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## **RESPONSES TO COMMENTS ON THE FINAL SUPPLEMENTAL GEIS AND THE 2010 COMPREHENSIVE PLAN**

### **Affordable Housing**

#### **Desire for More Affordable Housing in Yorktown**

##### Comment

1. There is a lot of information in the section about the demographics. On table 5-10 it says, Yorktown is a middle class community where much households make between 50 and \$150,000 per year. Yet, close to thirty percent of households have relatively modest incomes below \$50,000 a year. I think the concern that I want to express is that, our housing policies have to address all of the people in Yorktown, and this is a significant portion of the people whose incomes are in that range. In the same section it talks about what the [median] household income is and what the [median] home price is in the town and there is an incredible mis-match. (Ken Belfer, Yorktown Community Housing Board, Transcript, 4/6/10)

*As noted in response to other comments, the proposed Comprehensive Plan supports the continued provision of a range of housing types in Yorktown. Single-family homes are permitted in many areas of the Town, consistent with existing development patterns, but alternate residential options also are promoted. Residential uses are recommended as part of the land use mix in the Town's five hamlet centers. These could include small-lot single-family uses, townhouses, accessory apartments, and residential units above commercial development. The proposed RSP-2 zoning in the Bear Mountain Parkway Triangle area will allow for additional housing diversity.*

*Also, the cluster development zoning provision allows for flexibility in housing design through modification of lot sizes and unit types. Townhouse development is a realistic outcome of utilization of cluster zoning. This unit type exists in a few locations in Yorktown already, and tends to be more affordable than detached single-family dwellings, as well as tending to preserve open space. Townhouses also represent an alternative that is attractive to households that would like an option other than a detached dwelling for reasons of size, price or desire to reduce upkeep and maintenance obligations. As noted earlier, a number of cluster developments in the Town have yielded multifamily units. However, it should be emphasized that while comprehensive plans can recommend certain types of housing and promote diverse and affordable units, the real estate market and resident income levels remain beyond its control.*

*For discussion of the Comprehensive Plan's and the Town Board's approach to achieving the important goal of providing additional affordable workforce housing throughout the Town, see responses to Comments 4-17, below.*

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#### **Mixed Housing for Diverse Populations**

2. As declared last year to this board, the chamber strongly believes the future planned growth in town must be advantageous to mixed and affordable housing. Any plan must allow those who grew up in Yorktown to raise their families here and let others live in the community in which they work and serve, this includes entry level, rentals and senior citizen housing. (Thom Iannicari, Yorktown Chamber of Commerce, Transcript, 4/6/10)

*The accommodations encouraged by the Comprehensive Plan for "continuum of care" and senior housing, as well as two-family and multi-family residential and mixed use development that would provide additional affordable workforce housing, provide several avenues by which housing can be adapted to changing needs. See also Section 2.4 of the FSGEIS and the response to Comment 1.*

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3. Policies 5-6, 5-7 and 5-8 address areas of Yorktown that may be suitable for new, diverse housing. We recommend that these policies specifically reference the new development of fair and affordable housing and delete references to setting limits to such housing as just being housing for seniors. Further, in this particular instance, it would be appropriate for the plan to include broader language that would provide the basis for entertaining proposals for fair and affordable housing development outside of specific geographic areas now mentioned in the text. The draft plan provides abundant guidance to shape proposals so as to be consistent with, and an enhancement to, community character. (Edward Boroughs, Westchester County Planning Board, Letter, 4/21/10)

*The three policies referenced in this comment indeed address specific sections of the Town, but these are not the only locations recommended for new diverse housing. Policy 5-7 is the only one of these three policies that mentions senior housing as a "likely" use, but does not limit it to this type of housing. This policy also deals with a very specific site (a lumberyard) and as such does not limit options elsewhere in the Shrub Oak hamlet center. Diverse housing is promoted in all five of the Town's hamlet business centers, and per Policy 5-4, affordable workforce housing is proposed to be required as part of any new housing development in any part of Town. See responses to Comments 1 and 2, and Section 2.4.3 of the FSGEIS. As noted in the Findings, the Town Board has decided rezone the western end of the Bear Mountain Triangle to R-3 and C-2, which will provide opportunities for new affordable workforce housing.*

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#### Affordable Housing Guarantees/Inclusionary Zoning Requirements

4. There are probably fifteen to twenty strategies and techniques that municipalities can use to create, to incentivize, to move forward a creation of a diverse stock housing. I encourage the town to look at those others and perhaps add those, to create an environment where everyone has a place to live in Yorktown. You have a very knowledgeable and dedicated community housing board and I just want to encourage you to use their talents and skills in your deliberations. (Tony Hoeltzel, Community Housing Resource Center, Transcript, 4/6/10)
5. In the vision for Mohegan Lake, it talks about diversity of housing, including senior housing. The only problem I have with that is, it is just a vision and there is absolutely no implementation that I see in any zoning recommendations anywhere in the plan. (Ken Belfer, Yorktown Community Housing Board, Transcript, 4/6/10)
6. But, the real way you create affordable housing is through zoning and there were some places within the plan, [Garden] Lane, Bear Mountain Triangle where the zoning was changed to accommodate affordable housing or higher density housing but that is just--that's about it, it wasn't done anywhere else within the town. (Ken Belfer, Yorktown Community Housing Board, Transcript, 4/6/10)

7. There is a goal in the section on chapter two on land views goal, 2F it says, promote housing for people in all stages of life, from young adults to couples, to families with children to seniors. Once again, I think it is a very methodical goal, I just think there isn't a lot of meat that actually implements that goal. (Ken Belfer, Yorktown Community Housing Board, Transcript, 4/6/10)

*The Proposed Action suggests a number of measures to increase the supply of affordable workforce housing. These are detailed in Policies 5-3 through 5-9 in Chapter 5 of the proposed Comprehensive Plan. See also response to Comment 1, Chapter 4 of the DSGEIS and Section 2.4.3 of the FSGEIS, which addresses more specifically the extent of affordable workforce housing units in the Town. Most of these policies and provisions of the Proposed Action apply Town-wide, including but not limited to the Mohegan Lake area referenced in the comment.*

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*Set Aside / Policy 5-4*

8. A lot of work however, is still ahead and some of that work is implementing zoning changes if you follow throughout with what your schedule is, as well as implementing local laws. One of those local laws being the affordable housing set aside, also referred to as inclusionary zoning. I would urge that you do that quickly because as development come in front of you, I would like to see that inclusionary zoning in place. (Ken Belfer, Yorktown Community Housing Board, Transcript, 4/6/10)
9. Of critical importance to the availability of affordable housing in Yorktown is the affordable housing set-aside law. This will bring badly needed new affordable home-ownership units into our Affordable Housing Program. It has been many years since new units have been brought into the program, but the need has only gotten larger during that time. The Town Board should take the necessary steps to pass and implement the affordable housing set-aside as soon as possible. (Maura Gregory, Letter, 4/14/10)
10. The Housing Board believes that it is important, once the FSGEIS and Comprehensive Plan are adopted, the implement a local law providing for an affordable housing set-aside promptly. This will prevent a number of proposed developments from being able to “grandfather” themselves out of having to comply with the set-aside. (Ken Belfer, Community Housing Board, Letter, 4/20/10)
11. Policy 5-4 calls for requiring a “limited portion” of the new units in new developments be set-aside for affordable workforce households.” We recommend that the plan recommend that within all residential developments of 10 or more units, no less than 10% of the total number of units must be created as fair and affordable units. In residential development of five to nine units, at least one fair and affordable unit shall be created. (Edward Boroughs, Westchester County Planning Board, Letter, 4/21/10)
12. It is important to again mandate a set aside so that 10% of the units in any development with at least 10 units would be allocated for “affordable housing”. No additional density should be allowed as an inducement. As you know “affordable housing” does not refer to low-income people; the standard for affordable is 75 to 80% of Westchester median income. (Claire McNeill, Letter, 4/20/10)
13. I want to speak just briefly to the proposed policy 5-4, which is the affordable housing set aside and provide a little prospective to that. There are between fifteen and seventeen municipalities

in Westchester that have an affordable housing set aside requirement, meaning, for developments of a certain size, a certain percentage must be affordable. The most common percentage is ten percent on developments of ten units or more, though, that is up to the town. The Town of Somers had a ten percent set aside requirement for years, last year they increased it to fifteen percent because it had been successful and it is probably the most successful strategy, certainly not the only one. (Tony Hoeltzel, Community Housing Resource Center, Transcript, 4/6/10)

*The affordable housing set aside requirement, which calls for 10% affordable workforce housing in new developments of 10 units or more, is proposed in the Comprehensive Plan in Policy 5-4, and thus is intended to be included in the implementing zoning.*

14. This policy [5-4] also discussed the setting of resident selection criteria. We recommend that this provision be replaced with the following: “No preferences shall be utilized to prioritize the selection of income-eligible tenants of purchasers for fair and affordable units with the exception that: (1) a household with at least one member who has been employed within the municipality or one member who has served as an emergency services volunteer within the municipality for at least one year prior to application for the purchase or rental of a fair and affordable unit may be given preference for every third (3<sup>rd</sup>) new fair and affordable unit created within a new occupancy; and (2) a senior who is a resident of the municipality, or a senior who has an immediate family member who is a resident of the municipality, may be given a preference for fair and affordable units designated for seniors.” (Edward Boroughs, Westchester County Planning Board, Letter, 4/21/10)
15. We also recommend that the following be added to this policy [5-4]: “All fair and affordable units, whether for purchase or for rent, shall be marketed in accordance with the Westchester County Fair and Affordable Housing Affirmative Marketing Plan.” (Edward Boroughs, Westchester County Planning Board, Letter, 4/21/10)
16. The Community Housing Board believes that eligibility and pricing of affordable housing should be based on HUD area median income (AMI), as published annually by the County Planning Department on Westchestergove.com. 80% of AMI is a nationwide standard for defining maximum income for eligibility for affordable housing. The put in perspective, based on 2009 AMI 80% of median income for a family of four in Westchester is \$84,200 per year, and for a one-person household 80% of AMI is \$59,000. (Ken Belfer, Community Housing Board, Letter, 4/20/10)
17. In order to ensure that a range of people (not just those earning 80% of median) qualify for affordable homeownership units, the County recommends that units be priced at a level affordable to households at 70% of AMI. For affordable rental housing, the guideline is to set eligibility and cost based on a maximum income of 60% AMI. The Community Housing Board considers these standards in establishing eligibility limits and pricing for affordable housing in Yorktown. (Ken Belfer, Community Housing Board, Letter, 4/20/10)

*The set-aside in Policy 5-4 is intended to provide affordable workforce housing that meets local, county and federal standards. While the Town Board anticipates that most new affordable workforce housing would be consistent with all of these standards, the suggested changes have not been made to Policy 5-4 because the Town Board believes that the adopted approach will provide more flexibility to the Town in achieving these important goals, including, where*

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*appropriate, the ability to have affordable workforce housing constructed even if such housing might not meet the particulars of a specific County definition. See Section 2.4.3 of the FSGEIS.*

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Plan and/or Zone will Restrict Affordable Housing Options

18. For a number of years market forces have resulted in development of housing suited to higher-income households. It has been some time since “starter homes” were developed in Yorktown. The upzoning of portions of Town called for in the Comprehensive Plan serves to further reduce the number of remaining buildable lots in Yorktown. The result of requiring larger lots for housing construction, and of reducing the potential supply of buildable lots, will likely be further increases in land prices. This will result in higher prices for new housing. (Ken Belfer, Community Housing Board, Letter, 4/20/10)
19. One of the impacts about [up]zoning is try to drive up housing prices, increases the cost of land, because you need a larger parcel to build on, and that increases the cost of affordable housing. What you are doing in the comprehensive plan to promote affordable housing, both meets the need for affordable housing in the community and in the region and also mitigates an impact that is created by the up-zoning. So, I believe that the steps outlined in the comprehensive plan to promote affordable housing is extremely important. (Ken Belfer, Yorktown Community Housing Board, Transcript, 4/6/10)
20. When we up zone we do make the housing stock more exclusionary. You are creating a situation in which requires a developer to get a larger house, etc, and so forth. I ask you to be cognizant of that fact and remember that. (John Kincart, Transcript, 4/6/10)
21. There still exists an unmet need for affordable housing, and housing diversity, in Yorktown. The “upzoning” contemplated by the plan will have the effect of increasing the price of housing in the town, because larger homes will be built on larger lots. Please reconsider the plan to upzone many areas, especially areas that would be suitable for workforce or senior housing. (Maura Gregory, Letter, 4/14/10)

*The issue of affordability is region-wide and the proposed changes to residential zoning regulations are not intended nor expected to exacerbate this issue. Alternative B5, which would have upzoned smaller lots throughout the Town, and to which several of the comments refer, is no longer part of the proposed Comprehensive Plan. Further, the Plan has been revised to recommend that the Town allow residential units above commercial developments in all the hamlet areas, and not limited to Yorktown Heights. See FSGEIS at Section 2.4.2. In addition, other elements of the Plan (see response to Comment 1) are designed to foster additional affordable workforce housing. Even without the proposed upzoning, market-rate single-family detached residential dwellings in Yorktown would almost certainly not qualify as “affordable.” The median sales price of a single-family home in Yorktown was \$470,000 in 2008. While this amount actually represents a decrease from a high of \$510,000 in 2006, it still is not “affordable” per most definitions of the term. It may be that as a result of the upzoning necessary to protect Yorktown’s environmental resources housing prices in some areas may increase. However, many other areas are retaining their smaller lot zoning and other diverse and affordable housing options are proposed in the Town. As discussed in the response to Comment 1, the various aspects of the proposed Comprehensive Plan should be viewed as part of a whole that addresses a number of goals across specific topic areas (i.e., land use, housing, environment, transportation).*

Mixed-Use/Multi-Family and Livable Communities*Apartments Over Stores*

22. I want to address mixed use housing, the idea of apartments over stores. I think it is a very important way to create additional housing diversity in the town and in the hamlet business centers and you say in the FSGEIS, page three of Section 3, the plan also provides for allowing residential units above commercial uses in C2 structured in all of the hamlet centers. In doesn't quite provide for it, it says consider allowing it and---In the actual zoning state descriptions and zones, it doesn't say anything other than Yorktown Heights. (Ken Belfer, Yorktown Community Housing Board, Transcript, 4/6/10)
23. Looking at some of the tables attached to the section on land views, table 2-10, commercial hamlets center, that defines C2R. I think--I am assuming that's the definition in which you are saying that there can be apartment over stores in commercial zones in the hamlets, and it specifically says--under typical land views, it says, in Yorktown Heights upper floor apartments would be allowed. From statements elsewhere in the plan, I don't think that is the intention, but I think you need to clear up your language if you are going to be allowing the possibility of the hamlets, not just in Yorktown Heights. (Ken Belfer, Yorktown Community Housing Board, Transcript, 4/6/10)
24. After reviewing the economic development chapter, and more specific areas of the plan, we support the following; Added emphasis on affordable and diverse housing, on the policy change, allowing second floor apartments to C2 Zones, hamlet centers above retail or office usage, which is found on page five of the economic development chapter, we would like the inclusion hamlet center C1 as well as C2 where appropriate. (Thom Iannicari, Yorktown Chamber of Commerce, Transcript, 4/6/10)
25. Also, the Plan should expand the availability of mixed use housing, i.e. apartments over commercial and retail stores, beyond Yorktown Heights into the other hamlets. These units provide excellent opportunities for young people who grew up here, or work here, and are just starting out in life, to have affordable housing in Yorktown. Young adults have difficulty finding affordable places to live in Yorktown and are disappearing from our neighborhoods. There is a lack of rental housing in Yorktown, especially for this population, that could be met by permitting mixed use housing in all the hamlets. Also, these apartments provide additional security for the store owner during non-business hours, and also give the business owner additional income that helps Yorktown stay business-friendly. These apartments contribute to a "walkable" pedestrian friendly feel to the hamlets. (Maura Gregory, Letter, 4/14/10)
26. We support the proposed changes to the Comprehensive Plan that would expand the recommendation to allow second-floor apartments above retail or office uses in the C-2 districts in all of the Town's hamlet centers. Previously this had only been recommended for the Yorktown Heights hamlet center. Expanding this recommendation to all hamlet centers will help promote more mixed use development within the towns existing developed centers, which is consistent with Westchester 2025, adopted by the County Planning Board on May 6, 2008 and amended January 5, 2010. Expanding second-floor residential opportunities will also greatly expand the potential for a range of housing types within the Town, particularly fair and affordable housing. We commend the Town for making this effort to increase the diversity of

housing types that will be available in the future as part of this recommendation. (Edward Boroughs, Westchester County Planning Board, Letter, 4/21/10)

