be included with the future circulated documents to facilitate proper review and assessment of impacts to surface waters.
8. There are several areas where the onsite wetland will be disturbed. The specific activities associated with these impacts should be identified and quantified, and the narrative should describe whether the impacts are temporary or permanent in nature.
9. The United States Army Corp of Engineers should be notified to make a regulatory determination regarding the proposed activities. Note that the East of Hudson (EOH) watershed has been designated as Critical Resources Waters and as such certain Nationwide Permits are not authorized in the EOH watershed.
10. Additionally, all wetlands and their associated 100-foot buffer boundaries, and the limits of disturbance should be shown on the site drawings.
11. The project sponsor is encouraged to contact DEP for the purpose of a site visit so that DEP may evaluate and flag potential watercourses. The applicant’s representative may contact Mariyam Zachariah at [Mzachariah@dep.nyc.gov](mailto:Mzachariah@dep.nyc.gov) or 914-749-5357 to make arrangements.
12. The current configuration does not appear to have minimized impacts to the wetlands. Specifically:
  - a. The Site Plan shows an area surrounded by a proposed retaining wall that crosses the onsite wetland in two locations. Please re-evaluate the location of the retaining wall to minimize impacts to the wetland – crossing it only once and at the narrowest portion.
  - b. The southernmost 4 and 6 unit structures are encroaching on the onsite wetland. It is suggested that these areas be moved and/or reduced in size to avoid impacts to the wetland.

13. In summation, without the benefit of key engineering details, alternative designs and/or revised development approaches should be evaluated and presented to involved agencies in an effort to reduce overall, adverse environmental impacts.

Thank you for the opportunity to provide comments. You may reach the undersigned at [cgarcia@dep.nyc.gov](mailto:cgarcia@dep.nyc.gov) or (914) 749-5302 with any questions or if you care to discuss the matter further.

Sincerely,



Cynthia Garcia, Supervisor  
SEQRA Coordination Section

X: J. Petronella, NYSDEC  
A. Kunny, P.E., WCHD  
N. Drummond, WCPD

**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

Division of Environmental Permits, Region 3  
21 South Platt Corners Road, New Paltz, NY 12561-1620  
P: (845) 256-3054 | F: (845) 255-4659  
www.dec.ny.gov



**Department of  
Environmental  
Conservation**

May 24, 2022

**VIA EMAIL**

Town of Yorktown Planning Board  
Robyn A. Steinberg  
Town Planner  
[rsteinberg@yorktownny.org](mailto:rsteinberg@yorktownny.org)

RECEIVED  
PLANNING DEPARTMENT

MAY 24 2022

TOWN OF YORKTOWN

Re: UNDERHILL FARM  
Town of Yorktown, Westchester County  
DEC ID: 3-5554-00266/00002  
**SEQR Lead Agency Response**

Dear Town of Yorktown Planning Board,

The Department of Environmental Conservation (DEC or Department) received your State Environmental Quality Review Act (SEQR) Lead Agency Coordination on May 3<sup>rd</sup>, 2022. The proposal involves the development of a mixed-use residential/retail and office project, including 64 apartment units, 32 senior condominium units, 52 townhouses, a senior center, space for Town offices and administrative services, retail spaces, and associated site improvements. The project site is located at 370 Underhill Avenue in Yorktown Heights. The Department has no objection to the Town of Yorktown Planning Board serving as lead agency for this project. Based on our review of the submitted materials, including the EAF and associated site plans, we offer the following comments:

**PROTECTION OF WATERS STREAM DISTURBANCE**

There are no waterbodies that appear on our regulatory maps at the location you identified. Therefore, if there is a stream or pond outlet present at the site with year-round flow, it assumes the classification of the watercourse into which it feeds, and a Protection of Waters permit may or may not be required to disturb its bed or banks. If there is a stream or pond outlet present at the site that runs intermittently (seasonally), it is not protected, and a Protection of Waters permit would not be required to disturb its bed or banks.

If a permit is not required, please note, however, you are still responsible for ensuring that work shall not pollute any stream or waterbody. Care shall be taken to stabilize any disturbed areas promptly after construction, and all necessary precautions shall be taken to prevent contamination of the stream or waterbody by silt, sediment, fuels, solvents, lubricants, or any other pollutant associated with the project.



