

**FINAL SUPPLEMENTAL GENERIC  
ENVIRONMENTAL IMPACT STATEMENT**

TOWN OF YORKTOWN  
2009 COMPREHENSIVE PLAN

**FEBRUARY 2010**

**Final Supplemental Generic Environmental Impact Statement  
for  
2009 Comprehensive Plan for the Town of Yorktown**

Project location: Town of Yorktown, Westchester County, New York

Lead Agency: Town Board of the Town of Yorktown  
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# 1 Introduction

This Final Supplemental Generic Environmental Impact Statement (FSGEIS) has been prepared for the Town Board of the Town of Yorktown (Town Board) in connection with the proposed adoption of a Comprehensive Plan and associated enactment of zoning amendments and local laws (collectively, the Proposed Action, and sometimes referred to herein, unless otherwise indicated, as the 2010 Comprehensive Plan). This Comprehensive Plan would guide the Town's growth and development for approximately the next two decades. The Town Board designated itself pursuant to the State Environmental Quality Review Act (SEQRA) to serve as "lead agency" for the Generic Environmental Impact Statement (GEIS) prepared in 2004-2005 for an earlier version of the Comprehensive Plan and certain zoning actions and local laws (collectively, the 2005 Comprehensive Plan), and the Town Board continues to serve as lead agency for the environmental review of the Proposed Action and the SGEIS. A Supplemental Generic Environmental Impact Statement (SGEIS) was prepared because a court decision had invalidated the 2005 Comprehensive Plan and certain zoning amendments and local laws adopted and enacted by the Town, respectively. Since the Draft SGEIS was completed, the Comprehensive Plan has been revised; those revisions are identified and analyzed in this FSGEIS. The Town Board continues to serve as designated lead agency for the supplementation process.

As a part of this process, a Draft SGEIS (DSGEIS) was prepared for the Proposed Action consistent with the requirements of SEQRA. The DSGEIS, which among other things addressed any changes from the 2005 Comprehensive Plan and relevant new information and circumstances, was submitted to the Town Board of the Town of Yorktown in April 2009. The Board, as lead agency, accepted the DSGEIS for the Proposed Action as complete for the purposes of public comment on May 5, 2009. The Board published a notice of completion and notice for a public hearing to be held on the DSGEIS, and copies of the DSGEIS and proposed Comprehensive Plan (the 2009 Comprehensive Plan) and Zoning amendments were made available for public review. Comments were received during the public hearing, which was commenced on June 9, 2009 and continued and closed on July 7, 2009, and the public comment period, which was continued until the close of business on July 21, 2009.

This FSGEIS incorporates by reference the DSGEIS as well as the GEIS, which in turn also incorporated by reference a DGEIS that had been prepared to evaluate various zoning scenarios in the Hunterbrook section of Yorktown (the Hunterbrook Rezoning Area DGEIS, which was accepted by the Town Board on November 16, 2004). Therefore, the combination of the GEIS, the Hunterbrook Rezoning Area DGEIS, the DSGEIS and this document form the complete GEIS. The public comments received on the DSGEIS have been combined with public comments on the DGEIS that were not responded to, or sufficiently responded to, in the FGEIS. Chapter 2 of the FSGEIS describes amended sections of the proposed Comprehensive Plan and additional assessment to the DSGEIS based upon changes to the Comprehensive

Plan and comments received by the public. Chapter 3 of the FSGEIS includes a listing of the substantive comments received on the DGEIS (not previously addressed or not sufficiently addressed), comments on the DSGEIS, comments on the proposed Comprehensive Plan and Zoning amendments, and any other comments that were received, as well as the responses to these comments. These documents are available for review in Town Hall. Appendix A to this FSGEIS includes the proposed (2010) Comprehensive Plan.

## **2 Amendments to the DSGEIS, Draft Comprehensive Plan and Proposed Zoning Based on Public Comments**

### **2.1 INTRODUCTION**

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Based upon the comments received on the proposed 2010 Comprehensive Plan and the proposed zoning and DSGEIS, certain changes are proposed to each of these documents. These changes are described in the following sections. The revised Plan is attached as Appendix A; the Plan is “redlined” to show changes from the 2009 Plan.

### **2.2 AMENDED SECTIONS OF THE PROPOSED COMPREHENSIVE PLAN**

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The principal changes to the 2010 Comprehensive Plan are the following: the elimination from the proposed Plan of Alternative B5, which was the proposed upzoning from R1-20 to R1-40 of vacant parcels throughout the Town that are at least one acre in size; and the Policy to allow residential uses above commercial (retail or office) development in all five hamlet centers, rather than just in Yorktown Heights. Additional changes are noted below, as well as in the revised Plan attached as Appendix A.

The elimination of Alternative B5 from the Comprehensive Plan and thus from the Proposed Action was made for several reasons. First, the prospective across-the-board application of this alternative yielded results that in some cases were not consistent with the purposes of the overall Plan, as this alternative could make the development of affordable workforce housing more difficult and thus thwart the Plan’s goal of increasing affordable and diverse housing in the Town. Second, it has become clear that with the upgrading of the Yorktown Heights Water Pollution Control Facility (YHWPCF) and the requirement of the Westchester County of Health that new residences using individual septic systems must be on lots of at least one acre, the Alternative B5 upzoning was not needed to protect surface and groundwater quality, as had been the case when the alternative was initially developed. To the extent new developments within such areas cannot be connected to the upgraded YHWPCF, the County requirements should assure that septic systems cannot be installed on individual lots less than an acre in size (unless a community septic facility or package sewer treatment plant were to service such a development).

The proposed Comprehensive Plan now includes a policy that the Town allow residential uses above commercial (retail or office) development in C-2 districts in all five hamlet centers. The previous Plan only provided for the promotion of such uses in Yorktown Heights (Policy 4-7) and for the consideration of such uses adjacent to the Cortlandt border, south of Route 202 (Policy 4-26). However, allowing flexibility to create additional residential uses above commercial uses,



with appropriate conditions as set forth in Policy 5-9 of Chapter 5 Housing & Neighborhood Quality of Life in the proposed 2010 Comprehensive Plan, would maintain the character of the hamlet centers while facilitating the development of additional units of affordable workforce housing.

There are several other changes in the proposed Comprehensive Plan. Some of these are substantive, some are primarily clarifications, and others reflect changes in conditions (primarily government ownership of recreational sites). These changes include the following:

- Clarify that the term “middle-income” households in Chapter 5: Housing & Neighborhood Quality of Life, Policy 5-4 was meant as an inclusionary zoning provision that would be administered by the Town Housing Board, which follows the Westchester County and the federal government’s definition of affordable workforce housing; thus, the term “middle-income” housing has been changed to “affordable workforce” housing or, on occasion, just “affordable” housing.
- Eliminate the redesignation of the old motel site in the Bear Mountain Triangle to the Interchange zone and leave the existing C-3 zoning.
- Recommend development of an overlay zone on land adjacent to Route 6 and the Taconic Parkway to allow a hotel use, as such use is comparable to the country inn use for this district that was included in the prior proposed Plan.
- Consider in future planning efforts the use or mix of uses best suited for the vacant site between the Lee Boulevard and Hill Boulevard shopping areas that would be consistent with Plan policies and the eclectic uses in that area.
- The Comprehensive Plan has incorporated in Chapter 7 Natural Resources Conservation, Policy 7-22, the New York State Department of Environmental Conservation Better Site Design practices and principles for stormwater management to the extent they are more stringent than Town policies.
- The Comprehensive Plan now indicates in Chapter 8 Infrastructure, Policy 8-9, that the Yorktown Heights Water Control Pollution Facility has been upgraded and that the Town should advocate for a modification of the New York City Watershed Rules and Regulations (WR&Rs) to allow increased flow.

### **2.3 THE REVISED LAND USE PLAN**

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The Land Use Plan in the proposed Comprehensive Plan has been modified in accordance with the changes in the proposed Comprehensive Plan (primarily the elimination of the upzoning that would have accompanied Alternative B5).

## **2.4 ADDITIONS TO THE DSGEIS**

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The revisions to the proposed Comprehensive Plan described above and the resultant changes in the environmental impacts as compared to the GEIS and DSGEIS, as appropriate, are discussed below.

### **2.4.1 Elimination of Alternative B5 from the Proposed Action**

Alternative B5 was initially studied as an alternative in the DGEIS, and adopted as part of the subsequently-invalidated Comprehensive Plan. Now, in revising the 2010 Comprehensive Plan, the Town Board is eliminating Alternative B5 as part of the Proposed Action. The modification to the Proposed Action that would eliminate Alternative B5 and the concomitant upzoning of vacant parcels of at least one acre zoned R1-20 to R1-40 would mean that the reduction in density as compared to the baseline conditions would be less than reported in the DSGEIS. Rather than having a reduction of \_\_\_ units, without Alternative B5 the reduction in density as compared to the baseline would be \_\_\_ units. Because Alternative B5 primarily affected smaller lots in already established and built-out neighborhoods over the entirety of the Town, the impacts to natural resources, traffic, community services, community character and quality of life would be incremental and, in many areas, barely perceptible. Water quality impacts would not be affected, as the regulations of the Westchester County Department of Health require that any new development that cannot be connected to a treatment plant (or a package sewage treatment plant or community facility) be on a lot of at least one acre in size; this assures that a new septic system will function effectively.

The overall benefit to the Town in terms of a reduction in these impacts associated with development will still be achieved as the areas of the Town propose for rezoning outside of Alternative B5 are large contiguous vacant and underdeveloped lands. Development in these areas, unlike the areas affected by Alternative B5, would produce a marked change from existing conditions. Therefore, the benefit from a reduction of density in these areas will produce much greater benefit than the benefit that would have been obtained from Alternative B5 in terms of reducing overall negative impacts from development as it regards natural resources, traffic, community character and quality of life.

### **2.4.2 Provision of Residential Units above Commercial Developments Hamlet Centers**

The allowance of residential uses above commercial development in C-2 districts in hamlet centers would not change the basic character of these areas. Yorktown's commercial zoning has historically allowed two-story developments but has been limited to commercial space. Allowing residential apartments above commercial space will not increase impacts over the baseline but may in fact reduce them, since commercial floor space would generate more traffic, parking demand, etc. than residential apartments. There may also be beneficial results to community character, in that a development that is designed with a residential component may

have architectural qualities that support the overall vision of this plan for much of the hamlet centers—which is to foster a main street village like quality. Purely commercial developments typically do not exhibit this quality. In addition a mix of residential and commercial in the hamlets will help to create a more vibrant, active character in those areas. This change to the Plan would have only nominal if any effect on other impact areas, as the demand for community service from commercial use in the hamlet centers is generally comparable to, or less than, that from residential use. In terms of schools, where residential use would have an increased demand, the assessment in the DSGEIS indicates that there is ample capacity to accommodate the limited number of additional students that would be associated with these new residential units.

#### **2.4.3 The Additions to the Plan Should Increase the Provision of Affordable Workforce Housing**

The estimates of affordable workforce housing units projected in the DSGEIS would be modified by the two changes described in Sections 2.4.1 and 2.4.2 above. The elimination of Alternative B5 is expected to increase the number of affordable units created, as well as provide for smaller, less expensive housing and therefore greater diversity in housing prices (even if not necessarily meeting the technical definition of affordable housing) for newly-constructed units. This number would be expected to be somewhat limited because many of the properties that would be affected by this alternative do not tend to lend themselves to larger subdivisions, so that the proposed requirement to include 10% affordable workforce units in subdivisions of ten houses or more would not have as widespread an effect among the properties that would have been encompassed within Alternative B5.

Accordingly, to project how many additional affordable workforce units might result due to the elimination of Alternative B5, all "Alternative B5 properties" smaller than 7 acres were discounted as being too small to accommodate over 10 units and therefore would not be subject to the proposed 10% rule. The remaining properties over 7 acres were reviewed on a parcel-by-parcel basis, and properties with significant development constraints (such as school-owned property, parks, or a predominance of wetlands) were also discounted. The proposed 10% requirement then was applied to all remaining "Alternative B5 properties." Using this conservative analysis, it is projected that eliminating Alternative B5 would result in the creation of approximately 18 new affordable workforce units over the next twenty years, or roughly one unit per year.

The revised Comprehensive Plan's recommendation to allow residential uses above commercial development in C-2 districts in hamlet centers, also is expected to increase the number of affordable units created, as well as to generally provide for smaller, less expensive housing and therefore greater housing diversity. Page 2-31 of the DGEIS notes that 20 residential-above-commercial units were anticipated to be built in Yorktown Heights' C2-R district. From this estimate, the Town projects that 18 such units could be built in the Mohegan Lake hamlet

(which contains a similar amount of C2 zone as Yorktown Heights), and 8 such units could be built in Shrub Oak. For purposes of this analysis, no such units are projected to be built in either Jefferson Valley (wherein the C2 zone is largely already built out) or Crompond (where there is little opportunity for the siting of such units, and parking availability would be a disincentive to developers to construct such units instead of commercial space). Accordingly, it is anticipated the revised Comprehensive Plan's expansion of the ability to provide residential above retail uses will result in the development of an additional 46 affordable workforce units.

In addition, the Proposed Action calls for the rezoning of numerous parcels with Jefferson Valley (bordering Lake Osceola) to County Commercial, which zone also allows for the development of residential units above commercial uses. These typically are smaller lots, and it is anticipated that the drive to maximize investment in these parcels will result in the development of a total of 10 additional residential units above commercial uses. Thus, it is projected that approximately 56 additional affordable workforce residential units will be developed in the hamlet centers and around Lake Osceola through 2029.

The DSGEIS projected that the 2009 version of the Comprehensive Plan would result in the creation of approximately 283 units of affordable housing over the next twenty years. Thus, with the above new additions to the 2010 Comprehensive Plan, and based on the foregoing and on information provided in the DSGEIS, it is projected that the proposed 2010 Comprehensive Plan will result in the creation of a total of approximately 357 new affordable workforce units in the Town through 2029.<sup>1</sup>

Because Yorktown already received "credit" for building 80 affordable workforce units through November 2005, the November 2005 Westchester County Affordable Housing Allocation Plan states that Yorktown's remaining goal through 2015 is to provide 298 new affordable units. As noted above, the 2010 Comprehensive Plan is projected to result in the creation of 357 affordable workforce units by 2029; while this number of new affordable units exceeds the County goal, the two plans have different time horizons (Comprehensive Plan 2029 vs. County Allocation Plan 2015). Thus, under the Proposed Action the Town is projected to create significantly more than the 298 affordable-unit goal set by the County, but it is unlikely that the Town would fulfill that County goal by the end of 2015.

In order to reconcile the two time horizons, the Town projects that the proposed Comprehensive Plan will result in an average of approximately 18 affordable workforce units each year over the next twenty years; this estimate therefore projects the creation of 108 new affordable workforce units for the six years between 2010 and 2016. Based on this projection, the Town is expected to achieve 36% of the County Allocation goal by the end of 2015. If the Town's 13 existing

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<sup>1</sup> The 357-unit figure is reached by adding (a) the 283 units projected in DSGEIS under the 2009 Comprehensive Plan, (b) the 18 units projected herein as a result of eliminating Alternative B5, and (c) the 56 units projected to be built above commercial uses in the hamlet centers and around Lake Osceola.

affordable homeownership units that currently exist (but have certain deed and other restrictions that differ slightly from County restrictions) are included in the calculation, the Town would achieve 37% of the County Allocation goal by the end of 2015.

#### **2.4.4 Other Changes in the Proposed Action**

The proposed Comprehensive Plan alters slightly the zoning scheme for the Bear Mountain Triangle by eliminating the redesignation of the old motel site to the Interchange zone and leaving the current zoning of C-3. However the vision of the area remains unchanged. To support a hotel/country inn (which the Interchange zone allows as a permitted main use) in the BMP Triangle, that use will instead be included in the BMP Planned Development District overlay zone. Leaving the existing C-3 zoning leaves more flexibility for a retail draw in the Triangle, as stated in Policy 4-24 of the Plan. This minor change does not introduce impacts beyond that already studied in the GEIS or SGEIS.

In the event that a hotel/country inn is displaced by other development types in the Bear Mountain Triangle, the proposed Plan has been altered to allow for such use in another area -- namely, the area of properties at the southwest corner of Route 6 and the Taconic State Parkway in the Shrub Oak area. This was originally studied as the proposed action in the DGEIS but was removed in favor of the O – office zone designation and associated allowable uses. Office uses generate higher traffic volumes and have greater parking demand than a hotel use and therefore the impacts of a hotel in this area are within the envelope of impacts that have been analyzed in the GEIS.

The proposed Plan also clarifies the propriety of assessing, as part of a future planning process, the use or mix of uses that would be best developed in the vacant site between Lee Boulevard and Hill Boulevard in the Jefferson Valley Hamlet and thus complement or enhance the eclectic uses now extant in the area. The prior Plan proposed to upzone this area as part of the Alternative B5 upzoning, but with the elimination of that alternative from the Proposed Action, the area would retain its current zoning status. Thus, the Proposed Action would have no effect on this area, and any future change of use would be subject to a separate planning and SEQRA process.

#### **2.4.5 Benefits of Upzonings**

A number of comments raised the concerns that upzonings would not reduce the amount of impervious surfaces and would lead to “estate” type of houses in new developments in the upzoned areas. The additional analysis undertaken by the Town, set forth below, confirms that there are significant benefits associated with upzoning, and there is no expectation that the upzonings proposed in the revised Comprehensive Plan would lead to a plethora of estate-type housing in new developments in the Town.

#### **2.4.5.1 Protection of Water Quality**

The proposed upzonings will help to protect surface and groundwater quality by assuring that Town density does not exceed (1) the capacity of the sewerage treatment infrastructure for lands within sewer districts, and (2) the capacity of parcels that are not connected to a treatment plant, and may not be connected to such a facility in the foreseeable future, to accommodate individual septic systems consistent with protection of public health and the environment. This is of particular concern given Yorktown's location within two watersheds – Croton and Peekskill Hollow Brook – that include important drinking water sources, including potable water sources for New York City as well as communities in Westchester County. There are also private wells in and around the Town in need of protection from degradation of groundwater from individual septic systems and other pollutants associated with development. Consequently, wastewater management limitations are of primary importance. Implementation of the Proposed Action's rezonings will in turn reduce impacts on numerous Town resources. For example, the proposed upzoning will reduce impacts on Town infrastructure and community services, stem the decline in water quality, and even improve it in the Croton and Peekskill Hollowbrook watershed, protect groundwater quality, and protect and preserve natural resources such as water quality, and ecologically-sensitive areas such as open spaces and wetlands.

Many of the properties proposed for the upzonings, as explained below, are in areas in which connections to wastewater treatment plants are presently unavailable or at least questionable for the foreseeable future; other properties proposed for upzonings are in areas in which sewer service is not available.

A substantial portion of the northeastern section of Yorktown is located in the Hallock's Mill Sewer District – see map in Appendix B. This district is served by the YHWPCF, the largest sewage treatment plant discharging into the Croton Watershed, which is part of the New York City Watershed. As YHWPCF has periodically exceeded its permitted flows in recent years, the New York State Department of Environmental Conservation (NYSDEC) has not allowed additional sewer extensions to the YHWPCF. The New York City Department of Environmental Protection (NYCDEP), which is responsible for protecting the Croton Watershed (and other watersheds that provide drinking water for New York City), also enacted a moratorium in 1988 on any new individual sewer connections to the YHWPCF. The purpose of the 1988 NYCDEP moratorium, which remains in effect today, is to prevent the overtaxing of the YHWPCF.

The Town completed upgrades to the YHWPCF in 2008. Although these improvements were focused on disinfection and filtration measures, they also allow, at least theoretically, for potential expansion of treatment volumes. However, for a variety of reasons discussed below, the actual implementation of increased capacity at the YHWPCF may never occur and, even if it does, may not accommodate full projected demand under the No Action Alternative, and thus

does not obviate the need to reduce demand for use of the YHWPCF over the long-term planning horizon of the Comprehensive Plan. The proposed upzonings, by reducing future housing within the sewer district, will reduce pressure on this already-overtaxed YHWPCF infrastructure and assure that future treatment of sewage consistent with regulatory requirements can be maintained.

Initially, the YHWPCF's capacity is limited by its NYSDEC SPDES permit and the NYCDEP Watershed Rules and Regulations. This limitation is consistent with the regulations of the Comprehensive Croton System Water Quality Protection Plan, a State-mandated document that was prepared jointly by Westchester County and the municipalities located in the Croton watershed. The NYCDEP, in its comments on the DSGEIS, indicated that the Watershed Rules and Regulations do not now allow for a variance to increase the capacity of the YHWPCF and thus prohibit new developments from using the plant. Westchester County, in its comments on the DSGEIS (Comment 246), noted that revisions to the Watershed regulations are under consideration and might at some point in the future include the provision for seeking a variance that will allow the YHWPCF to accommodate additional capacity. However, even if the regulations are modified in this manner, as pointed out by the County, the Town would still need to apply for a variance and would still need to work with NYCDEP and NYSDEC to provide the necessary sewer service within the Hallock's Mill Sewer District.

Although it is possible to divert some flows from the Hallock's Mill Sewer District to the Peekskill Sewage Treatment Plant, there is no current plan and none has been implemented. Moreover, additional infrastructure (such as sewer line extensions) would likely be needed to implement such diversions. Accordingly, diversion of sewerage from areas within the District to the Peekskill plant is speculative and cannot reasonably be assumed as part of the Comprehensive Plan.

Thus, outside of the Peekskill sewer district, and without amendments to the regulations governing the Hallock's Mill sewer district, the only plausible option for wastewater for most new development in Yorktown is utilization of septic systems. However, septic systems often present substantial environmental problems, which is why sewer service is generally preferable when it is an option. For example, if septic systems are not properly designed or maintained, they can cause significant groundwater pollution. Other problems associated with septic systems include excessive growth of aquatic weeds or algae in nearby waterbodies, unpleasant odors, and drainage problems for the septic user.

It is historic problems with inadequate treatment from septic systems that generated the stringent regulations that are in effect today. Thus, as noted earlier, pursuant to Westchester County Department of Health policies, a minimum lot area of 40,000 square feet (R1-40) is required to permit a new septic system in Yorktown. As noted in Section 8.3 and Policy 8-11 of the proposed 2010 Comprehensive Plan, sewers should be provided to developed areas where

soils cannot handle septic systems before being provided to undeveloped areas. The upzonings help to assure that undeveloped areas would be able to accommodate septic systems that function properly. In contrast, the areas that would have been subject to the Alternative B5 upzoning cannot be developed, at all, absent compliance with the one-acre rule (or the implementation of a community system or package treatment plant).

#### **2.4.5.2 Transportation Infrastructure**

Yorktown has limitations with regard to its road network, which has been essentially set in place for decades. There have been road widenings, intersection upgrades and other improvements in past years. However, these improvements have mostly been incremental in nature and have not changed one of the main causes of road congestion in Yorktown: most vehicular traffic in the more-developed sections of the Town eventually utilizes Route 6 or Route 202. As discussed in the proposed Comprehensive Plan and the GEIS, traffic congestion has become a serious problem along these highways and other nearby roads within Yorktown. Residential upzoning will significantly reduce the number of new residents coming to areas outside of the Town's hamlet centers over the next 20 years, and will reduce the amount of vehicular traffic. This reduction, in turn, will reduce the need for the Town (or State) to construct major new infrastructure to accommodate additional traffic. (Although developers would pay for or implement road intersection improvements needed for particular projects, these would be local in nature and not address the Town-wide problems.) See Chapter 3 of the Comprehensive Plan and Section 4.16 of the DSGIES.

In addition, road improvements associated with new development cause environmental, visual and community character impacts. New impervious surfaces associated with road improvements generate additional stormwater, which in turn carries pollutants from motor vehicles into surface or ground water. Roadway widenings and intersection improvements often utilize open space and thus change the character of the area in the vicinity. Some improvement might necessitate the filling of ecologically-sensitive areas, such as wetlands. The upzonings in the Proposed Action, by reducing residential yield in the Town, will reduce the need for additional roadway improvements and thus avoid or reduce adverse impacts.

#### **2.4.5.3 Protection of Natural Features and Sensitive Ecological Areas**

Other environmental features will also be protected through the proposed upzonings. These include wetlands, water bodies, floodplains, streams and steep slopes. For example, upzonings in areas within the Hunterbrook watershed (which includes portions of the Hunterbrook area and the Route 202 area) and the northern portion of Shrub Oak will lessen the density of development upgradient of wetlands and the Hunter Brook, thus providing additional protection to these areas.



#### **2.4.5.4 No Encouragement of Estate-type Developments**

Several comments on the DGEIS and SDGEIS suggested that upzonings in the proposed Comprehensive Plan would not necessarily reduce the impacts to the environment, as there could be “estate” houses that disturb and/or cover more of larger lots with impervious surfaces such as multiple buildings, parking courts and accessory uses (e.g., tennis courts and pools) than if the lots were smaller and thus more likely to be less-intensively developed. While the development of larger lots for estate purposes may be an issue in some communities, it is not a significant issue in Yorktown for lots that would be upzoned. To the contrary, as set forth below, in Yorktown, upzoning will reduce the number of dwelling units, which in turn will reduce the coverage and disturbance of the lots and impacts to natural features.

Yorktown does not generally attract estate-type housing. That is evident from a “windshield” inspection of the different areas of the Town and is confirmed by the overlays of lots and impervious surfaces of various developed subdivisions that are contained in Appendix C, which is attached hereto.

Appendix C contains information on 8 subdivisions approved and developed in Yorktown over the past several years. The lots in each subdivision, together with the impervious area in each lot, have been overlaid, using GIS techniques, on aerial photographs of different areas of the Town taken in 2007 for the County of Westchester, including areas that were zoned for large-lot development and therefore logically would have been most attractive and suitable for estate-type developments. These overlays reflect the extent of impervious surfaces on developed lots in R1-20, R1-40, R1-80 and R1-160 zones. Appendix C also contains data relating to lot size and impervious surface. The information in the first four columns (Subdivision, Block and Lot [SBL], the year the house was built, the house size and lot size in acres) is based on information from the Town Assessor’s office. Lot size in square feet reflects conversion from acreage. The impervious area is an outline from areas shown on the aerial photographs using GIS techniques. The percent of impervious area is a calculation from the prior two columns.

The overlay of the aerial photographs in Appendix C shows that large lots in Yorktown do not contain estate-type uses, spread out over large portions of the lots with high percentages of impervious coverage and lot disturbance. This is confirmed by the calculations, which show a higher coverage per acre in smaller lots.