27. Apartments above stores in a walkable community would be one way to provide affordable housing and reduce traffic. This should be allowed in all the town hamlets, with each proposal being judged on its own merits, rather than by which hamlet it is in. (Claire McNeill, Letter, 4/20/10)
28. You can't buy the [median] price home having a [median] class income in the town, that is generally a measure of this housing affordable if not in a community. I think that the way that you provide affordable housing--the set aside is great and it is important, and yet the diversity of Yorktown Heights is not necessarily affordable with apartments over stores and you put them where there is transportation and other infrastructures, so that is smart. (Ken Belfer, Yorktown Community Housing Board, Transcript, 4/6/10)
29. We urge the Comprehensive Plan policy be adopted to allow the zone providing for apartments over businesses to be applied in any of the business hamlets in Yorktown. This is not addressed consistently in the Comprehensive Plan. Table 2-10 on page 2-17 referencing Commercial Hamlet Center refers to allowing upper floor apartments in Yorktown Heights. This definition should not restrict application of the zone to only Yorktown Heights. (Ken Belfer, Community Housing Board, Letter, 4/20/10)
30. If we plan for the future, I think the town centers are going to become key to our future. It is the flip side of what Mr. Schroeder was talking about with open space. We need to preserve space, we also need to undo the damage we've done in our hamlets. We've given them over to the automobile, to suburban sprawl. We have taken communities that were walkable, communities--places that people would like to come and spend time and we have made it a place where you drive your car and park and leave. We can undo this and this is key to what you are saying in the plan, promote second floor apartments....(Bill Kellner, Transcript, 4/6/10)
31. I just want to follow up with what Jonathan said about planning for the future and sustainability and focusing on a very small point in the plan that others have addressed and to take it from a slightly different angle. And that is this question of--well, let me read from the executive summary of the plan, and in this case he is talking about the hamlet of Yorktown Heights, right out of our door here. The goal is to establish a walkable Main Street along Commerce Street with shops and restaurants. And it goes on to say promote second floor apartments in this area. Now, we have heard other speakers talk about the need for accessory apartments, apartments over stores for a lot of reasons, the need for affordable housing, the need to help out the merchants. I would like to look at this from a different angle, and that is, this goal of getting a vibrant, active, busy downtown center that people want to come to really requires that you implement this concept of second floor apartments over stores. (Bill Kellner, Transcript, 4/6/10)
32. If you go around the county, or the whole state, or the country for that matter and look at active busy main streets with shops that people are using, you will see they almost always have this implemented. People are living over shops. That is what --that's the prerequisite for a vibrant downtown and that is something we are going to need. (Bill Kellner, Transcript, 4/6/10)
33. I am not against affordable housing. In fact twenty years ago I was on the affordable housing board which is now called the community housing board. In the downtown heights I can see where apartments over the commercial entities make sense, you have a hamlet area. The other

hamlets aren't set up the same way, you don't have a main street, you have different commercial entities in different areas of the hamlets. You don't have the same downtown type of atmosphere. (Gregory Bernard, Transcript, 4/6/10)

34. I will suggest that you not include the other hamlets, you have the accessory housing law, which is a homeowner who a lot of times has a family member that stays with them or they pick someone that they can control, that if they don't like the person that is living in their house and they are not abiding by said rules that they have, they have an option to try to get them out and try to get somebody else in there. When you are talking about a commercial entity and the landlord may not even be in this community and they are going to rent it to whoever, and again, I am not against people who live in this town, that grew up here, that have extended family members, if you want to keep them in the community that's great, but I don't think that, that is the way to go about to create this overlay zoning. (Gregory Bernard, Transcript, 4/6/10)

*As noted on the first page of the Executive Summary of the proposed Comprehensive Plan, "Yorktown's five hamlet business centers should be vital centers of community life, with a mix of retail, office, civic, and residential uses." A number of policies in the Land Use, Transportation, Economic Development & Hamlet Business Centers and Housing & Neighborhood Quality of Life chapters promote improvements in the hamlet centers that would be consistent with the above comments. In addition, Policy 5-9 has been expanded to recommend that the Town allow residential uses above commercial developments in all of the hamlet centers, not just in Yorktown Heights. There is a clear public interest in requiring the provision of providing more affordable and diverse housing. This approach is consistent with efforts by Westchester County and numerous municipalities to address the need for such housing. See also the response to Comment 1 and Section 2.4.3 of the FSGEIS.*

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*Affordable Housing, Joe Camera's Property*

35. I am here specifically to talk about Joe Camera's property, the property happens to be behind my house and the brook as a buffer between the properties. And, the first question I would like to pose to this town board is how many of you have actually walked through a one and a half mile distance of Shrub Oak starting at that area, Joe Camera's, and walked that straight through? If you do walk that area you are going to find that there are many dwellings, multiple family dwellings there, with apartments for rent vacant, alright. (Michele Beatty, Transcript, 4/6/10)
36. We talk about density and that we want to control density, by putting apartments over those stores, which was not what was the original intent because there are no outside entrances to those upstairs, there is no access to the outside, there is only internal access because that was supposed to be initially used for storage space for the people who were purchasing and the merchants of those facilities. The only one access apartment that was about--it is right now what would be considered a barbecue box, because originally Joe Camera's sister was living up there and she was grandfathered in at that time, that's the only apartment that was ever there. (Michele Beatty, Transcript, 4/6/10)
37. Unfortunately, when we start bringing in a lot of people into a very small area, all we are looking at is increased problems for the town and in addition when you have those small apartments, because they can not be large apartments, you are going to have a large number of people who are living in a very small area and then we are going to have another condition of an absentee



landlord that will not be able to regulate the people and how those apartment will be rented and how that would be enforced that those places will be maintained. (Michele Beatty, Transcript, 4/6/10)

38. We had encroached on the wetlands at one point and we are going to do it again and then to -- in order to put what? Do we need more? And if we do need more, then allow the people that are struggling here that need access apartments to build their own easily. (Michele Beatty, Transcript, 4/6/10)
39. We have to look at the larger picture and that is we would be encroaching once again upon our wetlands, because if we have to make any modifications to those buildings, to have to make access from the outside, we again are going to go into the wetlands... that brook and all the encroachment and everything else we knew that, when that was --the original plans were given and he was allowed to make those dwellings as big as they are, those buildings, alright. (Michele Beatty, Transcript, 4/6/10)
40. In Shrub Oak, the owner of the retail shops on East Main Street (where Joe Camera's deli is) has proposed such mixed use housing, and it should be supported by the Town. Another benefit of the Shrub Oak proposal is that some of the buildings will have elevators and can therefore be accessible to the disabled, which is another tremendous need in Yorktown. Since most new apartments over stores will be new construction, permitting this to occur in all the hamlets will increase the chance that Yorktown will have more housing accessible to the disabled. (Maura Gregory, Letter, 4/14/10)
41. So, I think that the lightning rod seems to be Joe Camera's, and I don't know if this affects other properties in the hamlets besides Joe Camera's, but also, I think if you go back I also sat on the planning board. If you look at the approving resolution for Joe Camera's property, it stipulates that the second floor is to be used for storage because of the lack of parking, which is an issue. If you are going to walk places, that is fine, but where are you going to walk to from Joe Camera. If you were talking like many of the speakers said, let's have a hamlet where you can walk to things. Joe Camera is his own entity, so, you are not going to be walking to too many other places from there, it is not the same type of thing as the heights is. (Gregory Bernard, Transcript, 4/6/10)

*The above comments focus primarily on an individual property and potential impacts of its development; this level of detail is outside the scope of the Comprehensive Plan. There are certain recommended policies that could affect development of this and other sites, but these have yet to be implemented through zoning changes. However, it should be noted that any residential units that are allowed above commercial space would need to meet applicable provisions of the Building Code for such uses. Moreover, the Town already has several measures in place to protect wetlands, and the Proposed Action increases that protection. See Policies 7-2 through 7-7. See also responses to Comments 50-51.*

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#### *Affordable Housing, Capelli/Trump Development*

42. It seems that large scale developments did come to Yorktown and it left us with a very large, almost empty building. This is on Barger Street, this is the Capelli/Trump Development. We have over one hundred units. Now, those one hundred units, I bet if the county board of legislators thought about it, they'd say, whoa, we have an obligation of seven hundred units of

affordable housing, let's put it there. So, that's one opportunity, but the town won't get much tax money out of that, in fact, the town doesn't get very much tax money out of that building. (Paul Moskowitz, Transcript, 4/6/10)

43. It was first--the first proposal was for a commercial development, commercial rental or assisted living, that would have brought us significant tax revenues. Using it for affordable housing will not, in fact, it will put on an additional burden on our school system. (Paul Moskowitz, Transcript, 4/6/10)
44. My proposal is don't put zoning for a hotel on the southwest (*sic*) corner of Route 6 and Barger Street. Take the building that we've got now, which already looks like a hotel, it's laid out like a hotel. I am not making a joke because you could use this as a hotel, there is nothing else that it is good for. If you rezone that property for a hotel use, we will not only have our hotel, which the chamber of commerce wants, but we will have tax revenues for the town and it is the right place to put a hotel. It is not the right place to put seniors housing where you can't walk anywhere, where it is dangerous to go out the door and approach Route 6 there. It is a great place for a hotel and we got it built already. (Paul Moskowitz, Transcript, 4/6/10)

*The proposed zoning for the referenced site on the northeast corner of the Barger Street/Route 6 intersection remains RSP-2, which is one of a number of zones that promotes housing diversity in Yorktown. The proposed overlay zoning for the southeast corner of the Barger Street/Route 6 intersection would allow hotel use, in recognition of this site's very suitable location for a hotel.*

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#### *Affordable Housing, Garden Lane & Bear Mountain Triangle*

45. The primary tool for creating housing diversity and affordable housing is zoning. We strongly support the zoning allowing multifamily housing in the area surrounding Garden Lane. This is an excellent site for "workforce housing." We also support incorporating a multifamily residential component in the Bear Mountain Triangle, although we disagree with the Comprehensive Plan designation specifying senior housing (see Vision Statement for Crompond, page ES05 and Table 2-18 PDD Mixed Use in Chapter 2, page 25), since we believe the site is more suited for workforce housing. We believe the plan is missing the opportunity to encourage additional nursing home or other senior citizen uses on Lexington Avenue north of Route 6, and is favoring Office zones for the center of Mohegan Lake when it could be encouraging diverse housing uses, mixed use, or starter housing in this area. (Ken Belfer, Community Housing Board, Letter, 4/20/10)
46. Multi-family in the Bear Mountain Triangle and Garden Lane would allow much needed rental housing to be built. Many families in my neighborhood have adult children living at home. (Claire McNeill, Letter, 4/20/10)

*There are a number of locations throughout Yorktown where various housing types are recommended by the Proposed Action to be permitted. Additional housing will be permitted that meets the needs cited in the comments. Providing for a mix of housing types and sizes gives the best opportunity to promote "starter housing," absent substantial market intervention.*

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*Affordable Housing, Old Hill Farm*

47. Hill Farm property in Jefferson Valley, near Club Fit, would be good for mixed uses. Such development would enable people to walk for groceries and to the post office. They might not need the typical 2 cars per family, thus reducing traffic. (Claire McNeill, Letter, 4/20/10)
48. The Hill Farm property in Jefferson Valley is one such tract. Due to its location close to shopping, recreation, and transportation, it could be an ideal site for multifamily senior or workforce housing, with or without some commercial properties. (Maura Gregory, Letter, 4/14/10)
49. We support the policy change in the current draft re the Hill farm property in Jefferson Valley. Given the location of the parcel in a hamlet center, and the fact that it is sandwiched between multi-family residential and commercial uses, residential upzoning does not allow for a use of the parcel that will compliment the surrounding uses and benefit the hamlet center. Although the owner of this property does not see it as financially feasible, the Housing Board believes that this would be an excellent site for affordable senior rental housing (proximity to food shopping, medical offices, etc.). (Ken Belfer, Community Housing Board, Letter, 4/20/10)

*Policy 4-55 of the Comprehensive Plan recommends a more detailed planning process for this site, but also indicates various uses that may be appropriate on the property. These include retail, office, recreational and residential uses, as well as a possible mix of two or more of these.*

*Affordable Housing, Gambrell Village*

50. One of the comments at the public hearing was from a neighbor of Gambrell Village opposing allowing apartments over the stores in that complex. One of the reasons given was the impact on the school system. The proposal previously submitted to the Town by Gambrell Village was for a mixture of studio and one-bedroom apartments. It is unlikely that this size apartment will have much impact on the school district. It is the opinion of the Housing Board that this is an excellent site for mixed use and for "workforce housing." It is likely that these apartments would be occupied by single people or couples just starting out. (Ken Belfer, Community Housing Board, Letter, 4/20/10)
51. The site is across from a diner and gas station, right off Route 6 (with both highway access and access to public transportation), close to a condominium complex, shopping and services, and close to Jefferson Valley hamlet where there are a significant number of jobs and recreational options. It makes far more sense, and there is far less impact, locating apartments within buildings that already exist here, than construct[ing] a new building footprint elsewhere that may impact more single family homeowners. I believe that the residential and commercial uses at the site can be complementary to each other, while increasing housing options within Yorktown. (Ken Belfer, Community Housing Board, Letter, 4/20/10)

*The Town Board notes that the above Gambrell Village property is the current name for the property also referred to as the "Joe Camera" property; thus, these Comments 50 and 51 relate to the same property as addressed in Comments 35-41, above. The concepts cited in the above Comments 50 and 51 are consistent with one of the main precepts of the Comprehensive Plan – namely, promoting additional housing options in hamlet centers, close to jobs, services*

and transportation. In addition, the Proposed Action would reduce impacts on the school system by an overall decrease in density, and thus in the number of school children, as compared to the Future Baseline Conditions. See responses to Comments 35-41.

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### Accessory Housing

52. I know for a long time we've tried to do our best as a town to accommodate people and create affordable housing units, frankly I have a number of people that have come to me and said, you -- they have -- by issuing special use permits for apartments and single-family homes they have changed the nature of the neighborhoods. (John Kincart, Transcript, 4/6/10)
53. Those neighborhoods are zoned for a single use of family, they create an extreme burden on the school system by having two families in a house and there is no limit to the number or children, I know we can't discriminate, but that has been a difficulty in many, many, neighborhoods and you should be aware of that, as I am sure you are. But, the new members of the board I think this may be the first time you are hearing it. (John Kincart, Transcript, 4/6/10)
54. If we create areas in neighborhoods where this--we do have provisions for this type of housing then we don't have to issue special use permits, unless there is a family member and you want to have an intergenerational situation which I think is terrific and we really keep an integrity to the town on account of that, I have spoken to that issue in the past. (John Kincart, Transcript, 4/6/10)

*Yorktown already has an accessory apartment law and the Comprehensive Plan proposes changes to this law as described in Chapter 5 of the Plan. The Plan and implementing provisions should prevent a material change in the neighborhood character in the areas where accessory apartments are allowed.*

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55. Policy 5-3 edges toward advocating loosening restrictions on accessory housing units but precedes each recommendation with cautionary words such as "options include" "remove or reduce the wait period" and "consider." We recommend that the plan be more direct in recommending the revisions identified. We note that the experience across Westchester over several decades has shown such changes do not pose risks to neighborhood character. (Edward Boroughs, Westchester County Planning Board, Letter, 4/21/10)

*Comment noted. The proposed Comprehensive Plan advocates substantial changes with regard to accessory unit regulations, but these recommendations are subject to further consideration as part of actual changes to these regulations.*

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56. Following through on the suggested options for accessory apartments would allow senior citizens to remain in the community, and provide some rental options for young workers and single people. (Claire McNeill, Letter, 4/20/10)

*The Town has an accessory apartment law. This type of unit is an option for providing new affordable housing options with limited community impacts, as it can be provided in existing single-family residences in any single-family residential zone which maintain the appearance of such a dwelling. The proposed Comprehensive Plan recommends certain changes to the procedures for accessory apartments in order to ease the provision of such units, as discussed*

*in the response to Comment 1. For example, Policy 5-3 of the proposed Comprehensive Plan calls for easing the wait period on new construction for accessory apartments. In addition, the Plan now recommends that the Town allow residential uses above commercial development in all hamlet centers, not just in Yorktown Heights.*

### Legal/Procedural

57. The housing policy section, you referred to that as set aside as for affordable workforce housing. I think you should just call it affordable housing, and set aside what should be applied for whether is senior housing or housing for single people of any age, or for the handicap for that matter. The word workforce while is sort of a word of bandit (*sic*) about because it doesn't get the same reaction that affordable does, and it could be misleading in this context. I urge you to consider the word affordable with many changes, accessory apartment law that are referenced in the comprehensive plan document, and many of those changes were made and I believe those were not overturned when the comprehensive plan was overturned. (Ken Belfer, Yorktown Community Housing Board, Transcript, 4/6/10)
58. Definition of fair and affordable housing. While the Comprehensive Plan that has been revised to replace the term "middle-income housing" with "affordable workforce housing," this term remains ambiguous in terms of whether or not this housing would be consistent with US Housing and Urban Development and Westchester County guidelines for defining the income levels to be targeted for fair and affordable housing, this fact is not mentioned in the Comprehensive Plan document. To avoid any confusion, we recommend that the term "fair and affordable housing" be used to describe any proposed housing that complies with HUD and Westchester County definitions for households earning less than 80% of the Area Median Income (AMI) for homeownership units or 60% of AMI for rental units. (Edward Boroughs, Westchester County Planning Board, Letter, 4/21/10)