### **FRESHWATER WETLANDS**

Your project/site is not within a New York State-protected Freshwater Wetland. However, please contact your town officials and the United States Army Corps of Engineers in New York City, telephone (917) 790-8511, for any permitting they might require.

### **WATER QUALITY CERTIFICATION**

If the US Army Corps of Engineers requires a permit pursuant to Section 404 of the Clean Water Act for the discharge to fill in Waters of the U.S., then a Section 401 Water Quality Certification (WQC) will be required. Issuance of these certifications is delegated in New York State to DEC. If the project qualifies for a Nationwide Permit, it may be eligible for coverage under a DEC Blanket WQC. Coverage under a Blanket requires compliance with all conditions for the corresponding Nationwide Permit. For more information and to view the DEC Blanket WQCs, please visit <https://www.dec.ny.gov/permits/6546.html>. A determination on Corps jurisdiction and Nationwide Permit eligibility is likely necessary for a DEC jurisdictional determination.

### **STATE-LISTED SPECIES**

DEC has reviewed the State's Natural Heritage records. No records of sensitive resources were identified by this review.

The absence of data does not necessarily mean that other rare or state-listed species, natural communities or significant habitats do not exist on or adjacent to the proposed site. Rather, our files currently do not contain information which indicates their presence. For most sites, comprehensive field surveys have not been conducted. We cannot provide a definitive statement on the presence or absence of all rare or state-listed species or significant natural communities. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other sources may be required to fully assess impacts on biological resources.

### **NEW YORK CITY DEPARTMENT OF ENVIRONMENTAL PROTECTION (NYCDEP)**

The project site is located within the NYCDEP watershed. Please contact NYCDEP directly about any jurisdiction they may have.

### **STATE POLLUTANT DISCHARGE ELIMINATION SYSTEM (SPDES) STORMWATER**

If the overall project will disturb 5000 square feet or more of land within the NYC Department of Environmental Protection East of Hudson Watershed, the project sponsor must obtain coverage under the current SPDES General Permit for Stormwater Discharge from Construction Activity (GP-0-20-001), and a Stormwater Pollution Prevention Plan (SWPPP) must be developed which conforms to requirements of the General Permit. Authorization for coverage under this SPDES General Permit is not granted until the Department issues all other necessary DEC permits.

As the site is within a Municipal Separate Storm Sewer System (MS4) community, the SWPPP must be reviewed and accepted by the municipality, and the MS4 Acceptance Form submitted with the SWPPP and the application for coverage, in accordance with the application instructions.

Re: UNDERHILL FARM  
DEC ID: 3-5554-00266/00002

May 24, 2022

**OTHER**

Other permits from this Department or other agencies may be required for projects conducted on this property now or in the future. Also, regulations applicable to the location subject to this determination occasionally are revised and you should, therefore, verify the need for permits if your project is delayed or postponed. This determination regarding the need for permits will remain effective for a maximum of one year unless you are otherwise notified. More information about DEC permits may be found at our website, [www.dec.ny.gov](http://www.dec.ny.gov), under "Regulatory" then "Permits and Licenses." Application forms may be downloaded at <http://www.dec.ny.gov/permits/6081.html>.

Please feel free to contact this office if you have questions regarding the above information. Thank you.

Sincerely,

Glennys A. Digitally signed  
by Glennys A.  
Romero Medina  
Date: 2022.05.24  
10:54:07 -04'00'  
Romero  
Medina

Glennys Romero Medina  
Division of Environmental Permits  
Region 3, Telephone No. (845)256-2250  
[Glennys.RomeroMedina@dec.ny.gov](mailto:Glennys.RomeroMedina@dec.ny.gov)

ecc: Maria Tupper-Goebel, NYCDEP  
Underhill Soundview LLC, Applicant

George Latimer  
County Executive

**LEAD AGENCY NOTIFICATION RESPONSE**

May 3, 2022

Robyn A. Steinberg, Town Planner  
Town of Yorktown Planning Department  
1974 Commerce Street  
Yorktown Heights, NY 10598

RECEIVED  
PLANNING DEPARTMENT  
MAY 3 2022  
TOWN OF YORKTOWN

Dear Ms. Steinberg:

The Westchester County Planning Board has received Notice of Intent to be Lead Agency pursuant to the NYS Environmental Quality Review Act (SEQR) for the following action:

Project Name/File Number: **Underhill Farm — YTN 22-003**

Action: **Site Plan**

Location: **370 Underhill Avenue**

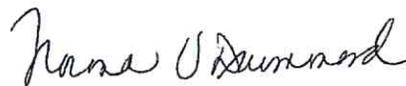
We have no objection to the Yorktown Planning Board assuming Lead Agency status for this review.