In the Hunterbrook subdivision, which was zoned R1-160 at the time of subdivision approval, the average lot size of the 14 lots is 4.01 acres. The percentage of impervious coverage ranges from 2.5% (SBL 36.17-1-31) to 9.6% (SBL 36.17-1-20), with the 9.5% attributed in part to a common drive. The average coverage is 5.67%.<sup>2</sup>

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<sup>2</sup> All calculations excluded vacant lots, so as not to skew the results.

Lakeview Estates and Wooded Hill have smaller lots than the Hunterbrook subdivision, as both were zoned R1-80 at the time of subdivision approval. The 18 lots in Lakeview Estates average 2.51 acres (excluding a vacant lot), while the 9 lots in Wooded Hill average 2.75 acres. The aggregate average lot size is 2.59 acres. The impervious cover in Wooded Hill ranges 6% to 16%, with an average of 9.81%, and in Lakeview Estates the impervious coverage ranges from 5.3% to 24%, with the average of 11.51% (excluding a vacant lot). The aggregate average is 10.91%.

The percentage of impervious coverage increases further with 1-acre and half-acre lots. Fox Den and Deer Hollow were zoned R1-40 at the time of development. The 29 lots in Fox Den (excluding vacant lots) have an average lot size of .97 acres, while the 22 lots in Deer Hollow average 1.25 acres. The aggregate average lot size is 1.09 acres. The impervious cover in Fox Den ranges 8.2% to 39.1%, with an average of 18.0% (excluding 5 vacant lots), and in Deer Run ranges from 7.0% to 21%, with the average of 11.08%. The combined average is 14.58%.

Four subdivisions that were zoned R1-20 when developed were also studied, and totaled 188 lots. The lots average .67 acres in size. The impervious cover ranges from 3% to 41% with an average of 16.32% (excluding vacant lots).

The percentage of coverage per acre is substantially higher in smaller lots. Thus, the upzonings in the proposed Comprehensive Plan will reduce the amount of impervious surface in developed lots.

The reduction in the extent of impervious surface anticipated from the Proposed Action means a reduction in stormwater runoff. Furthermore, the larger lots are more likely to have larger areas of pervious surface in which runoff can recharge the groundwater or be filtered before it enters a wetland or surface water. Because stormwater runoff contains phosphorous, a reduction in runoff overall, and in runoff that could enter surface waters, will reduce the amount of phosphorous (as well as other pollutants in runoff) that could enter the Croton Reservoir. This would be consistent with the designation of the Reservoir as phosphorous-limited.

Furthermore, unlike some municipalities, accessory uses that entail excavation, such as a pool or tennis court, require an excavation permit from the Town Engineering Department or the Town Board. Excavation permits are considered by the Town to be discretionary, and thus trigger a review of the proposed accessory use under SEQRA. Accordingly, the environmental impacts of the proposed accessory use would be considered and, if warranted, the application could be denied or mitigative conditions imposed. Additionally, the proposed Comprehensive Plan proposes, in Policy 5-11, that the Town consider adopting a floor area ratio (commonly known as "FAR") for residential development to limit oversized houses. Implementation of this policy would further limit disturbance of lots and the conversion of pervious to impervious surfaces.

In summary, the upzonings in the proposed Comprehensive Plan address a variety of purposes, including the conservation of natural resources and open space, and are not expected to generate estate type of developments. In any event, larger lot developments in the Town have a lower percentage coverage of impervious surface per acre than smaller lots. Thus, the upzonings are expected to achieve the goals of conserving natural resources and open space, and reducing the extent of impervious surface and impacts to surface and groundwater quality.

## 3 Responses to Comments

### 3.1 INTRODUCTION

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Comments were received on the DGEIS and DSGEIS and the proposed Comprehensive Plan at public hearings and in written submissions to the Town Board. The transcripts of the public hearing and copies of written submissions are available for review in Town Hall.

In this section, the comments on the DGEIS and the proposed 2009 Comprehensive Plan, as well as the unanswered comments on the DGEIS, have been categorized and numbered, and the sources of every comment and any substantially similar comments are identified. The comments are grouped by their subject matter. Responses to comments are *italicized* following each comment or group of comments. The comments shown here are summaries of the full written or oral comments and are listed individually by commenter; however, in some cases a single response is provided to more than one comment. Each comment or group of comments to which a single response is provided is set off by horizontal lines. Pursuant to SEQRA regulations, only substantive comments need to be answered; no response is necessary for other types of comments.

The source of each comment is indicated in the following manner: written letters and submissions are referenced by the name of the author of the letter or submission; in the case of multiple submissions, the date of the submission is noted; comments made at the public hearing are referenced by the hearing date at which the comment was made. Comments dated 2004 and 2005 are those on the DGEIS; comments dated 2008 and 2009 are on the DSGEIS.

### 3.2 DSGEIS COMMENTS AND RESPONSES

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#### 3.2.1 Affordable Housing

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

##### Comment

1. Consider affordable housing for people starting out in the teaching profession or working in hospitals in our area, things like that. (Linda Spring, Transcript, 1/12/05)
2. Affordable housing should be supported and all policies pertaining should remain as part of the Plan. The policies on affordable housing support the policies on walkable village centers, etc. Need affordable housing for young teachers to keep schools successful. (C. McNeill, Letter, Unknown)

3. Many people who grew up in or are employed in this town cannot find housing here. I urge you to persevere in your efforts to provide more affordable housing for our workforce. It's the morally right thing to do. (Monsignor Brennan, Transcript, 1/12/05)
4. Affordable housing hits quite a few of us and those who are handicapped have a double problem in finding accessible places to live in and they are often on very limited incomes. (Helen Bliss, Transcript, 1/12/05)
5. Affordable housing is in high demand. We should designate and rezone areas in each hamlet for affordable housing. We should provide preference to our town employees, teachers and blue collar workers. All hamlets should share the responsibility equally. (Bob Giordano, Letter, Undated; Transcript, 1/12/05)
6. The Master Plan misses the mark on housing diversity. Most of us in the room tonight couldn't afford at this point to buy into the Town so you've got to look at loosening these restrictions so the Town remains affordable and families can stay in the town. (Michael Grace, Transcript, 1/12/05)

*The proposed Comprehensive Plan recommends zoning amendments that will continue to permit a range of housing types in appropriate locations throughout the Town and will provide for the creation of additional affordable workforce units. As noted in the Comprehensive Plan, these include apartments, townhouses, senior housing, other age-restricted housing, accessory apartments and two-family homes, as well as single-family dwellings. Yorktown has a range of housing options today, and will continue to in the future. Some of these units will tend to be more affordable than others due to variations in the market for different housing types.*

*The Town currently has 80 affordable units that meet Westchester County's Allocation Plan criteria and an additional 13 homeownership units that, while affordable, have certain restrictions that are slightly different than the County standards.*

*As detailed in Section 2.4.3 above, the proposed Comprehensive Plan is expected to increase this number of affordable units, as it contains specific recommendations to expand additional affordable units within Yorktown. First, an inclusionary housing law is recommended in Policy 5-3. This law will mandate the provision of affordable housing units in new residential developments. As explained in the SDGEIS (page 4-35), the exact set-aside will be determined on a sliding scale (from 10% to 15%, depending on the size and type of development), but it is – on average – roughly 10% of new housing units in a development. Second, it is anticipated that the elimination of Alternative B5 will result in the Town having greater housing diversity because the minimum lot size will be 20,000 square feet rather than 40,000 square feet. Third, the proposed Comprehensive Plan recommends that the Town explore partnerships with non-profit organizations to create new affordable housing on in-rem parcels owned by Yorktown. Fourth, the Town has an accessory apartment law. Accessory units are a way to provide new*

*affordable housing options with limited community impacts, as they can be provided in existing single-family residences in any zone which maintains the appearance of such a dwelling. The Plan also provides for allowing residential units above commercial uses in C-2 districts in all of the hamlet centers (and not just promoting such developments in Yorktown Heights, as in the prior proposed Plan); see Policy 5-9 of the proposed Comprehensive Plan. The Proposed Action includes certain changes to the procedures for accessory apartments in order to ease the provision of such units, which would be expected to enhance the provision of affordable units in such locations. In addition, Policy 5-3 recommends that the Town review and consider loosening existing restrictions on accessory units in accessory structures.*

*The cluster provision in the Town's zoning code is another means of providing alternate unit types, by including affordable units through the inclusionary housing law. Through this technique, housing types other than large-lot single-family dwellings can be constructed in most of the Town's residential zones. This promotes the development of townhomes and other multifamily development, which are more likely to be affordable and which also preserve open space and other natural features. For example, five clustered developments built in the Town during the 1980s and early 1990s have yielded multifamily units: Canterbury Crossing, The Woodlands, Ponderosa Estates, Maple Brook Townhouses, and Cedar Pond. With the adoption of the provision in the proposed Comprehensive Plan that developments over ten units must include affordable housing, additional affordable units – beyond the number calculated above – are expected to be constructed.*

*In addition, the proposed Comprehensive Plan promotes the Town's five existing hamlet centers as locations that should continue to have mixes of land uses, including housing. These settings are appropriate for more intensive development than in outlying areas due to the presence of infrastructure and services, their accessible locations and the ability to accommodate additional appropriate growth. Multi-family residential uses currently exist and/or are permitted in some of the hamlets. The types of units likely to be built in these areas (e.g., apartments, townhouses, small-lot single-family detached dwellings) tend to be more affordable than larger lot single-family dwellings found outside the centers. These unit types will provide options for residents who cannot afford a larger home on a larger lot, or do not want one but want to remain in Yorktown (e.g., senior citizens, divorced parents, etc.).*

*Providing additional units in hamlet centers will help address concerns about impacts on housing affordability due to upzoning. As noted in Section 2.4 and in response to other comments, the proposed upzoning in various residential areas is expected to reduce the possible amount of new homes constructed outside hamlet centers, which will protect against increasing traffic congestion and requiring roadway improvements that (as noted above) often have adverse effects on the natural environment, open space and community character. New housing units in the more built-up hamlet centers, which are more appropriate locations for new development, will provide a more balanced housing stock.*

*Westchester County's Affordable Housing Allocation Plan reflects regional apportionment of affordable housing obligations among municipalities in the County – that is, if a municipality meets such goals it also meets any regional obligations with regard to such housing. The SDGEIS projects that the Town would achieve approximately 96% of the overall affordable housing goals set forth in the County Plan. If the 13 homeownership units are included, the Town would achieve 99.5% of its overall County allocation; both of these projections were not limited to the County timeline to achieve this goal by the end of 2015. As discussed in Section 2.4.3, with the elimination of Alternative B5 and the hamlet-wide allowance of residential units above commercial development, it is expected that the Town would achieve approximately 36% of the affordable housing goals set forth in the County Plan by the end of 2015. If the 13 homeownership units were included, the Town would achieve 37% of its County allocation within the County time horizon. (See Chapter 2.4.3 of this FSGEIS and Section 4.4\_ of the DSGEIS.)*

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#### Mixed Housing for Diverse Populations

7. This plan must provide for more multi-family housing opportunities so that more rental apartments will be created in Yorktown. (Maura Gregory, Transcript 6/9/09)
8. If we want to be friendly to families we also need to provide places for young people and old people to live. (Maura Gregory, Transcript 6/9/09)
9. I believe that we have to have a diverse housing stock, we have to have housing that provides a variety of types and prices. I think we need to have a community where people can age in place, where our young people when they graduate from college can settle in their home communities. (Melvyn Tanzman, Transcript 6/9/09)
10. The first time around the Housing Board kind of had a mantra and the mantra was density reduction should not equal diversity reduction and we really stick with that. (Ken Belfer, Yorktown Community Housing Board, Transcript, 6/9/09)
11. Yorktown needs a comprehensive plan that includes multifamily and mixed use in a few locations. We cannot leave the fate of young families and workers to what the market will bear. (Toni Downes King, Transcript, 1/12/05)
12. The things you need to analyze in this EIS, in general in the hamlets and in the JV hamlets you got to look at housing diversity realistically and that's not just talking about theoretically forcing the component of affording housing, that's looking at housing types, dwelling, single-family, multi-family, apartments, that's what we are talking about with diversity. We're also talking about

- affordability but the fundamental premise under the analysis of affordability as was mentioned previously is wrong. (Adam Wekstein, representing Old Hill Farm, LLC, Transcript, 6/9/09)
13. Diversity refers to different housing types, multi-family, apartments, rental, housing for seniors so that people can stay in the Town so that meets different (inaudible) affordable refers to rental and housing costs or purchase and housing costs associated. They're not analyzed separately, they're used interchangeably. (Adam Wekstein, representing Old Hill Farm, LLC, Transcript, 7/7/09)
  14. Not one of the Alternatives looks at or contains any analysis aimed at broadening or diversifying opportunities for such groups as low/middle income and seniors or alternatives such family housing and housing on smaller lot sizes. (Lawrence Praga, Letter, 1/25/05)
  15. Not one Alternative in the Comprehensive Plan DGEIS exams the creation of more diverse housing, e.g., senior housing, affordable housing, multi-family, smaller lots, etc., even though Section 4.1.2 of the Comprehensive Plan DGEIS concedes that "the relative lack of less expensive housing has persistently been an issue in Yorktown." Why were no Alternatives examined which would create more diverse housing? What is the impact of the lack of more diverse housing? (Lawrence Praga, Letter, 1/25/05)
  16. There is no alternative that would address, in some meaningful way, alternatives that would meet multi-family housing needs, senior citizen housing needs, affordable housing, rentals and ownership needs. New York State Law clearly requires that a plan must meet affordable and multi-family housing needs of a community and its region. (Lawrence Praga, Letter, 1/25/05)
  17. The main thing I felt was given short shrift in the EIS was housing. We have to try to maintain more diversity. I don't think that upzoning across the Town is necessarily going to protect the environment. You can have a large house utilizing a two-acre property and they choose to use a lot of pesticides and herbicides and develop their property intensively. (Cheryl Gajowski, Transcript, 1/12/05)
  18. Housing diversity and affordability should be supported in the plan as well as senior housing. (Don and Katherine Quinn, Letter, 1/21/05)
  19. We call upon the Town Board to stay with the original draft plan and reject the alternatives, as they eliminate the following forms of housing to the Comprehensive Plan: rental units, housing for the elderly, and work force housing. Shame on you with this alternative plan. You are forgetting your parents and your grandparents who worked themselves to the bone so that you could go to fancy schools, get a good job, move to a nice place like Yorktown and not let those people with those same grandparents and your grandchildren live here too. (Rev. Claire Woodley-Aitchison, Transcript, 1/11/05)



20. I think it's important to maintain the existing zoning and, if possible, to increase the zoning for multifamily and small lots. I think it's particularly important to have a diversity of housing so that children can grow up in a real community with people who have different levels of income and it's important for the local workers, people who serve the community. Cluster zoning is a way to address environmental factors. (Claire McNeill, Transcript, 1/12/05)
21. Consideration should be given to land use strategies that *increase* housing options...Our Town needs more affordable housing options...should include both rental housing and affordable homeownership opportunities. (Rev. Jacob D. Dharmaraj, United Methodist Church of Shrub Oak, Letter 7/21/09)
22. According to Business Week magazine New Rochelle was named the best place in New York to raise children. The writer who compiled the list said the main factor we looked look at was affordability. He said a lot of places in Westchester didn't make our list because of lack of affordability. New Rochelle won because it's an ethnically diverse place with a bustling downtown and a mix of single family homes and apartments ... New Rochelle has apartments to provide for an economically diverse population. (Maura Gregory, Transcript 6/9/09)

*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 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 will 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. It is not realistic to try to break down precisely the different types of housing units that would be developed, as requested by Comment 17, because that is a phenomenon that is driven primarily by the market. The goal of the Proposed Action is to facilitate the development of different types of housing units, including those that will be affordable to working families. For Comment 17, see also Section 2.4 of this FSGEIS.*

23. The Chamber of Commerce believes that planned growth in Yorktown must be advantageous to mixed and affordable housing. We feel that a vibrant economic community is best served by a nearby mix of housing at all levels, including entry-level housing, apartments, rentals and senior citizens. It is not clear to us that the Plan is sufficient on all those levels. It almost seems to us that we're basing long range and important planning decisions on immediate reactions to short term problems. (Aaron Bock, Transcript, 1/12/05)

24. Our business community needs a mix of housing at all levels. Now, from a quality of life standpoint we certainly support your goals in reducing density and alleviating traffic and other concerns like that but this should not be done at the expense of affordable and mixed and varied housing in the Town of Yorktown. (Aaron Bock, Chamber of Commerce, Transcript 6/9/09)

*The accommodations for continued care and senior housing, as well as two-family and multi-family residential and mixed use development provide several avenues by which housing can be adapted to changing needs. See also Section 2.4 of this FSGEIS and the responses to Comments 1 through 6 and 7 through 22.*

25. I think there needs to be entry level housing in Yorktown. Look at the possibility of owner-occupied two-family housing. (Bob Lenseth, Transcript, 1/11/05)

*The R2 zoning district allows two-family housing.*

26. Because of the lack of affordable housing, we are losing all our volunteers. Moreover, people who are aging have medical expenses and stress and cannot afford to pay for expensive housing. (Luanne Caskey, Transcript, 1/12/05)

27. Table 5-11 [of the Comprehensive Plan] cites close to 30 percent of households have relatively modest incomes, below 50,000 a year, something that we tend not to think of. Even more drastic than that is table 5-12 which says that 13.7 percent of households earn less than 25 thousand a year and on page 5-25, under Observations of Realtors, it says there is unmet demand for less expensive housing including senior housing. The numbers may need to be updated somewhat but I very much agree with those comments. (Ken Belfer, Yorktown Community Housing Board, Transcript 6/9/09)

*Addressing these comments individually is outside the scope of SEQRA. See the responses to Comments 1 through 6, 7 through 22 and 23 to 24; see also Section 2.4 of this FSGEIS.*

28. I got the impression you did not consider the people who live in small homes, valuable though they are. They add to the fabric of this community and I ask that you not destroy it. I ask that

you not forget senior citizens. The Wynwood Oaks complex is a terrific concept. (Alice Roker, Transcript, 1/12/05)

*The Proposed Action does not aim to replace small homes – the elimination of Alternative B5 for the revised Plan is consistent with this comment’s concern. Moreover, there are several provisions for the creation of senior housing in the RSP-1, 2, and 3 zones. Many areas in Yorktown have retained their smaller lot zoning.*

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29. Section 4.3 of the Comprehensive Plan DGEIS admits that the future growth of the senior population in Yorktown would not likely be served by the one senior citizen site in the Mohegan Lake area. No alternative is proposed to address this impact. It is an unconditionally, an unmitigated impact which must be disclosed and reviewed. Further the failure to attempt to even roughly quantify the extent of the senior housing deficiency is a DGEIS defect which requires a new analysis, together with a new circulation of a revised DGEIS. (Lawrence Praga, Letter, 1/25/05)

*The unmet need for senior housing is not an impact of the proposed Comprehensive Plan because it would occur under the Future Baseline Conditions as well. In fact, there would likely be greater unmet need under the Future Baseline Conditions because the other measures intended to create affordable housing would not be implemented. The Comprehensive Plan does not remove any senior housing sites that would exist under the Future Baseline Conditions. Rather, the Plan reflects that senior housing is anticipated, or a likely component of development, in several locations. (See, e.g., Goal 5-D and Policy Nos. 5-4, 5-7 and 5-8.)*

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30. I would like to see, you know, a little bit of credence given to the aged people in Town and in the area that would like to still be able to stay in Town or have an assisted living home or another nursing home of the sort and some special consideration given to, you know, uses like that for properties. (Steve Gardener, Transcript, 6/9/09)

*There are provisions for special districts where Senior and Continued Care Housing is encouraged. See also response to Comment 29.*

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31. I do not believe the Town of Yorktown is obligated to provide, through some sense of justice and some sense of political correctness, entry level housing. Not for my son, let alone anybody’s son. The cities can provide a complete diversity of housing. (Jay Miller, Transcript, 1/11/05)

*Affordable housing development is viewed as a critical key to the future of Westchester County and the Town of Yorktown. The goal of the Comprehensive Plan is to strategically encourage the development of affordable housing in areas where it can be economically supported.*

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County/Regional Affordable Housing Goals/Needs

32. In discussing affordable housing, Section 4.4.1.3 correctly states that, in order to meet the housing goal established in the current Westchester County Affordable Housing Allocation Plan, Yorktown has an obligation to develop an additional 298 units of affordable housing. What the text fails to state is that it is the Town's obligation to provide a realistic opportunity for the 298 units to be built by the Year 2014...i.e., within the next five years. In summary, the 2009 Plan and the SGDEIS provide absolutely no basis for an assumption that the Town even has a plan that comes close to meeting its legally required affordable housing obligation. I believe that, for this reason alone, the Plan does not meet legal requirements, and the SGDEIS has not met the "hard look" test. (Nathaniel Parish, representing the Wallack Family, Letter, 7/20/09)
33. There is no regional analysis of the affordable housing issue or inventory data as to new units planned in neighboring communities. (Mike Saltzman, Letter at Transcript, 1/12/05)
34. The Comprehensive Plan DGEIS establishes that the Proposed Action would produce housing for 2,324 fewer people and the Alternatives would provide between one thousand four hundred eight-five (1,485) to 5,458 fewer people. There is no explanation or analysis of whether with the needs of the Town and the region and whether or not it meets the *Berenson v. Town of New Castle* case. (Lawrence Praga, Letter, 1/25/05)

*Regionally, there is a shortage of affordable housing as in Yorktown. This has been created by the substantial increase in home prices and the lack of available land for new housing. Each community therefore has its own need, which has been quantified by Westchester County, as discussed in Chapter 4 of the SDGEIS and augmented by Chapter 2 of this FSDEIS. As discussed in Section 2.4.3 of this FSDEIS, the County's goal is for Yorktown to add 298 new affordable units by the end of 2015. That section also describes Yorktown's projected attainment of at least 36% of that goal by the end of 2015, and exceed that goal by 2029. The proposed Comprehensive Plan is expected to encourage additional affordable housing in the Town, and to allow the Town to meet, or to come closer to meeting, its regional goals as defined by the County – and to achieve a fair proportion of the regional needs for such multifamily housing consistent with the Berenson decision referenced in the comment. A detailed inventory is beyond the scope of a generic EIS. See the responses to Comments 1 through 6.*

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Plan and/or Zoning will Restrict Affordable Housing Options

35. Upzoning conflicts with affordable housing. (Walt Daniels, Letter, Transcript, 1/22/05, 1/11/05)
36. The Board should resist the move to upzone these residential areas so broadly and keep in mind that what makes New Rochelle the best place to live can also make Yorktown the best place to live, housing diversity and affordability. (Maura Gregory, Transcript, 6/9/09)

37. The proposed plan will severely restrict the amount of affordable housing available for entry level housing for young, elderly and handicapped but because it calls for upzoning that will effectively price these groups out of the market. (Ralph Ciuffetelli, Letter, 1/25/05; Alana Ciuffetelli, 3c Reality, Inc., Transcript 6/9/09)
38. I respectfully disagree with the Proposed Actions with regard to upzoning. The way upzoning is being discussed, there will be very restricted building on half acre and quarter acre lots in Yorktown. Yet the vast majority of the people in town currently live on lots that are less than 1 acre in size. It is very unfair to eliminate the possibility of new housing at the entry level. (Alan Weger, Transcript, 1/11/05)
39. I would urge you not to blanket upzone the entire town because blanket upzoning will affect the availability of a balance of housing. (Maura Gregory, Transcript, 1/11/05)
40. The proposed plan will severely restrict the amount and quality of affordable housing available for entry level housing for the young, elderly and handicapped because it calls for up-zoning of all vacant land to 1 acre or greater while leaving developed lots of R1-10 and R1-20 the same which is discriminatory and that will effectively price these groups out of the market plus make all of the ¼ and ½ acre vacant building lots nonconforming and frozen in time, therefore negatively impacting these existing home owners and their investment in their homes. (Ralph Ciuffetelli, Letter, 7/20/09)
41. While the Supplemental Draft Generic Environmental Impact Statement which accompanies the Plan claims that the up-zoning will have “no adverse impacts,” it will, in fact, make the cost of housing even further out of reach for many in Yorktown. (Rev. Jacob D. Dharmaraj, United Methodist Church of Shrub Oak, Letter 7/21/09)
42. Yorktown has become unaffordable to those who want to live and work here. The upzoning promotes larger homes and that is a mistake. It changes the balance of housing. If people were able to live in the community where they work, it would reduce traffic problems. Yorktown students can’t afford to come back here after they’ve gone off to school. We want to keep Yorktown a diverse community. (Eleanor Hibbin, Transcript, 1/12/05)
43. The DGEIS fails to adequately consider the upzoning impacts on housing affordability, housing stock and growth patterns, a fatal flaw under SEQRA. (Shamberg, Marwell, Letter, 1/25/05)
44. The more we keep increasing our lot sizes, the more it’s going to cost. By allowing for more housing you are letting people trade up from one house to another within Yorktown, thus freeing up the older, lower cost housing for young families. (David Steinmetz, Transcript, 1/12/05)

45. We live in a desirable place. But there is an inconsistency between our incomes and the housing prices. Upzoning will restrict availability of single-family homes. (Ken Belfer, Transcript, 1/12/05)
46. The Proposed Action to upzone numerous areas throughout Yorktown would further restrict the potential supply of housing, resulting in a negative impact on housing affordability. (Kenneth Belfer, Letter, 1/24/05)
47. Major upzoning is contrary to the Town goals of diversity in housing affordable housing and starter homes. (Raymond Arnold, Letter, 1/24/05)
48. The Comprehensive Plan DGEIS Housing and Neighborhood Quality recommendations on page S-3 are simply to upzone, i.e., to reduce build out and thereby housing opportunities. The only exception would appear to be a proposal to require residential development to provide "middle-income housing units", but, this proposal make no mention of the needs of those with lesser incomes, senior citizens and those with other special needs. (Lawrence Praga, Letter, 1/25/05)

*The issue of affordability is region-wide and the proposed changes to residential zoning regulations are not intended nor expected to exacerbate this issue. In addition, 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 responses to Comments 1 through 6, 7 through 22, 23 to 24 and Section 2.4.3 of this FSGEIS. 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 responses to Comments 1 through 6 and 7 through 22 and elsewhere in this FSGEIS, 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).*

49. I said many times before that most Yorktowners could not afford to buy their houses if they had to buy them today and I think that still continues to be the case. (Ken Belfer, Yorktown Community Housing Board, Transcript 6/9/09)