*The set-aside in Policy 5-4 is intended to provide affordable workforce housing that meets local, county and federal standards. While the Town Board anticipates that most new affordable workforce housing would be consistent with all of these standards, the suggested changes have not been made to Policy 5-4 because the Town Board believes that the adopted approach will provide more flexibility to the Town in achieving these important goals, including, where appropriate, the ability to have affordable workforce housing constructed even if such housing might not meet the particulars of a specific County definition. See Section 2.4.3 of the FSGEIS.*

59. However, I think you are overstating what the affordable housing is that would be created. First of all, I think you carried forward an error from the DSGEIS wherein it was stated that there would be a total of eighty-three units [*sic* – actually 283 units] of affordable housing created and that number has come up by saying the remaining build out in Yorktown was going to be 2,800 and therefore ten percent of that would be affordable based on the ten percent set aside. But the set aside only applies and involves those ten units or greater, and therefore you have to factor out a certain number--a fairly large number, I would guess of those 2,800 units. So, when you talk about the number of units that would be created in a twenty-year time wise horizon, I think you are overestimating it significantly. (Ken Belfer, Yorktown Community Housing Board, Transcript, 4/6/10)

*Any projection looking twenty years into the future has to make a number of assumptions. In this case, a reasonable assumption was made regarding future development, and the basis for*

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*these projections was explained in the FSGEIS in Section 2.4.3. These figures were included to provide a reasonable basis for assessing potential impacts of development in the Town.*

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60. In the section on housing and neighborhood quality of life, under the existing conditions description, I think there is an error in something that is said. It says, Yorktown works with developers to provide affordable rental units within market rate complexes, and you cite Beaver Ridge and Underhill and a number of others, and almost all of the complexes cited are not market rate complexes. Beaver Ridge is low income, federally subsidized senior housing, Underhill is family housing. Once again, low income federally subsidized. This was housing created many years ago and I think it is a great asset within the town but it is incorrectly described here. (Ken Belfer, Yorktown Community Housing Board, Transcript, 4/6/10)

*Comment noted. The Comprehensive Plan has been amended to correct the noted error.*

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61. We support the directness of proposed Goal 5-D...(Edward Boroughs, Westchester County Planning Board, Letter, 4/21/10)

*Comment noted.*

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## **Cultural and Historic Resources**

### Designate as Historic Resource/District

62. Chapter 6 Scenic and Historic Preservation: The quarries at Sylvan Glen and adjoining properties, including those on Granite Knolls property, should be listed as historic. (Ann Kutter, Conservation Board, Letter, 4/21/10)

*Comment noted. The quarries at Sylvan Glen are listed as a scenic resource in the Comprehensive Plan. The Comprehensive Plan has been amended to clarify the quarries' location and the inclusion of the noted adjoining properties as scenic resources as well.*

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63. Policy 6-14 Scenic Roads: The Taconic State Parkway has been left off the list. Its viewshed is vulnerable to nearby development, e.g. proposed and actual development in commercial zones at Rts. 6 and 202. Commercial development that can be seen from the Taconic needs some sort of overlay zone to protect the view, perhaps with the additions buffers and building height restrictions. The Conservation board suggests setting a higher priority for open space protection adjacent to the parkway such as happened with Trump State Park and is happening with Granite Knolls. (Ann Kutter, Conservation Board, Letter, 4/21/10)

*The Taconic State Parkway is under State jurisdiction, and is included in the Comprehensive Plan as a scenic resource. The Parkway also has a wide right-of-way throughout much of Yorktown, which limits visual impacts from vehicles traveling on it.*

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*Old Hill Farm*

64. Our clients are pleased that the Board has revised the Plan in response to public comment, both by eliminating Alternative B-5 (so that the Hill Property will not be upzoned) and recognizing in both the FSGEIS and the Plan that the Hill Property is suitable to accommodate a variety of uses including commercial or mixed-use development. (Adam Wekstein, Old Hill Farm, Letter, 4/21/10)
65. However we believe that the Plan's listing of the Hill Property as a historic resource in Table 6-1 and a scenic resource in Table 6-2 is without basis. No discussion in either the Plan or the FSGEIS provides grounds for such designations. (Adam Wekstein, Old Hill Farm, Letter, 4/21/10)
66. The perceived historic importance of the Hill Property is not addressed in the text of the Plan. Rather, Table 6-1 in the Appendix to Chapter 6 of the Plan attributed the Hill Property's significance to its having been the "Home of the Former Supervisor Theodore Hill." Figure 6-1 in the Appendix confirms that it is a residence on the Hill Property which is considered to be the historic resource. In fact, while one of the two residences on the Hill Property does date from the 19<sup>th</sup> century and at one time was the home of Mr. Hill, I am advised that it has been vandalized, is structurally unsound, and needs to be demolished. The other house, which is of colonial style architecture, was built by Mr. Hill in the 1930s and has no characteristics that distinguish it from numerous other homes in the Town or other homes of former Town Supervisors. As such, nothing imbues the Hill Property with historical significance. (Adam Wekstein, Old Hill Farm, Letter, 4/21/10)
67. There is no evidence in the Plan to support the conclusion that the Hill Property exhibits appreciable scenic value for the Town and its residents. The Hill Property is, and has always been, private property, so that any views that may be observed from the interior of the site itself are not relevant considerations. Its topography and vegetation are not unusual and it features not unique land forms. The only attribute that could conceivably distinguish the Hill Property from other land in the Town is that it is largely undeveloped. However, that factor, even if it were viewed to imbue the land with desirable visual qualities, should not make the Hill Property a scenic resource because the general public cannot view the open areas on the parcel to any meaningful extent. The open portions of the Hill Property are not visible from any public land in its proximity – that is Route 6 and East Main Street. The perimeter of the Hill Property is wooded so that views into the site (from all sides) are quite limited, with the only unobstructed view being from East Main Street in a southerly direction over the site driveway. Even that vista is merely of a house and residential front yard, hardly a scenic view, but rather one that is typical throughout the Town. (Adam Wekstein, Old Hill Farm, Letter, 4/21/10)
68. The private lands which abut the Hill Property are developed and have sizeable commercial structures – a substantial health club and shopping center to the west of the site, and high tension electrical lines and two shopping centers beyond such wires to the east of the site. Even from these highly commercialized private areas there are no significant views of opens space on the Hill Property from the east is dominated by the high tension power lines and associated towers, which are located in a utility right-of-way that is not open to the public. The high tension wires, bowling alley and strip mall on Hill Boulevard and the large Club Fit health club on Bank Street are clearly visible from almost every part of the Hill Property, diminishing any potential scenic value. In any event, we submit that vistas of a property from purely private

lands should not serve as a basis for designation of that land as a scenic resource. (Adam Wekstein, Old Hill Farm, Letter, 4/21/10)

69. We respectfully urge your Board to modify the Plan further to delete any reference to the Hill Property in the Appendix to Chapter 6. (Adam Wekstein, Old Hill Farm, Letter, 4/21/10)

*The Comprehensive Plan and the Complete GEIS provide the background and rationale for inclusion of the Hill Farm property in Table 6-1 as a historic resource and in Table 6-2 as a scenic resource. In Chapter 6, Section 6.3, the Comprehensive Plan states that many of Yorktown's historic resources are locally significant and that much of their significance is related to character such as stonewalls or landscapes. The Hill Farm exhibits this historical character in its intact landscape and the architectural quality and style of its original farmhouse. The fact that it was the home of a former Town Supervisor and State Assemblyman only furthers its historic significance. Also, in Chapter 6, Section 6.3, the Comprehensive Plan states that much of Yorktown's scenic qualities and character stem from varied undeveloped landscapes, including farms and former-farm landscapes. As such the Plan goes on to identify, in Table 6-2, seven farms or farm landscapes, including the Hill Farm, as having scenic qualities that imbue their surroundings with a sense of character and history. Further, DGEIS section 13.1.1 reinforces the Plan's identification of farms and farm landscapes as having scenic qualities. The seven noted farms are so identified, in both documents, pursuant to the qualities and character they exhibit unto themselves and without respect to the condition of their surrounding properties. Indeed, the Plan implies that such resources positively modify the character of Yorktown, and mitigate the negative visual impacts that may surround them.*

## **Environment**

### Water Quality

70. DEP expressed concerns about water quality impacts of in-fill development near watercourses and wetlands. The FSGEIS provides responses to these concerns for comments 149 and 212. It is important to note that the responses highlight impacts from new development, not impacts that could result from in-fill and/or redevelopment. There are no regulatory mechanisms in place that aim to provide improvements to stormwater runoff quality from these types of developments; nevertheless, it is recommended that the Town consider policies that will promote improved water quality in these areas in addition to restrictions for protection of water quality such as establishing wider buffers and providing adequate buffer protection or alternatives for new development areas. (Cynthia Garcia, NYCDEP, Letter, 4/20/10)

*While "in-fill and/or redevelopment" is by its very nature located in areas that are already developed, the Town's existing and proposed zoning regulations apply to all new development in such locations or in undeveloped areas.*

71. The response to comments 151 and 152 attempts to address water quality at intersections that are upgraded with new impervious surfaces to address traffic issues. The response relies on stormwater regulations and the SEQRA process to maintain or improve water quality in the areas. Unfortunately, regulations and the SEQRA process may not adequately address the issue as there are project/action size limitations for both processes especially as related to existing infrastructure. The Town may opt to adopt policies relative to increases of impervious



surfaces due to infrastructure updates adjacent to, or directly connected to, watercourses and wetlands. (Cynthia Garcia, NYCDEP, Letter, 4/20/10)

*The Town's existing and proposed zoning regulations include standards intended to minimize impacts of development on water sources. These issues will be adequately addressed through project-specific environmental reviews.*

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#### *Croton Plan*

72. Since the circulation of the draft GEIS for the Town Comprehensive Plan, the Croton Plan has been completed. This plan, which was made final in September 2009, was the culmination of a multi-year planning process and cooperative effort among ten northern Westchester towns and Westchester County. The plan sets forth seven strategies to protect and enhance water quality and community character: restricting development in sensitive areas, effectively managing stormwater collection and treatment, restoring critical natural areas, limiting pollutant discharge, educating residents, business owners and decision makers, requiring environmentally sound site design and improving government coordination. It is now up to each of the municipalities involved, as well as the County, to formally adopt this plan. Given that the plan is now finalized, the Town should consider integrating or referencing the Croton Plan findings in the Town Comprehensive Plan. (Edward Boroughs, Westchester County Planning Board, Letter, 4/21/10)

*The Town is committed to formally adopting and implementing the Croton Plan. It is not necessary to incorporate Croton Plan findings and recommendations to the extent they are consistent with the proposed Comprehensive Plan, as they are effectively already part of the Plan (see Policy 7-32) and the Town of Yorktown was a co-creator of the Croton Plan.*

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73. In particular, we again call attention to one of the findings of the Croton Plan that demonstrated that upzoning to larger lot sizes will not necessary ensure that the Town's conservation and open space preservation goals will be met. The Croton planning process found that some of the most extensive development impact occurs on large "estate" lots where multiple buildings, parking courts and accessory uses are constructed, usually without benefit of site plan review. While the Town appears to have taken other steps to promote open space protection and land conservation through the recommendation to consider floor area ratio regulations, we are not convinced by the final SGEIS explanation on page 2-10 that "Yorktown does not generally attract estate-type housing (which) is evident from a "windshield" inspection of the different areas of Town and is confirmed by the overlays of lots and impervious surfaces of various developed subdivisions that are contained in Appendix C." We point out that this evidence only includes existing development and does not consider what types of development may be proposed in the future. (Edward Boroughs, Westchester County Planning Board, Letter, 4/21/10)

*Upzoning is expected, based on experience in the Town, to achieve natural resource conservation and open space conservation, and is not expected to result in numerous "estate" type developments with large areas of impervious surface. This is reflected by the "windshield" inspection referenced by the comment, as well as the study of existing subdivisions, which are referenced in the Section 2.4 of the FSGEIS. This study encompassed lot sizes that were zoned as large as R1-160 and thus would be consistent with the sizes of lots resulting from the upzonings that are part of the Proposed Action. Thus, while it is possible that this type of*

*development may occur, it is not reasonably foreseeable based upon Yorktown's historical and current development patterns, as well as projected future real estate development trends. There is no basis for speculating that future development in Yorktown would radically change from the character of past development.*

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#### Agricultural Preservation

74. I would urge parts of the plan to include things like, for example, we talked about one section it talks about preservation of farm land, and areas for growing things. One of the areas might be to add farm land. In other words, one of the considerations might be to add farm land to small holding parts or groups of people to grow vegetables and things like that. (Jonathan Nettelfield, Transcript, 4/6/10)

*Comment noted. The proposed zoning includes a Farmland Preservation Overlay District, which is intended to preserve areas suitable for farming and permit residential development in a way conducive to farmland preservation (see Table 2-17 of the proposed Comprehensive Plan). It is not the intention of the Comprehensive Plan to prohibit the growing of vegetables or similar small-scale agriculture.*

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#### Open Space

75. In reading the Yorktown comprehensive plan it is exciting to see actually that you do want to balance open space and trees and that sort of thing with development, because development is really important, we all need that type space. But, we also need to have our ambiance, and the reason why we live and enjoy Yorktown Heights so much is because we have the beautiful open space that we have and the trees and our beautiful community and how it is set up the way it is right now. (Jennie Sunshine, Transcript, 4/6/10)

*Comment noted. The Proposed Action is intended to improve quality of life in Yorktown, and includes numerous provisions intended to preserve open space (see Policies 7-1 to 7-4 and Chapter 9). See responses to Comments 76 to 78 below.*

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#### Trees

76. In the Yorktown comprehensive plan it talks about the importance of open space, which includes trees. I know that the tree ordinance is something that is going to be spoken about in another meeting coming up, I really support that and hope that you will embrace that as part of the Yorktown comprehensive plan, because I think it is related to that. (Jennie Sunshine, Transcript, 4/6/10)
77. Over the last six years--talking about trees, because that is my issue and everyone knows it, we have lost thousands and thousands of trees in this town, and they are not being replaced. I am just going to mention a couple of things, the ball fields that are presently being created, which is nice but we have cut down a lot of trees for that; other Yorktown projects I've noticed. My neighbors who have cut down lots of decent trees in the community, I am sure it's happening in everybody's community, that homeowners just take it upon themselves to remove whatever they feel like removing, even though it may be a one hundred year old tree. Con Ed doing their thing; the storms that we had, just have, you know, really hurt a lot of trees in general, and in my

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community the development on Route 6, near Gay Ridge Road they took a bunch of trees too. I don't see them being replaced. (Jennie Sunshine, Transcript, 4/6/10)

78. Policy 6-21 Tree and Forest Management Plan: Yorktown currently does not have a management plan for maintaining the viability of its wealth of trees in public parks and other Town owned and managed property within its boundaries. Speedy acceptance and implementation of this recommendation should be a priority. (Ann Kutter, Conservation Board, Letter, 4/21/10)
79. Figure 6-1 shows some important trees. It is missing perhaps the largest oak in Westchester County on the county property adjacent to the Curry Auto lot and Sylvan Glen. We also encourage the inclusion of the historic and beautiful trees in and around our hamlet areas. (Ann Kutter, Conservation Board, Letter, 4/21/10)

*Comments noted. As recommended in Policy 6-21, the Town Board is currently considering the adoption of a Tree Preservation and Planting Program ordinance, which would be consistent with the proposed Comprehensive Plan (Policy 7-14, in particular). It is anticipated that this new program, once adopted, would help to preserve existing street trees and cause the planting of additional trees on streets throughout the Town. While the Board appreciates the many historic and beautiful trees that currently exist in the hamlet areas of the Town, it is beyond the scope of the Comprehensive Plan to include all such trees in Figure 6-1. However, the Comprehensive Plan recommends the identification and preservation of mature trees in selected residential neighborhoods. See Tables 2-1 through 2-6, and Policies 5-15, 6-21 and 7-14 of the Comprehensive Plan. See also the response to Comments 76 through 78 above.*

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### *Economic*

80. What I would like to do tonight more specifically is to present to you and make part of the record, a study that was just released by Thomas DiNapoli, the State Comptroller, on the economic benefits of open space preservation. The copy that I am submitting to you is marked up by myself with some of the points that I think are important for you to look at, you can use it as a working document. With that in mind, I would like to just bring out some of the points, there are some fifty-four references and studies and things of similar nature that go into that report that talk about the benefits of open space. (John Schroeder, Transcript, 4/6/10)
81. Development does not pay for itself, but yet open space in the long run affects our tax rate by actually being more beneficial and by not increasing taxes and in some cases reducing taxes for people. (John Schroeder, Transcript, 4/6/10)
82. Open space benefits reduce sprawl and obviously with reduced sprawl, you would reduce the infrastructure needs, which requires support from taxes; roads obviously, maintenance cost, impervious surfaces and pollution issues. (John Schroeder, Transcript, 4/6/10)
83. Open space does all of those things for you naturally. It protects your ground water, it allows water to be absorbed, it reduces pollution impacts on. So, these are things why it is so important to have a good solid open space program and this town has a long, long history of promoting open space and using to actually bring people to this town, that is one of the things that attract people here. (John Schroeder, Transcript, 4/6/10)