Please be advised that the County Planning Board has already submitted preliminary comments on this matter in a letter to the Town Board dated February 14, 2022. A copy of that letter is attached.

The County Planning Board looks forward to continuing its review of this matter as an Interested Agency.

Respectfully,  
WESTCHESTER COUNTY PLANNING BOARD

By:



Norma V. Drummond  
Commissioner

NVD/LH

George Latimer  
County Executive

February 14, 2022

Diana L. Quast, Town Clerk  
Town of Yorktown  
363 Underhill Avenue  
Yorktown Heights, NY 10598

**County Planning Board Referral File YTN 22-003 – Underhill Farm, 370 Underhill Avenue  
Planned Design District Overlay**

Dear Ms. Quast:

The Westchester County Planning Board has received a referral with respect to Underhill Farm, which is a development proposal for a 13.8-acre property that formerly housed the Soundview Preparatory School. The site, located at 370 Underhill Avenue, occupies substantial street frontage at a main intersection with Saw Mill River Road (NYS Route 118) at the south end of the Yorktown Heights hamlet. The applicant proposes to redevelop this site with a mixed-use development containing 85 rental apartments along with 80 for-sale units that would consist of 30 apartments and 50 townhouses. Retail and office spaces would also be included in the development and would occupy a portion of the rental apartment building. A historic building on the site, known as the Captain Underhill House, would also be restored as part of the redevelopment. This building is also envisioned to contain retail or office space. Publicly accessible amenities, such as walking paths and access to a restored pond on the site, are also proposed.

This is the first development application the Town has considered since adopting new zoning regulations for Planned Design District Overlay Zones (PDDOZ). Under those regulations, the Town Board must approve this application as eligible to be developed under PDDOZ regulations. If approved, the application would then only require site plan approval from the Yorktown Planning Board.

We have reviewed this matter under the provisions of Section 239 L, M and N of the General Municipal Law and Section 277.61 of the County Administrative Code and we are supportive of the Town Board authorizing this application for development under PDDOZ regulations.

Since 1977, Westchester County has worked with the Town of Yorktown on public investments through the Community Development Block Program. Many of these efforts, such as the construction of sidewalks and public spaces in the Yorktown hamlet, have provided key infrastructure that can now be leveraged for this next generation of development. Other County investments, such as the North County Trailway, have provided additional key infrastructure. It is within the context of these County investments that we offer the following comments for the Town Board to consider. While we understand that the site plan review undertaken by the Yorktown Planning Board is the most appropriate time to submit site planning comments, there are some broader concerns we wish to express at this time.

**1. Affirmatively furthering fair housing (AFFH).**

The application materials did not indicate if any of the proposed residential units would be set aside as affordable AFFH units. Because the Town repealed its regulations concerning the Model Ordinance

Provisions, the applicant is not required to make this inclusion, which would have been automatic had the Town not repealed these regulations.

Fair and affordable housing is a critical need in Westchester County, as documented in the *Westchester County Housing Needs Assessment*, and it has been a longstanding priority for the County to promote more affordable housing in hamlet centers, which are ideal locations for affordable housing. Given the County's level of investment in the hamlet, and the fact that this investment has contributed towards the development potential of this site, this development should include affordable AFFH units at a ratio of no less than 10%. We also continue to urge the Town to consider re-adopting the Model Ordinance Provisions.

## **2. Need to redesign Saw Mill River Road/Underhill Avenue intersection.**

The intersection of Saw Mill River Road (NYS Route 118) and Underhill Avenue is a main gateway to the Yorktown Hamlet. This intersection, which was initially created when Route 118 was constructed to bypass higher-speed car traffic away from Commerce Street, has never had a sufficient level of pedestrian accommodation and safety. With the addition of 165 residential units to this site along with retail and office space, it will be necessary to redesign this intersection to accommodate higher levels of pedestrian and bicycle activity. Because of the County's involvement in sidewalk and trailway construction near this site, this development must be able to connect to those investments, which are designed to help people walk or bike to stores and services within the hamlet without needing to drive. The reduction of unnecessary driving of single-occupancy vehicles is an important policy goal of the County Planning Board, and we have the expectation that new development within the hamlet should connect to the investments the County made in support of that goal. We also point out that to access Bee-Line bus stops from this development will also require crossing this intersection.