50. ...the Draft Comprehensive Plan as currently crafted lacks effective strategies for encouraging the development of new desperately needed moderate-income housing in Yorktown. (Rev. Jacob D. Dharmaraj, United Methodist Church of Shrub Oak, Letter 7/21/09)
51. ...it recommends only a very modest number of sites for multi-family housing development. (Rev. Jacob D. Dharmaraj, United Methodist Church of Shrub Oak, Letter 7/21/09)
52. The 2009 Comp Plan is in part based upon a moderate housing or affordable housing action. (Lawrence Praga, representing Wallack Family, Transcript 7/7/09)
53. Although this Plan talks about fostering affordable housing, it talks about affordable housing requirement as part of the proposal in assessing the economic impact on that type of housing it's not in the zoning ordinance that's being proposed that's purportedly being analyzed. I can't tell you frankly whether the affordable housing ordinance that's in your existing code is good or is not good. (Adam Wekstein, representing Old Hill Farm, LLC, Transcript, 7/7/09)
54. There is a section in the SGEIS that discusses affordable housing goals. This is Section 4.4.3.2 and I believe it's misleading frankly, it cites the fact that the Proposed Action would reduce construction to a total possible build out to 2,836 units and it's projected that approximately 283 units, 10 percent of the new units constructed under the Proposed Action, would be affordable. (Ken Belfer, Yorktown Community Housing Board, Transcript 6/9/09)
55. The DGEIS concedes that under existing zoning, new housing would be primarily expensive. Multifamily construction will be 5.8% of new construction, much less than the current level of multi-family. Neither the DGEIS nor the Comprehensive Plan addresses the issue. The same makes the DGEIS severely deficient. See, e.g., *Chinese Staff and Workers Assn. v. City of New York*. (Lawrence Praga, Letter, 1/25/05)
56. In the discussion of housing impacts of the proposed a Comprehensive Plan DGEIS, there is a claim that the proposed diversity than the no action alternative. Initially, even if true, if differences are so small that the claim should be disregarded. Two small areas are proposed to be rezoned for multi-family housing within the existing business face of citizen opposition? Even if it does occur, these units would be produced in the twenty (20) year plan period as against multi-family housing constituting 25% of the current housing units. Further, there is no basis detailed in the units would be constructed. (Lawrence Praga, Letter, 1/25/05)

*The Proposed Action suggests a number of measures to increase the supply of affordable housing beyond rezoning two small areas for multifamily housing. These are detailed in Policies 5-3 through 5-9 in Chapter 5 of the proposed Comprehensive Plan. Comment 56 also expresses concern that the affordable units will not actually be built. The analysis required to ensure construction of the units (e.g., a financial plan) is well beyond the scope of the GEIS; however, the Plan facilitates and encourages the development of affordable housing units. See*

*also response to Comments 1 through 6, Chapter 4 of the DSGEIS and Section 2.4.3 of this FSGEIS, which addresses more specifically the extent of affordable housing units in the Town. Several of the comments refer to specific zoning ordinances; those will be developed subsequent to the adoption of a new Comprehensive Plan and subject to appropriate public review and comment.*

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57. The Comprehensive Plan DGEIS, in Section S.4.1 on page S-7, establish (*sic*) the horizon year, (the point at which impacts are measured) at twenty (20) years which in full means that the purported nine hundred (900) units of housing reduction as a result upzoning proposals, even if accurate, will amount to forty-five (45) less units per year. This is not a justification for the stated environmental goals which is the reasons for the upzoning. (Lawrence Praga , Letter, 1/25/05)
58. It is stated that the Proposed Action would remove 893 units over the 20 years. Is this in the least significant? (Lawrence Praga, Letter, 1/25/05)
59. My guess is when you look at that most parcels are smaller and most developments will be smaller and you're probably going to get a fraction of that 283 units so to the extent that that is cited as the solution to affordability in the SGEIS I think it's very misleading. (Ken Belfer, Yorktown Community Housing Board, Transcript, 6/9/09)
60. The consensus that was reached over the Comprehensive Plan meetings regarding reducing overall buildout but retaining some diversity in housing types has been diverted by some of the alternatives proposed. Specifically, B1, B3 and B5. Will eliminating the possibilities for senior housing on Lexington Avenue, eliminating 20 units of rental housing on Garden Lane, eliminating 20 to 40 apartments over stores in hamlet centers really reduce traffic? I don't think so. Making the remaining buildout exclusionary is not good long-term planning nor does it follow sustainable development principles. (Kenneth Belfer, Letter, Transcript, 1/24/05, 1/12/05)

*The proposed Comprehensive Plan recommends a number of options for provisions of different housing types, including affordable units, which are described more fully in responses to other comments (e.g., Comments 1 through 6 and 7 through 22) and in Chapter 4 of the DSGEIS and Section 2.4.3 of this FSGEIS. A substantial number of units are anticipated, and the GEIS estimates that number, although it is not possible to project an exact number of new affordable units that will be created. The reduction of 893 units referenced in the comment is less than contemplated under the current Proposed Action. As discussed in the GEIS and this FSGEIS, the reduction in units as compared to the baseline will serve a number of purposes and help to achieve a number of goals, none of which would be likely to occur without the Proposed Action. In regard to Comment 58, see response to Comment 6.*

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61. The proposed 2% transfer tax should not be enacted in any way, shape or form as it will serve to further restrict, if not make impossible, the ability for entry-level buyers and the elderly to



purchase homes in Yorktown. This proposed Transfer Tax would only serve to further prohibit young people and the elderly from securing affordable housing. (Ralph Ciuffetelli, Letter, 1/25/05; Letter 7/20/09)

*This tax is not included in the proposed Comprehensive Plan.*

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62. The DRP is a secret mechanism to force virtually all of the Town's future obligation for low-income housing into the new PDD-Mixed use zones. (Michael Saltzman, Letter, 1/12/05)

*The Town Board decided to eliminate the DRP from its Comprehensive Plan in response to concerns over potential complications involved with implementation.*

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#### Affordable Housing Guarantees/Inclusionary Zoning Requirements

63. Section 4.3.2 of the Comprehensive Plan DGEIS consists of only addressing impacts of the existing and looming affordable housing shortage and does not contain any practical or legal manner of addressing the same. (Lawrence Praga, Letter, 1/25/05)

*The DGEIS at Chapter 4.3.2 and Section 2.4.3 of this FSGEIS describe several of the measures the Comprehensive Plan proposes to help fulfill the Town's affordable housing goals at a generic level. See responses to Comments 1 through 6 and 7 through 22.*

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64. Section 4.3.1 of the Comprehensive Plan DGEIS states that the Proposed Action would allow "some multi-family construction" in commercial districts and in mixed used PDDS. What is the basis to assume that these will become multi-family houses rather than commercial uses, which are economically more beneficial? (Lawrence Praga, Letter, 1/25/05)

*Housing is reasonably anticipated to be developed in these locations. Implementing zoning can be written in a way that makes it more advantageous to develop residential uses. Further, there is no basis for a blanket assertion that commercial uses are "more economically beneficial" than residential uses.*

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65. I was surprised not to see in the zoning plan the set aside requirement, which was in the previous Comprehensive Plan and is mentioned in the GEIS. That plan would require any development of 10 or more units to build 10 percent of them as affordable. I urge you to include that requirement again. (Claire McNeill, Transcript, 6/9/09)

*The affordable housing set aside requirement is still proposed in the Comprehensive Plan in Policy 5-4, and thus is intended to be included in the eventual implementing zoning.*

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66. Inclusionary zoning is an essential part of meeting the Comprehensive Plan goal for adequate affordable housing. We need to preserve some of the limited remaining land in the interest of making housing affordable for workers whose family incomes are under \$60,000. (Toni Downes King, Transcript, 1/12/05)
  67. There is a concern in some segments of your community about the exorbitant ownership prices and rental rates in Westchester County and Yorktown. Goals 5-D, 5-E and 5-F, relating to promoting affordable housing, were eliminated in the November 2003 draft Comprehensive Plan. In the rolling out of the details for each hamlet and district of the Town to reduce future buildout, a strong barrier to the development of diversified housing could arise. Many nearby communities have adopted inclusionary zoning with mandatory set-asides for multifamily housing. Affordable housing could be allowed by special permit; accessory apartments are also important. (Nancy Bensal, Transcript, 1/12/05)
  68. I would like to urge the Board to adopt Policy 55, require a percentage of new developments to be affordable. Also policies 58, 59, 511, 512 that allow for multifamily housing in certain areas in town. (Maura Gregory, Transcript, 1/11/05)
  69. I would urge for your consideration of Policy 5-4 says, Required that a limited portion of the units in new residential developments be set aside for middle income households. We still strongly support the affordable housing. (Ken Belfer, Yorktown Community Housing Board, Transcript, 6/9/09)
  70. Policy 5-5, which talks about setting aside affordable units in new housing developments, needs to be preserved. It should also set aside a percentage that would be accessible for people with disabilities. Policy 5-6, which talks about using in rem properties for affordable housing, is crucial. The development of multifamily housing should be focused on populations at greatest risk. (Melvyn Tanzman, Transcript, 1/12/05)
  71. There are provisions in the Town Code 300-255 ad 2nd [sic] for this action which surprises me no end because the citation to this code section is Local Law number 11 of 2005. This local law was reversed and annulled by the court in 2007 so as we stand here the Board does not have any moderate housing requirement in the code and I don't believe it's part of the environmental process. (Lawrence Praga, representing Wallack Family, Transcript 7/7/09)

*Inclusionary zoning is still proposed in the Comprehensive Plan (see Policy 5-4), and is intended to eventually be included in zoning that will implement the plan. This technique, which requires that new developments set aside a certain number of units for low to moderate income families, has been held to be an acceptable method of encouraging housing diversity and affordable housing development. New York City, for example, has inclusionary zoning*

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*provisions; the entire State of New Jersey has a court mandated affordable housing obligation, which has been further developed by that state's legislature.*

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72. We need to compensate people to build affordable housing units. Developers are in the business to get paid. There need to be provisions to ensure that affordable units remain always affordable. We need to preserve our Town's diversity. It is too expensive now for anybody. (John Kincart, Transcript, 1/12/05)

*Such a compensation plan is outside of SEQR. However, the Proposed Action contains provisions to increase the construction of affordable units in the Town. See also Section 2.4.3 of this FSGEIS and response to Comments 1 to 6.*

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73. The Comprehensive Plan recommends that housing be produced that is affordable to middle-income residents, but that term is not defined. The definition should be equated to the County's definition of affordable, which means that it is affordable for those with incomes below 80% of the County's median income. Strongly recommend consistency with the County's definition as it relates directly to funding opportunities for developers. All housing must be built and marketed in accordance with Fair Housing Laws. (Edward Burroughs, Westchester County Planning Board, Letter, 7/15/09)
74. ES3 in Executive Summary [of the Supplemental Generic Environmental Impact Statement], under Housing and Neighborhood Quality of Life, it says, "Require new residential development to provide middle income housing units pursuant to the Westchester County income guidelines for affordable housing". In the Draft Comprehensive Plan you talk about the guidelines to be established by Yorktown Community Housing Board and that still is in the draft plan and we hope you'll stick to that and we don't mind being advised in what we established by Westchester County income guidelines but we don't want them to override. (Ken Belfer, Yorktown Community Housing Board, Transcript 6/9/09)
75. The CP includes a recommendation that would require that in new developments, a certain number of units be set aside for middle-income wage earners." There is no basis in law to require a developer of real property to set aside units for "middle-income wage earners". (Lawrence Praga, Letter, 1/25/05)
76. Inasmuch as "affordable housing" is generally assumed to be for households whose income is at 80% of median or below, the result of the Plan's recommendation (for middle income housing) is that the set-aside would not serve the needs of those who require affordable housing. (Lawrence Praga, Letter, 1/25/05)

*As explained in Chapter 2 of this FSGEIS, the intent of the set-aside provision is for affordable workforce housing, consistent with County and federal definitions of affordable, which appears*

*to be the policy advocated by the commenters. 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 response to Comments 1 to 6.*

Mixed-Use/Multi-Family and Livable Communities

77. I think there are possibilities for affordable housing that would be satisfactory to the people who object. For example, the new development Shrub Oak, and the development in Katonah where they are combining residential and commerce. (Helen Bliss, Transcript, 1/12/05)
78. We strongly support the concept of mixed use, of being able to have apartments over stores, for instance and not just in Yorktown Heights but in the business centers and the other hamlets being Shrub Oak, Mohegan Lake, Crompond and I think there are a number of sites where multi-family housing is appropriate. (Ken Belfer, Yorktown Community Housing Board, Transcript, 6/9/09)
79. This could have really increased the range of housing opportunities available in Yorktown but now according to this draft of the plan I believe that only Yorktown Heights has the ability to create such mixed-use development. I would love to see all the hamlets turn into the kind of bustling walkable downtowns with the mix of single family homes and apartments that makes New Rochelle tops in the eyes of Business Week. (Maura Gregory, Transcript, 6/9/09)
80. Housing diversity is reasonably represented in the Comprehensive Plan provided that the mixed use hamlet zones are preserved and not scuttled as part of the Alternatives. The mixed use allows some reasonably affordable housing stock where they are best suited. Without at least some coverage in this regard, the large scale upzonings to 5 acre zone will create an extremely affluent community with reckless disregard to balanced housing, let alone the County Affordable Housing Plan. This is a fairly clear case of exclusionary zoning. (Jeremiah R. Dineen III, Yorktown Planning Board, Letter, 1/25/05)
81. Talking about village centers, I've heard a lot tonight about large parcels being upzoned, et cetera, and I'm wondering if possibly there some of these parcels could be considered in this plan to create like Village centers whereby you have a mix of housing of course and then those houses can be supported by small retail centers and roads and infrastructure which would keep the traffic off the main road which we so direly need to relieve of activity. (Tom Iannicari, Transcript, 6/9/09)
82. When the Comprehensive Plan was first proposed it included plan development districts in each of the hamlets. These districts were to be pedestrian friendly with mixed use development where apartments could be built over retail stores. (Maura Gregory , Transcript, 6/9/09)

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83. Mixed-use housing and small scale retail, this type of hamlet model has a lot in common with protecting the environment and open space. (Toni Downes King, Transcript, 1/12/05)
84. The County Office of senior programs and services has a campaign going on about livable communities where people can walk in village centers to stores, where they can visit their neighbors, where it's less automobile centered and I think that one of the things that upzoning will do is kind of the antithesis of that in that it won't create stability. (Melvyn Tanzman, Transcript, 6/9/09)
85. We need more neighborhoods like that [mixed use, village centers] and keep them contained off the main roads like 202 and 6. (Tom Iannicari, Transcript 6/9/09)

*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 responses to Comments 1 to 6 and Section 2.4.3 of this FSGEIS.*

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Traffic Reduction Through Affordable/Diverse Housing Provision

86. By making housing more affordable for the people who work here we can reduce traffic. People won't have to drive so far between home and work. (Maura Gregory, Transcript, 6/9/09)
87. Affordable housing in close proximity to employment can have a complementary effect. (Ken Belfer, Transcript, 1/12/05)
88. I was pleased to see that there are a number of parcels zoned for multi-family housing and for small apartments and commercial hamlet centers. These small apartments could enable single people to be able to live near their work and thus reduce traffic. (Claire McNeill, Transcript, 6/9/09)
89. I believe that people who have to travel and commute into Yorktown to work 20 or 30 miles away also create traffic and I don't particularly think having more multi-family housing here in Yorktown will create a bigger problem. (Melvyn Tanzman, Transcript, 6/9/09)

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*Comments noted.*

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90. Single family houses will generate more cars than multifamily or mixed-use dwellings in a hamlet center. (John Kincart, Transcript, 1/12/05)
91. Upzoning and the elimination of rental and smaller lot housing will not improve our traffic problems. The residents in rental and smaller lot housing are less likely to have multiple vehicles and the larger lots are more likely to have numerous vehicles and contribute further to the traffic problems. (Melvyn Tanzman, Transcript, 1/12/05)

*The hamlet centers are intended to promote mixed land uses, including single- family homes in some instances. The mixing of land uses will help mitigate traffic impacts. It is also not anticipated that residents of homes on larger lots will have more vehicles than occupants of homes on smaller lots. Regardless, fewer new dwellings would be permitted if the upzoning proposal is implemented.*

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Accessory Housing

92. Current Yorktown accessory apartment regulations prohibit inclusion of accessory apartments in new construction. Loosening of the restrictions could help young families and senior citizens find housing in town, not to mention emergency services volunteers and municipal and school district employees. Large-lot single family housing does not address the housing needs of a large segment of the population. Other policies in the Comprehensive Plan include inclusionary zoning, which has been adopted by a number of other Westchester communities, and smaller lot single-family homes near existing small-lot developments. These policies are critical for housing diversity. Also policies 5-9, 5-10, 5-12 and 5-13, which allow apartments above stores in hamlet centers, and policy 5-6, which suggests the use of town-owned in rem parcels for provision of affordable housing. Elimination of the few remaining opportunities for housing diversity would make Yorktown's zoning exclusionary and would further exacerbate the negative impacts of upzoning on affordability and housing diversity. (Kenneth Belfer, Letter, 1/24/05)
93. Two suggested revisions to accessory apartment regulations are very constructive. One would permit the owner of the house to live in the accessory apartment rather than the main part of the house. Another is to permit unconnected structures on the property such as garages to be converted into accessory apartments. The Board should also consider permitting accessory apartments for new construction. (Toni Downes King, Transcript, 1/12/05)
94. We had proposed and the Town had adopted and I don't believe it was overturned certain changes to the accessory apartment laws. I believe they're already in effect. One of changes we asked for was an exception from not being able to put an accessory apartment in a newly

constructed home for throw things, for an apartment for the elderly, for the disabled or for deed-restricted housing while you approved the first two and not the third and it was under the guise, well, that then it will be deed-restricted affordable housing all over the Town and we'll no longer have single family zones. (Ken Belfer, Yorktown Community Housing Board, Transcript, 6/9/09)

95. The other thing it says in the plan is consider allowing the owners to be able to occupy the smaller unit where there is an accessory apartment and that was another thing that you didn't adopt the last time around. (Ken Belfer, Yorktown Community Housing Board, Transcript, 6/9/09)

*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 the R1-80 or greater zones 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 Comments 1 through 6 and 7 through 22. 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 recommends that the Town allow residential uses above commercial development in all hamlet centers, not just in Yorktown Heights.*

96. Accessory apartment laws bother me. If enough people build accessory apartments in a single-family neighborhood, it becomes a multifamily neighborhood that we never planned for. We should zone the multifamily where it should be, we will have some control over it. (John Kincart, Transcript, 1/12/05)

*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.*

97. The CP recommends that the Town loosen restrictions on accessory units and work with non-profit agencies to provide low-cost ownership units. Which restrictions are to be loosened on accessory apartments and what would be the result? What non-profit agencies? How is "low-cost ownership units" defined? The DGEIS states that the above if implemented, may assist the Town in fulfilling any future affordable housing goals. (Lawrence Praga, Letter, 1/25/05)

*The changes recommends in the proposed Comprehensive Plan to the procedures for accessory apartments are listed on pages 5-5 and 5-6 of the Plan, and include the following:*

- *Consider removing the wait period requirement between construction or expansion of a home and application to permit an accessory unit;*

- *Consider allowing the homeowner to be able to occupy the smaller unit and rent out the larger unit, which would provide an option for seniors, empty nesters and other couples or individuals on limited incomes; and*
- *Review and consider loosening current restrictions on accessory units in accessory structures, such as detached garages.*

*“Low-cost ownership units” will be defined in zoning changes that implement the Comprehensive Plan. The definition will be generally compatible with the definition of affordability used by the Yorktown Community Housing Board.*

*There are no specific non-profit agencies identified in the plan, although there are many such entities that assist with the provision of affordable housing.*

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98. Given the extremely tight rental market, conceded in the DGEIS, there is no guarantee or even probability that the added accessory housing would be priced and available to meet the needs of households which require affordable housing. More likely, rents will be far higher, at or near market rate. (Lawrence Praga, Letter, 1/25/05)

*The accessory unit regulations in Yorktown limit the size of the unit, which means that it is highly unlikely that the accessory unit would have a rent approaching that of a single-family home. Even with the changes proposed in the Comprehensive Plan for accessory units (e.g., allowing the homeowner to occupy the smaller unit), the objective of providing an additional smaller — hence, more affordable — unit would be met.*

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99. Loosening of the restrictions on accessory housing units may result in an increase in impervious areas close to watercourse and wetlands. (James D. Benson, New York City Department of Environmental Protection (NYCDEP), Letter, 1/25/05)

*The provision of accessory apartments is not intended to change the single-family appearance of single-family dwellings that include such units. Thus, there is expected to be limited change in the amount of impervious coverage for dwellings that include accessory units. Further, the existing laws and regulations that govern and protect against adverse impacts from any activities in and adjacent to wetlands and watercourses will remain in full force and effect.*

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#### Legal/Procedural

100. Neither DGEIS reviewed the requirements of the Federal Fair Housing Act in the context of the proposed massive upzonings. Said upzonings constitute exclusionary and discriminatory zoning pursuant to said Act. (Lawrence Praga, Letter, 1/25/05)



101. The Comprehensive Plan would violate the Federal Fair Housing Act because, among other reasons, the massive upzoning constitutes exclusionary and discriminatory zoning that is not analyzed in the GEIS. (Lawrence Praga, Transcript, 1/12/05)

*The Equal Protection Clause of the 14th amendment of the U.S. Constitution prohibits states from denying any person within its jurisdiction the equal protection of the laws. Because of their individual characteristics, different areas of Yorktown (and the private property in those areas) have different needs for appropriate growth guidance in order to make the Town sustainable for the coming years. To the extent that these comments relate to Alternative B5, that proposed upzoning has been eliminated from the proposed Comprehensive Plan and thus the Proposed Action. The Plan does not violate the Fair Housing Act, because the upzonings proposed are neither discriminatory nor exclusionary and, in certain respects, the Plan increases the likelihood of additional affordable units as compared to the baseline conditions. See also responses to Comments 1 to 6 and Section 2.4 of this FSGEIS.*

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102. It is stated that the impacts of Alternative B-6 on the provision of affordable housing "would not have a significant impact on housing". The veracity of this statement cannot be verified, because the data makes it difficult or impossible to conclude how many housing units would be in the Comprehensive Plan for the Hunterbrook Area. How does this statement contain information, documentation or Alternatives in the Hunterbrook Rezoning DGEIS. (Lawrence Praga, Letter, 1/25/05)

*The DGEIS explains that the total buildout of the Town as a whole would not be reduced substantially by Alternative B6 compared with the Proposed Action; thus the B6 provision would not significantly impact housing. As noted in the revised Land Use Plan in Chapter 2 of the proposed Comprehensive Plan, not the entirety of all properties in the Hunterbrook area would be rezoned R1-160, depending on topography, stream corridors and access to sewer connections. Some of these properties would retain a portion of R1-40 zoning or be rezoned to R1-40 on the most developable portions while most of the properties would be upzoned to R1-160. Others will retain R1-80 reflecting the standards to which they've already been built-out. See responses to Comments 463 and 464. With this slight change, the total difference in units would be \_\_ (not 81 units shown in Table 2-29 of the GEIS). Moreover, regardless of whether the rezoning occurs, it is likely, based on market conditions, that the vast majority of the houses constructed in the Hunterbrook area will not be affordable to low and moderate income households or to others needing affordable housing. Overall, however, the Plan will increase the development of affordable units as compared to the baseline. See Section 2.4 of this FSGEIS and response to Comments 1 to 6.*

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103. I'm concerned that the alternative or "shadow" comprehensive plan is talking about eliminating many of the policies that would preserve housing diversity in Yorktown. I have not heard one resident talk against housing diversity and it would be a disservice to the will of the people of

this town if the Town Board decided to go with the alternative plan. (Melvyn Tanzman, Transcript, 1/12/05)

*There is only one Comprehensive Plan currently proposed, which supports continued and expanded housing diversity in Yorktown, as is described in the responses to other comments, including the response to Comments 1-7. See also Section 2.4 of this FSGEIS..*

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### **3.2.2 Cultural and Historic Resources**

#### Designate as Historic District/Resource

104. We propose that pursuant to Policy 6-9 on page 6-7 of the [2005] Comprehensive Plan, the Shrub Oak Park District be established as a local historic district. We definitely are historically, culturally and environmentally significant as our history makes clear. (Joseph Zaleski, Transcript, 1/12/05)

105. Shrub Park District should be designated an historic district. (Ray Zelinski, Letter, 1/20/05)

*Chapter 6 of the proposed Comprehensive Plan designates the Shrub Oak area as a potential historic district, as shown on Figure 6-1 (page 6-30). Policy 6-9 of the Plan recommends potential establishment of local historic district ordinances, which would permit the creation of such a district.*

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106. Add the Farm Pond (known as the "Skating Pond") at Hilltop Hanover Farm to the list of Scenic Resources. (Garrison R. Corwin, Yorktown Landmarks Preservation Commission, Letter, 1/13/05)

*Table 6-2 of the proposed Comprehensive Plan lists Hilltop Hanover Farm in its entirety and the Farm Pond itself as Scenic Resources.*

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107. Add Strawberry Road as a scenic road. (Michael Saltzman, Letter at Transcript, 1/12/05)

*While the Town Board appreciates the beauty of Strawberry Road, it was not added as a scenic road in the proposed Comprehensive Plan. However, the Town's Tree Preservation and Planting Program can help with the preservation of existing street trees and planting of additional trees on this and other streets.*

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St. George's Property

108. I'm here to ask a specific question about the Comprehensive Plan as it relates to the request that appeared in the initial drafts of the Comp Plan, with regard to the rezoning from residential use to commercial use of the Old Stone Church on Route 6. It seems as though when the plan progressed through its various drafts, when it became a final draft the request to re-zone that property from residential to commercial was no longer present so I wonder what precipitated that change. (John DeRosa, Transcript, 6/9/09)

*The Comprehensive Plan has evolved over time, and the currently-proposed Plan reflects the Town Board's judgment at this time. The proposed residential zoning designation for this property has been determined to be preferable to commercial zoning, because as-of-right commercial use of the property would endanger the possibility of preservation of this historic structure. As this property is only one-half acre in size, it would be difficult to develop for commercial use due to its size, as well as environmental constraints and potential traffic impacts. The property is eligible for listing on the National Register, and currently serves a cultural purpose in terms of the history of the Town, art history and national history. See also response to Comments 109 to 117.*