84. I just gave our town clerk a copy of a report from our New York State Comptroller and the title of this report is, Report of Economic Benefits on Open Space. Now, I am not going to debate about the benefits of open space. I think the comprehensive plan supports this. This is an issue that has been decided by the voters of Yorktown, who twice, twice, approved referendum on setting aside funding for purchasing open space and others have dealt with the benefits of open space. I would just like to read one sentence from page seven of the New York State Comptroller's report. He says, lands in residential use typically consume services of greater value than the property tax revenues generated by those lands. This is on page seven. (Paul Moskowitz, Transcript, 4/6/10)

*Comments noted. The proposed Comprehensive Plan recognizes the value of open space preservation and includes numerous provisions intended to preserve open space (see Policies 7-1 to 7-4 and Chapter 9).*

85. Now, let me address open space. Open space is a good thing, I think it is a very good thing, but there are some misconceptions. In Yorktown our school attendance has significantly dropped, so much so that we are talking about closing a school here in Yorktown. Now, has anybody's property taxes gone down? No. So, I want someone to show me how open space reduces property taxes, I am not saying we shouldn't have it, I want to see it, because is it not a fact, our property taxes continue to go up. (Tom Dechiaro, Transcript, 4/6/10)

*It is recognized that there are many factors that affect property taxes, and that the provision of open space by itself does not necessarily result in reduced property taxes. However, there are many benefits from open space preservation, some of which are described in Chapter 9 of the proposed Comprehensive Plan.*

#### *Other*

86. In addition, I just want to put two cents in regarding the skate park. I just got to tell you this, it is like having a pond that you invite the kids to go ice skating, don't you think you've got to put a red flag up when the ice is thin? Sometimes you've got to supervise things. (Al Capellini, Transcript, 4/6/10)
87. So, there are things that I think aren't even thought about here, and given that the comprehensive plan is looking to the future, that is something I think that is missing in it. That was the big thing. The little thing, is that I noticed that in the latest revision of the comp plan you actually took out the skateboard park, it was bleated out because when the plan was first put in there was no skateboard park, and now there is a skateboard park you've crossed it out because it is already here. May I encourage the board to put in a dog park? Thank you. (Jonathan Nettelfield, Transcript, 4/6/10)

*Comments noted.*

#### Conservation Subdivision/Overlay & Clustering

88. Chapter 2 Land Use: Sensitive environmental features are covered in Chapter 7 Natural Resources where policy 7-6 requires conservation subdivisions rather than upzoning. Use of conservation subdivisions is the exact opposite of upzoning because with conservation

subdivision all the development is forced onto smaller lots in order to protect large areas. (Ann Kutter, Conservation Board, Letter, 4/21/10)

*It is recognized that clustering and upzonings achieve different results, but are both part of the proposed Comprehensive Plan. Clustering is already permitted as a development option. Clustering can result in the preservation of additional open space, but it does not reduce density. However, there are infrastructure limitations that are better served by reducing the overall development yield, such as water quality/sewer availability, which would not be accomplished through use of clustering. The Proposed Action seeks to accomplish that goal by the upzonings and other means. See Section 2.4 of the FSGEIS.*

89. The upzoning proposal addresses several important land use planning and environmental objectives. These include protection of water quality (due to inadequate infrastructure for wastewater treatment and disposal), prevention of additional traffic congestion by reducing future traffic generation (especially outside the hamlet centers), reduction or prevention of impacts on community services and community character, conservation of natural resources, and the preservation of open space. The impacts on particular properties must be considered in the context of broader issues. (Ann Kutter, Conservation Board, Letter, 4/21/10)
90. The Conservation Board does not agree that upzoning is the best mechanism for preserving open space or natural resources. Open space and natural resources values increase dramatically with the size of contiguous space. Conservation subdivision design regulations offer the best opportunity for open space and natural resource preservation. With conservation subdivision design, there is greater flexibility to work with the developer to preserve the greatest amount of contiguous space and protect it. Layout options are much easier because you do not have to work within preset lot size placement requirements. (Ann Kutter, Conservation Board, Letter, 4/21/10)

*Conservation subdivision design is an ecologically-responsible development strategy that can help communities preserve open space and natural areas in residential housing developments. Conservation subdivision design concentrates home construction in order to protect sensitive and environmentally sensitive areas. The proposed Comprehensive Plan recommends mandating conservation subdivision design for subdivisions of more than two lots in the Conservation Overlay Zone-Floodplain and the Conservation Overlay Zone-Biodiversity/Critical Habitat zone (see Table 2-19 of the proposed Comprehensive Plan). The Town Board has the authority, if it sees fit to do so in the future, to adopt all necessary and relevant laws to create additional conservation subdivision design requirements. Conservation subdivision design is one of a variety of choices available as part of a comprehensive strategy to develop Yorktown while conserving resources, and is employed in the Proposed Action.*

91. [Chapter 7] should also mention the biodiversity study recently completed by Stearns and Wheler. In particular, the Conservation Board strongly recommends the Plan pay attention to the wildlife corridors and specify many of them as Conservation overlay zones. The Conservation board would be happy to assist in this process. (Ann Kutter, Conservation Board, Letter, 4/21/10)

*Chapter 7 of the Comprehensive Plan mentions biodiversity in a number of places, and references the Metropolitan Conservation Alliance's biodiversity study in Policy 7-16. The Stearns and Wheler Biodiversity Study provides information that would be taken into account in*

*the Town's review of particular proposals; the study need not be included in the Comprehensive Plan because the Plan supports the establishment of biodiversity and preservation policies. In general, while the importance of wildlife corridors is recognized, they are likely too broad to map as Conservation Overlay Zones.*

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### Sensitivity to Natural Resources

#### *Sustainability*

92. I think that the comp plan has a good heart and it is really going in the right direction with smart growth and sustainable development and I think that is very key. (Patrick Peckham, Transcript, 4/6/10)
93. A healthy environment leads to a healthier economy. We need to be sustainable; as Billy said that second floor apartments are great, we need to revitalize our downtown, we need to have that development, we need to keep things walkable, we need to make Yorktown, each hamlet a destination of itself and each hamlet has its own--a different style and should have a different style. But, I think the solution for the crisis that we are facing socially, the solutions are sustainable development. I am pleased to see that this comp plan is going in that direction and I hope that you can wrap it up. (Patrick Peckham, Transcript, 4/6/10)

#### *Comments noted.*

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94. I guess I am disappointed in the plan, and it was started in 2002, I think, but since that time the goal post moved and I along with many other people or several other people and citizens from Yorktown, have sat in this room and listened to people talking about peak oil, talking about the transition movement, the end of suburbia and basically the fact that the era of cheap energy is coming to a more quicker end than many of us think it would, a few years ago. So, in thinking about a comprehensive plan, it should be, I guess I am thinking about the future, where we are going to be in twenty years time. I am disappointed that in the last two or three years, when this has been bubbling up, that no accord apparently has been given--there is language in this plan, talking about what might be happening in the future. (Jonathan Nettelfield, Transcript, 4/6/10)
95. So, for example, it talks a lot about traffic and Paul Moskowitz was correct, and when we were involved at the beginning point of this when we were talking to focus groups about this, and traffic was one of the key things, and in the plan there is a lot of good language about, you know, improved roads, traffic coming and all those other things. But when oil or gas is \$10.00, \$15.00 a gallon, traffic is going to become by that fact. In other words, I think that in terms of looking at the future, the board needs to consider what might be happening in the next twenty years. (Jonathan Nettelfield, Transcript, 4/6/10)
96. I also agree with Jonathan Nettelfield that we need to wrap it up because diminishing fossil fuel supplies globally are --we have to start to look twenty years from now, the other crisis of climate change. We see, in the last month we had two ten-year storms; climate change is happening, there is the eventuality of decline in fossil fuels, it is much cheaper in the long run to prepare and adapt a plan for mitigation than it is to have to repair after the climate has taken its toll. (Patrick Peckham, Transcript, 4/6/10)

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*The Comprehensive Plan incorporates a long-term view, but also includes numerous short-term recommendations. While it is possible that the “era of cheap energy” is coming to an end, there is no guarantee as to what will happen with energy prices and means of transportation – e.g., technological changes may reduce energy demands and improve efficiency. That said, the Comprehensive Plan includes numerous recommendations for promoting sustainability and reduction in fossil fuel use.*

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### *Renewable Energy*

97. A gentleman right here had a very good point and that is about what we would be twenty years from now on our energy outlet. I happen to be involved right now at the present time with somebody who is developing a solar panel farm, a couple of counties north from here, and they are doing this on a farm and they are going to be generating their own electricity to cool their vegetable storage building and I am involved in that project with them. (Steve Gardner, Transcript, 4/6/10)
98. In the future we don't know what may be coming down, down the pike, you know, there might be some very viable ways of you know, people supplementing their electric or their heat and what have you, by using this new technology, one being solar. In this particular project that I am very involved in, there is a number of solar panels that are using about a half an acre of property, and you know, this could be something you know, that we might see here in town. (Steve Gardner, Transcript, 4/6/10)
99. Hopefully, you know, the language will be in this plan that will allow people to do that, no matter what the zone the property might be in, it would allow them to use and construct things of this nature. (Steve Gardner, Transcript, 4/6/10)

*The Town's zoning does not ban solar panels.*

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### *Green Buildings*

100. Chapter 7 Natural Resources Conservation, Policy 7-9, Promote Energy Conservation and “Green Buildings”: While the Conservation Board applauds any move on the Town's part to encourage “green” or sustainable building techniques and practices, we believe the Town should develop baseline standards it expects developers to meet, rather than simply trying to encourage such practices. Green building technologies are becoming more and more the norm and provide significant benefits to the environment, the Town, the developer and building residents or tenants. (Ann Kutter, Conservation Board, Letter, 4/21/10)

*Comment noted. Policy 7-9 of the Comprehensive Plan recommends promotion of energy conservation and green buildings, including requiring all publicly-funded buildings (including all Town projects) to use green building techniques. LEED certification is mentioned as a possibility, although there are other methods of achieving the same benefits without the costs associated with formal LEED certification. Policy 7-9 also encourages other developments to utilize green building techniques and recommends incorporating a green building rating system into the Town Code. The Town Board will consider developing specific standards relating to green building during the implementation phase of the Comprehensive Plan.*

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### Infrastructure

#### *Hallock's Mill Sewer District*

101. The FSGEIS provides additional information regarding the status of the wastewater treatment plant (WWTP) for Hallock's Mill Sewer District. Since the FSGEIS was accepted, the revisions to the Watershed Regulations have been adopted and are in effect. These revisions include provision for a variance to allow limited increases in flows to WWTP; therefore, much of the discussion in section 2.4 is moot. The document should note the change and encourage pursuit of a variance. (Cynthia Garcia, NYCDEP, Letter, 4/20/10)
102. The FSGEIS also notes that sewer connections for properties with failing septic systems should be considered for connection to the WWTP and/or inclusion in the sewer district; yet, the FSGEIS still does not provide any estimates of increases in flow to the plant from existing development and increases in flow to the WWTP for new development. As the available capacity of the WWTP and therefore the feasibility of new and accessory development within the district will be limited by the conditions of any variance that might be approved by the DEP, this issue should be addressed. Emphasis should be provided regarding the high priority of Policies 8-10 and 8-11 in the Comprehensive Plan which discusses ensuring that flows are reserved for the existing sewer district and failing septic systems outside the district. (Cynthia Garcia, NYCDEP, Letter, 4/20/10)

*The Comprehensive Plan's Policy 8-9 has been revised to include an updated discussion of the Town's intent to apply for a variance to allow increased flow to the YHWPCF. There are procedures in place to regulate connections to sanitary sewer systems that would prevent overtaxing the YHWPCF; any increases in flow from new connections could not exceed the permitted capacity pursuant to any obtained variance from DEP. Thus, the projected calculations are not necessary to assure that the expanded capacity of the plant could not be exceeded; moreover, any such calculations are beyond the scope of the Complete GEIS and the Comprehensive Plan. While the referenced Policies are important parts of the Comprehensive Plan, the Town Board notes that the Plan does not prioritize policies in the manner in which the commenter does.*

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#### *Septic*

103. Septic systems are discussed on page 2-8 of the FSGEIS. The fourth paragraph on the page discusses limitations associated with septic systems, but the limitations discussed are specific to systems that are not functioning as designed and should not be associated with septic systems in general. (Cynthia Garcia, NYCDEP, Letter, 4/20/10)

*Comment noted.*

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104. If you are increasing development now you've got water supply issues, and you are supposed to have water that is delivered through municipal services because of the cost associated with that, but also at the same time there is still a significant amount of people who live in this community who live on well water, myself being one of them. (John Schroeder, Transcript, 4/6/10)



105. You have to remember again that when we are looking at services as being one of the driving factors for taxes, and if you don't have to rely on municipal water, as I don't, and you don't have to rely on municipal sewer system, as I don't, those are costs that I bare myself, but it is also what makes my house and my neighborhood affordable. (John Schroeder, Transcript, 4/6/10)

*Comments noted. The Comprehensive Plan promotes protection of water quality for both public sources and private wells. With respect to development putting pressure on infrastructure, the DSGEIS suggested that one mitigation strategy could be to require developers to improve infrastructure prior to development. The Town Board in its Findings recommends a slightly more flexible mitigation strategy for project-specific reviews whereby developers undertake appropriate mitigation measures and/or infrastructure improvements to the extent practicable. This approach is preferred to a mandate requiring mitigation before development, because there are situations where impacts to infrastructure cannot be adequately predicted in advance of a project being developed.*

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### Other

106. I am a member of the Conservation Board and a Co-Chair of the Open Space Committee...both those committees have a meeting this week and if we feel that we have additional comments to be made.... The chapters that we are most concerned about are the ones on the environment and I believe the summaries of the revised plan say that those chapters are basically intact and unchanged. (Walt Daniels, Transcript, 4/6/10)
107. Both of them, or all of them have some proposed changes to the laws in terms of the environment and I urge the board to look at what changes in the law have been proposed in the plan and deal with the program and adopt some version of those laws as we move forward, presuming that this eventually passes. (Walt Daniels, Transcript, 4/6/10)

*Comments noted.*

108. Chapter 1 Introduction, Section 1.4: We request that you include the Stearns and Wheler Biodiversity Study. (Ann Kutter, Conservation Board, Letter, 4/21/10)

*See response to Comment 91.*

### **Economic/Fiscal**

#### Economic Downturn

109. In today's economic times where we are facing bankruptcy for the State of New York and socialized medicine and other things that are just devastating, I don't understand where you are going with this. (Alana Ciuffetelli, 3c Reality, Transcript, 4/6/10)

*The proposed Comprehensive Plan is a long-range planning document, and therefore looks beyond immediate economic conditions, such as the recession that began in 2007 and, according to many forecasts, is expected to end in 2010. Past and current conditions are taken into account, but projected future conditions will often inform planning decisions. Furthermore,*

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*one of the major objectives of a comprehensive plan is to provide a rational basis for public and private investment, which benefits property owners and other taxpayers more than an ad hoc decision-making process.*

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#### Economic Hardship due to Upzoning

110. I implore you once again, on my family's behalf and on behalf of the other property owners affected by this zoning changes, do not devalue your constituents property. (John Kincart, Transcript, 4/6/10)
111. Now, if you look at what is happening to this people in the room, another reason why I decided to run, is because you have to respect people's property rights. When you come through with a comprehensive plan, although I think it is done with good intention, you have to be cognizant of what you are doing to people's property. You are devaluing it, you are hurting them financially. That is not what our country's foundation was based on. You have to respect what people are saying as it relates to their properties in this town. (Tom Dechiaro, Transcript, 4/6/10)

*The municipal power to zone is a valid exercise of government's police power. According to both common planning practice and state law, zoning should be in accordance with a comprehensive plan. As noted on page 2-3 of the proposed Comprehensive Plan, and discussed in the DSGEIS, the Plan's zoning proposals address several important land use planning, transportation and environmental objectives. Over the long run, simply allowing development to occur in a haphazard manner would likely have a more deleterious impact on property values, due to uncertainty as to what could be built on a particular property. A rational zoning scheme actually enhances, rather than detracts from, overall property values. See also the response to Comment 109.*

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#### Commercial Properties

112. The chamber is concerned about the plan's overall impact on our existing businesses which have developed under and now are relying on existing land use policies. We caution this board to be mindful of the effect any proposed zoning changes may have on existing businesses and their ability to continue to operate legally after adoption of the plan and its recommendations. (Thom Iannicari, Yorktown Chamber of Commerce, Transcript, 4/6/10)