As part of the site plan review, the applicant and the Town must work with the NYS Department of Transportation to make improvements to this intersection and to connect all sides of the intersection to the existing sidewalk network. In addition, we also point out that the PDDOZ regulations require that sidewalks be provided on the site's entire frontage with both Underhill Avenue and Saw Mill River Road. Since these sidewalks are not shown on the conceptual plans, we assume they will be shown on the plans during site plan review.

## **3. Inconsistencies with PDDOZ regulations.**

While the bulk of the review of the subject application will occur as part of the site plan review conducted by the Yorktown Planning Board, the Town Board must authorize that review according to the PDDOZ regulations. However, we note that the conceptual plans submitted by the applicant do not fully comply with PDDOZ regulations. The following should be clarified or corrected before the Town Board issues its approval:

### *a. Complete street design methods.*

The PDDOZ regulations contain seven objectives that are encouraged for all hamlet development. The objective concerning complete street design methods does not appear to be met by the conceptual plan, since it does not show proposed improvements to the intersection of Saw Mill River Road and Underhill Avenue as discussed above. This objective specifically calls for the encouragement of design that is supportive of pedestrians, cyclists and the disabled "to be able to move through the overlay zone safely."

*b. Sidewalks.*

As noted above, the PDDOZ regulations require that sidewalks be provided on the site's entire frontage with both Underhill Avenue and Saw Mill River Road. This is not shown on the conceptual plans.

*c. Parking in front yard.*

The PDDOZ regulations do not permit parking to be located in the front yard unless a waiver is granted. The conceptual site plans show surface parking lots located in front of the proposed apartment building and directly along the street frontage. Since this is not permitted, the applicant should state if it is their intention to seek a waiver. We would not be supportive of this waiver since we consistently encourage municipalities to work with applicants to locate parking behind buildings whenever possible to enhance the streetscape.

*d. Shared parking.*

The application materials note that a shared parking system would be used to reduce impervious surfaces on the site. However, specific details were not provided in the application, and surface parking is shown on the conceptual plans to be a prominent site feature.

We encourage the Town to consider the impacts of parking and consider using practices that would provide sufficient parking, but would also help avoid the impacts of unnecessary parking. Such practices could include landbanking, setting parking maximums (instead of minimums), sharing parking between adjacent properties, unbundling the cost of parking from housing costs (except for affordable units), and other strategies. Such parking management incentives could potentially allow municipalities to eventually lower parking requirements, which can have positive benefits in reducing land disturbance and stormwater runoff. These environmental benefits are of heightened importance for the Yorktown Heights hamlet due to its location in the Croton Watershed.

Please inform us of the Town's decision so that we can make it a part of the record.

Thank you for calling this matter to our attention.

Respectfully,  
WESTCHESTER COUNTY PLANNING BOARD

By: 

Norma V. Drummond  
Commissioner

NVD/LH

cc: Lance MacMillan, Regional Director, NYS Department of Transportation, Region 8  
Anne Darelus, NYS Department of Transportation, Region 8  
Christopher Lee, NYS Department of Transportation, Region 8  
Cynthia Garcia, Bureau of Water Supply, SEQR Coordination Section, NYC DEP

# Site Design Consultants

Civil Engineers • Land Planners

May 24, 2022

Ms. Robyn Steinberg, Town Planner  
Town of Yorktown Planning Department  
1974 Commerce Street  
Yorktown Heights, NY 10598

RECEIVED  
PLANNING DEPARTMENT  
MAY 24 2022  
TOWN OF YORKTOWN

Re: Underhill Farm, 370 Underhill Avenue, Yorktown Heights

Dear Robyn:

We are in receipt of the comment letter addressed to you dated May 3, 2022 from Norma V. Drummond, Commissioner, Westchester County Planning Board. Unicorn Contracting, Colliers Engineering & Design and Blanchard & Wilson LLP offer the following responses:

1. **Affordable Housing:** The County suggests that the Project implement an affordable set-aside as per the County's Affirmatively Furthering Fair Housing ("AFFH") program. It must be stressed that the Project has been developed in accordance with the Town Code and is fully compliant therein. The County model ordinance regarding affordable units has been repealed by Yorktown and therefore does not apply. With a reduced unit count as requested by the Town, The County's recommended set-aside is not a feasible alternative to the Project.
2. **Need to redesign Saw Mill River Road/Underhill Avenue intersection:**  
The Applicant has prepared designs to upgrade the intersection of Saw Mill River Road and Underhill Avenue to improve traffic and pedestrian movements. As described in the Executive Summary prepared for the project and attached, the plans include three (3) separate improvements, which can be completed in phases.