109. I am here to talk about the winery at St. George's...but the fact that that piece of property should rightly be zoned as commercial. I can't imagine having grown up in Yorktown that anybody in their right mind would want to live there. You're right on Route 6 and you're at the end of a commercial strip. (Arthur Haviland, Transcript, 6/9/09)
110. In the 20 years that it's [St. George's property] been empty I haven't seen anybody purchase it to live in but on the other hand we have had a number of people purchase it in the hopes of running a business out of it and I believe that, you know, if we look at history that that is where the demand is and that would be an appropriate use for it. (Arthur Haviland, Transcript, 6/9/09)
111. I too would like to express my thoughts and views that it just seems to make sense that the property is located in a commercial zone, there is a restaurant and all types of commercial establishment up and down that corridor. (John DeRosa, Transcript, 6/9/09)
112. The rezoning request seems to make sense to me, good for the community. The Town residents would be able to enjoy the property. Right now it's not really serving any real purpose. (John DeRosa, Transcript, 6/9/09)
113. Every draft of the plan that we have seen has called for a rezoning of that property [St. George's Chapel] of the commercial use. The policy statement which remains in the current proposed plan states that it should allow and adapt re-use of the St. George chapel subject to whatever historic preservation ideas you may have. So without such a rezoning this goal, a stated policy goal is meaningless. (Aaron Bock, Chamber of Commerce, Transcript, 6/9/09)

114. It [St. George's Chapel] should be recognized and treated as such and not carved out as an isolated piece of a residential property which your plan has called for. (Aaron Bock, Chamber of Commerce, Transcript, 6/9/09)
115. I would love to see this Town show what it can do in allowing the [St George's property] process to go forward. I know there are issues to be resolved and I hope that they can be done expeditiously so that this place can open so we can all benefit from it as a Town. (Martin Costello, Transcript, 6/9/09)
116. I know that the general feeling is that [the Winery at St. George] ...is a very, very beautiful place. It's a great use of the building. (Martin Costello, Transcript 6/6/09)
117. It'll [use of St. George's property] create tax base, creates jobs, creates a place for residents to go and congregate (John DeRosa, Transcript 6/9/09)

*As is often the case with comprehensive plans, recommendations and other aspects of the plan change throughout the plan preparation process. This property has been designated for residential use for some time in the comprehensive plan process. Policy 4-41 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." As noted in the response to Comment 108, 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. See also response to Comment 118.*

118. I am totally opposed to commercializing that property [St. George's property] that has, that would be a fundamental change in the Master Plan of this Town since its inception. On top of that the property would pay less taxes as a commercial property then it pays as a residential. (Ed Killeen, Transcript, 6/9/09)
119. There is no guarantee with this property that if it was zoned for this restaurant winery that it would stay that way. If that operation was to cease in six months, two years, 10 years down the road you could take the building down and you would then put up the Golden Arches. (Ed Killeen, Transcript, 6/9/09)

*Comments noted. The proposed zoning designation of this property is residential. The proposed Comprehensive Plan supports the appropriate reuse of this building, which would*

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*preserve it as an historic resource for the Town. See responses to Comments 108 and 109 to 117.*

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120. Why is commercial zoning being reconsidered today [St. George's property] when the only visible change in the prior conditions is that considerable increase in traffic along Route 6. If I recall correctly since the St. George's Chapel was placed on the open market two or three individuals have sought to re-zone the site for commercial use. In each case the zoning was denied for reasons that are as valid today as they were then including heavy traffic along Route 6 to the north and endangered wetland on the east and west boundaries of the property and insufficient parking space in between. (John Gordon, Transcript, 6/9/09)
121. I nearly got hit by a car coming out of there in one of the open nights in a driveway that didn't even know was there, came out between two parked cars. People were parked on both sides of the road. There was no way to see anyone coming out of that property, that property cannot handle the parking and now you're going to have people drinking wine, walking across Route 6 in the dark to get their cars on the other side of the road. (Ed Killeen, Transcript, 6/9/09)

*There was one development application received by the Town for this property in the past, which was denied. Currently the Town has another application for this property under the review process. As noted in response to Comments 108 and 109 to 117, this property has significant limitations pertaining to traffic conditions as well as wetlands and traffic constraints and limited size.*

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122. Make the Old Stone Church [St. George's Chapel] a visitor's center. (Judith Gordon, Letter, 1/21/05)

*Comment noted. The proposed Comprehensive Plan supports the preservation and reuse of the Chapel. It is not the intention of the proposed Comprehensive Plan to prevent the use of this property for appropriate purposes, as determined by the Town Board. However, as noted in response to Comments 108 and 109 to 117, this property has limitations due to its size, the presence of wetlands and traffic considerations, thus restricting its potential reuse options.*

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123. In the meanwhile I implore this Board to reconsider its prior decision and grant the protection of landmark status to this historic structure [St. George's Chapel] before somebody paints it white and starts selling hamburgers out of it. (John Gordon, Transcript 6/9/09)
124. Surely an enlightened and sensitive Town government can arrive at better use for the LaForge family's magnificent gift to this community. (John Gordon, Transcript, 6/9/09)

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*The Comprehensive Plan recommendation for the Chapel does not preclude its being accorded landmark or similar status. The plan in fact supports its preservation and appropriate reuse, as outlined in Policy 4-41.*

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125. Add that the architects of the St. George's Chapel were Edward Shepard Hewitt and William Bottomley. (Garrison R. Corwin, Yorktown Landmarks Preservation Commission, Letter, 1/13/05)

*Comment noted. Table 6-1 of the proposed Comprehensive Plan indicates that the Chapel was designed by Edward Hewitt and William Bottomley.*

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Other

126. Scenic and historic easements may also benefit water quality. (James D. Benson, New York City Department of Environmental Protection (NYCDEP), Letter, 1/25/05)

*The Town Board recognizes the generally symbiotic relationship between scenic and historic preservation and water quality preservation and notes NYCDEP's concurrence.*

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127. The Yorktown plan serves as an excellent example of how local municipalities in Westchester should approach topics of preservation and cultural resource preservation. (Edward Buroughs, Westchester County Planning Board, Letter, 7/15/09)

*Comment noted.*

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128. The County Planning Board appreciates the draft plan's acknowledgement and support of the African American Heritage Trail. (Edward Buroughs, Westchester County Planning Board, Letter, 7/15/09)

*Comment noted.*

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129. There should not be a requirement for a buffer zone around any old houses built before or after 1930. It is a taking without compensation. (Ralph Ciuffetelli, Letter, 1/25/05; Letter, 7/20/09)

*Woodland buffers provide necessary environmental protection in developed areas and are a valid exercise of local government police power. Requirements such as buffers and side yards are accepted zoning practices that are not considered a taking. The only buffer provision in the proposed Comprehensive Plan pertaining to single-family residences is to possibly require buffers around a historic landmark to protect the resource (see Policy 6-7).*

130. The Plan will constitute a blueprint and action plan for much of the continuing activity of the committee. (Garrison R. Corwin, Yorktown Landmarks Preservation Commission, Letter, 1/13/05)

*The Plan will create a new policy framework that reflects the goals of Yorktown with regard to growth over the next approximately twenty years in light of future statistical projections.*

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131. The address of Peter Pratts Inn is Croton Heights Road. (Garrison R. Corwin, Yorktown Landmarks Preservation Commission, Letter, 1/13/05)

*Comment noted. This address has been incorporated into Table 6-1 Scenic & Historic Preservation Resources.*

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132. The 1983 Westchester County Historic Preservation Survey is on file with the County Archive and its inclusion and analysis in the DGEIS specifically was demanded and thus required. (Mike Saltzman, Letter at Transcript, 1/12/05)

*The proposed Comprehensive Plan includes a chapter devoted to scenic and historic preservation. This chapter includes listings of historic resources in Yorktown – see Table 6-1, as well as Table H-1 in the DGEIS. The resources in these listings overlap with the Westchester County Historic Preservation Survey. Policy 6-4 of the proposed Comprehensive Plan also recommends building upon this list to complete a historic structures inventory, which should be periodically updated.*

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### **3.2.3 Environment**

#### Water Quality

133. We would support not just 100-foot stream buffers, but 150-foot stream buffers. (Leila Goldmark, Transcript, 1/12/05)

*As part of the SEQRA process, 100-foot stream buffers were studied and the Town Board has proposed this studied scenario. However, Policy 7-11 of the proposed Comprehensive Plan recommends consideration of wider buffers.*

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134. There has been increasing protection of the Hunterbrook stream in past years. Continuing development is a negative for the stream. I would strongly recommend that you consider going to five-acre zoning in the Huntersville area. (John Holland, Transcript, 1/12/05)

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*Comment noted. The proposed Comprehensive Plan recommends large lot zoning (e.g., 2, 4 and four acre minimum lot areas) in most of this area.*

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135. Conduct annual studies of siltation in Shrub Oak Brook and Mohegan Lake. (Joseph Zaleski, Letter, Transcript, 1/11/05, 1/12/05)

*Comment noted. This proposal is outside the scope of the Proposed Action and GEIS.*

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136. The reservoirs have high level of phosphorus. We know from testing that Mohegan Lake has high levels of phosphorous. (Ken Belfer, Yorktown Community Housing Board, Transcript 6/9/09)

*This comment does not appear to be directed at the Comprehensive Plan or SDGEIS. See also response to Comments 137 and 138.*

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137. The Final GEIS should: 1) demonstrate that the proposed site-specific improvements/construction and proposed zoning changes will not cause increased phosphorus loading of surface waters in the New Croton Basin; 2) identify specific Best Management Practices (BMP), with an emphasis on non-structural measures, will effectively mitigate phosphorus export from the contemplated development site. (Marc A. Yaggi, Riverkeeper, Letter, 1/25/05)

*The GEIS by its very nature is generic and thus does not go into detail regarding specific potential developments. Any site-specific development proposal will be reviewed through the mandated development review process, including SEQRA review, Phase II stormwater requirements and the Croton Plan (when finalized); any measures with respect to phosphorus loading can be incorporated into implementing ordinances and regulations. It is also anticipated that the proposed decreases in density expected as a result of the Proposed Action would reduce phosphorous loadings from new development, which would be a beneficial impact.*

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138. Identify the modified SPDES General Permit for Stormwater Discharges from MS4s and the associated Croton Watershed Phase II Phosphorous TMDL Implementation Plan as a change since the DGEIS, determine if the baseline water quality would be improved (as likely) and then compare the alternative to this modified baseline condition (Marilyn Shanahan, NYCDEP, Letter, 6/16/09)

*The change noted in the comment is contained in the proposed Plan (Policy 7-22) See also response to Comment 137. The Proposed Action would reduce density as compared to Future Baseline Conditions and lessen discharges of stormwater, and thus of phosphorous. The requested level of analysis is beyond that of a GEIS – especially when, as discussed in this*



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*GEIS and acknowledged by the comment, the Proposed Action will have beneficial water quality impacts.*

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139. The Town should include, whenever possible, the recommendations from the Draft Croton Plan. For example, the Plan could include the town's actions goals for street sweeping, catch-basin cleanouts, etc. (James D. Benson, New York City Department of Environmental Protection (NYCDEP), Letter, 1/25/05)
140. Need to integrate with Croton Plan findings and recommendations, as these would be consistent with proposed Comprehensive Plan:
- Use of FAR and other measures to encourage low impact development
  - Upzoning alone of larger lots will not necessarily achieve natural resource conservation and open space conservation; need controls over "estate" type developments with large areas of impervious surface.
  - Consider extending the Farmland Preservation District to other lands in agricultural use (Edward Burroughs, Westchester County Planning Board, Letter, 7/15/09)

*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. In addition, per NYCDEP the recommendations of the Croton Plan are not yet final (see Comment 141). It is noted that floor area ratio (FAR) requirements are recommended by the proposed Comprehensive Plan for consideration (Policy 5-1), and additional measures such as maximum building and/or coverage requirements can also be considered. See also Section 2.4 of this FSGEIS. The Farmland Preservation Overlay District is described in Table 2-17 of the proposed Comprehensive Plan. Policy 2-5 of the Plan indicates that overlay zones (including the Farmland Preservation Overlay District) should be considered for use, and that the Town should, on an ongoing basis, "study new areas where such overlay zones might provide a benefit to the environment or the community." The proposed Comprehensive Plan also designates some farms within the Town as cultural resources (see Table 6-2).*

*In regard to Comment 140, 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. See generally Section 2.4 of this FSGEIS.*

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141. The Croton Plan has not yet been finalized, and NYCDEP suggests periodic re-evaluation of that Plan when approved. (Marilyn Shanahan, NYCDEP, Letter, 6/16/09)

*Comment noted.*

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142. A section on stormwater, 4.5.2.1 and a lot of references to the Croton Plan that Mohegan Lake had on, Mohegan Lake is not in the New York City Watershed, I believe it's in the Hollowbrook Watershed and I think I know that you're mandated to do things in New York City Watershed but you should be considering doing the same things elsewhere in Town particularly where there is stormwater that feeds directly into streams or lakes. (Ken Belfer, Yorktown Community Housing Board, Transcript 6/9/09)

*Mohegan Lake is located in the Hollowbrook watershed. The Proposed Action is anticipated to help improve water quality, and would be applicable to properties in both the Croton and Hollowbrook watersheds. Yorktown follows standards consistently throughout the Town, although NYCDEP has the authority to implement different requirements for the Croton watershed.*

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143. The Croton Plan would serve as a basis for the watershed towns, not Westchester County as noted on page 4-5, to establish water quality standards and to quantify the water quality impacts of various land use decisions. (Edward Buroughs, Westchester County Planning Board, Letter, 7/15/09)

*Comment noted – see Policy 7-32 of the proposed Comprehensive Plan, which recommends ongoing cooperative efforts between Yorktown, adjacent municipalities, NYCDEP and Westchester County to regarding the Croton Plan.*

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144. The Croton Watershed Diversion Study: This study is identified in the draft GEIS, but it is not clear why it is included as potential diversion projects are not included in the zoning study area. (Edward Buroughs, Westchester County Planning Board, Letter, 7/15/09)

*The Croton Watershed Diversion Study is mentioned in the GEIS as implementation of its recommendations would have impacts on the potential capacity of the Yorktown Heights Water Pollution Control Facility, which serves the Hallock's Mill Sewer District in Yorktown.*

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145. There are some simple things that the Town can do and focus its priorities on, one being cleaning out catch basins in the spring. (Ken Belfer, Yorktown Community Housing Board , Transcript 6/9/09)

*This comment is not directed at the SGEIS. However, the Town does have a program for cleaning out catch basins.*

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146. Local Law 12 was nullified, so cannot rely on it for the implementation of USEPA Phase II regulations. (Marilyn Shanahan, NYCDEP, Letter, 6/16/09)

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*The former Local Law 12, repealed in 2005, is proposed to be re-adopted as part of the Proposed Action, subsequent to the adoption of a new Comprehensive Plan. See Policy 7-18 of the proposed Comprehensive Plan.*

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147. Consider incorporating into the Comprehensive Plan NYSDEC Better Site Design practices and principles for stormwater management. (Marilyn Shanahan, NYCDEP, Letter, 6/16/09)

*Comment noted. A recommendation will be added in the revised version of the proposed Comprehensive Plan to evaluate and consider adding the above-referenced practices and principles, to the extent they are more stringent than existing and proposed Town laws and policies. See Policy 7-22.*

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148. Need to address failure of subsurface sewage treatment systems (SSTs) not connected to the sewer and which cannot be replaced, and effect of increases in flow to the plant from such failure and from new or redevelopment projects, especially in the Yorktown Heights hamlet center. (Marilyn Shanahan, NYCDEP, Letter, 6/16/09)

*The Town's limitations with regard to wastewater treatment and issues related to subsurface sewage treatment systems (commonly referred to as septic systems) are addressed in the proposed Comprehensive Plan (see Chapter 8) and in Section 4.5 and Section 4.12 of the SGEIS. See also Section 2.4 of this FSGEIS. Improvements have been made to wastewater treatment infrastructure in the Town in recent years to address concerns of the type outlined in this comment. Furthermore, the Proposed Action will reduce development and thus reduce the potential for adverse water quality impacts arising from failures of septic systems.*

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149. Concern over allowing increased development near watercourses and wetlands without adequate buffer protections. (Marilyn Shanahan, NYCDEP, Letter, 6/16/09)

*The Proposed Action would reduce development, and thus reduce the likelihood of development near watercourses and wetlands without adequate buffer protections. In addition, most new proposed developments would be subject to review under SEQRA, which would further assure protection of these and other sensitive resources. Furthermore, there are protections in place, as well as measures proposed in the Proposed Action designed to further safeguard environmentally sensitive features in Yorktown. Particular items included in the proposed Comprehensive Plan include buffer standards (Policies 7-11 and 7-12), Conservation Overlay Zones (Table 2-19) and conservation subdivision design (Policy 7-6). Policy 7-12 in particular recommends requiring "wider wetland buffers in locations with unique natural resources." Also, Policy 7-22 recommends reducing impervious coverage requirements, which would help reduce impacts to watercourses and wetlands.*

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150. Many intersections proposed for revision are near wetlands and watercourses, and would increase impervious surface and vehicular runoff. Thus, need to provide for provisions to treat runoff before discharge into waters. (Marilyn Shanahan, NYCDEP, Letter, 6/16/09)

151. Proposal for upgrades at intersections that would result in increase in impervious surfaces or idling time at intersections should be carefully analyzed and include provision to treat runoff prior to discharge. (James D. Benson, New York City Department of Environmental Protection (NYCDEP), Letter, 1/25/05)

152. Increased roads may increase stormwater runoff. (Emmett Pepper, Transcript, 1/12/05)

*Any intersection improvements that may ultimately be implemented as a result of the Proposed Action would be required to comply with all applicable regulations pertaining to stormwater management and environmental protection and would be subject to SEQRA review. Further, Policy 3-12 of the proposed Comprehensive Plan recommends possible reduction in paved areas of roads, which would help decrease stormwater runoff.*

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153. Given the heavy development of existing nonresidential districts, existing stormwater management problems, and lack of sewage capacity; this increase presents a serious risk to water quality in the NYC and Peekskill Hollowbrook Watersheds and must be addressed. (Marc A. Yaggi, Riverkeeper, Letter, 1/25/05)

154. There is no discussion of any possible effect of the Plan on any portion of Lake Mohegan or its crucial State protected wetland outflow areas. (Mike Saltzman, Letter at Transcript, 1/12/05)

155. Never have I seen such a patently insufficient discussion of the possible impact to water quality of an entire watershed of a Proposed Action. A complete analysis of the impacts of the rezoning on the Peekskill Hollowbrook watershed is required. (Mike Saltzman, Letter at Transcript, 1/12/05)

*The SGEIS discusses the impacts of the proposed Comprehensive Plan on water quality generally throughout the Town – see page 4-5, which updates and enhances the discussion in Chapter 5 of the DGEIS. The Proposed Action's changes to zoning and other regulations are projected to result in improvements to water quality. Moreover, a detailed analysis of watersheds, as requested by the comment, is beyond the scope of a generic EIS. Any specific new developments that are proposed would need to undergo a review under SEQRA and comply with all applicable laws and regulations. Policy 7-10 recommends improved wetland mitigation to "better preserve the functions of the original wetlands, and to help restore wetlands whose functions have been compromised due to previous development activity." There have been improvements to the Town's wastewater treatment facilities as discussed in Section 2.4 of this FSGEIS, most notably the upgrading of the Yorktown Heights Water Pollution Control Facility. See also responses to Comments 146, 147 and 149.*

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156. A large increase in non-residential development is inexplicable, given the admitted infrastructure limitations and concerns for water quality in the NYC and Peekskill Hollowbrook watersheds. Given current conditions, it is hard to comprehend how the Town proposes to increase

development in the Crompond Business Center District, or consider it an appropriate area for "infill." (Marc A. Yaggi, Riverkeeper, Letter, 1/25/05)

*Any proposed increase in non-residential development is based on the projected needs and goals of Yorktown. The Proposed Action and some of the alternatives provide a policy framework for these goals. The SDGEIS discusses the limitations on development due to constraints in infrastructure. Moreover, the YHWPCF has been upgraded since these comments, which will result in an improvement in water quality in the New York City watershed. In addition, Crompond is located in the Peekskill Sewer District, and if connections are subsequently allowed to the Peekskill Sewage Treatment Plant (see Section 2.4 of this FSGEIS), more intensive development in Crompond would be particularly appropriate. In addition, to the extent new developments could not connect to the YHWCPF or the Peekskill plant, they would be required to meet Westchester County Department of Health regulations. It should be noted that SEQRA does not require that the most environmentally protective alternative be implemented, but rather, requires a balancing of various relevant considerations, including environmental factors.*

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157. We propose that all further developments in the Shrub Oak area north of East Main Street, Old Yorktown Road and Route 132, south of the Putnam County border, east of the Mohegan Lake border and west of the Taconic Parkway, be prohibited until a thorough long-range environmental impact study of this area is conducted, discussed and finalized. We are on the verge of a hydrological catastrophe. (Mike Zaleski, Transcript, 1/12/05)

*The requested moratorium is outside the scope of the Proposed Action and the SEQRA process. There was already a Townwide moratorium on development imposed in 2001 which applied to all development projects that exceeded certain thresholds, such as residential subdivisions of three or more lots (see Section 2.1.3 of the DGEIS for more information). The Proposed Action contemplates a reduction in residential density in Shrub Oak and elsewhere, which would serve to reduce impacts to groundwater and water quality. See Section 2.4 of this FSGEIS. SEQRA does not require that the most protective means possible be studied and enacted, just what is reasonable within the framework of existing circumstances.*

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158. We suggest that consideration be given to the net potential horse population that could exist. Property owners permitted to have a horse population above a certain density should be required to develop a plan to identify and mitigate potential water quality impacts from the keeping of horses and to outline the use of appropriate agricultural best management practices. (Edward Burroughs, Westchester County Planning Board, Letter, 7/15/09)

*The Town Code has strict limitations on the numbers of horses that can be kept on a property. However, the proposed Comprehensive Plan does include recommendations for improving water quality. Individual development proposals also will be subject to SEQRA review in most*

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*instances, at which time issues such as those raised in the comment can be addressed. The requested level of analysis is beyond the scope of a townwide GEIS*

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Forest Management

159. Add a specific section on forestry or forestry management, timber harvest and tree thinning. (Michael Saviola, Letter, 1/25/05)
160. Community forest management is essential and should be emphasized in the plan. (Ron Buehl, Transcript, 1/11/05)

*The proposed Comprehensive Plan discusses forest management issues. In particular, Policy 7-14 of the Plan recommends strengthening the Town's anti-clear cutting regulation and Policy 7-17 supports sound forest management.*

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161. The Comprehensive Plan and subsequent regulations will hamper our and other landowners' ability to conduct certain forest management and therapeutic tree cutting activities. I am concerned that strict tree cutting and subdivision regulations will be applied to the sustainable forest management activities we practice on our property. (Barbara Wilkens Pratt, Wilkens Fruit & Fir Farm, Transcript, 1/11/05)
162. Stricter tree removal regulations in the wetland buffer may unreasonably restrict an owner's ability to conduct sound forest management. (Michael Saviola, Letter, 1/25/05)

*This concern could be raised if, in the future, the Town considers changing the tree removal regulations. At this point, the GEIS only discussed reasonably anticipated environmental impacts associated with the Proposed Action.*

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163. Allowing for forest management that produces both positive and ecological and economic returns for the owners is the best way to protect forestland from mismanagement, fragmentation, parcelization and conversion (i.e. commercial and residential use). (Michael Saviola, Watershed Agricultural Council (WAC), Letter, 1/25/05)

*These comments relate to the specific application of regulations not directly addressed in the proposed Comprehensive Plan. This issue would likely be addressed at such time as the Town Board adopts new tree cutting, forest management, and/or subdivision regulations.*

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164. We request that the Town submit the Draft Comprehensive Plan to the New York State DEC to review and comment on how the plan may affect future forest activities. (Barbara Wilkens Pratt, Wilkens Fruit & Fir Farm, Transcript, 1/11/05)

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165. Send Comp Plan to DEC per new State Law on Forestry Management. (Michael Saviola, Watershed Agricultural Council (WAC), Letter, 1/25/05)

*The DGEIS, FGEIS and DSGEIS were all provided to NYSDEC pursuant to SEQRA. Moreover, § 3-0301.5 of the Environmental Conservation Law, referenced in the comments, empowers the NYSDEC to “comment upon proposed local laws or ordinances that may restrict the practice of forestry.” The Proposed Action does not include a local law or an ordinance relating to forest management.*

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166. Each application for forest management should be administered on a case-by-case basis and reviewed given the landowners ability to achieve desired economic and/or ecological objectives. (Michael Saviola, Letter, 1/25/05)

*The suggestions contained in this comment are outside the scope of the Proposed Action and GEIS. The proposed Comprehensive Plan does not set forth the procedures for forest management techniques.*

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167. Riverkeeper is pleased that the Town will consider strengthening its existing anti-clear cutting regulation, as contemplated in Policy 7-14. (Marc A. Yaggi, Riverkeeper, Letter, 1/25/05)

*Comment noted. See also Response to Comments 159 and 160.*

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#### Agricultural Preservation

168. We request that the current R-2 language concerning farming be added to the CHC zone. The language includes farms, farm uses, customary farm occupations, plant and tree nurseries and greenhouses. (Donald Woodard, Transcript, 1/11/05)

*The CHC, or Commercial Hamlet Center, district is implemented in the zoning through the C-2 and C-2R Zones. These zones are very limited in area and are located in built-up hamlet commercial centers. These locations are not appropriate for the farm uses referenced in the comment.*

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169. Agricultural District laws create opportunities to preserve farming. (Barbara Wilkens Pratt, Wilkens Fruit & Fir Farm, Letter, Transcript, 1/11/05, 1/11/05)

*The Agricultural District laws are beyond the scope of the Proposed Action and GEIS. It is noted, however, that if a landowner wishes to become part of the Westchester Agricultural*

*District, they may apply by formal application to the Westchester County Board of Legislators each year between February 1 and March 2.*

*The New York State Department of Agriculture and Markets protects farmers in Agricultural Districts from unreasonably restrictive local laws. Where a proposed local law would unreasonably restrict farming practice in an Agricultural District, Department staff (and legal staff) review both existing and proposed laws to determine if they are compatible with farm operations. Then, in cases where a local law is determined to be unreasonable, Department staff work with the involved local government to develop mutually accepted modifications. If a local government is unwilling to modify a restrictive law, the Department is authorized to take action to compel compliance with the Agricultural Districts Law.*

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170. Our goal is to preserve our agricultural farmland and therefore open space; and we have been successful for the most part so far. However, your planned up-zoning does nothing to preserve agriculture and does plenty to destroy it...there is certainly a “disincentive” to continue the farm operation. We would like to farm our land AND preserve its value. (Barbara Wilkens Pratt, Letter, 7/19/09)
171. Upzoning in the Farmland Preservation District creates a disincentive to farm. (Barbara Wilkens Pratt, Wilkens Fruit & Fir Farm, Letter, 1/11/05; Transcript, 1/11/05)
172. The farmland preservation district does little to preserve the farms. It does nothing for the farmers themselves. A working farm requires a certain amount of acreage to be viable. Buffers are needed around a real working farm. (Barbara Wilkens Pratt, Transcript, 1/11/05)