*The goal of the rezonings will be gradual change. The Town of Yorktown has grandfather provisions that protect previous development from the requirements of new zoning districts in which the existing bulk or use does not comply. However, the use may neither be expanded or enlarged, nor moved on the same lot to an alternate location. All existing uses will be permitted to continue indefinitely, and, if the use is discontinued, it may be resumed within a year of the discontinuance. Equal or lesser non-conforming uses may not be substituted for the original non-conforming use. Conforming uses that are rendered non-compliant in bulk requirements by a rezoning are not considered non-conforming as it applies to the restrictions of non-conforming uses. These provisions are codified in sections 300-170 thru 300-173 of Yorktown's zoning code.*

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113. On another note, as you know, I am running up for congressman on 19, New York 19. Part of the reason I decided to run is what is happening in this country, not just the local town levels,

but throughout the country, at the county level, state level and the federal government, it is a systematic attack on small business, and it is not intentionally, but it is. What I mean by that is, we make it so difficult for small businesses to invest that what ends up happening is that we don't have the resource nor the money to do it. So, now we have higher unemployment, we have less sales tax revenue and these kinds of things end up happening because there is too much bureaucracy in process and that process needs to be stream lined. (Tom Dechiaro, Transcript, 4/6/10)

114. All I am asking you is that the board respect the people's position as it relates to their property. We are not just talking about my property, I am talking about everybody's property and we also need to help and encourage businesses. If you look at just a few simple examples where we in Yorktown are not open to business, those businesses moved to the Cortlandt Town Center and someone in the paper, I can't take credit for this, someone pointed it out. We have all the traffic and none of the tax revenue. (Tom Dechiaro, Transcript, 4/6/10)

*See responses to Comments 109 to 111.*

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#### Other

115. The chamber publicly stated in 2005 that the plan must continue to incorporate division and smart planning required in enhancing the Yorktown's business community, while maintaining a quality of life for our residents and safeguarding our natural environment. Our town's economic growth would be enhanced by a truly comprehensive vision with regard to planning in the area of a strong tax [base] and increasing job opportunities and give us a regional attraction and diversity of business types for our town. (Thom Iannicari, Yorktown Chamber of Commerce, Transcript, 4/6/10)

*Comment noted. See response to Comment 109.*

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#### Schools

116. In addition, by putting additional families there we are impacting the Lakeland School District one more time. The town is not receiving revenue, but they will be impacting on the school district. We will then be feeding into Copper Beach, we will be feeding into Ben Franklin, because those are the schools that will be taken immediately and Lakeland High School. (Michele Beatty, Transcript, 4/6/10)
117. My observation and those--of others, is that the greatest complaint that people have are traffic and taxes. Any politician who is going door-to-door would know this. These two, we felt, that is the people who made up the plan, that we should reduce the potential to build out within the Town of Yorktown. We should do this to reduce the traffic and to reduce the traffic burden and the tax burden, because residential development does not pay for itself, especially in terms of the added burden on the school system. (Paul Moskowitz, Transcript, 4/6/10)

*The proposed Comprehensive Plan recommends focusing development in certain built-up areas where infrastructure exists and reducing density in outlying residential areas – an approach consistent with smart growth principles. The development framework in Yorktown is essentially set in place, and has been for some time, as the Town's road network and overall land use patterns are already well established. While there are vacant lots scattered throughout the*

community, they largely are served by existing roads. Thus, development of such properties will be infill development regardless of the density that is permitted. The Proposed Action's residential zoning changes will not cause roads or utilities to need to be extended further than they otherwise would be – in fact, as described in the SDGEIS at Sections 4.2.3 and 4.3.3, the reduced development yields resulting from the Proposed Action would reduce demand for community services and have lesser impacts on the providers of such services than the development of the same properties with a greater amount of dwelling units under the No Build scenario. The number of school children would not be expected to materially differ regardless of the location of residences and, as reflected in Chapter 4 of the SDGEIS, no impacts to the existing school system are anticipated from the Proposed Action.

The Proposed Action is projected to have beneficial fiscal impacts on the Town and schools compared to Future Baseline Conditions, due primarily to the reduction in population expected as a result of the proposed zoning changes. Thus, there would likely be reductions in the costs of public services necessitated by new development resulting from the Proposed Action compared to Future Baseline Conditions.

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## **Land Use/Zoning**

### General

118. The Conservation Board specifically supports and endorses the Land Use Vision Statement that development must be balanced with natural resource conservation and historic and scenic preservation. (Ann Kutter, Conservation Board, Letter, 4/21/10)

*Comment noted.*

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119. I want to echo what someone said earlier on, to thank the board for bringing this up, this comprehensive plan up because it has been languishing for a very long time, and secondly I want to say that as a citizen of Yorktown, I've live here for twenty years, I think it is a really good plan overall, I am sure there are pieces that are not. But, believe it or not I have actually read the whole thing, cover-to-cover, and overall, I think I said it is a good plan. (Jonathan Nettelfield, Transcript, 4/6/10)

*Comment noted.*

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120. What we did was come up with a plan for a reduced build out that we distributed over the whole town, that is north and south and I call on the town board to keep those provisions which limit the residential build out throughout the town and keep it even. I think adding one house to the northern part of Yorktown is a lot more burdensome then adding a house to the southern part, which has to begin with a much lower density. (Paul Moskowitz, Transcript, 4/6/10)

*Comment noted. The Plan supports concentrating expected development in areas where development has occurred already, such as hamlet centers, to take advantage of existing infrastructure and to reduce impacts associated with auto-oriented development (traffic, environmental issues, etc.) See Goals 2-a, 2-b, 2-c, 2-d and 2-e.*

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Upzoning, General

121. Much of the comprehensive plan is still up-zoning, I think it has been done a little more sensitively now with more specificity in trying to direct it towards environmentally sensitive areas and parcels, but as you have heard so far tonight, there is still a lot of people who are affected, and believe to still be severely affected by it. (Ken Belfer, Yorktown Community Housing Board, Transcript, 4/6/10)
122. Because you are up-zoning properties that shouldn't be--you are picking and choosing things on spots that you shouldn't, and it just seems that all we are doing is inviting a lawsuit and I don't get that either, because that is what happened the last time and that is what is going to happen this time too. (Alana Ciuffetelli, 3c Reality, Transcript, 4/6/10)

*The proposed Yorktown Comprehensive Plan, which is based on community input and sound and well-accepted planning principles, addresses a number of topic areas both broadly and in detail. The Land Use chapter of this Plan synthesizes the concepts found in other chapters, most notably the Economic Development & Hamlet Business Centers and Housing & Neighborhood Quality of Life chapters, and applies them both to entire zoning districts as well as specific locations within Yorktown. The Land Use chapter of the proposed Plan, together with this Supplemental GEIS, collectively explain the basis for the proposed upzoning of other areas to larger lot sizes, such as upzoning from R1-80 to R1-160; these upzonings incorporate the recommendations of the Town's Sustainable Development Study, which recommends upzoning in the area west of the Taconic Parkway, north of Route 202 to the western and northern Town lines. (Policy 5-1 of Comprehensive Plan).*

*Alternative B5 is no longer part of the Proposed Action. Although this alternative was intended to address several important land use planning and environmental objectives, the principal benefits of the Plan in terms of density reduction and the direction of growth to the hamlet centers obviates the need for this type of upzoning on a Town-wide basis. See also Section 2.4 of the FSGEIS.*

123. We support the elimination of Alternative B-5 as we were concerned that it would create a situation where zoning would be established on a parcel-by-parcel basis, as opposed to discreet districts. (Edward Boroughs, Westchester County Planning Board, Letter, 4/21/10)
124. However, we urge reconsideration of the use of "highly impacted conditions" as a rationale for future upzonings; the vagueness of this term could allow it to be applied at any location where traffic was perceived to be a concern. (Edward Boroughs, Westchester County Planning Board, Letter, 4/21/10)

*Comments noted. While the source of the commenter's use of the phrase "highly impacted conditions" is unclear, the Town Board has not bound itself to any specific criteria, let alone any traffic-based criteria, by which any future upzonings might be considered or implemented.*

125. The reduction of units is discussed in section 2.4.1; however, the actual numbers for comparison of unit reduction are not included. (Cynthia Garcia, NYCDEP, Letter, 4/20/10)

*Table 2-27 of the DGEIS (page 2-56) indicates that the original Comprehensive Plan and zoning changes (including Alternative B5 and the Density Reduction Program, both of which are no*

longer part of the Proposed Action) would have resulted in a build-out of 1978 fewer units than Future Baseline Conditions. The FSGEIS sentence referred to by the commenter was intended to read, "Rather than having a reduction of 1674 units, without Alternative B5 the reduction in density as compared to the baseline would be 538 units." This figure is derived from the reduction of 1774 units in Table 2-27 of the DGEIS, which then would be reduced by approximately 100 units when accounting for zoning changes made in the 2010 Comprehensive Plan, not including the elimination of Alternative B5. The 538 figure is derived from Section 4.2.3.1 of the DSGEIS, which explains that 538 fewer units are expected to result from the Proposed Action after Alternative B5 is eliminated, when compared to the Future Baseline Conditions. Because the approximately-100 unit difference is not material, and would not affect the assessments and conclusions of the Complete GEIS, both that document and the Findings focus on the impact of implementing the 2010 Comprehensive Plan, which would yield 538 fewer units than under Future Baseline Conditions. Because future growth is still reduced as a result of the Proposed Action, its implementation will not result in any significant adverse impacts.

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### Crompond/Bear Mountain Triangle

126. The chamber recognizes the inclusion of a reference to a hotel/conference center in the Bear Mountain triangle area; a high-end hotel and conference center is sorely needed in our town, it would enhance the philosophy of Yorktown as a regional destination. (Thom Iannicari, Yorktown Chamber of Commerce, Transcript, 4/6/10)

*Comment noted. The zoning for this area recommended in the proposed Comprehensive Plan is a mix of residential and commercial, with the possibility of a design overlay (Planned Designed District Mixed-Use Overlay), which would promote a commercial core surrounded by residential and other uses. The design overlay would permit a range of uses (retail stores, personal services, restaurants, professional offices, hotel/country inn, senior housing) which must be developed consistent with a unified plan for the district that promotes "main street" or "village center" development design. See Table 2-18 of the proposed Comprehensive Plan.*

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### Jefferson Valley

127. In Jefferson Valley we support the reference to mixed residential and retail use as mentioned earlier, allowing second floor apartments to both C1 and C2 Zones in the hamlet centers above the retail offices. (Thom Iannicari, Yorktown Chamber of Commerce, Transcript, 4/6/10)

*Comment noted.*

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### Rezoning, Residential – Property/Area Specific

#### Galustynats

128. We bought our property in 2001 and at that time we knew we were investing in our future and the future of our children. Now, nine years later we find out that we made the wrong decision nine years ago and all of our heart and hope for benefits for the future use of our property will be gone by the re-zoning decision of the town board. (John Galustynats, Transcript, 4/6/10)

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129. We were hoping to build another house on our property in the future to live close to our children or if it wouldn't work out it could be our only supplement for our retirement. The property is zoned --the only asset we have, so we worked very hard for that. Please don't make it less valuable for us. (John Galustynats, Transcript, 4/6/10)
130. The property --our lot is the only one acre lot in our entire street, everyone else has half acre or even less, so we've taken like one third of the street. There is another one property, and a full property is across the street. So, our property stretched approximately one hundred --I am sorry four hundred fifty feet, have four hundred fifty feet for street frontage, including the corner of Artis Street. We use approximately just a half of the property, everything else is just woods and simply doesn't make any sense to keep that half acre area wooded and not -- undeveloped. So, we are just asking you to let us keep that the same --in the same zone, so in the future we can develop... (John Galustynats, Transcript, 4/6/10)

*As the Alternative B5 rezoning is no longer part of the Proposed Action, the subject parcel is not being rezoned.*

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*Berardis Property*

131. I am here to once again state my absolute and complete objection to the re-zoning of 16.11-1-45. (Mike Berardis, Transcript, 4/6/10)
132. I've had a great professional and philanthropic career here, and there is no other place I would rather be. For the past fifty plus years this building has been operating as commercial businesses, not a private residence. This building is part of my future, it is a large part of my family's future not to mention the community's future. (Mike Berardis, Transcript, 4/6/10)
133. In light of this economic times re-zoning my property to a residential zone would be an injustice. The value of my property would plummet. My equity has been affected enough by this economic downturn. There is no market for an old house on a busy street. (Mike Berardis, Transcript, 4/6/10)
134. When I met with John Tegeder on this, he told me that it was not a foregone conclusion, that this re-zone wasn't best for my property or the area and that it was not completely objective. I honestly have to agree with him. It is definitely not what is best for me, my own family, Shrub Oak or the community at large. (Mike Berardis, Transcript, 4/6/10)
135. On your website it states clearly, the changes to commercial zones consist of renaming some of the zones to accurately reflect their uses. I contend, and that packet proves, that this is actually the opposite in Shrub Oak. There are homes that have been used as residences that are zoned commercial that now would not reflect their current use. They have been residences forever, and they are zoned commercial, they are allowed to keep that value. (Mike Berardis, Transcript, 4/6/10)
136. My property has been used commercially for years, forever as long as I know it, and now you are going to turn it into a residential R1-20 which would allow me to be a preexistent non-conforming; that doesn't cut it for me, I am sorry. (Mike Berardis, Transcript, 4/6/10)

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137. As a matter of fact, if you look at what else it says here on your website, that fewer housing units is one of the things that they are trying to accomplish here. How is turning my business into a home affecting that; that is actually a direct opposite of that as well. The implementation of new regulations will help stem the decline or even improve the water quality on Croton/Peekskill hollow brook watersheds. My property doesn't sit on a watershed, but you know what, the adjacent properties do and those, if they are developed commercially, would highly impact the watershed. (Mike Berardis, Transcript, 4/6/10)
138. You guys need to look at Shrub Oak, it hasn't been done that well, I honestly believe that. But, I don't care really honestly what you do with other people's property, that is their business, but I do care what you do with mine. (Mike Berardis, Transcript, 4/6/10)
139. There is no justification or rationalization here, this is serious business. Please spend ample time reviewing my case, I believe you will see my vision almost as clearly as I do. Good planning does not necessitate re-zoning such as this..." (Mike Berardis, Transcript, 4/6/10)
140. If you look at a copy of the map I provided you will see a distinct carve-out around my property (and my neighbors). The commercial path should follow a smooth, contiguous line which would create a clean alignment. This currently exists but not if rezoning occurs. Why have I been carved out like this? It seems arbitrary and maybe even discriminatory. I believe that after you review the data with an objective eye, you will agree and leave the current C-2 zoning intact. (Michael Berardis, Letter, 4/16/10)
141. We should aspire to develop a truer hamlet of Shrub Oak. This does not need to occur through rezoning. Achieving the plans goals can be done with an eye towards responsible development and effective zoning. This is by no means a criticism towards the town planner. John is a very well respected planner, who has done and continues to do a great job for the people of Yorktown. In fact, it is his office that should steer the continued improvement of our Hamlet. (Michael Berardis, Letter, 4/16/10)
142. Currently, the layout of Shrub Oak follows a truer definition of a local Hamlet better than the proposed rezoning plan does or did. For example, we have an should continue to have a place where people from the senior housing developments can simply walk over to commercial businesses like mine, get a chiropractic adjustment, or do other business within walking distance, and then walk back home. This is in the spirit of a well developed Hamlet from a comprehensive plan that uses planning for responsible development. (Michael Berardis, Letter, 4/16/10)
143. My research has revealed most of what I've presented to you up to this point. It is important to note that no one has opposed my position and no one has voiced objection to my request to remain C-2. In fact, I have had quite a bit of positive feedback and support from the lay public, Yorktown Chamber, councilman (past and present), past supervisors, my patients, the local newspaper, local charity organizations, business owners, property owners, etc. Mr. Bianco even stated to me on numerous occasions: "Mike, I can't believe this even happened...it should never have happened." I agree with Nick 100% but it needs to be corrected. Quoting John Tegeder: "Mike, but no means is this rezoning considered a foregone conclusion of what is best for your property or the town." Again, I agree. After all of this time it has become crystal clear that my objective to keep the C-2 status is best and prudent. (Michael Berardis, Letter, 4/16/10)



144. We also support the chiropractor's office. (Thom Iannicari, Yorktown Chamber of Commerce, Transcript, 4/6/10)

*The Town Board has decided the referenced property will remain zoned C-2. As noted in the Findings, given the Complete GEIS study and the comments made with respect to the current mix of land uses in the immediate area, the Town Board finds that the C-2 zoning is more appropriate.*

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*Old Hill Farm*

145. The Hill property restored to mixed residential/commercial use in keeping with the plans desired outcome for this hamlet. Reintroduce the mixed use concept. We advocate for commercial zoning as it is non-appropriate for R1-40 or similar zoning. (Thom Iannicari, Yorktown Chamber of Commerce, Transcript, 4/6/10)

*This property is located in an area with a mix of land uses and zoning designations in the vicinity. It is influenced by multiple factors. The vision in the proposed Comprehensive Plan for the Jefferson Valley hamlet center is to have a mix of land uses, including commercial and residential uses in proximity of one another. As Alternative B5 is no longer part of the Proposed Action, this property retains its residential zoning. The proposed Plan recommends that, as part of a future planning process, the Town consider the use or mix of uses that would be best developed in this property and thus complement or enhance the eclectic uses now extant in the area and be consistent with the Plan's "walkable hamlet" concept.*