The first phase is to offset the additional traffic generated by the Underhill Farm project and will include signal modifications including video detection and Adaptive Traffic Control, installation of an RRFB controlled crosswalk on Underhill Avenue to provide a connection to the existing sidewalk system as well as other related improvements.

The second plan (Alternate 1) would be to construct left turn lanes on the Underhill Avenue approaches to the intersection and this includes pavement widening and reconstruction to accommodate those lanes. This plan would also involve the reconstruction of the southbound shoulder on NYS Route 118 (which is currently utilized by right turning traffic) to a fully functioning separate right turn lane. As part of this intersection improvement, the traffic signal would be replaced and additional pedestrian crossings on all approaches together with ADA compliant ramps and pedestrian signals would be installed. All improvements would be in conformance with New York State Department of Transportation (NYSDOT) criteria.

The Applicant has indicated that they will contribute up to \$450,000.00 towards this intersection improvement including the detailed design plans such that the Town can move this plan forward

---

251-F Underhill Avenue • Yorktown Heights, New York 10598

60 Walnut Grove Road • Ridgefield, Connecticut 06877

(914) 962-4488

(203) 431-9504

Fax (914) 962-7386



This plan will improve traffic and pedestrian movements and accommodate traffic from normal growth in the area and other projects that have been approved.

Additionally, a future Master Plan Intersection Improvement (Alternate 2) is to accommodate other potential development, which could occur in the area including the redevelopment of the Kmart Property as well as others. This plan would add separate left turn lanes on the NYS Route 118 approaches to further increase the intersection capacity. This improvement would require the construction of retaining wall along the Town Hall property and grading easements along the property located on the east side of NYS Route 118. Note that the work completed under Alternate 1 plans would place the traffic signal poles so that they would accommodate the future NYS Route 118 widening and any additional loadings. The Applicant will continue to work together with the Town to advance these improvements.

3. **3a) Complete streets** – there will be walkways and roadways interconnecting the areas in the property, and (2) additional entrances / exits are being proposed as part of project. We are working through discussions with the interconnected roadways with Beaver Ridge, which is in accordance with this objective.

**3b) Sidewalks** – Sidewalks and walkways will be prevalent throughout the project, however, are not feasible along the perimeter of the site. Sidewalks along Route 118 will lead to nowhere, since it will be a large expense for Beaver Ridge to add and will likely not be done. Also, no access zone on that side of Route 118 for pedestrian traffic.

**3c) Parking in front yard** – Parking lot will be 4 to 5 feet higher than Route 118 and will be impossible for vehicles to access. Parking is required to be in front of retail space similar to the condition across Route 118 at the recently completed Caremount building.

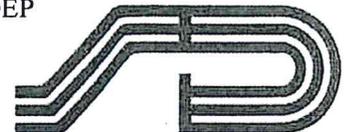
**3d) Shared Parking** – We are supportive of use of shared parking for this project. Part of the plan consists of offering 30 parking spaces for the future senior center to be built on the Beaver Ridge Property as part of creating an interconnected roadway with Beaver Ridge. Again, we are discussing through access roadway with Beaver Ridge currently.

Please contact us if you have any questions or need additional information. Thank you.

Yours Truly,

  
Joseph C. Riina, P.E.

cc: Norma V. Drummond  
Lance MacMillan, Regional Director, NYS Department of Transportation, Region 8  
Ann Darelius, NYS Department of Transportation, Region 8  
Christopher Lee, NYS Department of Transportation, Region 8  
Cynthia Garcia, Bureau of Water Supply, SEQR Coordination Section, NYC DEP  
Town Board



Town Supervisor  
Engineering Department  
Planning Department  
Town Clerk  
Unicorn Contracting  
Colliers Engineering & Design  
Tim Miller Associates  
Blanchard Wilson LLP

JCR / cm / Enc./ sdc 20-20