*The intention of the Farmland Preservation Overlay District is 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. Buffers needed would presumably exist within the farm area. However, larger lots in the vicinity of farms created in accordance with the proposed zoning amendments would have sizable yard areas, which would enhance the buffer areas on farm properties.*

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173. With upzoning, farmers live in constant fear that their property will have less and less value, and there is a disincentive to continue with the farm operation. Upzoning drives the prices of surrounding real estate up, making it impossible for would-be farmers to purchase or lease additional land to farm. The proposed upzoning plan is painting the entire town with far too broad a brush. Most of the remaining farm parcels in our town are clearly distinguishable from the rest of the parcels involved in this upzoning. (Barbara Wilkens Pratt, Transcript, 1/11/05)



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*If upzoning makes the cost of acquiring neighboring property more expensive, as asserted in the comment, it does not preclude a landowner from using land for farms. See also the response to Comments 170 to 172. As noted above, requiring larger lots in the area lessens the need for buffers because of lower density and less proximity to houses, and the Farmland Preservation Overlay District is intended to work in tandem with underlying zoning regulations to help promote farmland conservation. Further, it is not a given that upzoning will increase real estate prices; the concern is that it drives up the value of farmland, thereby encouraging farmers to sell their property for development rather than to continue agricultural operations.*

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### Open Space

174. Yorktown is Yorktown because of open space—let's keep it that way. Board should talk about increasing the quality of life in Yorktown. (Jane Daniels, Transcript, 1/11/05)

*Comment noted. The Proposed Action is intended to improve quality of life in Yorktown, and the proposed Comprehensive Plan includes numerous provisions intended to preserve open space (see Policies 7-1 to 7-4 and Chapter 9).*

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175. Need to put an envelope of open space around the hamlet centers and around the Planned Development Districts. (Walter Daniels, Transcript, 1/11/05)

*The proposed Comprehensive Plan recommends a balance of land uses throughout the Town, along with open space in certain locations. These vary in different locations due to specific circumstances in each area. See also response to Comment 174.*

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176. I have a very reasonable proposal of five lots on my property, you know, the balance of the land I would like to see preserved. I would like to see a wildlife corridor created. (John Kincart, Transcript 6/9/09)

177. I'm contiguous to the Grange Fair it can connect to the Grange Fair and it can connect to 30 plus acres in Hanover East and can connect to the Hilltop Farm. We can go all the way down to the reservoir if we all work together, that's the thing you should be trying to do. (John Kincart, Transcript 6/9/09)

*The proposed Comprehensive Plan supports preservation of open space. See Policies 7-1 to 7-4, and Chapter 9. A greenway is proposed in the Hunterbrook area – see Policy 9-3. Environmentally sensitive areas (wetlands, watercourses, etc.) and their buffers, all of which are protected and enhanced by the Proposed Action, provide de facto wildlife corridors as well.*

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178. We envision the linking of our parks and preserves both public and private, through the development of a new trails systems and careful planning of open space preservation. (John Schroeder, Yorktown Land Trust, Letter, 1/25/05)

*It is a goal of the Comprehensive Plan to encourage the development of recreational resources through the extension of the trail systems and open space preservation initiatives.*

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179. Figure 6-2 [of the 2005 Comprehensive Plan] should be updated to reflect public ownership of lands and those lands which are being [kept] undeveloped for protecting open space. (Tim Miller Associates, Letter, 1/25/05)

*Identifying ownership of each parcel is outside the scope of the Proposed Action and GEIS. The purpose of this process is to study potential town-wide environmental impacts from the proposed implementation of the Proposed Action. It should be noted that Figure 6-2 referenced in the comment is a historic and scenic resource plan that does identify protected open space, whether public or private.*

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180. Add information on monitoring easements and open space. (Walt Daniels, Letter, 1/22/05)

181. Ongoing monitoring and stewardship needed for open space. (Walter Daniels, Transcript, 1/11/05)

*Comments noted. Easement enforcement is outside the scope of the Proposed Action and SEQRA. The purpose of this process is to study potential town-wide environmental impacts from implementation of the Proposed Action.*

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182. Direct the Town/Planning Board to suggest applicants appear before the Advisory Committee for Open Space (ACOS) in the pre-preliminary stages of application to explore conservation techniques. (Walt Daniels, Letter, Transcript, 1/22/05, 1/11/05)

183. Language should be included that will direct the Town Board to require applicants to appear before the ACOS in the pre-preliminary stages of application to explore land conservation techniques. (Ed Killeen, Advisory Committee for Open Space, Letter, 1/25/05)

*This suggestion is beyond the scope of the SEQRA process. However, the Town Board will consider this suggestion as it enacts implementation statutes.*

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184. Concepts and language should be included to ensure the development of programs to facilitate donations of open space as well as promote tax and other incentives. (Ed Killeen, Advisory Committee for Open Space, Letter, 1/25/05)

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185. The remarks about the open space acquisition program need to be fleshed out more in the plan. Need stronger language of a commitment to funding open space purchases. The need for funding for the DRP [Density Reduction Program] is likely to completely rob the open space funding. (Walter Daniels, Transcript, 1/11/05)
186. The Plan talks a little about open space funding but it has no suggestions with any teeth. Worse yet, it proposes using whatever open space funds exist to fund the DRP. (Walt Daniels, Letter, Transcript, 1/22/05, 1/11/05)
187. Need more language about programs that encourage donation of land or tax incentives. (Walter Daniels, Transcript, 1/11/05)

*The specific language and methods are outside the scope of the GEIS. However, the Town Board notes these Comments and anticipates providing appropriate avenues and incentives for the implementation of open space conservation. The Density Reduction Program, which would have allowed for the transfer of development rights from one property to another in accordance with certain criteria, is no longer included in the Proposed Action.*

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188. Alternative B-3, Planned Development District (PDD). It is not clear where open space fits into it. (Walter Daniels, Transcript, 1/11/05)

*Under Alternative B3, the PDDs (actually Planned Designed District Overlays, as described in Table 2-18 of the proposed Comprehensive Plan) would be deleted, which, as discussed in Section 14.6 of the GEIS, would diminish the possibilities for open space in these areas by removing the requirement that developers set aside those lands for open space. Certain PDDs are still included in the Proposed Action, and the proposed language for these districts promotes preservation of open space.*

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189. No development until a long-term EIS for Shrub Oak. (Joseph Zaleski, Letter, Transcript, 1/11/05, 1/12/05)

*This GEIS process included Shrub Oak and the potential impacts of the Proposed Action on that area.*

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#### Conservation Subdivision/Overlay & Clustering

190. Strongly recommend that the Town Board or a Town Agency have authority to adopt and require Conservation Subdivision Design standards on all future development proposals. (Ed Killeen, Advisory Committee for Open Space, Letter, 1/25/05)

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191. The Town needs to have the authority to adopt and require conservation subdivision design under some specified set of circumstances. Exactly what is meant by conservation subdivision design? (Walter Daniels, Transcript, 1/11/05)

*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.*

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192. Conservation Subdivision is an absolute requirement to conserve open space. (Reena Lieber, Conservation Board (CB), Letter, 1/25/05)

193. The extensive use of Conservation subdivisions is probably the most effective tool from a planning perspective. The Conservation subdivision regulations need to be reviewed and modified to work effectively (and be required in many circumstances). (Jeremiah R. Dineen III, Yorktown Planning Board, Letter, 1/25/05)

*Conservation subdivision 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. See response to Comments 190-191.*

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194. Set-up Conservation Overlay Zones and enforce Conservation Subdivision Design in these overlay areas. (Walt Daniels, Letter, Transcript, 1/22/05, 1/11/05)

195. Development and conservation of land should be based upon consideration of the carrying capacity of the site and the inclusion of CSD is an absolute requirement if the Town Board is serious about conservation of open space and upzoning. (Reena Lieber, Conservation Board (CB), Letter, 1/25/05)

*The Proposed Action includes Conservation Overlay Zones (COZs) in various locations in the Town. See response to Comments 190-191. As noted in Table 2-19 of the proposed Comprehensive Plan, conservation subdivision techniques are proposed to be required within two Conservation Overlay Zones, the Flood Zone and the Biodiversity/Critical Habitat Zone.*

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196. Under typical land uses in the Conservation Overlay zones, [the Comprehensive Plan] neglects the schools and places of worship problem as well as the governmental exemptions; nor does it omit McMansions. (James E. Morgan, Galvin & Morgan, Letter, 1/25/05)

*The Conservation Overlay Zones included in the Proposed Action is intended to protect natural resources in particularly sensitive areas. The Overlays would be placed where significant open space still exists, or in places where there are extreme sensitivities. See response to Comments 190-191. In such cases, development would be strictly curtailed. The zoning designation is not intended to address governmental exemptions (which would apply to any zoning district) or issues of places of worship and school construction. Those issues would be dealt with as necessary in the event that Conservation Overlay Zones are adopted and there are specific proposals in such areas. See also the response to Comment 587.*

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197. Upzoning with Conservation Subdivision Design is at conflict with the bio-diversity study. (Walt Daniels, Letter, 1/22/05; Transcript, 1/11/05)

*It is not clear from the comment what the alleged conflict is, although it may be that the biodiversity study recommended utilizing clustering subdivision regulations without upzoning to promote the viability of biodiversity in selected open space areas. A reduction in density (upzoning) with the use of conservation subdivision OR clustering would achieve the intended effects of the biodiversity study. However, clustering in Yorktown is not mandated and upzoning will reduce the impacts if a conventional subdivision is developed on a parcel. The proposed Plan acknowledges and supports the biodiversity study.*

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198. Why are the environmental impacts of the conservation zones not within the scope of the SEQRA review? (Michael Saltzman, Letter at Transcript, 1/12/05)

*Conservation Overlay Zones were previously considered as a policy measure with regard to the generic-level open space assessment. Thus, the impacts of such a measure were considered in the DGEIS; they would be the preservation of environmentally sensitive areas (see Table 2-19 of the proposed Comprehensive Plan). In addition, the impacts of future development proposals would trigger site-specific SEQRA reviews, where the effects of a particular project can be considered individually.*

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199. Clustering is a good alternative to upzoning. We need to incorporate regulations to maintain the natural character of the area as opposed to a fixed number of acres. (Francesca Samsel, Transcript, 1/12/05)

*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,*

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*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 applying clustering. The Proposed Action seeks to accomplish that goal by the upzonings and other means. See Section 2.4 of this FSGEIS.*

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200. Replace the current clustering law with one that results in clustering as the preferred option combined with the preservation of open space. (Walt Daniels, Letter, Transcript, 1/22/05, 1/11/05)

*Comment noted. See response to Comment 199.*

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#### Funding/Incentives

201. Provide the Advisory Committee on Open Space (ACOS) with tools it needs to support the Town's effort. (John Schroeder, Yorktown Land Trust, Letter, 1/22/05)
202. Language should be included to ensure that resources and funding will be made available to effectively monitor and steward conserved lands. (Ed Killeen, Advisory Committee for Open Space (ACOS), Letter, 1/25/05)

*Determining and allocating tools and funding for the Advisory Committee on Open Space is beyond the scope of the Proposed Action and GEIS.*

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203. The Town should increase the budget of the Conservation Board to protect the environment. (Carl S. Hoegler, Letter, 1/12/05)
204. A law is only as good as its enforcement, and that's crippling this town. We should finance the conservation board more because they do need help. (Carl Hoegler, Transcript, 1/12/05)
205. Support ACOS by providing a realistic annual operating budget. (Reena Lieber, Conservation Board (CB), Letter, 1/25/05)

*Budgetary decisions of the Town Board are beyond the scope of the Proposed Action and GEIS.*

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206. Mention the Yorktown Land Trust (and its successors) as a party to easement monitoring or even holding title to open space. (Walt Daniels, Letter, Transcript, 1/22/05, 1/11/05)

*Such legal arrangements are beyond the scope of the Proposed Action and GEIS.*

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207. CCE urges the Town to support legislation that would allow all municipalities in the state to establish a Community Preservation Fund. It's a program whereby landowners can sell their land or development rights to the Town at fair market value, funded by a 2% real estate transfer tax that would affect buyers of houses over the median housing cost for each town. (Emmett Pepper, Transcript, 1/12/05)
208. Need to have a permanent open space fund. (Paul Moskowitz, Transcript, 1/11/05)
209. Hire an individual to seek more funds from NYC to purchase fragile land. (Carl S. Hoegler, Letter, 1/12/05)

*Comments noted. Such legal arrangements are beyond the scope of the Proposed Action and GEIS and/or are not proposed as part of the Comprehensive Plan.*

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#### Air Quality

210. A quantitative air analysis is not presented in the DGEIS. Should include a discussion of air quality analyses conducted and the technical data to support this conclusion. (James D. Benson, New York City Department of Environmental Protection (NYCDEP), Letter, 1/25/05)

*There is no reason to conduct quantitative air quality analyses because the Proposed Action is not expected to have a measurable adverse impact on air quality. See the discussion in Chapter 8 of the GEIS. To the extent that the Proposed Action would reduce density and development, and thus reduce traffic, impacts to air quality would be beneficial. Furthermore, any site-specific proposals that have the potential for significant impacts on air quality – or other environmental media – would be subjected to an individual review under SEQRA.*

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#### Sensitivity to Natural Resources

211. When the Villas on the Lake and Old Yorktown Village and new chalets were built on Mohegan Lake, I would like to wish there was a lot less density built right up to the lake. (Ken Belfer, Yorktown Community Housing Board, Transcript, 6/9/09)

*This comment does not appear to be directed to the GEIS. However, it should be noted that the Proposed Action proposes a Conservation Overlay Zone for lake communities in the Town. As noted in Table 2-19 of the proposed Comprehensive Plan, this overlay zone is intended to enhance protection of natural resources like Mohegan Lake.*

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212. Several of the proposed more densely developed areas such as Crompond and Yorktown Heights are near watercourses and wetlands. (James D. Benson, New York City Department of Environmental Protection (NYCDEP), Letter, 1/25/05)

*Environmental and water quality conservation are two important goals of the Proposed Action. Commercial development is also a goal, to enhance the Town's tax base. The proposed Comprehensive Plan seeks to strike a reasonable balance between these (and other) somewhat competing goals. Based on current and future scenarios, these areas were considered appropriate for more dense development as they are already well served by infrastructure. In addition, Crompond, Jefferson Valley and Shrub Oak are located along main roads and close to the Taconic State Parkway, while Mohegan Lake and Yorktown Heights are served by main roads and have historically been commercial hubs. The Proposed Action also includes, and the Town already has, a variety of provisions that would protect wetlands and watercourses from significant adverse impacts from development. In the proposed Comprehensive Plan, examples include Policy 7-10 (recommends improved wetland mitigation) and Table 2-19 (conservation subdivision techniques are proposed to be required within two Conservation Overlay Zones, the Flood Zone and the Biodiversity/Critical Habitat Zone). The Proposed Action would reduce development in outlying areas outside of hamlet centers as compared to the existing zoning and planning. The upzoning proposals would reduce the extent of impervious surfaces, and thus reduce stormwater runoff and prevent degradation of water quality (e.g., see Section 2.4 of this FSGEIS). Furthermore, stormwater runoff from individual houses is generally sheet flow from the house roofs, driveways or other impervious surface. This stormwater runoff generally either recharges the groundwater or flows through grassed or other areas that will remove contaminants prior to the stormwater potentially entering a watercourse. Stormwater runoff in more densely developed areas often needs to be piped and/or treated, as there is less pervious area in which it can be naturally treated or recharge the groundwater. That is one reason that the Proposed Action focuses most multifamily development on already-developed areas. Furthermore, any site-specific proposals that have the potential for significant impacts on water quality or watercourses – or other environmental media – would be subjected to an individual review under SEQRA.*

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213. Supports Policy 7-7, which suggests exclusion of wetlands, steep slopes, and other natural features for conventional development. Eliminating sensitive environmental features from the lot count formula will result in reduced development proposals and encourage true conservation designs. Urges the Town to amend the density yield formula so it will eliminate 100% of these unbuildable features so that it will more accurately reflect the total acreage that can handle the full range of impacts. (James D. Benson, New York City Department of Environmental Protection (NYCDEP), Letter, 1/25/05)

*Comment noted. These elements are considered in the Town's existing subdivision regulations, and are taken into account in applications for cluster development. Development proposals must be able to show that the proposed development yield prior to clustering accounts for environmental constraints.*

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214. Suburban sprawl was one of the central precepts of the court's decision that this Board did not look at that and what its real environmental impact was. There is virtually nothing in the EIS on that, that should be a major focus of this. (Adam Wekstein, representing Old Hill Farm, LLC, Transcript, 6/9/09)
215. You haven't analyzed the impacts of suburban sprawl, that was a central characteristic of the opinion which invalidated the zoning and the Comprehensive Plan. You have to look at the associated issues, what does this sprawl do as to the amount of impervious surface, your ability to manage storm water, the number of school children, the traffic on the road, the fiscal resources, how much more infrastructure do you have to add if the housing is spread out as opposed to multi-family income compact. What does it do to energy consumption when you have single family as opposed to multi-family. Single family that's spread out, what does it do to the economic development of Town, how does it affect the habitat. Does it fragment the habitat? None of this is addressed. (Adam Wekstein, representing Old Hill Farm, LLC , Transcript, 7/7/09)
216. If you think suburban sprawl just because you're having larger lot development is protecting the environment, it's not. It may be counter-intuitive to say we're going to put more density where density currently exists but that's what the smart growth motto is about. (Ken Belfer, Yorktown Community Housing Board, Transcript, 6/9/09)

*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, and not the type of suburban sprawl indicated in the comment. 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.*

*In particular, as discussed in Section 2.4 of this FSGEIS,, the Proposed Action would reduce impacts that are often associated with suburban sprawl as compared to the existing zoning and planning. The proposed upzonings would reduce the extent of impervious surfaces, and thus reduce stormwater runoff and prevent degradation of water quality as compared to the No Action Alternative. Furthermore, stormwater runoff from individual houses is generally sheet flow from house roofs, driveways and other impervious surfaces. This stormwater runoff generally either recharges the groundwater or flows through grassed or other areas that will remove*

contaminants prior to the stormwater potentially entering a wetland or watercourse. Stormwater runoff in more densely developed areas – such as the hamlet areas – often needs to be piped or treated, as there is less pervious area in which it can recharge the groundwater or be naturally treated. That is one reason that the Proposed Action focuses most multifamily development on certain already-developed areas that have the infrastructure to accommodate such development.

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 development that would be allowed by the Proposed Action would not necessitate major infrastructure improvements; for those locations of the Town where there are larger undeveloped areas, and infrastructure is needed, the same basic infrastructure would be needed whether the housing is individual or multifamily. Energy use is not expected to differ materially between single family and multiple family dwellings, as energy use is determined in large measure by population and not housing type. 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.

Overall, the Proposed Action will reduce impacts typically associated with suburban sprawl and in fact reduce the potential for such sprawl by employing smart growth principles.

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217. The results of Alternatives B1 and B3 would be the elimination of mixed use, while favoring suburban sprawl over smart growth. (Kenneth Belfer, Letter, 1/24/05)

*Comment noted. The Proposed Action includes elements from most of the Alternatives discussed in the GEIS. The Town Board, after considering the environmental impacts and other relevant factors, will select an Action that presents, in its judgment, an appropriate balance of providing for future growth while conserving valuable environmental resources and responding to concerns of the community. See response to Comments 213-216.*

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218. Establish growth boundaries to ensure that hamlets do not sprawl. (Reena Lieber, Conservation Board (CB), Letter, 1/25/05)

*The zoning districts indicated in the Proposed Action serve as boundaries for the hamlet centers.*

219. Generally, the Riverkeeper supports the environmentally protective policies put forth in the Draft Comprehensive Plan particularly those that promote ordinances and enforcement, and upzoning throughout the Town. (Marc A. Yaggi, Riverkeeper, Letter, 1/25/05)

*Comment noted.*

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220. Alternative B-5 would double the minimum lot size in RL-20 zones from 20,000 SF to 40,000 SF (essentially from half-acre to one acre). Even without inclusion of the DRP, upzoning alone would achieve almost a 1,000-unit reduction over the Proposed Action, projecting 1,904 units at the 20-year projected buildout. Given existing development pressures, existing water quality degradation, and the current lack of infrastructure to adequately handle additional sewerage, Riverkeeper supports adoption of this more environmentally protective Alternative. (Marc A. Yaggi, Riverkeeper, Letter, 1/25/05)

*Comment noted. Although Alternative B5 is no longer part of the Proposed Action, for the reasons noted in Section 2.4 of this FGEIS, the Town Board, after considering the environmental impacts and other relevant factors, will select a Final Action that presents, in its judgment, an appropriate balance of providing for future growth while conserving valuable environmental resources and responding to concerns of the community.*

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221. It seems unfairly restrictive to apply environmental policies limiting development yield to properties which are already being upzoned because of alleged environmental sensitivities. (Tim Miller, Letter, 1/25/05)
222. Achievement of biodiversity objectives do not require a wholesale upzoning of residential areas. (Nathaniel Parish, representing the Wallack Family, Letter, 7/20/09)

*The Proposed Action's zoning changes, which would result in density reductions in some areas, address a variety of objectives, as detailed in Section 2.4 of this FSGEIS. These objectives include the reduction of density and the protection of certain environmental features, as well as consideration of the adequacy of infrastructure. The protection of certain sensitive environmental features such as wetlands and waterbodies needs to be ensured on all properties, including those that are proposed to be upzoned. The presence of sensitive environmental features, unlike upzoning, does not limit density. See also response to Comment 197. To the extent that the comments refer to Alternative B5, that option is no longer part of the Proposed Action.*

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223. The Town should consider prohibiting the use of any de-icing materials with phosphorous concentrations over 100 parts per million. DEP is willing to test existing stockpile of de-icing

materials for use in the watershed. (James D. Benson, New York City Department of Environmental Protection (NYCDEP), Letter, 1/25/05)

224. Riverkeeper supports Policy 7-30, which recommends consideration of alternative de-icing practices to reduce water quality impacts. We support exploration of chemical alternatives, such as calcium magnesium acetate and potassium acetate, and establishing districts requiring reduced road salt and sand application – we suggest these reduced rates standards apply throughout the NYC watershed portion of Yorktown if not the entire Town. (Marc A. Yaggi, Riverkeeper, Letter, 1/25/05)
225. Winter road maintenance is very good. We know your supervisor has already come up with a very innovative way to reduce salt use and we hope you will develop that into a more standardized program. (Leila Goldmark, Transcript, 1/12/05)

*The Proposed Action preserves the policy recommending de-icing alternatives. At the time the Town Board reexamines road maintenance, it will consider the options for standardizing a salt-reduced maintenance program.*

226. We support integrated pest management (IPM) and would support making an IPM program part of subdivision approval. (Leila Goldmark, Transcript, 1/12/05)
227. While the Town plans to implement the IPM program on Town-owned facilities, we suggest, in addition, compliance with the IPM program be made a condition for future subdivision site approvals as a means of protecting additional sensitive areas. And, an IPM program should be mandatory in all Conservation Overlay Zones (COZs) and parks. (Marc A. Yaggi, Riverkeeper, Letter, 1/25/05)

*Comments noted. Policy 7-28 of the proposed Comprehensive Plan recommends techniques for limiting the use of pesticides and herbicides throughout the Town, and Policy 7-29 reads “Develop an Integrated Pest Management program for all Town properties, including parks, and encourage the school districts and private property owners to follow suit.” Formal integration of this program has not been analyzed in the GEIS, but its implementation can be considered in the event future amendments to the Town Code are proposed in order to implement such a program. Further, the reviewing agency for new development can, if warranted, consider the implementation of such a plan as a condition of approval.*

228. Concerned Citizens for the Environment appreciates the consideration given to the green building standards in the plan and urges the Town to require LEED certification for all of its buildings and to encourage the same of any new developments in Town. (Emmett Pepper, Transcript, 1/12/05)

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229. The Comprehensive Plan urges that proposed large commercial and residential buildings be designed to incorporate green, or sustainable building methods and technologies. Such efforts would promote new buildings that are environmentally responsible, profitable and healthy places to live and work. (Edward Buroughs, Westchester County Planning Board, Letter, 7/15/09)

*Policy 7-9 of the proposed 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.*

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230. I would like to thank Yorktown for joining 10 other municipalities in Westchester County and purchasing almost 10 percent of their energy from clean, renewable sources. We urge Yorktown to continue this trend and go toward 25 percent wind and solar. (Emmett Pepper, Transcript, 1/12/05)

*Comment noted.*

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231. Include a tree ordinance. (Bob Giordano, Letter, Undated)

*The Town Board is currently considering the adoption of a tree ordinance, which would be consistent with the proposed Comprehensive Plan (Policy 7-14, in particular).*

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232. Apply to become a Tree City. (Bob Giordano, Letter, Undated)

*As noted in the 2005 Findings Statement, the Town Board recommended that the Town apply for Tree City USA designation based on the comments made in this process. This recommendation is reflected in Policy 6-21 of the proposed Comprehensive Plan.*

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### Infrastructure

233. The Town could create a tax credit incentive program for septic pump-outs which also reduces the financial burden for those who are without sewers and support a sewer district. Also septic pumpout data could provide information on water quality. (Carl S. Hoegler, Letter, 1/12/05)
234. I suggest you facilitate the proposed septic pump-out program with an incentive system. Credit the tax bill with a fee which would offset their taxes if they show evidence of consecutive clean-outs. (Carl Hoegler, Letter, 1/12/05)

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*Examining any tax credit program is outside the scope of the Proposed Action and GEIS.*

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235. The DGEIS should identify areas with currently failing septic systems and present a sewerage plan that provides additional capacity which can be accommodated to achieve policy 8-11. (Marc A. Yaggi, Riverkeeper, Letter, 1/25/05)
236. There is no analysis of existing sewer capacity in relation to development or septic system issues as demanded at the scoping hearing with current data. (Michael Saltzman, Letter at Transcript, 1/12/05)
237. The one paragraph regarding the impacts of the Proposed Action on sewer service is entirely inadequate, and fails to show how the proposed measure will support the actual rezoning proposals in the draft plan. (Marc A. Yaggi, Riverkeeper, Letter, 1/25/05)
238. Without respect to any particular lot size, there are a plethora of regulations and review procedures that assure that sanitary sewage will be properly treated under whatever accepted methods are available and suitable in each instance. There is absolutely no 2009 Comprehensive Plan or SGDEIS data provided to establish that the upzoning is necessary in order to achieve clean water objectives. (Nathaniel Parish, representing the Wallack Family, Letter, 7/20/09)
239. We urge the Town not to allow any additional development within an already overburdened sewer districts, unless sewage can adequately be handled by septic systems. (Marc A. Yaggi, Riverkeeper, Letter, 1/25/05)