*It should be noted that residential use on this particular property would be consistent with this concept, as there is single-family and multifamily residential to the north/northwest and a very large multifamily development to the south/southeast (i.e., senior housing of about 1,000 units). Using a cluster development, this approach could result in affordable/diverse housing, with some local commercial uses, plus have the added benefit of maintaining open space – which the Plan also specifically states as a goal for this parcel.*

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*Rutigliano Property*

146. The Rutigliano property on Wiley Road should be kept as two lots commercial. (Thom Iannicari, Yorktown Chamber of Commerce, Transcript, 4/6/10)
147. The Rutigliano property is located on Wiley Road, which is at the confluence of Route 6 and Lexington Avenue. In fact, at one time, Wiley Road went out to Route 6 just shy of Lexington Avenue. It is, in fact, now closed off from Route 6, but it serves as a service road for the properties that do front on Route 6 and also Wiley Road. There are seven properties on the north side of Wiley Road, seven. Four of them are being earmarked for C3 I am sorry C2, to retain the zoning that exists. One of the properties on the farthest side, the easterly side, is the condos, buildings on the lake. There are two properties left, those are the properties of Mr. and Mrs. Rutigliano. They are being rezoned, or being offered to rezoning to either R1-20 or R1-10 the color is very difficult for me to discern because these are so small lots, but, the effect is the same, it is 20,000 square feet per lot. There is no logic to this, these two lots are surrounded by either multi-family housing in the form of condominiums or zoned C2 uses, and his property, both lots, back up on two major parking lots. So, it is a noisy area, it gets to be a dusty area and

it is certainly not, for these two lots, a single-family residential area, and therefore we challenge where the wisdom lies in taking these properties and insulating them and isolating them as two islands surrounded by these heavy uses. There is no sense to it. (Al Capellini, Transcript, 4/6/10)

148. There is a road that the properties are on. Across the street you are also rezoning the properties from C2 to R1-20 or R1-10, whichever it is, there may be some logic to that because you have a road separating the Route 6 property and corridor from these properties. There is no logic to the Rutigliano property. (Al Capellini, Transcript, 4/6/10)
149. When you have infrastructure, you should utilize it. When you have existing business hamlets you should strengthen them, that is your master plan, that's what it calls for. You are not doing that by rezoning these properties to residential. There is plenty of residential across the street, there is plenty of residential near by the form of condominiums. Why in God's name are we doing this? There is no sense to it. I ask you to reflect on that. (Al Capellini, Transcript, 4/6/10)
150. Responses to Public Transcript as of 6/9/09: 1) property is currently not in a single family residential zone. Some properties are zoned C2 and are currently being used as multi family rental allowed in a C2 on Wiley and Lexington Avenue; 2) my properties are more compatible to C2, since adjacent parcels to rear and sides of property are commercial; 3) the neighborhood character is such that Wiley Road is now being used and has always been used by Route 6 businesses. See transcript letter #489 Gordineer; 4) all adjacent land or condo to my property is zoned C2. (Gerardo and Maddalena Rutigliano, Letter, 3/29/10)
151. Is this the neighborhood character the Town of Yorktown is trying to preserve? Why am I the only properties North of Wiley Road to be targeted for Zoning Change? (Gerardo and Maddalena Rutigliano, Letter, 3/29/10)

*The Town Board has decided the referenced property will remain zoned C-2. As noted in the Findings, given the Complete GEIS study and the comments made with respect to the current mix of land uses in the immediate area, the Town Board finds that the C-2 zoning is more appropriate and better reflects the existing built character of this area.*

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*Croton Overlook Corporation*

152. I am here tonight representing Croton Overlook Corporation, and my client Kim Candrillo is here with me. My client owns sixty-five acres in the southern end of the town at the section of--at or about the intersections of Routes 100 and 134 and there is a informal proposal, nothing formal has been filed to design and develop sixty-eight active adult residential units fifty-five years and older, and it is almost an odd feeling for me to come to a podium at a comprehensive meeting and make the following statement, but I will make it. I am actually here not to oppose your comprehensive plan. Despite what I've listened to and a number of speakers, I am actually here to tell you that I believe my client's concept is consistent with many of the policy statements, many of the goals, many of the elements that are contained within your comprehensive plan. (David Steinmetz, Transcript, 4/6/10)
153. We've studied your comprehensive plan and we've studied the supplemental final generic environmental impact statement, we are just suggesting that you consider the fact that this concept is not consistent with your intention to rezone to R1-60. This is not a single-family

residential concept. So, we understand that you have a lot of pronouncements about if single-family homes are going into certain areas this is what you or your professionals think should happen. What we are suggesting you do is reconsider the fact that maybe different types of development actually are appropriate in certain areas and this will give you an opportunity--a development of this nature will give you an opportunity to have sixty-eight units, in addition to a forty-five acre land preservation or open space parcel. You'll have on-site recreation in addition to no school-age children, this would be a fifty-five year old and older community, a projected gross tax benefit to our town of an excess of a million dollars. (David Steinmetz, Transcript, 4/6/10)

154. In addition, my client and I know there have been some informal pre-applications, discussions with your board, my client would be prepared to contribute \$650,000.00 to the town, in connection with either a senior related project, something along the lines of what we have spoken about by our county legislator earlier or anything else that the town felt was a legitimate community benefit project. (David Steinmetz, Transcript, 4/6/10)
155. What I am here tonight to ask you to consider is to leave a doorway open for your board to consider something like an RSP in the future. All we are asking that you do is to give us an opportunity to come back to you. In fact, my client is considering filing a petition for rezoning sometime in the next month or certainly in the near future. From the time table that you have announced, we may very well be back before you are done with the comprehensive plan process. We've conducted some preliminary discussions with the town planner. I have had an initial conversation with your special counsel and we've sent a letter in. (David Steinmetz, Transcript, 4/6/10)
156. We recommend very simply that in your SEQRA finding statement as Dan and Jannete and all of your professionals will explain and as I am sure you are all familiar, when you conclude the SEQRA process you will need to abide by the finding statement. A finding statement is the culmination of your review that has to precede your formative option of the comp plan in your rezoning. We recommended that you leave some language in your finding statement that makes it clear that for the types of projects that would provide for senior housing would minimize overall environmental impact, would generate forty-five acres of open space, no adverse traffic impacts, cleans up an area adjacent to the Croton reservoir, yields a positive fiscal impact to our town and it is genuine smart growth project. (David Steinmetz, Transcript, 4/6/10)
157. Leave yourselves the opportunity to consider that, don't summarily or permanently close the door for that type of application. I am not here to throw a wrench into your comprehensive plan process, my client has no desire to do that at the eleventh hour. You have the ability to create that doorway, it is the prudent thing to do especially in light of everything you've heard tonight, I don't we genuinely look forward to work with your board and your professionals and I wish you well. (David Steinmetz, Transcript, 4/6/10)
158. Mr. Steinmetz talked about a property, and I believe that is the property on Hog Hill Road, and he suggest that you write language in your statement to allow possible zoning to the RSP zone. I don't think that you should go about doing the comprehensive plan by planning for something to happen on a parcel. If you are going to zone it to something, I think you should zone it to what is appropriate. The infrastructure in that area does not support what it is being proposed there. The sewage, you would have to create a sewage treatment plan and you can throw a rock from that property into the reservoir. (Gregory Bernard, Transcript, 4/6/10)

159. I don't think that you should also try to include a dense development on that piece of property that is a pristine piece property [on Hog Hill Road] right by the reservoir. (Gregory Bernard, Transcript, 4/6/10)

*Impacts of the Plan on specific sites are beyond the scope of the Complete GEIS, which looks at the Townwide implications of the Proposed Action. Thus, the Town cannot take account of any reliance that individual property owners may have placed on the continuation of certain zoning. The Complete GEIS and the Findings recognize the need for senior housing in the Town, and that such development is appropriate in hamlet centers. The Town Board also recognizes in the Findings that residentially-zoned areas outside of the hamlet centers may be suitable for development of new senior or other group housing, as well. The Findings state that any newly-proposed senior housing should not be foreclosed solely because it is proposed for outside the hamlets until a site-specific assessment has been made in accordance with site plan or other planning processes, and subject to SEQRA review.*

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#### *Other Properties*

160. I have proposed a five lot subdivision on what is now twenty-four acres, not to abuse it, not taking advantage of every little intricacy of the zoning laws, but what it does do is keep the subdivision to a short cul-de-sac with only one-hundred foot required frontage, the setbacks are less restrictive than the one acre zone. You don't have to clear as much land to push the houses further back to create more runoff, to create a longer road to satisfy their one hundred fifty foot frontage, instead of one hundred, create more impervious surface, create more runoff....(John Kincart, Transcript, 4/6/10)
161. The property right next door to mine is several acres, it is not getting up-zoned. The Wilkens Farm is a lot more land than mine and it is not getting up-zoned. I get the feeling that you are squeezing the little guy, I don't like that. (John Kincart, Transcript, 4/6/10)

*As Alternative B5 is no longer part of the Proposed Action, the subject property is not being rezoned.*

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#### Rezoning, Office

##### *1821 East Main Street*

162. In Mohegan, eliminate rezoning from C2 [to] office, no need for an office on Route 6 citing the former Mohegan Electric site in particular. (Thom Iannicari, Yorktown Chamber of Commerce, Transcript, 4/6/10)

*The Town Board has determined that clusters of specific uses (retail and office, in particular) are appropriate along Route 6 in Mohegan Lake. This decision was based upon existing land use patterns, traffic considerations and a desire to focus most commercial uses closer to Route 6.*

*Roc-Simon Property, Route 6 and Taconic State Parkway*

163. In Shrub Oak, please create overlay zones that allow a hotel use on the property behind Barger Street at the southwest corner of Route 6 and the Taconic. (Thom Iannicari, Yorktown Chamber of Commerce, Transcript, 4/6/10)

*Given the proximity to the Taconic State Parkway and the anticipated demand for office space over the next 20 years, office zoning was determined to be appropriate for this site. However, the Town Board will consider allowing hotel use within the recommended zoning for the area, including the site referenced in the comment.*

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*2010 Maple Hill Street*

164. I am representing the Goldberg family to argue their cause to retain the commercial zoning of their property and discontinue the Office zone proposal. All of the arguments marshaled against the dilution of commercial zoning in the hamlet business centers are vitally relevant here for the following reasons. Maple Hill Street backs up to the Triangle Shopping Center which, as you know, is a primary retail center of the Town. The orientation of the Goldberg property is accordingly and decidedly critical for the future commercial growth of the Yorktown Heights Business Hamlet. (Albert Capellini, Goldberg, Letter, 4/16/10)
165. We are all well aware of the proposed Comprehensive Plan's efforts to substitute the Office zone in place of the long-standing commercial district classifications. We are painfully cognizant that this program of substitution may be candidly viewed and characterized as an effort to slow down or retard commercial growth in the business hamlets which flies in the face of the oft-expressed goal of the Plan to strengthen the vitality and intensity of the business hamlets. If office use were in great or even modicum of demand, the commercial zone presently in place permits office development as a main use. Thus, the commercial zone is more flexible allowing, but not requiring, mixed uses and, thereby, affording the business hamlets with the best possible zoning tools for their sustainable growth. (Albert Capellini, Goldberg, Letter, 4/16/10)
166. The Office zone does not have flexibility and, in fact discourages the mix of development which the Comprehensive Plan aims to achieve. It should be remembered that the demand for new office space in northern Westchester and especially Yorktown is less than dynamic. The Comprehensive Plan acknowledges that office demand is not a significant factor in the Yorktown scene which highlights the folly of singling out the Goldberg property for such treatment. It is not economically feasible for the near future that this property will be developed for office use and so the Goldbergs will more than likely not be able to avert by leaving the existing zoning alone. (Albert Capellini, Goldberg, Letter, 4/16/10)

*The office zoning that is recommended for the area including the property referenced in this comment is thoroughly consistent with land use patterns in the surrounding area and appropriate given the site's location outside the commercial core of Yorktown Heights. There are many other properties in the core of Yorktown Heights that are more appropriate for commercial zoning.*

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*Village Traditions and Other Route 6 and Lakeland Street Properties*

167. The Board has not yet fully focused on the “O” (office) planning tool to realize that is another example of arbitrary and unreasonable manipulation of land uses to achieve a questionable goal – diminution of potential commercial growth. The Board to its credit has discarded the “O” (office) designation in favor of hotel use at another Route 6 property at the southwest quadrant of its intersection with the Taconic State Parkway but has yet to focus on the Mohegan Avenue/Lakeland Street intersection with Route 6, an intersection that has been redesigned and signalized at the cost of the private developers. I urge the Board to retain the commercial zoning for that intersection. (Albert Capellini, Village Traditions and Other Route 6 and Lakeland Street Properties, Letter, 3/29/10)
168. This letter is written to encourage the Board to retain the existing commercial designation for these properties so as to allow the development and expansion of commercial uses at this very commercial location of the Town. It makes no sense to do otherwise especially since the commercial zone allows for office use while this “O” (office) use does not reciprocate. (Albert Capellini, Village Traditions and Other Route 6 and Lakeland Street Properties, Letter, 3/29/10)
169. The draft supplemental GEIS of April 2009 starkly recognized the inefficacy of the office zone to promote economic growth...Knowing fully well that the office market in Yorktown was more than satisfied by the existing “O” districts in the Town, the Board, nonetheless, went out of its way to propose rezoning the commercial lands of the Lakeland/Mohegan Route 6 intersection (where two out of the three of them already had commercial establishments) to the unneeded “O” zone, surely a ploy of the prior Board to “park” these properties by rendering 2 out of the 3 of them “non-conforming” thereby choking the potential commercial growth of that intersection. (Albert Capellini, Village Traditions and Other Route 6 and Lakeland Street Properties, Letter, 3/29/10)
170. The response by the Town to my letter contained in the DSGEIS on page 3-105...does not make sense in light of the office use permitted by the C-2 zone and the very fact that the properties and their commercial uses are right on Route 6. (Albert Capellini, Village Traditions and Other Route 6 and Lakeland Street Properties, Letter, 3/29/10)

*See response to Comment 162.*

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Rezoning, Commercial – Property/Area Specific*Jefferson Valley Mall*

171. More favorable zoning for the Jefferson Valley Mall, not more restrictive. The mall is our crown jewel retail center and deserves to be an intricate portion of this town's economic growth; and to attract more consumers to this area further facilitating Yorktown as a regional destination. (Thom Iannicari, Yorktown Chamber of Commerce, Transcript, 4/6/10)

*Policy 4-50 of the Comprehensive Plan encourages the expansion of Jefferson Valley Mall, while recognizing that impacts from such expansion should be properly mitigated.*

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*Costco (Best Rent Properties 202, LLC)*

172. We would like to see you retain the C3 zoning on a property that belongs to 202 and the Taconic, which is where the proposed Costco project is going and which we are diligently monitoring. (Thom Iannicari, Yorktown Chamber of Commerce, Transcript, 4/6/10)
173. My review of the Final Supplemental Generic Environmental Impact Statement reveals the following – the text of the statement has been amended specifically to exclude the “motel site” from the proposed rezoning to “Interchange” thus leaving the C-3 designation as presently exists. The proposed land use map designated not only the “motel site” but also the other three properties assembled for the Costco project to remain in the C-3 zone (as you might recall the other three properties were proposed to be changed from C-3 to C-2 which would preclude the big box for these properties). (Albert Capellini, Costco Project, Letter, 3/29/10)
174. There is a section of the Draft Supplemental that shows the Town Board’s response to a letter I sent them May 28, 2009 along with a study prepared by Saccardi and Schiffl, Inc which emphasized that all four properties needed to retain their C-3 zoning status. That response to my letter and the Saccardi study indicated that the “area” would remain C-3 (see enclosed). In light of the foregoing it appears that the C-3 zoning district classification is for four properties and not just the “motel site” This letter, therefore, merely wishes to confirm that the C-3 zoning classification will be retained for the four properties. If this confirmation is incorrect, please advise me immediately so that the subject may be properly addressed at the April 6, 2010 public hearing regarding the FSGEIS. (Albert Capellini, Costco Project, Letter, 3/29/10)
175. I know that Costco and the Retail Stores Construction Co., Inc., in going forward, will rely on the Town Board’s apparent intent to refrain from rezoning all four properties thereby allowing its present C-3 zoning classification to stand; this course of action is reflected in the recently released “Proposed Land Use Map” accompanying the Comprehensive Plan Final Supplemental Generic Environmental Impact Statement dated February 2010. (Albert Capellini, Costco Project Letter, 4/19/10)

*Comments noted. This area in the Bear Mountain Triangle would, under the proposed Plan, remain zoned as C-3 with an overlay allowing certain commercial uses. The interchange zoning district is no longer proposed for this area.*