*See Section 2.4 of this FSDEIS, which includes detailed discussion of limitations of the Town's existing sewer service areas and how the Proposed Action would help reduce impacts on these systems. There can be little doubt that upzoning helps to protect water quality, and thus achieves, in this context, an environmentally beneficial result.*

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240. The Town plans to establish minimum lot sizes required for septic devices. This analysis should appropriately be included in the DGEIS, and used as a basis to determine appropriate lot sizes in the rezoning proposal. (Marc A. Yaggi, Riverkeeper, Letter, 1/25/05)

*The Westchester County Department of Health regulates septic systems. One reason that Alternative B5 was suggested was that it matched the minimum lot area required by the County Department of Health for individual septic systems in those areas of Yorktown for which sewer service is not available. As noted in Chapter 2 of this FSDEIS, that alternative is no longer part of the Proposed Action. However, the County requirements still govern, and there is no reason to believe that County regulation of septic systems would become less stringent; thus, the*

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*Alternative B5 upzoning is not necessary to achieve this protection. However, if advances in science allow the County to change those regulations, the Alternative B5 upzoning could result in unnecessary upzoning on some or all affected properties. See also Section 2.4 of this FSGEIS, which explains how other upzonings that are part of the Proposed Action protect water quality.*

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241. While the Proposed Action appears to guide non-residential development toward "in fill" areas it actually increases overall development (in terms of sf.), and the DGEIS does not present any analysis to demonstrate that there is adequate infrastructure to handle the additional development that is proposed. Nor does it directly acknowledge that substantial increases in non-residential development will have significant environmental impacts - the DGEIS reads more like a supply and demand market report. (Marc A. Yaggi, Riverkeeper, Letter, 1/25/05)

*As detailed in Section 4.2.3 of the DSGEIS, it is projected that there would be an increase in commercial development in the hamlet commercial centers. However, this increase would be offset by substantial reductions in the amounts of residential units, commercial space outside hamlet centers and industrial space. While an increase in the amount of office space under the Proposed Action is anticipated, this would take two forms, both of which can be accommodated. One is large-scale space in the proposed OB Zones. This includes only areas located adjacent to the Taconic State Parkway that are already developed with this type of use and have infrastructure in place. The other type of anticipated office development would be smaller in scale and serve the local community (i.e., professional and medical offices) and would be located in already developed areas on main roads. Projected development will occur over the 20-year time horizon of the Proposed Action and will be subject to detailed environmental review through the development application process.*

242. The DGEIS assumes that environmental impacts will necessarily be reduced because the Proposed Action calls for upzoning that will reduce density in certain areas, primarily residential areas. This may be the case in areas that are currently undeveloped, but the same assumption cannot be made in areas that already are substantially developed, and particularly where additional development being proposed in Commercial Hamlet Centers (CHCs), other types of commercial districts, and Planned Development District Overlays (PDD-Overlays). It is critical that infrastructure capacity is examined in more detail - on a sub-watershed basis, with reference to water and sewer availability and/or septic lot size - and that the DGEIS demonstrate that it can accomplish Goal 2-E. (Marc A. Yaggi, Riverkeeper, Letter, 1/25/05)

*There are some locations in Yorktown that can accommodate new development. Focusing development in existing centers helps reduce environmental impacts in more sensitive areas of the Town. Any new development will have to comply with all environmental regulations and applicable laws. Development in areas that is already served by sewer may be able to connect to the system in the event that a property is being redeveloped. In addition, the PDD Overlays*

*are no longer part of the Proposed Action except for the Bear Mountain Triangle, Jefferson Valley and the Shrub Oak-Barger Street proposed overlay . See also the response to Comment 241.*

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243. Current and potential impacts of the discharges of sewage district to the surface water bodies should be considered and more thoroughly evaluated in the DGEIS. (James D. Benson, New York City Department of Environmental Protection (NYCDEP), Letter, 1/25/05)

*A detailed study of the Hallock's Mill Sewer District was prepared for the Town of Yorktown in August 2006. This study addresses this and other related topics. Upgrades to the Yorktown Heights Water Pollution Control Facility consistent with the findings of this study have since been completed. In addition, the Proposed Action would reduce sewerage flows as compared to the baseline conditions. Thus, the impact of the Proposed Action would be beneficial, obviating the need for a study of discharges to surface waters.*

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244. The Lead Agency should provide more emphasis on required remediation to the Hallock Mill sewer district. (James D. Benson, New York City Department of Environmental Protection (NYCDEP), Letter, 1/25/05)

*A detailed study of the Hallock's Mill Sewer District was prepared for the Town of Yorktown in August 2006. Upgrades to the Yorktown Heights Water Pollution Control Facility consistent with the findings of this study have since been completed.*

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245. Hallock's Mill Sewer District issues (see also Westchester County Planning Board comments on this subject): No variance application yet submitted to NYCDEP nor could a variance be granted under current Watershed regulations. (Marilyn Shanahan, NYCDEP, Letter, 6/16/09)

*Comment noted. See Section 2.4 of this FSGEIS.*

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246. The Hallock's Mill Sewer District plant has been upgraded and can serve all developed parcels in the district, and there should be no provision for diversion to the Peekskill plant for areas with the HMSD. However, further flow is not allowed under the NYC WR&Rs or the current SPDES permit. Thus, Comprehensive Plan should indicate that the WR&Rs are under revision and, if modified as currently proposed, would include a variance that would allow the plant to serve the entire district. (Edward Buroughs, Westchester County Planning Board, Letter, 7/15/09)

*Comment noted. See the response to Comments 244 and Section 2.4 of this FSGEIS. The proposed Comprehensive Plan has been amended to include this language*

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247. The measures that are suggested are not presented in any detail, and their efficacy cannot properly be evaluated: 1) reduction of stormwater infiltration in sewer systems is proposed without any implementing standards or guidelines; 2) increasing minimum sizes for septic systems is proposed, but no lot size analysis is offered (as noted above) and 3) a suggestion is made to connect properties located within existing sewer service boundaries, but without regard to capacity (or lack thereof) of those facilities to accommodate the added connections. (Marc A. Yaggi, Riverkeeper, Letter, 1/25/05)

*These issues, as warranted, are addressed in more detail in response to other comments. The criteria and standards to implement the Comprehensive Plan" recommendations for the reduction of stormwater infiltration would be developed by the appropriate agencies, and is not appropriate for analysis in a generic impact statement. The Westchester County Health Department regulates septic systems.. Any limitations on possible new sewer connections or the provision of septic systems will need to be taken into consideration at the time any specific developments are proposed. See also responses to Comments 244 and Section 2.4 of this FSGEIS.*

248. The Final GEIS should fully examine: the soil types, permeability, percolation rates, and depth to bedrock; slopes exceeding 15%; distance to groundwater aquifers and surface waters; estimated rates of effluent discharge under current and buildout conditions; and current and proposed lot sizes. Such a discussion must be given for all areas that are currently unsewered and that will remain unsewered if the Proposed Action is adopted. (Marc A. Yaggi, Riverkeeper, Letter, 1/25/05)

*The requested analyses are beyond the scope of a generic EIS, are unnecessary, and would be quite expensive and time-consuming. The GEIS includes adequate discussion of environmental considerations and their relationship to land uses and zoning. Further, any proposed development would need to meet Westchester County Department of Health standards for a new septic system, at which time relevant, site-specific data, including some of the information noted in the comment, would be gathered and analyzed. Such specific proposals would also be subject to review under SEQRA, which would include consideration of the proposal's potential impact on water quality for wastewater disposal.*

249. Our biggest threat over the next decade is the cost of infrastructure which Yorktown is going to have to pay for. The sewer plant is number one. To pay for it, you are going to have to bring into the town a low impact, high ratable development. (Michael Grace, Letter, 1/12/05)

*The Comprehensive Plan and GEIS address the fiscal implications of the Proposed Action. As noted in response to other comments, upgrades to the Yorktown Heights Water Pollution Control Facility were completed in the past few years. These improvements were paid for by New York City, and adequately address the need for any improvements to this facility for the*

*foreseeable future. See Section 2.4 of this FSGEIS. In addition, the GEIS examines impacts on infrastructure and other subject areas under the Proposed Action, as well as a host of alternatives, including the No Build alternative. The Proposed Action includes several measures intended to address infrastructure impacts, including upzoning proposals. However, the method and amount of payment that may be required by the Town is beyond the scope of the Proposed Action and the GEIS.*

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250. The DGEIS should expand the discussion of future water supply to include anticipated sources within the town that are targeted for future use. (James D. Benson, New York City Department of Environmental Protection (NYCDEP), Letter, 1/25/05)

*The Town currently gets its drinking water from the New York City water system, and there are no plans by the Town to create new water supply sources – see Chapter 8 of the proposed Comprehensive Plan for more information. The only potential change noted in this chapter is in Policy 8-1, which is to advocate adding a fifth filter to the Catskill Treatment Plant, which would increase the water treatment capacity of water available to Yorktown and other communities. It bears repeating that the Proposed Action is intended to limit and channel growth appropriately, which would help continue to ensure an adequate water supply for the Town over the next 20 years and beyond.*

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251. That being introduced into the building code is troubling as it serves to restrict the expansion of homes and businesses at a time when Yorktown sewer and water main systems is expanding which will enable growth without any Board of Health concerns. (Alana Ciuffetelli, 3c Realty, Inc., Transcript, 7/7/09)

*Policies 8-4 and 8-5 of the proposed Comprehensive Plan address these issues, by expanding, monitoring and maintaining the Town's water distribution system as well as maintaining adequate minimum lot sizes for areas served by private wells. See also the responses to Comments 249, 250 and Section 2.4 of this FSGEIS, all of which describe why the Proposed Action would serve to prevent significant adverse environmental impacts to Town infrastructure as compared to the baseline conditions.*

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#### Stormwater/Runoff

252. The NYCDEP supports the Proposed Action's policies promoting stormwater ordinances and management districts, and on-site recharges of stormwater. (James D. Benson, New York City Department of Environmental Protection (NYCDEP), Letter, 1/25/05)

*Comment noted.*

253. We urge the Town to re-visit the Stormwater Management Plan and to develop objective measurable goals for each of the six minimum measures. (Marc A. Yaggi, Riverkeeper, Letter, 1/25/05)

*This task is currently being undertaken by the Town in order to address necessary compliance with State-mandated stormwater regulations. The Town regularly communicates with the State regarding this issue, and is continually upgrading its regulations to stay current.*

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254. The Town may also wish to consider policies that exclude stormwater management areas in the yield calculations to promote appropriate location and adequate area for stormwater management. (James D. Benson, New York City Department of Environmental Protection (NYCDEP), Letter, 1/25/05)

*Comment noted. Stormwater management areas are considered in the Town's existing subdivision regulations, and are taken into account in applications for cluster development. Development proposals must be able to show that the proposed development yield prior to clustering accounts for environmental constraints. Furthermore, the conservation subdivision process would address this concern. See Policies 7-6 and 7-7 of the proposed Comprehensive Plan for additional information.*

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255. We support Policies 7-19 and 7-23, which aim to improve the Town's ability to routinely monitor and maintain stormwater devices. And, we encourage the Town to require performance standards that require 100 percent on-site infiltration when it revises impervious surface standards, as contemplated in Policy 7-21. Doing so will not only reduce the pollution reaching down gradient waterbodies, but limit stormwater infiltrating municipal sewer systems and causing potential overflows, which would serve the goals of Policy 8-1. (Marc A. Yaggi, Riverkeeper, Letter, 1/25/05)

*Comment noted. When the Town Board considers specific performance standards, this recommendation will be considered, among others. Also, it appears the policy numbers in the comment refer to a draft version of the Comprehensive Plan – the correct references in both the 2005 and 2009 plans are Policies 7-20 and 7-24 for the first sentence and Policy 7-22 for the second sentence.*

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256. We propose that after our current nearly half million dollar dredging project on Shrub Oak Lake is completed, the Town's stream team be required to conduct annual studies of siltation levels in both Shrub Oak Brook and Shrub Oak Lake to monitor further deterioration from stormwater runoff and other causes. (Joseph Zaleski, Transcript, 1/12/05)

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*The requested analyses are beyond the scope of the Proposed Action or the GEIS.*

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257. NYCDEP supports the Town's decision to consider more conservative building and impervious coverage limits. (James D. Benson, New York City Department of Environmental Protection (NYCDEP), Letter, 1/25/05)

*Comment noted.*

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258. Create mechanisms to reduce future impervious surfaces. (Reena Lieber, Conservation Board (CB), Letter, 1/25/05)

*Comment noted. See Policy 7-22 of the proposed Comprehensive Plan, which recommends revision of impervious surface standards and otherwise encourages on-site stormwater recharge.*

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259. We support a review of impervious surface standards and we support performance standards which encourage on-site stormwater recharge—we support mandatory 100 percent recharge. (Leila Goldmark, Transcript, 1/12/05)

260. There should be an analysis done of impervious coverage, particularly on a sub-watershed basis. (Leila Goldmark, Transcript, 1/12/05)

*See Policy 7-22 of the proposed Comprehensive Plan, which recommends revision of impervious surface standards and otherwise encourages on-site stormwater recharge.*

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261. Construction of [large-lot homes ("estates")] that tend to have large parking courts, larger paved areas around homes plus multiple accessory uses such as pools and tennis courts] without adequate site plan review and inspection can result in environmental degradation. In addition, extensive impervious surfaces can increase stormwater flows and degrade water quality if the surface runoff is not controlled and treated on site. We recommend that the Town move quickly to implement the other measures discussed in the plan to assure that site amenities do not create an accumulative effect that can degrade water quality. (Edward Buroughs, Westchester County Planning Board, Letter, 7/15/09)

*See Policy 7-22 of the proposed Comprehensive Plan, which provides for the Town to revisit impervious surface standards and establish performance standards that further encourage the on-site recharge of stormwater. It should be noted that, contrary to the assumption in the comment, the construction of accessory uses such as tennis courts and pools do require Town approval, and such proposals undergo a SEQRA review. The Town Building Inspector inspects*

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*to assure compliance with conditions of any approvals. In addition, the percentage of impervious surfaces on larger lots is proportionally less than on smaller lots (i.e., the smaller lots have more impervious surface on a per-acre basis), so that the upzonings that are part of the Proposed Action would reduce impervious surfaces, concomitant disturbance and the volume of stormwater runoff, and allow for more area on each lot in which stormwater can be naturally treated. See generally Section 2.4 of this FSGEIS.*

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262. It should be noted that the commercial buildout figure is artificially low because the calculations exclude the Commercial Recreation (CR) district. CR district projections must be included in this analysis as they too will add additional impervious surfaces and use potentially harmful chemicals such as fertilizers, pesticides and herbicides that will threaten water quality. (Marc A. Yaggi, Riverkeeper, Letter, 1/25/05)

*The Commercial Recreation District is one of many districts in the Town, and it is very limited in area. Further, the types of development intended in this zone do not require large impervious areas. A "significant open space requirement (e.g., not less than 40 percent)" is recommended for this zone, as noted in Table 2-8 of the proposed Comprehensive Plan. In addition, the proposed Comprehensive Plan recommends the utilization of integrated pest management programs for all Town properties, including parks, and encourages the development of similar programs for the school district and private property owners. (See Policy 7-29). Integrated pest management can significantly reduce the use of the harmful chemicals mentioned in the comment.*

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263. If it's re-zoned as R1-50 (sic) it's now 150 (sic) so instead of having a 600 foot road you have a 900 foot road. It creates more impervious surface. It creates more run-off, it destroys the quality of water, all the other things that are seriously considered by Planning Boards and other planning entities when people go to develop their property. (John Kincart, Transcript, 6/9/09)

*Yorktown's overall development patterns and road network are essentially set in place. Larger lot sizes do not necessarily result in the construction of longer roads. For example, a greater number of smaller lots would still need to be served by roads. See generally Section 2.4 of this FSGEIS. (The references to an R1-50 and 150 in the comment are directly from the hearing transcript. Other comments made by this speaker address the Alternative B5 upzoning, which may be the subject matter of this comment; however, that alternative is no longer part of the Proposed Action.)*

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### Steep Slopes

264. We encourage adoption of the steep slope ordinance and would like to see it at 15 percent. (Leila Goldmark, Transcript, 1/12/05)

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265. We urge the Town not merely to limit, but prohibit disturbance on "very steep slopes" (over 25 percent) and re-grading that results in slopes 25 percent or more. We are pleased the limits will be placed on slopes 15 percent and greater. (Marc A. Yaggi, Riverkeeper, Letter, 1/25/05)
266. Policies for excluding steep slopes and buffer areas in the yield calculations are technically sound and should be encouraged. (James D. Benson, New York City Department of Environmental Protection (NYCDEP), Letter, 1/25/05)

*Comments noted. The proposed Comprehensive Plan recommends adoption of a steep slope ordinance. Policy 7-8 provides potential parameters of such a regulation, which could include "limit(ing) clearing and development on steep slopes (i.e., 15-25 percent), and limit(ing) disturbance on very steep slopes (i.e., over 25 percent.)" Policy 7-7 of the Plan also recommends excluding steep slopes and other environmentally constrained areas from density calculations for new residential development.*

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#### Wetlands

267. DEP concurs with the proposed policies that expand the width of wetland and watercourse buffers and provide protection standards for the buffers. (James D. Benson, New York City Department of Environmental Protection (NYCDEP), Letter, 1/25/05)
268. We support Policy 7-11 which recommends regulation of wider wetland buffer-in locations with unique natural resource, but urge that wider buffers should be established for all regulated wetlands. (Marc A. Yaggi, Riverkeeper, Letter, 1/25/05)
269. Strengthen the wetlands law by increasing the buffer, the ratio of mitigated to replace wetland and increasing penalties for violations. (Carl S. Hoegler, Letter, 1/12/05)

*Comments noted. Policy 7-10 recommends improvement to mitigation measures. The proposed Comprehensive Plan does not address increases in penalties as that is beyond the Scope of the Proposed Action and GEIS.*

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270. Because wetland buffers are critical to preserving water quality, we urge the Town to prohibit tree removal in the entire buffer area, not merely the "50 percent of the buffer located closest to the wetland." (Marc A. Yaggi, Riverkeeper, Letter, 1/25/05)

*The proposed Comprehensive Plan recommends further study of this issue. See Policies 7-12 and 7-14 of the proposed Comprehensive Plan..*

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271. Restrict development in wetland buffers. (Ray Zelinski, Letter, Transcript, 1/20/05, Unknown)

*Comment noted. Policies 7-10 and 7-11, as well as 7-14, all recommend more stringent requirements for disturbances in buffer areas. However, the Plan does not recommend a ban on development in such areas for several reasons. First, the purpose of buffer areas is to protect wetlands, and that purpose can often be served if development is designed toward that objective. Most if not all wetland protection laws (including the State Freshwater Wetlands Law, Article 24 of the Environmental Conservation Law), allow for development in buffer areas if the wetlands remain protected. A flat ban on development with buffers is thus not necessary to achieve wetland protection. Second, in some areas of the Town, such a flat prohibition could effectively prevent development on a lot, and cause hardship if not constitute a taking of property. Thus, the Comprehensive Plan recognizes the importance and benefits of wetland protection, and affords flexibility in achieving that goal.*

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272. While the draft Comprehensive Plan contains some recommendations for increased wetland protections, there is no discussion of wetland impacts in the DGEIS. (Marc A. Yaggi, Riverkeeper, Letter, 1/25/05)

*The proposed Comprehensive Plan includes discussion of means to enhance wetlands regulations, and thus enhance protection of wetlands. See Policies 7-10 through 7-12, and Policy 7-14, and Response to Comment 271. The reductions in development yield anticipated by the Proposed Action would likely result in reduced impacts on wetlands. Implementation of Policies related to protection of ground and surface waters (Policies 18 to 26) would also enhance wetland protection. Overall, therefore, the Proposed Action would provide additional protection for wetlands and thus have a beneficial environmental effect. Furthermore, compliance with wetlands regulations is addressed on a site-by-site basis; thus, it is not feasible to determine Townwide impacts on wetlands in a GEIS.*

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273. Because the Town already is near full buildout under present conditions, any wetland or wetland buffer disturbance should be avoided. However, where disturbance is unavoidable, mitigation measures should not include artificial wetland creation, and offsite wetland mitigation should be discouraged. (Marc A. Yaggi, Riverkeeper, Letter, Transcript, 1/25/05, Unknown)

274. Policy 7-10 also contemplates wetland mitigation through development of a wetland trading or banking system "to allow off-site wetland mitigation, with preference given to the expansion of exceptional wetlands. However, this option should be used only in limited circumstances. (Marc A. Yaggi, Riverkeeper, Letter, 1/25/05)

*Comments noted. These comments are within the purview of Policies 7-10 to 7-12, and thus would be subject to consideration in implementation of those Policies. See responses to Comments 267-272.*

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275. The DGEIS must, but did not: 1) demonstrate that the created wetlands will be contained by a clay or other impervious liner to ensure lasting saturation; 2) provide a maintenance plan that will ensure that a) failed plantings are replaced in a timely manner; b) only indigenous plantings are allowed to propagate; c) the hydrology of the site continues to operate as designed; and d) a periodic harvest wetland vegetation be required to ensure nutrient removal. The maintenance plan must provide on-going, regular;- and periodic maintenance for a period not less than 15 years and preferably-for as long as the original naturally existing wetlands remain functional. (Marc A. Yaggi, Riverkeeper, Letter, 1/25/05)

*There is no requirement to address these types of specific, detailed provisions relating to wetland creation and mitigation in a GEIS. These are details that would be subject to consideration in implementation of Comprehensive Plan Policies 7-10 through 7-12, and Policy 7-14, or, some instances, by individual permit applications and decisions. Moreover, wetland creation depends on site-specific conditions, and thus is beyond the scope of the GEIS.*

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276. Increase the amount of qualified staff to evaluate wetlands and enforce regulations. Perhaps a team approach with NYC would lighten the burden that this will place on the Town. (Carl S. Hoegler, Letter, 1/12/05)

*This comment is beyond the scope of a GEIS. Policy 7-35 recommends that the Town should consider strategies for increasing the effectiveness of environmental enforcement.*

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277. With regard to the upzoning, although some people may call it spot zoning or takings, there are real health concerns and reasons to do this. The vernal pool and wetland inventory should be done first to support the zoning changes. If the maintenance program for septic systems were done first, that would also support the upzoning. (Leila Goldmark, Transcript, 1/12/05)

278. Riverkeeper urges the Town to complete this (vernal pool) survey, as well as resurvey and update the Town's existing wetlands map, and include this information in the DGEIS. (Marc A. Yaggi, Riverkeeper, Letter, 1/25/05)

*This type of survey is not a requirement of a comprehensive plan, and is beyond the scope of a typical plan and of a GEIS. The formulation of a comprehensive plan need not await the results of surveys of vernal pools and other wetlands. However, the proposed Comprehensive Plan acknowledges that increased knowledge of vernal pools could be helpful for future planning, and thus recommends that such a survey be conducted "using a clear and reasonable definition of a vernal pool, and consider regulatory options to encourage vernal pool protection." (Policy 7-13)*



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279. If you allow K-Mart to develop and increase their parking lot and put in six 5,000 gallon tanks to hold stormwater from all the area there and then the parking lot wasn't supposed to sink and now if you go into that parking lot that you allowed them to put and take away the wetland that was back there. (Michael Anderson, Board of Underhill Plaza President, Transcript 6/9/09)
280. Maximum height of a curb should only be about six inches; that whole parking lot is sinking in there because it's a wetland so is that what's going to happen in our shopping center. (Michael Anderson, Board of Underhill Plaza President, Transcript 6/9/09)

*Comments noted. These types of concern relating to an individual property are not an appropriate topic for the Comprehensive Plan or GEIS.*

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Other

281. There is no single definition for the term "natural resource protection requirements." (James E. Morgan, Galvin & Morgan, Letter, 1/24/05)

*Here, "natural resource protection requirements" generally means those steps which are necessary to protect and preserve the natural assets of Yorktown.*

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282. Include Turkey Mountain Master Plan and Hunterbrook Linear Park Plan in the Comp Plan. (John Schroeder, Yorktown Land Trust, Letter, 1/25/05)

*These plans have been noted in the proposed Comprehensive Plan (see Policy 9-3).*

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283. The DGEIS concludes that for the various alternatives there would be no substantial change and impact on the whole series of resources that are evaluated: housing, water, biological and ecological, vis-à-vis the proposals in the GEIS. What is the environmental or any other rational reason for the choice of alternatives? That is not justified in these two documents. (Lawrence Praga, Transcript, 1/12/05)

*The alternatives were developed through the scoping process undertaken pursuant to SEQRA. The only specific requirement regarding the formulation of alternatives is that there is a No Action Alternative and that the others are feasible, considering the objectives and capabilities of the project sponsor. The GEIS discusses a range of reasonable alternatives, which provide the Town Board with comparative information about the effects of the Proposed Action and different alternatives for the decision-making process. These alternatives include variations in land use, zoning and transportation policies in various sections of the Town.*

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284. While the DGEIS does examine the "No Action" alternative, the additional alternatives merely propose removing various portions of the Proposed Action. None offer additional options, and none present a combination of "removals" that presents the most environmentally protective option possible. The DGEIS should include at least one alternative to establish the baseline for protective action, so that a truly reasonable range of alternatives can be compared. (Marc A. Yaggi, Riverkeeper, Letter, 1/25/05)

*SEQRA does not require enacting or studying the most environmentally protective means for a Comprehensive Plan or for any other Proposed Action. Rather, SEQRA only requires that a range of reasonable alternatives be discussed given a particular set of circumstances, as well as the No Action Alternative. Alternatives must be "feasible, considering the objectives and capabilities of the project sponsor." (6 NYCRR 617.9(b)(5)(v)). See also response to Comment 285.*

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285. Several alternatives in the DGEIS demonstrate that they would benefit water quality, yet without clear explanation for their rejection, were not made the Proposed Action. Thus, the DGEIS, in good conscience, should demonstrate not only that the Proposed Action is more protective than the status quo (the No Action alternative), but that the Proposed Action actually will mitigate and correct situations that currently are known to exist and threaten water quality. (Marc A. Yaggi, Riverkeeper, Letter, 1/25/05)

*The alternatives were developed only after the initial version of the Comprehensive Plan was formulated in June 2003 for the commencement of the SEQRA review process. Although the alternatives were not all included as part of the Proposed Action, they have been studied as alternatives which may be adopted as the Final Action by the Town Board based, among other factors, on the comments received regarding the Draft GEIS, the SDGEIS and the Proposed Action. The Town Board may adopt any or no elements of the Proposed Action and the Alternatives studied in the GEIS. Further, the GEIS for a proposed comprehensive plan is not required to correct existing situations, although the Proposed Action will improve water quality through the reduction of density and impervious surfaces.*

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286. Alternative B-5 should generate additional water quality benefits than the action due to the reduction in projected residential units, commercial space, population growth, vehicular trips and generated wastewater. DGEIS should also include a rationale for selecting the Proposed Action over B-5 given the likely water quality benefits of the latter. (James D. Benson, New York City Department of Environmental Protection (NYCDEP), Letter, 1/25/05)

*Although Alternative B5 is no longer part of the Proposed Action, the GEIS does not take a position on which alternative is to be selected as the Final Action. In this process, the Town Board may select any studied Alternative as the Final Action, depending on a balancing of relevant factors and the comments received in response to the Proposed Action. Even without*

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*Alternative B5, the Proposed Action would have beneficial impacts with regard to water quality. See also Section 2.4 of this FSGEIS.*

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287. Several of the proposed Alternatives indicate that more substantial reductions in units could be achieved, yet the DGEIS presents no reasons why these more protective measures were not made part of the Proposed Action. Because further reduction of residential development will better protect water quality from the impacts of sprawling residential development, Riverkeeper supports the general upzoning contemplated by the Proposed Action in combination with Alternatives B-2, B-5, and B-6. (Marc A. Yaggi, Riverkeeper, Letter, 1/25/05)

*The DGEIS and DSGEIS include detailed discussion of the proposed zoning changes in Section 4.2.3, Impacts of the Proposed Action. This section describes why many changes were made, including alternatives to the Proposed Action. The alternatives that were considered include the No Action Alternative, as well as certain changes made to the proposed zoning for portions of the Town, non-implementation of certain overlay districts, non-implementation of most proposed road connections, and an alternate rezoning for part of the Town. These constitute a range of reasonable alternatives to the proposed Comprehensive Plan. See also the response to Comment 285.*

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288. The DGEIS must include and examine at least one alternative that is more environmentally protective and reduces non-residential development so that there is a basis for comparison to the Proposed Action. (Marc A. Yaggi, Riverkeeper, Letter, 1/25/05)

*The DSGEIS includes a range of reasonable alternatives, including some that would provide for greater reductions of non-residential development than the proposed Plan. These include Alternatives B1 and B3, which have varying levels of reductions of potential non-residential space, compared to Future Baseline Conditions as well as the Proposed Action. Alternative B5 was also evaluated, although it is no longer part of the Proposed Action. The proposed Comprehensive Plan proposes zoning changes that would result in substantial reductions of development and would reduce environmental impacts in comparison to the No Action Alternative and continuation of existing planning and zoning. See also response to Comment 284.*

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289. I think there should be an explanation of the environmental basis for the widespread deviation of the 2009 Plan from the recommendation of your own professionals, that's never been explained anywhere. (Adam Wekstein, representing Old Hill Farm, LLC, Transcript 7/7/09)

*It is not clear from this comment what constitutes the "widespread" deviation of the proposed Comprehensive Plan. The Plan was developed over a period of time, and was prepared by consultants with input from the community and others. It is commonplace for aspects of*

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*comprehensive plans to evolve over time, and for changes to be made based on new information. There is often not consensus for recommendations that are included in a plan, but decisions must be made as to what makes it into the final document. See also the response to Comments 432 to 458.*

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290. The DSGEIS fails to evaluate the environmental effects of the zoning change of hundreds of parcels which occurred subsequent to the Generic Draft Environmental Impact Statement produced for the 2005 Comprehensive Plan. (Lawrence Praga, representing Wallack Family, Transcript, 7/7/09)

*A GEIS by its very nature is broader in scope than an environmental impact statement for an individual property. A site-specific discussion is not required in a GEIS for every single parcel affected by a proposed change in zoning. There has been substantial analysis of the projected impacts of the Proposed Action, including the proposed zoning amendments, which include comparison with Future Baseline Conditions and multiple alternatives to the Proposed Action, consistent with SEQRA. The cumulative impacts of Proposed Action have been thoroughly evaluated and compared to the alternatives to the Proposed Action. See also Section 2.4 of this FSGEIS. The change in numerous parcels referred to by the client was almost entirely the result of including Alternative B5 as part of the Proposed Action. The GEIS and DSGEIS evaluated the impacts of the Alternative, although it is no longer part of the Proposed Action.*

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### **3.2.4 Economic/Fiscal**

#### Economic Downturn

291. Your EIS process should also answer issues such as the extent to which the drastic economic downturn affects the conclusions that the 2009 Plan and the proposed rezoning will have the same, essentially the same impacts that the earlier, that were previously analyzed in the earlier SEQRA review and I think that kind of conclusion should be supported by empirical data, (inaudible) professional literature analysis by an expert economist. (Adam Wekstein, representing Old Hill Farm, LLC, Transcript, 7/7/09)
292. Let's face it, the economy isn't what it is, the taxes aren't there, the revenues and the Town aren't there, to bury your head in the sand as this EIS does and say there isn't going to be an appreciably different impact on community service facilities then what we analyzed back in 2005 just makes no sense. (Adam Wekstein, representing Old Hill Farm, LLC, Transcript, 7/7/09)
293. I don't think especially in the current economic climate, it's reasonable, fair or anything else to take people's property rights, to take the value of their property. (John Kincart, Transcript, 6/9/09)

294. The economic downturn has hurt us all, particularly the moderate income householders that make up a large portion of our long time residents; those most hurt by the Plan. (Ray Arnold, Transcript, 7/7/09)
295. Very much against the Revised Comprehensive Plan and SDGEIS. Economic hardships; reconsider the plan and resolution. (Otto and Gertrude Prebeck, Letter, 6/15/09)
296. I think it's really important that you take into account where we stand economically when you propose zoning like this. (Kathryn Hoenig, Transcript, 6/9/09)

*The GEIS takes into account empirical data, including fiscal and housing data. While some data sources may be less current than others, the overall data is adequate, not so dated as to be inapplicable and is more than sufficient to allow the Town Board to understand the implications of the Proposed Action and alternatives discussed in the GEIS – including the effect on community services. 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. Indeed, the real estate market can change drastically during the time it takes for a comprehensive plan to be prepared.*

*To cite just one example, the retail market is constantly evolving. Uses that are viable today may be obsolete 10 years from now – and new technologies that emerge in that time may result in new uses. The emergence of the Internet, for example, has had substantial impacts on certain types of retailers, and factors as varied as changing consumer tastes, certain products or services no longer being needed and competition from newer spaces all can affect the viability of retail uses. It is difficult, if not impossible, to account for all such factors in the context of a GEIS prepared for a Comprehensive Plan that is designed to look 20 years into the future.*

*That said, there is updated information in the DSGEIS, including descriptions of recent development activity, updated population and housing data, acknowledgment of changes in consumer spending and real estate activity due to the economic downturn and notation of changes in the status of community facilities and county/regional planning efforts (e.g., the Croton Watershed plan). The DSGEIS found, based on an evaluation of updated information, that the Proposed Action would not negatively impact the provision of Town services or Town facilities, because development yields will be reduced in most areas of the Town compared to Future Baseline Conditions, while the areas slated for the most growth are already developed and/or served by existing infrastructure. There is also updated information in the proposed Plan.*

*The revised Comprehensive Plan, while not reducing density to the same extent as proposed in the DSGEIS, would still reduce development yields in most areas of Town as compared to*

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*baseline conditions and would direct most growth in already developed area. Thus, the revised Plan would have less effect on revenues and fewer impacts on community services. See also the response to Comments 311 to 317.*

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#### Economic Hardship Due to Upzoning

297. This is a particularly bad time I believe for the Town to upzone properties throughout and effectively cut in half the already depressed values of these properties. (Kathryn Hoenig, Transcript, 6/9/09)
298. One acre zoning made no sense in 2005 it certainly makes a lot less sense today in a seriously troubled economy. (Kathryn Hoenig , Transcript, 6/9/09)
299. The economy is in disarray and to up-zone any parcel of land in this current marketplace will have tremendously negative impacts that are far-reaching. (Ralph Ciuffetelli, Letter, 7/20/09)
300. Elected officials have a fiduciary duty to protect those that voted for them and in passing this upzoning it seems like we're trumping on property rights and property values so to upzone at this time in this stage of the venue with respect to the economy makes no sense to me. (Alana Ciuffetelli, 3c Realty, Inc., Transcript, 7/7/09)
301. You're strangling the community's ability to have income, to have taxes, to thrive. (Adam Wekstein, representing Old Hill Farm, LLC, Transcript, 6/9/09)
302. Much has been said about the economic impact of the plan. This plan does exacerbate problems. It will hurt businesses by having less customers. (Adam Wekstein, representing Old Hill Farm, LLC, Transcript, 6/9/09)
303. I definitely do not see the point in upzoning especially in this economy and market place. (Alana Ciuffetelli, 3c Realty, Inc., Transcript, 7/7/09)
304. Yorktown's proposed upzoning is anti-stimulus and at times I consider it mind-boggling why you would upzone anything. (Alana Ciuffetelli, 3c Realty, Inc., Transcript, 6/9/09)
305. She [former Supervisor Linda Cooper] suggested without any community recommendation or input the Town upzone to one acre residential all properties consisting of more than a half acre that were originally zoned for half acre residential. This decision was made without any consideration of where the upzone properties were located or the economic or other impacts that such upzoning would have. (Kathryn Hoenig, Transcript, 6/9/09)

*As noted on page 2-3 of the proposed Comprehensive Plan, and discussed in the DSGEIS, the upzoning proposals address 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. See Section 2.4 of this FSGEIS. The proposed Comprehensive Plan is a long-range planning document, with a time horizon of twenty years. Economic conditions will certainly change during that time. The plan therefore looks beyond immediate economic conditions, such as the recession that began in 2007 and many forecasts indicate will end in 2010. See also the response to Comments 291 to 296.*

*Several comments (Nos. 297, 298 and 305) focus on the Alternative B5 upzoning; this proposal is no longer part of the Proposed Action.*

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Empire Zone/Industrial Development Agency

306. I'm here tonight to ask the Town Board to pass a local resolution to reinstate the Yorktown Industrial Development Agency, aka the Yorktown Empire Zone. (Terrance Murphy, Transcript, 6/9/09)
307. Industrial Development Agencies in New York State are created to promote economic welfare and a prosperity of inhabitation of a municipality. Further, it's the function to actively attract and encourage development in the areas. (Terrance Murphy, Transcript, 6/9/09)
308. The Town Board must pass a resolution so that the legislation Albany can re-establish the Industrial Development Agency. Local businesses owners like myself need this legislation in an effort to continue to be able to promote economic and recreational opportunities within the Town. (Terrance Murphy, Transcript, 6/9/09)
309. Business opportunities inside a zone are eligible for a range of tax benefits that are applied against new capital investments, benefits include tax reductions, credits, real property tax cuts, sales tax exemptions, wage tax credits and utility rate reductions. (Terrance Murphy, Transcript, 6/9/09)
310. I believe the Town Board should put a local resolution on the agenda for an up and down vote to be sent up to our state representatives with a home rule resolution calling for the important issue to resurrect Yorktown's Empire zone. (Terrance Murphy, Transcript, 6/9/09)

*The establishment of a local industrial development agency or an Empire zone are steps that the Town Board might consider under Policy 4-3 as a means to increase Town resources in support of economic development objectives.*

Commercial Properties

311. According to a data provided by the Westchester County Tax Commission in its annual report despite the tremendous commercial construction that has occurred throughout Westchester County, commercial property owners as a class, paid nine percent less than they paid 11 years ago while residential taxes have doubled. (Tony Grasso, Transcript, 7/7/09)
312. That's one of our concerns that we have with your proposal here, is how it's going to affect our tax base. You were set up by the Federal government to keep our costs down and to keep mom and pop stores within the Town. (Michael Anderson, Board of Underhill Plaza President, Transcript, 6/9/09)
313. [The Town can] just turn around and say, okay, we're going to make you a shopping center now, how much taxes is that going to increase on us, we pay enough taxes as it is, okay. I bet you our property alone we pay close to \$120,000 in taxes to the Town of Yorktown. We're paying that much. (Michael Anderson, Board of Underhill Plaza President, Transcript, 6/9/09)
314. Is the Jefferson Valley Mall paying that much [in taxes], they get all kind of tax breaks. (Michael Anderson, Board of Underhill Plaza President, Transcript, 6/9/09)
315. Are you changing to a shopping center, you're allowing big box stores to take it over so you can allow another Wal-Mart to take over that whole property and become a box store there, now what happens to the 18 businesses that were all small mom-and-pop shops they all end up where, out and every single owner that owns in that shopping center out of the 18 owners in that shopping center. (Michael Anderson, Board of Underhill Plaza President, Transcript, 6/9/09)
316. I have paperwork showing it under urban renewal. Took all the mom and pop stores that were in Town and put them altogether in one little hamlet, okay, now you are proposing to make it a shopping center, is that going to double the taxes that the shopping center has to pay because you're calling it a shopping center versus it being a business district and being individually owned units. (Michael Anderson, Board of Underhill Plaza President, Transcript, 6/9/09)
317. How much tax revenue would be produced by permitting a few big box stores at the JV Mall? Can the traffic issue on Route 6 be addressed so that we could have high volume business helping to keep our taxes down? (Francesca Samsel, letter 1/24/05)

*Tax impacts on, and revenues from, specific properties and projects are beyond the scope of the GEIS, which looks at the Townwide implications of the Proposed Action. Further, a GEIS is intended to look primarily at environmental, not fiscal, impacts of a Proposed Action. As the Town Board implements the recommendations of the proposed Comprehensive Plan, it would consider the capital costs and fiscal benefits to the Town. There is no provision in the Proposed*



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*Action that would encourage big box stores to develop in the Town (Section 4.2.3 of the DSGEIS notes as much). Further, any proposal for such a development would be subject to environmental review pursuant to SEQRA. To the extent Comment 316 is referring to blight clearance activities that occurred in past, these programs are no longer valid and such mechanisms do not exist anymore in Yorktown. See also the response to Comments 291 to 296.*

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318. We've tried time and again to get them [individuals seeking professional office space] space here in the Town that was affordable and attractive and they keep going down-county and they live here in Town so we have a lot of professionals here in Town that want to stay here, want to bring their business here would prefer to keep their tax dollars in the Town. (John Kincart, Transcript, 6/9/09)

319. I got my own problems trying to pay a mortgage that's now going to be office. I've had part of my building for lease for office for a year and a half. I haven't got one inquiry by two major real estate brokers for an office. (Tim Mallon, Transcript, 6/9/09)

*The proposed Comprehensive Plan recommends zoning that provides for various land uses in appropriate locations throughout Yorktown. While there may be short-term market issues for certain uses, it is expected there will be changes in the viability of land uses over the twenty year horizon of the Plan.*

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#### Other

320. Commercial growth should be fostered along Routes 6 and 202 instead of sending shoppers to malls in Cortlandt and Somers. The benefit of this is three fold, increased sales tax revenue paid directly to Yorktown as opposed to crumbs falling from other tables out of Cortlandt and Somers, lower home real estate taxes with larger commercial base, increase number of jobs in Yorktown. (Alana Ciuffetelli, 3c Realty, Inc., Transcript, 6/9/09)

*Commercial growth is encouraged along both Routes 6 and 202, as described in the Land Use and Economic Development & Hamlet Business Centers chapters of the proposed Comprehensive Plan.*

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321. Future commercial growth, including affordable multi-family housing, should also be concentrated along the less than 1% of the vacant land along the Route 6 and 202 corridors so as to leave the remaining 99% of Yorktown lands devoted to Single Family housing, neighborhood shopping areas, and parklands, etc. (Ralph Ciuffetelli, Letter, 7/20/09)

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*See the response to Comment 320. Also, there are several areas designated as R-3 districts permitting multi-family housing near Routes 6 and 202. Under the Proposed Action, there would be greater opportunities for multi-family housing, including affordable housing, but a substantial portion of the Town would remain zoned or developed as single family residences. Just as importantly, most commercial development is already concentrated along major roadways and is proposed to continue to be in such locations. The Proposed Action does not propose to create substantial increases of non-residential development in other areas, including along the Taconic State Parkway, as that has only limited access.*

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322. We remain pleased with the overall Comprehensive Plan especially those portions which are designed to enhance the business communities in Yorktown. (Aaron Bock, Chamber of Commerce, Transcript, 6/9/09)

323. We support ideas and methods to make our hamlet areas more user-friendly and consumer-friendly, pedestrian and traffic friendly and there is no greater opportunity than the area along Mohegan, in the Mohegan business district for these kinds of concepts to take place. (Aaron Bock, Chamber of Commerce, Transcript, 6/9/09)

*Comments noted.*

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324. The Chamber continues to support the establishment of a hotel and a conference center in Yorktown in order to meet the longstanding needs of our business community. (Aaron Bock, Chamber of Commerce, Transcript, 6/9/09)

*Comment noted. The Land Use and Economic Development & Hamlet Business Centers chapters of the proposed Comprehensive Plan provide policies regarding inn and hotel development.*

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325. After 37 years of paying taxes subsequently you've actually devalued all my investment in the property which was obviously retirement for a guy like me. (Jerry Rutigliano, Transcript, 6/9/09)

326. The area of affordability I haven't heard about is our taxes and how the rezoning would affect the tax base. People can't afford the taxes. (Francesca Samsel, Transcript, 1/12/05)

327. I think we paid close to half a million dollars in taxes without taking a single dollar of services from the Town and are somewhat being penalized for not having rushed to develop it years ago when it would have been possible. (Kathryn Hoenig, Transcript, 6/9/09)

328. Upzoning the properties will also result in decreased tax revenues as properties will become less valuable. (Kathryn Hoenig, Transcript, 6/9/09)

*Fiscal impacts of specific sites are beyond the scope of the GEIS, which looks at the Townwide implications of the Proposed Action. The Town cannot take account of any reliance that individual property owners may have placed on the continuation of certain zoning. Further, a GEIS is intended to look primarily at environmental, not fiscal, impacts of a Proposed Action. As noted earlier, however, there is no expectation that the Proposed Action would materially affect revenues and community services, and thus have a significant adverse effect on the Town's fiscal status. See response to Comments 291 to 296. As the Town Board implements the recommendations of the proposed Comprehensive Plan, it will continue to consider the capital costs and fiscal benefits to the Town.*

*In addition, there is no empirical basis to conclude, as do several of the comments, that upzoning certain areas of the Town would lower property values and thus reduce tax revenues on a Townwide basis. Retaining the character of the Town is a critical component of maintaining property values, and the revised Comprehensive Plan seeks to retain that character while reducing overall development and directing future growth to the already built-up areas of the Town.*

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329. Consider giving preference to housing that brings taxes but not children. (Bob Giordano, Letter, Undated)

*The law does not permit such a preference, and it is not appropriate for the Comprehensive Plan. However, the Comprehensive Plan does recommend that housing in the Town be diverse, which would include senior housing.*

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330. I have not heard a cost analysis associated with this plan. All I heard was \$80 million for the Bear Mountain extension, but no other costs. I'd like to know from Section 4 on up, what is it going to cost this town? (Gil Kaufmann, Transcript, 1/12/05)

*The costs of implementing specific projects in the proposed Comprehensive Plan are beyond the scope of a GEIS. As the Town Board implements the recommendations of the proposed Comprehensive Plan, it will continue to consider the capital costs and fiscal benefits to the Town. It should be noted the Bear Mountain Parkway extension would not be paid out of Town funds. Many other recommendations also would be funded by other government agencies besides the Town or by landowners or developers.*

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331. According to the Westchester Putnam MLS, Inc. in the first five months of this year the average sales price of a single family home was \$375,414 or 29 percent less than in 2005. That translated to an average of 29 percent decline when the mortgage tax revenues collected by the Town. (Kathryn Hoenig, Transcript, 6/9/09)

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*Comment noted. The Proposed Action has a 20-year time horizon, and housing values will likely have ups and downs during that time, as they have in the past 20 years. Current trends point to a rebound in house values in coming years, but as a long-range plan, this is not a major concern with regard to planning recommendations.*

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332. Include a maximum percentage of the assessment roles that can be for used as not-for-profits. Develop criteria for allowing not-for-profit use. Develop a process that not-for-profits be required to solicit for-profit use prior to any sale. (Bob Giordano, Letter, Undated)

*Comment noted. This is beyond the scope of the Proposed Action and GEIS.*

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### **3.2.5 Land Use/Zoning**

#### General

333. I am strongly in support of the proposed Plan as it strengthen the concepts and purposes that have made Yorktown an attractive community. (Garrison Corwin, Letter, 1/14/05)
334. The Plan is an ambitious review and modification to the entire Yorktown land use framework and is desperately needed and timely. There is much good in the Plan that the Planning Board can support and strongly encourage the Town Board to act upon. (Jeremiah R. Dineen III, Yorktown Planning Board, Letter, 1/25/05)
335. Comprehensive Plan has vision, smart planning and enhances quality of life. (Aaron Bock, Yorktown Chamber of Commerce, Letter at Transcript, 1/11/05)

*Comments noted.*

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336. We should have gone after quality of life issues, like signage. (Ed Killeen, Transcript, 1/11/05)

*The proposed Comprehensive Plan addresses numerous issues that relate to quality of life, including signage. There are various recommendations in the Economic Development & Hamlet Business Centers Chapter that relate to signage, including Policies 4-1, 4-4, 4-9, 4-11, 4-17, 4-22, 4-28 and 4-54. In addition, the importance of aesthetics is highly important throughout this chapter and the rest of the Plan, which naturally includes the visual impact of signage. The Town also has a signage manual, which provides aesthetic guidance and predates the Plan.*

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337. I will be getting this letter and there be zoning change. I don't know what exactly it means. (Vinod Sekhri, Transcript, 7/7/09)

338. I don't know what next is coming with this changing in the zoning law. Whatever is coming long time I've been there. I want little peace and, you know, don't want to get disturbed by more things coming to our area. (Vinod Sekhri, Transcript, 7/7/09)

*The Town has held numerous hearing, issued documents, undertaken outreach, invited public comment, and invited the public to contact the Planning Department to express or to ask questions about the proposed Comprehensive Plan.*

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339. This plan increases density where it can be least supported with some of the unique concepts in the north. (Jay Miller, Transcript, 1/11/05)

*The plan does not support increased density if taken to mean additional population growth or expansion of commercial areas. It does support 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.) In this case density is taken to mean compactness. See Goals 2-a, 2-b, 2-c, 2-d and 2-e.*

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#### Upzoning, General

340. Opposes blanket upzoning. (Reena Lieber, Conservation Board (CB), Letter, 1/25/05)

*The Town Board notes the Conservation Board's opposition to Alternative B5's upzoning; this alternative is no longer part of the Proposed Action.*

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341. We are concerned that the town, by applying an "across-the-board" upzoning of large lots and/or vacant land areas, may create a situation where zoning will be established on a parcel-by-parcel basis, as opposed to discrete districts. Appendices A and B in the DSGEIS demonstrate a situation where, for example, wide geographic areas which are currently zoned R1-20 will be transformed into areas of mixed zoning, where some lots (the larger ones) will be R1-40, mixed in with lots that are R1-20. This scenario will be repeated in other parts of the town. We caution against this approach since it may represent an arbitrary zoning approach unless it is backed up by a strong reasoning and rationale. Simply stating a desire to reduce density throughout larger minimum lot sizes may not suffice as a planning rationale. (Edward Burroughs, Westchester County Planning Board, Letter, 7/15/09)

342. You have no support for the Up-Zoning, and very little support for the proposed changes in the Commercial and Industrial components of the Plan. (Ray Arnold, Transcript, 7/7/09)

343. This upzoning from R1-20 to R1-40 Town wide, there is no logic to it. There is no rationale planning basis for doing a checkerboard pattern of upzoning through the Town. (Adam Wekstein, representing Old Hill Farm, LLC, Transcript, 6/9/09)
344. I have a lot of problems with some of the aspects of the plan; frivolous concept of upzoning from half acre to one acre, from one acre to two acre from half acre to two acre which was proposed by our former supervisor especially in respect to our R1-20. More specifically R1-20 to R1-40. (John Kincart, Transcript, 6/9/09)
345. With respect to the Alternative which changes the bulk area requirements of the half acre zone to 40,000 square feet, the Planning Board opposes this modification. If the intent is to up-zone an area to one acre zoning from half acre zoning, then the Town Board should do so, and treat all property owners within said zone the same. (Jeremiah R. Dineen III, Yorktown Planning Board, Letter, 1/25/05)
346. We support Alternative B2, eliminating the density reduction program, and we also support B5, upzoning all of the R1-20 districts. This would substantially reduce build-out and that is what we are concerned about. We are more concerned about residential than commercial and industrial, since residential covers most of the vacant and underutilized acreage. (Leila Goldmark, Transcript, 1/12/05)
347. A possible more desirable solution is B-5 rezoning upward the minimum lot size without regard to geography. (Carl S. Hoegler, Letter, 1/12/05)

*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 and south of Route 6. (Policy 5-1 of proposed 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, as well as the YHWPCF upgrades and Westchester Department of Health regulations regarding septic, obviates the need for this type of upzoning on a Town-wide basis. See Section 2.4 of this FS GEIS.*

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348. Maybe upzoning, million dollar houses, can help our school districts. (Jay Miller, Transcript, 1/11/05)
349. Upzoning is the way to go. (Ann Zakowski, Letter, Undated)
350. Support upzoning—results in fewer school children, less impact on infrastructure and taxes. (Paul Mosowitz, Transcript, 1/11/05)

*Comments noted.*

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351. We are very much in favor of five-acre upzoning for Huntersville as well as upzoning the whole town, north, south, east and west. It is only fair that all areas of Town be treated in the same manner. (Robert Giordano, Letter, Undated; Transcript, 1/12/05)

*The proposed Plan now calls for four-acre, rather than five-acre zoning, in Huntersville. This upzoning still serves the specific purpose of preserving valuable natural resources and open space, which is still prevalent in the area. In many other parts of Yorktown, large parcels are not as readily available and so do not warrant the same upzoning.*

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#### Crompond/Bear Mountain Triangle

352. The Planning Board gives qualified support to the Proposed Crompond Triangle PDD-MIX which would encourage the consolidation of several parcels and the "mini-Master Plan" of the region. It could be incorporated into the existing residential to allow a "transition." The "mixed uses" should include apartments above shops. The PDD-MIX under the R-3 zone at the west end of the Crompond hamlet is consistent with existing use and would allow for controlled re-development of that area. The "qualifications" of this endorsement are due to the need to review the actual zone text. (Jeremiah R. Dineen III, Yorktown Planning Board, Letter, 1/25/05)
353. The Planning Board strongly opposes the Crompond Alternative B-1 Zoning. No entity in Town has been a larger supporter of office zoning in the Town of Yorktown than the Yorktown Planning Board in appropriate locations. It is certainly possible to have some office components in the above PDD-MIX zone. However, to re-zone this entire area (while excluding the existing residential zone) is tantamount to creating a zone which cannot be built. (Jeremiah R. Dineen III, Yorktown Planning Board, Letter, 1/25/05)
354. It should not be zoned OB as there is no market for office campus development in the region. The DGEIS is deficient in the analysis of this subject and this is an obvious attempt to thwart

development of these properties. The DD-MX overlay is clearly much more sustainable and desirable. (Albert A. Capellini, Letter, 1/25/05)