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176. I don't think that the Costco development project that was mentioned in papers, is congruent with the Yorktown comprehensive plan, and here is why, I think, because as far as I understand the Costco development program or issue, it wants to take the old hotel right by the Taconic, which I agree it's a tremendous eyesore, away and that is great, that already has a footprint, that already has cement in place, but it also wants to take away the nursery, which is beautiful, other trees and some other residential properties, and I could be wrong about that, but that is what I read. (Jennie Sunshine, Transcript, 4/6/10)
177. Now, in here I just want to mention a couple of things where it goes against what is in the Yorktown comprehensive plan. For example, in the land view section, under recommendations it says, ensure that land uses and development patterns are compatible with the goals and policies and its comprehensive plan which have been established to protect natural resources, historic resources and scenic quarters and vistas. Also in that same section, continued support

of agricultural uses, including horse farms and cultivation of fruits, vegetables and nursery stock. While there is a nursery there and they will remove that. (Jennie Sunshine, Transcript, 4/6/10)

178. Also in the economic development in hamlets business center section, under divisions statement, it talks about a diverse range of businesses. Costco is not diverse if you compare it to BJ's right across the street, so that is redundant. (Jennie Sunshine, Transcript, 4/6/10)
179. Then also in the economic development in hamlet business center section recommendations as well. Again, it talks about the importance of a hotel use at the top of the hill, which used to be there, and small stores and limited mixed use at the bottom of the hill with pedestrian amenities, parking and public spaces and also the stretch of Route 202 should be a green quarter and heavily greenscaped buffers, both sides, that hide the buildings and parking lots in the rear. So, all of this really negates the whole Costco development program. (Jennie Sunshine, Transcript, 4/6/10)
180. Now, I believe that, that old hotel spot should totally be developed, but we should be smart about that and be creative about that, leave the other stuff alone, leave the trees, the homes, the nursery that are there. Some ideas that I had that were really kind of neat, I was thinking of you know, what would I as a citizen would really want to go to? I a member of BJ's, I don't need another big box store like that right there. I love Kmart, but if you have Costco and a Kmart, that would make a lot more sense. A huge parking lot already exists, honestly Costco is more exciting than Kmart, that is my personal opinion. (Jennie Sunshine, Transcript, 4/6/10)
181. A couple of things I want to throw out, a hotel, yes, yes and yes. I have family that comes to this town all the time, I am about to give birth here and our family is coming, we don't have space, they go to the Mount Kisco Holiday Inn. That's where they go, they enjoy it, it is as clean place. We need something--it would be great to have like a Marriott, you know, Inn, something medium priced, that would also have a conference center, a restaurant, something, that would be awesome. (Jennie Sunshine, Transcript, 4/6/10)
182. Another neat idea would be a Whole Foods Market, I personally go all the way to White Plains for that sort of shopping and that would fit in, in that cute little hotel spot, I think quite nicely or a Trader Joe's. Another idea a friend floated to me is Stew Leonards, it is kind of big, but I know I go to Danbury for that. (Jennie Sunshine, Transcript, 4/6/10)

*Comments noted. Hotels are proposed to be permitted in some locations as part of zoning amendments. While retail uses are permitted in certain locations, the determination of specific retailers is beyond the scope of the Comprehensive Plan or zoning.*

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#### *Adrian Family Partners*

183. On behalf of Adrian Family Partners I, L.P. which owns approximately 4.2 acres of land on Route 202 and Old Crompond Road. The proposed rezoning from C-3 to C-2 will (a) deprive us of the ability to build a car wash – which we've been seeking reapproval since the 1980s; and (b) render our existing family business, the Adrian Auto Body, a "non-conforming use," essentially dealing a death blow to my son's business. We are currently in the process of requesting Planning Board approval for a building addition, necessary for the body shop's economic viability. (Joseph Adrian, Adrian Family Partners, Letter, 4/21/10)



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184. The proposed rezoning would violate Equal Protection. Other similarly-situated C-3 commercial properties are not being upzoned to C-2. This is true of the adjacent property, now owned by ExxonMobil. (See map attached hereto). The only difference between that parcel, and ours, is the name of the owners. This is blatant selective treatment. (Joseph Adrian, Adrian Family Partners, Letter, 4/21/10)
185. Adrian Family Partners I, LP hereby protests the proposed re-zoning, both on a parcel-specific basis, as well as a zone-wide. It is extremely enlightening, as I pointed out at a Town Board hearing on July 7, 2009 that numerous properties are being down-zoned, thereby increasing their market values. Why? We taxpayers were led to believe development reduction was the thrust of the rezoning. Lining the pockets of certain people at the expense of we unfairly upzoned families flies in the face of clean/honest and proper professional government. (Joseph Adrian, Adrian Family Partners, Letter, 4/21/10)
186. I would suggest that the Town withdraw this proposal and give it some additional thought. Certainly there will be a plethora of litigation. I know the Town won't be frightened by such a prediction, since the Town seems to have unlimited taxpayer money for legal. (Joseph Adrian, Adrian Family Partners, Letter, 4/21/10)
187. In his deposition, conducted in our civil rights litigation, Councilman James Martorano agreed our property should not be re-zoned from C-3 to C-2; he vowed that he would not vote for such a change. (Joseph Adrian, Adrian Family Partners, Letter, 4/21/10)
188. The proposed rezoning would deprive the owner of any future return on the property for currently legal automotive repair or care usage. (Joseph Adrian, Adrian Family Partners, Letter, 4/21/10)
189. The proposed rezoning benefits all properties on the south side of Route 202 west of Pine Grove Court by downsizing from C-3 to C-4, permitting more automotive, etc. uses. The substantial majority have no sanitary sewer (i.e. on septic systems) and are in wetland control areas. Adrian Auto Body is connected to sanitary sewer. (Joseph Adrian, Adrian Family Partners, Letter, 4/21/10)

*The Town Board has decided the referenced property will remain zoned C-3. As stated in the Findings, given the Complete GEIS study and the comments made with respect to the current mix of land uses in the immediate area, the Town Board found that the existing C-3 zoning is more appropriate and better reflects the existing built character of this area.*

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#### *State Land Property*

190. State Land Corporation is the titled owner of approximately 100 acres of unimproved land located on the north side of Route 202/35 in the Town of Yorktown. Frontage on Route 202/35 extends from a point just west of the Bear Mountain Parkway Extension to a point just east of Lexington Avenue. It comprises approximately three-quarters of the corridor that runs west from the Taconic State Parkway to the Cortlandt town line. Route 202/35 is a major Yorktown arterial and, as such, is of paramount interest to every resident in the Town. Presently, the State Land property is designated under the Yorktown zoning statute as R1-160. The preliminary Town of Yorktown FSGEIS proposes to leave the designation unchanged. To do so would deny the

Town an opportunity to generate tax revenues and provide its residents with sorely needed property tax relief. (Marc Oxman, State Land Corporation, Letter, 3/30/10)

191. Chapter 4 of the Comprehensive Plan (Economic Development) is prefaced by a vision statement proclaiming that “Yorktown should have a vibrant economy that provides abundant job opportunities and contributes to and (sic) improved and fair local tax base.” However, the actual plan for the 202/35 corridor places a higher premium upon creating a “green” zone than its states goal of improving the local tax base. Referring to my client’s parcel, it states that “the commercial strip along 202 should be greened, also with preservation of open space over the north side of Route 202.” It is conceded that maintaining open spaces and green areas are worthwhile causes. However, the Route 202 corridor is not the ideal place to promote those concepts. Route 202 is one of the few commercial thoroughfares in Yorktown. It provides the Town with one of the very limited number of opportunities to create significant tax ratables. It is not the place to make the case for green space. (Marc Oxman, State Land Corporation, Letter, 3/30/10)
192. State Land seeks to change the zoning designation to CR, thereby affording it the opportunity to attract a major retailer. There exists no better or appropriate location in the Town of Yorktown for such a use. It is certainly not disharmonious with the presently existing row of automobile dealerships, restaurants and service stations that frequent the south side of Route 202, and no one could accuse the board of destroying the aesthetic beauty of a country lane. To allow this property to remain residentially zoned is to deny what may be Yorktown’s last best chance at promoting significant tax relief for its residents. (Marc Oxman, State Land Corporation, Letter, 3/30/10)
193. Residential development, to the contrary, would be a detriment to the economic well being of Yorktown. It will result in an increased enrollment of children into schools and create additional demands for town services. The taxes which might flow from residential units would pale in comparison to that which would be generated by commercial development. (Marc Oxman, State Land Corporation, Letter, 3/30/10)
194. Any development in and about Route 202 will place cars onto an already stressed roadway. However, as between commercial and residential, the former will have a less adverse impact. Moreover, under suitable circumstances, a commercial developer is far more likely to advance monies for the widening of Route 202, and other highway improvements. (Marc Oxman, State Land Corporation, Letter, 3/30/10)
195. Long term, the solution for improved traffic flow on Route 202 has resided with the long awaited extension of the Bear Mountain Parkway to and from the Taconic State Parkway. The State Land property is uniquely and singularly the most important parcel in having this shared goal of the Sustainable Plan and Comprehensive Plan become a reality. The State of New York has a right of way across the State Land property. If permitted to develop the parcel commercially, State Land would be willing to donate a portion of its land to facilitate the plan. That State Land parcel is 100 acres in size, provides opportunities to further the visions of the residents who have participated in the Comprehensive Plan study. The abundance of land will enable a commercial developer to dedicate generous amounts of acreage for buffering the creation of a Village Center atmosphere, and the inclusion of such municipal uses as this board may see fit. (Marc Oxman, State Land Corporation, Letter, 3/30/10)

196. Commercial rezoning on the north side of Route 202. Unified rezoning to enable commercial use is not residential, that's the Stony Street to Lexington with mixed use, C3 or C4. (Thom Iannicari, Yorktown Chamber of Commerce, Transcript, 4/6/10)

*Comments noted. The proposed Comprehensive Plan considers the management of growth in the entire Town. The proposed zoning for this property is appropriate to achieve a variety of goals, as explained in Section 2.4 of the FSGEIS. The benefits cannot be assured by looking at particular current development proposals in particular areas, as opposed to considering the Town as a whole. Further, the proposed zoning of State Land's property does not violate any state or local laws.*

*The subject property, which is approximately 100 acres in size and contains significant frontage on Route 202 would be rezoned under the Proposed Action to R1-160. However, as noted in the Findings, two of the 2010 Comprehensive Plan's recommended traffic improvements (the BMP connection and the widening of Route 202) may render portions of this property unsuitable for single family development given such improvements' undesirable impacts. In addition, the 2004 Sustainable Development Study and the 2010 Comprehensive Plan state that the BMP connection should be set in a corridor northward of the Route 202 corridor, which would further hamper the suitability of portions of the property as single-family residential. In the Findings, the Town Board concluded that given these unique circumstances, the use or mix of uses for this property that would best complement or enhance the character and uses within the area may need to be revisited in the future. While site-specific analysis of any alternative zoning for this property was beyond the scope of the Complete GEIS, any such proposed future use at this property would need to be consistent with the 2004 Sustainable Development Study, and would be subject to normal site plan or other planning processes and SEQRA review.*

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#### *Creative Living Development/Navajo Street Area*

197. Presently there exist before the Board applications for wetlands and excavation permits to establish ballfields at the above-referenced property [Creative Living Development, LLC] which is a prelude to a more substantial commercially-based application. Pursuant to same I believe it pertinent to request that the Board, if disposed, acknowledge in some form or another a commercial recreational policy goal for that sector of the Town of Yorktown which contains an industrial park (Navajo Street) and is adjacent to two towns (Carmel and Somers) and forms a regional border (Westchester/Putnam). (Albert Capellini, Creative Living Development, Letter, 4/19/10)
198. Also rezone properties off of Navajo Street and add an overlay zones for recreational use sports complex CR zoning. (Thom Iannicari, Yorktown Chamber of Commerce, Transcript, 4/6/10)

*Comments noted. Impacts of the Plan on specific sites are beyond the scope of the Complete GEIS, which looks at the Townwide implications of the Proposed Action. However, the Town Board recognizes in the Findings that the approximately 1/2-mile corridor between the eastern end of Lake Osceola and the northeast Town line (within which the subject property is located) could potentially support commercial recreation uses, given this area's new R1-80 zoning (which allows recreation and park uses), proximity to the CR overlay zone (which allows commercial recreation), and the Comprehensive Plan's vision for the area as set forth in Policy 4-58 (supporting public and private recreational uses in area, and encouraging extension of those uses eastward through the Mahopac/East Main Street intersection). Thus, the Findings reflect the Town Board's view that any such project should not be foreclosed solely because it is*

*outside of the existing CR overlay until a site-specific assessment has been made in accordance with the site plan or other planning processes, and subject to SEQRA review.*

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*1715 East Main Street (St. George's Property)*

199. I am a little concerned because it seems if there is some arbitrary decisions that were made, specifically related to my property [1715 East Main Street] that exists on Route 6 and Mohegan Lake where we are bordered on commercial properties, there is no property behind me, East Main Street is to the east and then Route 6. It was in every single draft proposal to re-zone that property, every draft. By the time it got to its final form--by the way, it had the support of many hundreds of people, residents of the community. It had support of the Yorktown Chamber, it is a property that was vacant for twenty years; popular project. Create some jobs, create some tax revenues for which the town receives on it. But arbitrarily, at the eleventh hour before the plan became official last year, that property was removed from the plan, and I want to know what process was used to do that? How did it happen? What meeting occurred that, that one property was removed? I just need to find out what happened there. (Tom Dechiaro, Transcript, 4/6/10)
200. The plan calls for adapted use of the Saint George Winery property, but not re-zoning. The chamber still maintains that this property is a gateway location to the Mohegan business district and remaining as a residential property is out of line with the rest of areas and should be rezoned to an appropriate commercial designation. (Thom Iannicari, Yorktown Chamber of Commerce, Transcript, 4/6/10)

*This property has been designated for residential use for some time in the comprehensive plan process. Policy 4-40 of the proposed Comprehensive Plan is to "Allow adaptive reuse of St. George's Chapel, subject to historic performance standards." The Policy goes on to note that "Historic performance standards should be applied with respect to exterior appearance, signage, circulation and parking, landscaping, wetland protection, etc." This property has constraints that limit its development potential for certain uses, including commercial uses. The property is almost surrounded by residential uses and zoning, and/or open space. It is not in the heart of a commercial area, and is hampered by its lack of size and its location at a curve on a main road.*

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Development Constraints/Takings

201. The DGEIS, published in April, 2009, which contained the proposed revisions to the zoning code current at that time did set forth a change in status for churches and houses of worship from a main permitted use, that is, "as of right," to a use permitted by special permit. This "demotion," if you will, has, to my knowledge, never been discussed with the public at a hearing. I may be wrong, but there are somewhere in the neighborhood of 20 churches and houses of worship in Yorktown which may some day wish to modify or enlarge their communal activities and who knows what the future may bring in the form of other religious communities not yet existing here. The point is that such a serious zoning change, in my opinion, needs to be aired out for its necessity and if only to avoid any negative implications later on as to the motives of the Town Board in changing the status of a main permitted use to a main use by special permit. (Albert Capellini, Houses of Worship, Letter, 4/19/10)

*There are uses that will be made nonconforming if the proposed Comprehensive Plan is implemented – which is often the case with comprehensive planning efforts. In Yorktown, such*

*non-conforming uses can continue to operate per § 300-170 of the Zoning Code, although expansion is not permitted. There are also specific regulations in § 300-171 and § 300-172 for such non-conforming uses, which vary somewhat depending on whether or not the use is located in a building. Thus, there are protections to allow for the continued existence of the use. See response to Comment 112.*

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### Overlay Districts

202. As stated last year before the town's leadership, the chamber's board strongly supports the overlaid zoning mentioned in the plan, which would encourage high quality development. After reviewing the updates and changes made since last spring, we would like to include, and in some cases reiterate our stand on the matter. (Thom Iannicari, Yorktown Chamber of Commerce, Transcript, 4/6/10)

*Comment noted. Certain overlay zones are still proposed as part of the Comprehensive Plan.*

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### Planned Designed Districts

203. In table 2-18, on the PDD overlay, you talk about plan design district to mixed use and there they used to--it defines also and references housing, but specifically just senior housing. Once again, I think you are being too restrictive if you are limiting your ability to do a plan design district to only include senior housing for commercial uses. (Ken Belfer, Yorktown Community Housing Board, Transcript, 4/6/10)

*Table 2-18 in the Comprehensive Plan names the following as "Typical Land Uses" as suggestive, but not exhaustive, options for PDD overlays:*

- *All PDDs: civic uses, such as government offices, libraries, and community centers*
- *PDD Commercial Recreation: golf courses, beaches, playing fields, and other commercial recreation 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, country inns, senior housing*

*At the time implementing regulations are enacted, the precise land uses will be proposed and comments accepted.*

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### Nonconforming Uses/Grandfathering

204. One thing that has come to mind is, what happens if those people want to put a deck or a pool or anything else on their property [Former O'Rourke Farm subdivision off Hanover Street] now that they are also proposed to be in the one acre zone? They can't subdivide, they've already been developed there will be no subdivision of those lots. However, every time they want to do something to their property, they would have to apply for a variance because now the zoning is going to be more restrictive. (John Kincart, Transcript, 4/6/10)

*Any changes in bulk regulations that make the lot upon which such homes sit non-conforming would not preclude the continued use of the property as a single-family dwelling. Any additions or other improvements to the property would be required to comply with the new bulk regulations, although it is not a given that a variance would always be required. See responses to Comments 112 and 201.*

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### Other

205. You might also want to also take a look at the special use permits and special use variance languages, because in many cases these special use scenarios are forever. Some of the special use permits for let's say for a residential--in a residential zone where you have a professional office or something like that, or an accessory apartment, you know, those have time limits, but a lot of these other do not, and they are forever. (John Schroeder, Transcript, 4/6/10)
206. And so, as we are going to discuss it if I get in to see you about the Lakeland thing, you will look at how do we get back into kind of untangle at what is going on there. You're going to have a situation where you are going to have to review and find out if they are complying with the conditions in the permit. (John Schroeder, Transcript, 4/6/10)
207. So, those types of things I am feeling need to be tightened up and as a result you may want to look at your land [use] regulations in that respective. (John Schroeder, Transcript, 4/6/10)

*These issues will be considered in the drafting of new zoning regulations that implement the Comprehensive Plan. Additional opportunities for public comment will be available.*

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## **Transportation**

### Public Transportation

208. In addition we support adoption of the Hamlet Business Center recommendation to create a central bus mass transfer point in Yorktown. Such a step could go a long way to reducing air pollution by providing more reasonable mass transit commuting options thereby helping to reduce congestion on the roads as well as vehicle miles traveled. (Ann Kutter, Conservation Board, Letter, 4/21/10)

*Comment noted.*

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### Sidewalks and Pedestrians

209. The Conservation board also supports recommendations to increase and facilitate the use of sidewalks and bicycle lanes, including adjusting the timing of lights at street crossings to allow safe non-vehicular travel. (Ann Kutter, Conservation Board, Letter, 4/21/10)

210. We also endorse the Transportation Vision Statement that Yorktown should have a Town-wide network of bike routes. (Ann Kutter, Conservation Board, Letter, 4/21/10)

*Comments noted.*

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### Parking

211. Minimum parking requirement. We are disappointed that the proposed Comprehensive Plan does not include our recommendation to reduce the proposed minimum parking requirements for the R1-160 district, which is set at four spaces. In the existing R1-80 district, the minimum parking requirement is one space. The Town Code currently specifies that the minimum parking area for a car is 350 square feet. Therefore the minimum parking surface for four cars would be 1,400 square feet, 200 square feet larger than the minimum building size of 1,200 square feet required by the zoning regulations. We recommend that the Town not increase the minimum parking requirements from one to four spaces for single family uses. Although the final SGEIS points out that many households own multiple cars, zoning should not establish a minimum based on the assumption that all households have four cars. A lower parking minimum would be more appropriate, in light of reducing impervious surfaces, and does not preclude a developer from adding additional parking space if they deem it necessary. (Edward Boroughs, Westchester County Planning Board, Letter, 4/21/10)

*The Town Board appreciates the concerns raised in this comment, but has determined the proposed minimum parking requirements to be appropriate.*

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### **Process**

#### Public Hearing

212. You really should put some money into a sound system for this room to take care of the people who take the trouble to come down here and can't hear. (Ray Arnold, Transcript, 4/6/10)

*Comment noted. This action is outside of the scope of SEQRA.*

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#### Hunterbrook

213. Comment #749, on page 3-155 of the FSGEIS states: "The DGEIS for the Hunterbrook Rezoning was submitted to the Town in October 2002 and updated in November 2004". The DGEIS for the Hunterbrook Rezoning was submitted to the Town in October 2002 and updated in November 2004. The DGEIS was accepted for completeness by the Town Board on November 16, 2004. There was no Hunterbrook Final GEIS. The GEIS and SGEIS for Proposed Action incorporate the Hunterbrook DGEIS, and utilize information and studies contained in that impact statement, but the Hunterbrook DGEIS is not binding on the Town Board for the Proposed Action and SEQRA process for the Proposed Action, rather Alternative B6 of the Proposed Action represents the proposals in the Hunterbrook DGEIS. The GEIS and SGEIS for the Proposed Action effectively supersede the Hunterbrook DGEIS. It has been incorporated by reference, but has been effectively superseded. Please explain. (Raymond Arnold, Letter, 4/21/10)

*The term "incorporation by reference" describes a technique that gives recognition and effect to provisions contained in a document without repeating those provisions verbatim in the text of the incorporating document. The use of material incorporated by reference can be an efficient way of utilizing already existing information, standards or guidelines and avoids the repetition of large volumes of technical material, as is a commonly-accepted practice in SEQRA impact analyses. For example, in printing the master compilation of all codes, rules, and regulations, the secretary of state may exclude from such compilation any previously-published portion of any federal rule that is precisely identified in the text of the state code, rule, or regulation.*

*Section 617.9(b)(5)(viii) of the SEQRA Regulations specifically contemplate that an EIS incorporate any underlying studies, reports, EISs and other information obtained and considered in preparing the statement including the final written scope. Thus, by incorporating by reference the Hunterbrook DGEIS, the GEIS could take advantage of – not "supersede," as suggested by the comment – the various technical studies conducted for the impact statement without the need to repeat such work. Because the Hunterbrook DGEIS was incorporated by reference into the DGEIS for the Proposed Action, there was an opportunity for interested members of the public to comment on that impact statement.*

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#### New Plan versus Old Plan

214. In the past, there was some mention that there would be no new studies done for this concept, and yet when you pickup the material, there is some impervious study about impervious places. (Ray Arnold, Transcript, 4/6/10)

*It is not clear what study this comment is referring to. Appendix C, Overlays of lots and impervious surfaces for 8 subdivisions and data relating to lot size and impervious surfaces, was completed in 2010.*

215. There is no differentiation in these documents between the comprehensive plan document and the zoning map in these publications. I have brought this up during the last round of hearings and the response in the FEGEIS is as followed, this is numbers 840 and 841. Figure 2-1 in the proposed comprehensive plan is entitled --which is actually the wrong words, it is really titled, proposed land use plan and zoning. As the two, the comprehensive plan, land view plan and zoning district maps are supposed to be consistent with one another, they are commonly shown on a single map. Thus, the two are synonymous for the purpose of SEQRA evaluation. It is acknowledged that there are legal differences between the comprehensive plans and zoning. I disagree that they have to be consistent, I am under an opinion that the zoning should be based upon what conforms to a comprehensive plan, not that they have to be consistent. For your review I am showing you, this is a comprehensive plan, but this is your own comprehensive plan. Now, compare that with the zoning map that is up on the board, there is really no comparison. That map shows proposed parks, the recreation areas, the open space, the proposed road system, and in fact the densities that are outlined to allow for a variety of densities. In other words, if you see up in the corner the legend, basically very low density, low density, medium density and so forth. The same with the commercial, industrial and developed--and the office building lands. Yorktown always had the flexibility of choosing an appropriate zoning for the lands in those areas. This map does not do that. You are confined to saying, this is it, we either do it or we don't do it. Why do I say that they should --they don't have to be consistent? Because basically you can have a comprehensive plan without zoning regulations, but you can not have zoning regulations without a comprehensive plan. So, I urge you when you



are looking at stuff, don't consider your zoning map as your comprehensive plan, I don't think it is right, I don't think it is right for the Town to do that. (Ray Arnold, Transcript, 4/6/10)

216. Following my comments at the Public Hearing, about the Plan vs. the Zoning Plan: With the Redlined publication, is a map titled "Proposed Land Use Map" prepared by the Yorktown Planning Department, and dated March 9, 2010." Such map is also titled Figure 2. Such map purports to show a proposed Land Use Plan, but in actually is the proposed Zoning Map, showing the proposed new zoning. The Legend, along the side, only contains the Potential Zoning Districts designations, which by itself, defines the "allowable density" in each of the "Single Family Residential Districts" The range from R1-10 to R1-200. The other residential categories, R-2 and R-3 as well as the RSP-1, RSP-2 and RSP-3 are also very specific in their location. THESE COULD HAVE BEEN GROUPED INTO THE FOLLOWING TWO CATEGORIES: A) Two and Multi-Family; and B) Specialized Residential. Similarly the remaining categories could have grouped into Broad Categories. In this manner, the Town Board would have more flexibility in changing various parcels depending upon their physical location and developmental characteristics. (Raymond Arnold, Letter, 4/21/10)

*It is acknowledged that there are legal differences between a comprehensive plan and zoning. Figure 2-1 in the proposed Comprehensive Plan is entitled Proposed Land Use Plan & Zoning. As the two (i.e., Comprehensive Plan land use plan and zoning districts map) are supposed to be consistent with one another, they are commonly shown on a single map. Thus, the two are synonymous for the purposes of SEQRA evaluation.*

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#### Data Missing/Errors/Clarification

217. My last point third point, which I wish to disagree with, is the amount of minutia contained in the document. It is an attempt to set forth with little or no discussion, to make the decisions that really are not binding on this or future boards. It is not that many of the ideas or concepts are not good or valid, but as such leave this and future town boards will have no room to adopt concepts or regulations to future needs. What is good in 2010 may not be valid in 2014, 2020 or whatever. But, you are either locked into this plan or you say is not valid, either way, it is not a prudent way to go. (Ray Arnold, Transcript, 4/6/10)
218. I urge you to give yourselves some breathing room in the adoption of future controls or concepts, so that you don't look bad when you either could not make them workable or they become outdated. If I were rewriting this document, I would cut it down to about fifty pages, including the listed goals, leaving out all of the background data and specific policy implementation portion sentences and save many trees in the process. (Ray Arnold, Transcript, 4/6/10)
219. Some comments regarding the FSGEIS dated February 2010: A FSGEIS incorporates by reference at least the following: DSGEIS, GEIS, DGEIS (Hunterbrook Rezoning – Accepted by the Town Board Nov. 16, 2004), these documents, together with the FSGEIS; the approximately 250 page "February 2010 Redlined Draft of the Town of Yorktown Comprehensive Plan", and the Routes 202/35/6 Sustainable Development Study. Is the body of Documents that was the subject of the Public Hearing conducted on April 6, 2010? Such a volumous set of Documents can not but contradict each other, having been prepared over a period of 10 years. However, the Town Board has no other choice than to continue on in the process and can only hope that the possibility of conflicting positions become minor problems. I EMPASIZE THIS TO MAKE

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MY FORMER POINT THAT THE "PLAN" DOCUMENT HAS TOO MUCH MINUTIA. (Raymond Arnold, Letter, 4/21/10)

220. This is not to say that the background data is unusable because you have paid for all of this information, but it can't be used as a resource in any future debates on implementation of the various policies. (Ray Arnold, Transcript, 4/6/10)

*Comments noted. It is recognized that there is a lot of information included in the Comprehensive Plan and related SEQRA documents. The process has taken a long time and has been shaped by hundreds of public comments and requests for information during that time period.*

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221. With respect to Alternative B-5 which is mentioned quite often in the FSGEIS. Alternative B-5 was not noticed in the 2005 version of the Comprehensive document, but was studied as an alternative in the DGEIS utilized in the adoption of the 2005 Plan. So now we must refer back to the DGEIS to find out what B-5 proposed. To some extent it is explained in Section 2.4.1 of the FSGEIS noting that it refers to the elimination of proposed upzoning of at least 1 acre zoned R1-20 to R1-40. However the section is incomplete since the number of units affected has been left out (blank). (Raymond Arnold, Letter, 4/21/10)

*The referenced Alternative B-5 was included in the DGEIS as an alternative to the Proposed Action. Therefore, it could not be included as part of the Proposed Action, lest it would no longer be an alternative. See also response to Comment 125 regarding the number of units that was inadvertently omitted from the FSGEIS.*

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222. Additionally, the second paragraph may not be completely valid, when one inspects the Proposed Zoning Map. Look at Lavoie Court, Williams Court, Bunny Lane, Vista Lane, among some of the most obvious. In addition, reviewing the Zoning Map, one has to question the proposed designation of the areas such as Canterbury Crossing, Hunterbrook Town Houses, Both shown for R1-40 (1 acre) when in fact both were processed and approved under Clustering provisions; each being zoned R1-20 (1/2 acre) at the time. (Raymond Arnold, Letter, 4/21/10)

*The proposed designations represent future land uses, in accordance with the proposed underlying zoning of these properties.*

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223. New Hope farms was processed also under the provisions of Clustering with an allowance, I believe, of allowing some 2 family structures. (Raymond Arnold, Letter, 4/21/10)

*Comment noted.*

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224. Countryside was also processed under the Cluster/Flexibility standards in a hybrid situation where some of the land were/are zoned R1-20 while other parts were/are zoned R1-40. Waverly Woods is another example of this type of development. It is possible that there may be other developments approved in the past having different characteristics than the traditional single-family development. None of these alternate forms of residential development are

considered in the formulation of the Zoning Plan. It is a major flaw in the whole process. (Raymond Arnold, Letter, 4/21/10)

*The zoning regulations permit cluster development as an option. However, clustering does not result in an increase in the overall number of dwelling units, but instead adjusts the size of lots and/or types of units.*

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225. I would venture to say that if the “buildout calculations” were only applied to the “white portion” of the Street Naming map: that is those lands that are undeveloped and in “private ownership” that the no change alternative would be much less than utilized to, support the upzoning portion of the Comprehensive Plan. (Raymond Arnold, Letter, 4/21/10)

*Comment noted.*

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226. Comments #762 and 763 are listed together with the response in the FSGEIS. My comments are deemed not correct. First of all, it is an error to say that No Action Alternative reflects the future baseline based upon the 1983 ZONING CODE; since the study was started in about 2003, changes had already occurred between 1983 and 2003. (Raymond Arnold, Letter, 4/21/10)

227. Secondly, since the 1983 Comprehensive Plan was adopted, pursuant to Town Law prior to 1992/3 and 1995, the Zoning; your Baseline, was based upon the Comprehensive Plan – but since the 1983 Plan had a range of both densities and General Uses, the Zoning did not totally mirror the Plan on a parcel by parcel basis, nor did it have to conform in that manner. Therefore I believe that the response in the FSGEIS, for the above captioned Comments is incorrect, and my comments should be addressed differently. (Raymond Arnold, Letter, 4/21/10)

*The Future Baseline Conditions were determined in accordance with the Comprehensive Plan and zoning in place, which is the appropriate methodology.*

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### Planning Board

228. As I referred to early during the courtesy of the floor, about an issue with the fillings on [Locke Ledge], sanctuary or whatever you want to call it, and another thing that happened closed by to our money, and that is site [plan] approvals that the town board has control over. (John Schroeder, Transcript, 4/6/10)

229. As you look as your land development regulations, what I'd like to see is for you to do some soul searching, to look at whether you should be part of the site plan approval process. One of the reasons why I say that is because I am looking at this board now, and as I said you know, Lakeland has been going on for years, and years, and years. There is three new board members here who have no clue probably as to what I am alluding to. But, yet it was this board's responsibility to look over the permits that were issued, the special use permits that were issued to create a golf course in a residential zone. The site approval was your responsibility, and yet there has been no follow up. (John Schroeder, Transcript, 4/6/10)

230. If you delegate those powers and rights to the planning board, where there is a more consistent board, where they have, I think, a better understanding of the planning process, and the review

process, and the permitting process, I think it is more consistent --you get more consistent results, you get better overview of what is going on with some of the projects. (John Schroeder, Transcript, 4/6/10)

*Comments noted.*

### Other

231. I really want to acknowledge the current town board over the hard work that you have done in such a short time to get this out to the public. It has been many, many years in the making and I know it has been a very difficult process and in some ways it continues to be, but thank you for getting it to this point. (Ken Belfer, Yorktown Community Housing Board, Transcript, 4/6/10)
232. I was encouraged by a lot of what I read, particularly in the FSGEIS, and I felt like you have heard a lot of the comments that have been previously made by the public over the many years of the process and have some very good responses to those. (Ken Belfer, Yorktown Community Housing Board, Transcript, 4/6/10)
233. I also think that you've acknowledged many of the principles as a smart growth, and sustainable development and tried to incorporate more of that in the revisions to the plan. I think you went in the right direction with the parcels over which the town was sued, the Wilkens Farm and Hill Farm parcels. I think in a rush to indiscriminately up-zone so much of the town, I think that the comprehensive plan was doomed because of that and I think you've taken steps in the right direction there. (Ken Belfer, Yorktown Community Housing Board, Transcript, 4/6/10)

*Comments noted.*

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234. Once again, prior to, I had spoken with my clients and I said let's see if we can work with this board, see where we can go, it's a new board, it's a new day. It doesn't seem like that, I get that. It doesn't seem like we are going in that route, it just seems that the passage of this is inevitable, based on the time-line that has been proposed in the internet. So as such, it seems like lawsuits are therefore also inevitable. (Alana Ciuffetelli, 3c Reality, Transcript, 4/6/10)

*Comments noted. The Town Board has made substantial changes to many components of the proposed Comprehensive Plan.*

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