355. The GEIS notes that office development is unlikely to occur in Yorktown. Is it naive on the part of the Town Board to propose new office zones here or is it intended as a disincentive to any development? (Ann Kutter, Transcript, 1/12/05)
356. I urge the Town Board to leave the residential sections of the Bear Mountain Triangle intact. Allow us to work with you as envisioned in the Planned Development District concept. To impose a zone change that makes all of us nonconforming will not serve Yorktown's future. (Ann Kutter, Transcript, 1/12/05)

*The proposal for OB Office Campus zoning in Crompond is no longer in the proposed Plan. 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.*

357. In the Bear Mountain Triangle there is talk about zoning part of it for senior housing. I personally don't think it's the most appropriate site for senior housing. I think it's more appropriate for work force housing, for housing for families or singles. (Ken Belfer, Yorktown Community Housing Board, Transcript, 6/9/09)

*Comment noted. One parcel is proposed to be RSP-2 or age-restricted residential zoning. There is a need for both types of housing. Non-age-restricted residential zoning is proposed for the Garden Lane area.*

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### Mohegan Lake/Shrub Oak

358. They took a nice area (Mohegan Lake) and turned it into a business area, the whole area. I think the way that the present plan you're suggesting is going to do more of that. To continue to build on that side of town and just slam everybody on that side of town, more business and more traffic and less infrastructure repair, is just incomprehensible. (Brian Dee, Transcript, 1/12/05)

*Comment noted. There is no additional commercial zoning proposed for the Mohegan Lake area, and it has been a commercially developed corridor since at least the early part of the last century. However, the Plan suggests measures to reduce, eliminate and manage the negative*



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*effects of such development (traffic, quality of life, environmental impacts, etc.) and further attempts to enhance aesthetics, architecture, pedestrian amenities, parkland and the like.*

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359. Please rezone the entire Mohegan Lake district as professional. We have over one dozen stores that have been empty for over a year. (Kathleen Spillane, Transcript, 1/12/05)

*The proposed Comprehensive Plan addresses issues from primarily a long-term perspective, and is not based solely on generally short-term conditions such as vacancies, which may be due to a variety of factors. The Plan does not include a provision to rezone the entirety of Mohegan Lake as professional because the Plan generally supports a mix of uses in all the hamlets to support commercial and neighborhood vitality and quality of life. The proposed Comprehensive Plan creates a new zone dedicated to office development and several properties in Mohegan Lake have been offered as same, and one has been successfully developed under said zoning. Further, it is unnecessary and undesirable to zone the entire area as office, as this type of development can occur in the existing commercial zones.*

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360. The Mohegan Lake/Shrub Oak Business Center detail (Figure 2) is flawed as it seems to be an arbitrary and capricious decision on how to zone the area. The entire strip should be zoned commercial. To require that the vacant land be deemed "Open space" is definitely discriminatory, exclusionary, arbitrary, and capricious. This type of zoning is therefore illegal. (Ralph Ciuffetelli, Letter, 1/25/05)

361. The Figure 2 Detail "Mohegan Lake-Shrub Oak Business Centers" of 2005 Plan proposal is also flawed as it seems to be an arbitrary and capricious decision on how to zone the area, with very different plans for land that is basically across the street from each other or at each end of Mohegan Lake...To require that the vacant land in this area be deemed "Open Space" is definitely discriminatory, exclusionary, arbitrary and capricious and this type of zoning is therefore illegal. (Ralph Ciuffetelli, Letter, 7/20/09)

362. As the owner of 1696 and 1700 Route 6, otherwise known as the La Forge Chalet and other properties in the Mohegan Lake area as well as being a representative of other property owners, I strenuously object to the use of my land as parkland! (Ralph Ciuffetelli, Letter, 1/25/05; Letter, 7/20/09)

*The above-mentioned business center proposal is neither arbitrary nor capricious. There are existing commercial hubs in these areas, both located on major routes through the Town, making them appropriate sites for future improvement and development. The reference in the comments that vacant space is required to remain "Open Space" is unclear. There are no areas along either of these routes where Open Space is a designated zoning district, and the proposed zoning of the Chalet property is not for parkland. It appears the reference is to figures in the Economic Development & Hamlet Commercial Centers chapter, which shows the*

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*referenced property to be desirable as parkland, public recreation and open space buffering. However, the proposed zoning in the Land Use chapter maintains this parcel's zoning as single-family residential. Simply put, the Plan recognizes that property as important in providing buffering and/or transitional public uses between a commercial zone and corridor, and the more residential and near-rural quality of the remaining Route 6 corridor to the east. Nevertheless, the zoning remains as developable residential land. There is no zone created that limits uses to open space or parkland. Thus, under the proposed Plan, no landowner would be deprived of all or even substantially all of the economic benefit from their property.*

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363. The planned development district for Mohegan Lake takes some of what would have been upzoned residential property and puts it into the mixed zone. All the low income housing and commercial development are going into the planned development district mixed use zone in Mohegan Lake. (Mike Saltzman, Transcript, 1/12/05)

*The PDD zone referenced in the above comment is no longer included as part of the Proposed Action.*

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364. The Planning Board gives a qualified endorsement to the proposed Mohegan Lake zoning reserving the need to read the actual text of the proposed zones. The new CG, CL and CHC zones along Rte. 6 in Mohegan are reasonable approaches to correct the limitations of the existing C-2 zone. The PDD-R zone for the "bypass" area with an underlying 1 acre zoning (the existing half acre zone) is similarly reasonable and appropriate. We oppose the Mohegan Lake Alternative B-1 Zoning which goes from commercial to office zoning as a blatant attempt to render the land unusable. The parcels are too small to ever be developed as offices and offices generate large volumes of traffic in an area that can ill afford it. (Jeremiah R. Dineen III, Yorktown Planning Board, Letter, 1/25/05)

*The proposed Comprehensive Plan addresses issues from primarily a long-term perspective. The O Office zoning proposed for this location is designed to accommodate professional offices, which are smaller in scale than the larger-scale corporate office development intended for the OB Office Business Campus zone. Professional and medical offices generally serve residents and workers within a reasonable distance. The parcels in this area are of sufficient size to accommodate these types of uses (in fact, two of the parcels have been successfully developed under said zoning). Thus, traffic generated by such uses is generally already using local roads for other trips. By comparison, larger-scale office developments draw employees from a wider area, thereby generating new trips and increasing traffic volumes. It is also noted that the PDD zone referenced in the above comment is no longer included as part of the Proposed Action.*

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365. The character of Mohegan Lake is its sense of a lakefront community, which character is not being preserved by cutting more trees and adding more homes and commercial development. (Judith Gordon, Letter, 1/21/05)
366. The Yorktown population is VERY happy with the quality and mix of stores, parking walkability, attractiveness of storefronts and landscaping in Mohegan Lake. (Ralph Ciuffetelli, Letter, 7/20/09)
367. With regard to the property adjacent to the firehouse on Route 6 across from Wallauer's: We are very disappointed about the rezoning change. The rezoning changes would hurt the actual appearance of this village and would affect our proposed development. (Michael Finn, Transcript, 1/12/05)

*Comments noted. The intent of the Comprehensive Plan is to enhance and preserve community character and to manage growth in a manner than maintains that character over the next 20 years. While not everyone agrees with all its proposed elements, the Plan is a result of extensive outreach, community involvement, and public comment for the betterment of the Town as a whole. The additional commercial development that would be allowed by the proposed Plan would not change the character of Mohegan Lake. Nor does the Plan recommend the cutting down of trees; rather the Plan recommends the identification and preservation of mature trees in selected residential neighborhoods. See Tables 2-1 through 2-6, Policy 5-15 and Policy 7-14 of the proposed Plan.*

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368. With regard to Shrub Oak: The CC zone, CHC zone and CSC zone along East Main Street in Shrub Oak are reasonable and rationale and consistent with long standing use. The Planning Board opposes the Shrub Oak Alternative B-1 Zoning with the creation of the new PDD-O zone for most of the area at the east end of the Shrub Oak which is another thinly veiled attempt to preclude future development or re-development in the area. (Jeremiah R. Dineen III, Yorktown Planning Board, Letter, 1/25/05)

*The PDD in Shrub Oak was abandoned and is not part of the Proposed Action. However, one property is proposed to be in the O Office zone. It is noted a property in the O zone was successfully developed in Mohegan Lake in 2009.*

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#### Jefferson Valley

369. With qualified endorsement the Planning Board supports the OB zone at the east end of the corridor which has been master planned for thirty years. The office zone north of Route 6 is similarly reasonable, although several of the parcels may be too small. A better alternative for those parcels is the "Country Commercial" zone. If the parcels could be consolidated, it may be a very workable zone. We think the CHC and the CSC are similar1y appropriate in this area.

The CR zone for southeast quadrant of the Rte.6 TSP intersection is consistent with long standing use. The POD-O/CI is a good fit for the area at the southwest quadrant of the Rte.6 TSP intersection with the possibility of a "country inn" in one of the few quadrants in Town that could tolerate the traffic. The PDD-OB added to the existing OB zone at the northeast quadrant is an idea worthy of pursuing given the success of the neighboring land use (i.e. Contractor's Register. The Jefferson Valley Alternative B-1 Zoning is flawed where it deviates from the above. The CR zone has no basis or precedent for the southwest quadrant of the Rte.6/TSP intersection, and appears more of a straight "no-build" zone designation. Removing the eastern most parcel from the OB zone and re-zoning to 2 acre is at least rational, but gives up a logical, and well suited parcel for the office zone. As an alternative, the Town Board may consider an office zone, with a low density (like 2 or 3 acre) underlying residential alternative, which would "incentivize" an office development while allowing a residential alternative. This would be similar to the existing "Interchange" zone. The B-3 alternative also removes the multifamily aspect along east main street, which is one of the few areas where this can (and does) exist reasonably. (Jeremiah R. Dineen III, Yorktown Planning Board, Letter 1/25/05)

In the event that a hotel/country inn is displaced by other development types in the Bear Mountain Triangle, the proposed Plan has been altered to allow for such use in another area -- namely, the area of properties at the southwest corner of Route 6 and the Taconic State Parkway in the Shrub Oak area. This was originally studied as the proposed action in the DGEIS but was removed in favor of the O – office zone designation and associated allowable uses. Office uses generate higher traffic volumes and have greater parking demand than a hotel use and therefore the impacts of a hotel in this area are within the envelope of impacts that have been analyzed in the GEIS.

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370. With regard to various parcels on northeastern end of Osceola Lake: The country commercial zoning is appropriate with the CR overlay as long as there is enough flexibility to develop in a viable, desirable way. Four acre zoning in adjacent parcels is inappropriate, 1 acre is reasonable. Existing service station on 6N should not be made non-conforming. (Jay Hansmann, Hansmann & Croese, Letter, Transcript, Unknown, 1/11/05)

*Comments noted. Most, if not all, of the four acre zoning in the area is no longer part of the Proposed Action. The service station remains an as of right use.*

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371. My recollection from some of the Comprehensive Plan discussions was that in an earlier version there was the idea of a planned designed district for Jefferson Valley and linking Lee Boulevard and Hill Boulevard and Lee Boulevard and having a mix of commercial and residential along that strip creating a real walkable Village Center there and I think that still would be an excellent vision. (Ken Belfer, Yorktown Community Housing Board, Transcript, 6/9/09)

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*Comments noted. A CR overlay has remained as a component of the proposed plan for Jefferson Valley. The road connection referenced in the comment was abandoned. The Town Board felt that this connection would aid commercial development, thereby increasing undesirable impacts while not providing a balance of positive effects.*

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#### Yorktown Heights

372. The Planning Board gives a qualified endorsement of the proposed Yorktown Heights Business Center Zoning. One suggested change is the area immediately behind Town Hall where industrial zones are not historically desirable along main roadways, especially on the approach to the Heights. Perhaps a better zone for this area would be a PDD residential with one acre zoning underlying. Alternatively, consider a zone like the old "Interchange" or "Transition" zone. (Jeremiah R. Dineen III, Yorktown Planning Board, Letter, 1/25/05)

*Comments noted. The Town Board has eliminated all PDD zones from the proposed Plan except in the Bear Mountain triangle, Jefferson Valley and the Shrub Oak-Barger Street proposed overlay due to potential significant impacts from development. The parcels mentioned have been zoned O Office.*

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#### Hamlet Centers in General

373. With the parking areas you could also have vendor days, kiosks, things like that which will make it more attractive in the retail setting and I think it would be very nice. (Tom Iannicari, Transcript, 6/9/09)

*Comment noted. This level of detail is not part of the Comprehensive Plan, but is not precluded.*

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374. Mixed-use development in the existing hamlet centers would be consistent with the Hunterbrook DGEIS, which talks about focusing development in the hamlet centers where services are available. (Toni Downes King, Transcript, 1/12/05)

*Comment noted.*

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#### Rezoning, Residential – General

375. The proposed maximum building coverage for the R1-160 district is the same as that for the existing R1-80 district. We recommend that the Town should consider decreasing the maximum building coverage in the proposed R1-160 district. (Edward Buroughs, Westchester County Planning Board, Letter, 7/15/09)

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*The proposed Comprehensive Plan supports revising bulk requirements including floor area ratio and coverage.*

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376. We recommend that the Town not increase the minimum parking requirements from one to four spaces for single-family uses. (Edward Buroughs, Westchester County Planning Board, Letter, 7/15/09)

*As the typical household now has multiple vehicles, it is prudent to require enough space for the average number per household and visitors. Future limits on impervious coverage, if enacted, will not conflict with this requirement.*

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#### Rezoning, Residential – Property/Area Specific

##### *French Hill*

377. Property should be rezoned 5 acres. (Jerome Thaler; (1) Mary and Joe Kelly; (2) Dan Fitzpatrick; (3) Dennis Engler; (4) Jon Castle; (5) Marty and Eleanor Lumish; (6) James and Ann Corbalis; Letter, 1/11/05, (1) 1/9/05, (2) 1/18/05, (3) 1/18/05, (4) 1/18/05, (5) 1/13/05, (6) 1/10/05)
378. The Planning Board strongly supports the five acre zoning since it is consistent with the Underhill Turkey Mountain hamlets areas zoned at 5 acres. It links Huntersville Area with Turkey Mountain, and can act as a transition to the one-acre residential area and the commercial zones on Underhill Avenue. (Jeremiah R. Dineen III, Yorktown Planning Board, Letter, 1/25/05)
379. I urge the Board to follow the recommendations of the consultants for upzoning the property known as French Hill. Because of the extensive wetlands and runoff going into the Croton and a suspect water supply among other concerns, I believe this is particularly well suited for the five-acre upzoning. (Dan Fitzpatrick, Transcript, 1/12/05)

*This property is now a state park and not eligible for development; however, it is still subject to rezoning.*

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380. I think the Master Plan is going to preclude the golf course on this site, and I think that would be a big mistake. To revitalize the town, a project like that is a no-brainer. It is a big missed opportunity. (Michael Grace, Transcript, 1/12/05)

*A golf course was proposed for this property by a developer, who was unable to solve some technical issues (water service and irrigation water, in particular). The land was subsequently*

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*donated to the state as parkland and is now not eligible for private development. Conceivably the state could decide to create a golf course, as this use would be consistent with park usages.*

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*Stony Street*

381. The proposed re-zone of vacant land along Stony Street from the existing 1 acre to 5 acres is unreasonable, excessive and not based on fact. There is a clear need to address bio-diversity in this area, but that it is not assisted by upzoning (we refer you to the Biodiversity study on this point). With the wetlands, steep slopes and biodiversity issues in this area, we would strongly encourage the Town Board to consider a 2-acre rezoning and compulsory cluster developments in this area. (Jeremiah R. Dineen III, Yorktown Planning Board, Letter, 1/25/05)
382. We are asking that the basis for upzoning the Stony Street area to 5 acres be clarified. There seems to be no basis in the GEIS for this upzoning. (David Steinmetz, Transcript, 1/12/05)
383. The proposed re-zoning of vacant land along Stony Street to 5 acres is unreasonable, excessive and not based on fact. Consider instead 2 acre zoning with compulsory cluster developments. (Jeremiah R. Dineen III, Yorktown Planning Board, Letter, 1/25/05)

*The Sustainable Development Study recommended a 75 percent reduction in development, and the proposed Comprehensive Plan recognizes population reduction and associated development impact reduction as important to biodiversity health. The Biodiversity Study recognized clustering as very effective in preserving open space, although it did not reject reduced development. With a reduced zone clustering is still a desirable additional tool that will be available. The area's constraints also are substantial, similar to Hunterbrook, and likely reduce potential lot yield. For example, a 99-acre parcel in the area had a proposal for essentially 26 units, roughly the same yield as would be possible with four acre zoning. This development yield was due to constraints such as wetlands and steep slopes. The area is proposed for four acre zoning in the Comprehensive Plan, which would assure that the density is compatible with the area's environmental constraints.*

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*3132 and 3134 Gomer Street*

384. Request to remove the proposed rezoning of parcel from R-20 to R-40 at 3132 Gomer Street in Yorktown Heights (54-17-17-03-53). Property was purchased knowing it could be split into two parcels, each conforming with zoning codes and laws. Sewer access recently added to support second home on property. Majority of properties are R1-20; makes no sense to zone my property to R140. Please remove my parcel from your controversial plan. Allow me fair and legal use of my property... (Catherine Matier, Letter, 7/7/09; Transcript, 7/7/09)

385. I wish to formally and respectfully request that you remove my parcel from this controversial plan and allow me the fair and legal use of my property as it was zoned responsibly and needs no change. (Cathy Matier, Transcript, 7/7/09)
386. Just recently the Town provided sewer access to the parcels and laterals are being laid with the engineering to support the addition of a second single family home on this nice flat lot. This eliminates any environmental objections. (Cathy Matier, Transcript, 7/7/09)
387. The second letter is 3154. This property was purchased in the higher price paid knowing it could be split into two parcels each conforming with the zoning code and laws. (Cathy Matier, Transcript, 7/7/09)

*Alternative B5 is no longer part of the Proposed Action.*

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*Peterson/Tom Thumb Properties*

388. Proposed Rezoning of Portion of 1943 East Main Street (Block 1/ Lot 33). Clients own 5.6 acres. Current zoning is Commercial C-2. Proposal is to re-zone the northerly 3.3 acres to R1-20 (Residential) In 2005, Yorktown tried to rezone 3.3 acres to R1-20. Plan and actions were declared null and void by the Supreme Court, County of Westchester. Property restored to commercial designation. Mohegan Lake hamlet area where property is located is one of the major commercial centers in Yorktown; area has historically promoted commercial developments in the area. Town Board and Town Planning Board encouraged commercial site plan. The proposed zoning split is unreasonable, improper, and in violations of good planning principles. (Wayne Spector, representing Stanley & Carl Peterson, Letter 6/23/09)
389. The rezoning will create a non-conforming parcel; it will create a landlocked residential "island" as portion of property is developed in accordance with C-2 Zoning Regulations; the rezoning would adversely affect the development potential and value of the south portion of premises. The rezoning would be contrary to the general character of the district and its suitability for the proposed particular uses. (Wayne Spector, representing Stanley & Carl Peterson, Letter, 6/23/09)
390. With regard to Peterson Site, Route 6: The Town previously told them to have the entire property commercial at a time when it was split zoned between a commercial and a residential district. The Town subsequently changed the zoning. Now you are trying to split it again, making it half RSP-2, which would render it nonconforming because the minimum lot size for an RSP-2 is five acres. (Albert A. Capellini, Transcript, 1/12/05)



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391. With regard to Peterson Site, Route 6: The alternative of R1-20 destroys the commercial value of the land fronting on East Main Street and is tantamount to a taking. (Albert A. Capellini, Letter, 1/19/05)
392. Similarly the rezone from commercial to half acre residential of the area north of Route 6 (Tom Thumb and Peterson) is unsupported by the record and history. The Town Board within the last ten years re-zoned the back parcel of the Peterson piece to commercial from residential. (Jeremiah R. Dineen III, Yorktown Planning Board, Letter, 1/25/05)
393. With regard to the Tom Thumb property, 1949 E. Main Street, Mohegan Lake: Dismayed at the idea of changing zoning from C2 to anything else. (Nancy Brophy, Letter, 1/24/05)

*The revised Comprehensive Plan would leave this area as C-2, given the frontage on the Route 6 corridor, which is characterized by moderately sized commercial parcels with residential uses further back from the highway.*

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*Yorktown Farms Subdivision*

394. The property is presently zoned ½ acre lots and there is no justification for a change in zoning based on any principles expressed in the Town's Plan, the current fabric of the neighborhood or any identified environmental impact associated with the current zoning. Traffic has not been shown to be a problem in the project area. Smart growth suggests that development should be channeled where infrastructure exists as this property has water and sewer service. Homes at this property will be market rate. (Val Santucci, Letter, 11/4/04)
395. The DGEIS acknowledges expressly that Yorktown is not likely to be a major office location, yet you are proposing to rezone my client's parcel as OB. We are one mile from the Taconic and not near any lodging or public transportation and these are issues that were not adequately addressed in the DGEIS. They must be addressed in the FEIS. My client is entitled to empirical information coming back in and I hope we get a response. (David Steinmetz, Transcript, 1/12/05)
396. Your comprehensive plan for some reason proposes to go to OB designation. Alternatively it discusses going to R1-80 or two-acre lots and there is some mention of a hybrid R-40 zoning with R-20 bulk. The property is currently zoned R-20 or half-acre. My client is opposed to the Comprehensive Plan and the proposed zoning. The OB is totally inconsistent with the surrounding area. We submitted a market study in 2003 showing there is no demand for an office campus here in Yorktown, let alone on this particular property. (David Steinmetz, Transcript, 1/12/05)

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397. We also suggest to you that the R-80 is an inappropriate upzoning because the property has water and sewer infrastructure. The surrounding development is on one-half acre lots. Increasing the size of the lots on this property would be arbitrary. Traffic is not a major concern on this part of Route 6. Growth should be directed to where the infrastructure exists to support it. (David Steinmetz, Transcript, 1/12/05)
398. The hybrid zone that has been bandied about, R-40 with R-20 bulk, may at least allow for some reasonable yield. The property currently across the street is industrial. R-80 or even R-40 makes no sense as a transitional zoning classification from a zoning perspective. (David Steinmetz, Transcript, 1/12/05)

*This originally proposed land use recommendation was removed from the Proposed Action in response to comments and in consideration of existing land use patterns in the area of this property. The property was rezoned to one acre zoning in a separate applicant-requested action. It is under development now as a 22 lot residential development and is creating a sewer district for an additional 60 homes.*

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*100-acre property at Route 202 and Stony Street (Stateland/Pulte Homes)*

399. Stateland had a reasonable investment-backed expectation that Yorktown and New York State would allow Stateland to develop the property under existing one-acre zoning when it was sold with Yorktown's consent by the NYSDOT in 1989. (John D'Angelo, Transcript, 1/12/05)
400. Stateland's property does not need to be upzoned to achieve the density reduction goals because our proposed project is modest in size. (John D'Angelo, Transcript, 1/12/05)
401. The substantial decrease in the value of Stateland's property would violate the Fifth Amendment's takings clause. The economic impact is highly detrimental to Stateland. (John D'Angelo, Transcript, 1/12/05)
402. The draft plan treats many landowners far more favorably than Stateland with a proposed upzoning of one-acre to two-acre rather than one-acre to five-acre proposed for our property. Compounding this discrimination is the favorable treatment the Town gave to Hilltop Hanover and Cat Hill farms, where the moratorium was waived to allow select landowners to proceed with major subdivisions with greater density than the draft plan allows for Stateland's property. This violates our equal protection rights. (John D'Angelo, Transcript, 1/12/05)
403. The plan to upzone this property from R1-40 to R1-200 significantly decreases the number of homes that could be constructed without benefiting the community as a whole, singles this parcel out for spot zoning, is an unlawful taking and discriminatory under the Federal and State Equal protection clauses. (Shamberg, Marwell, Letter, 1/25/05)

404. There appears to be no justification for the drastic reduction in residential yield based on the principles in the draft Plan, the existing and proposed land uses or any identified environmental impacts associated with the existing zoning. The premise for upzoning is traffic. (However) the plan singles out the north side of 202 for upzoning although development on both side of the corridor contribute to traffic. The upzoning is inconsistent with the Biodiversity Study recommendations of avoiding large lot zoning. If all the publicly owned or privately conservation restricted properties were mapped in this area it would demonstrate that the subject property is an isolated privately owned property being upzoned. The Pulte Home proposed project is consistent with the County's Patterns recommendation for density in the 202 corridor and has available utility service for clustering at the density of the existing zoning. (Tim Miller, Letter, 1/25/05)

*Comments noted. The proposed Comprehensive Plan considers the management of growth in the entire Town. The upzoning in this area is appropriate to achieve a variety of goals, as explained in Section 2.4 of this FS GEIS. The benefits cannot be assured by looking at particular current development proposals in particular areas, as opposed to considering the Town as whole. Further, the proposed upzoning of Stateland's property does not violate any state or local laws. There is no reasonable expectation that zoning will never change; the property would not lose all or substantially all of its value with the upzoning, and the fact that a prior moratorium was waived for other properties does not constitute a violation of the equal protection clause. Stateland did not request a waiver; Cat Hill and Hilltop Hanover were proposed to be developed at densities that complied with the draft zoning at the time, and therefore received waivers in compliance with the moratorium legislation.*

*The proposed rezoning of the properties on the north side of Route 202 was modified from the original proposal that was the subject of this Comment. A reduction in residential density is still proposed. The conditions on the north side of Route 202 are different than those on the south side, which is characterized by retail development along the highway, with established residential areas further to the south. The proposed zoning of the properties on the north side of Route 202 will still allow for a reasonable amount of development while respecting the area's environmental constraints.*

*In terms of the biodiversity study, see response to Comment 197.*

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*White Hill Road, Church of the Nazarene*

405. Allow cluster of homes on 3 acres adjacent to the Church parking lot to allow 4 single family homes with an accessory apartments for seniors. Maintain R1-40 zoning for the church property consistent with the housing on adjacent White Hill Road. (David Oliver, Church of the Nazarene, Letter, Transcript, 12/27/04, 1/11/05)

406. I ask that the property of our church not be included in the new upzoning to two-acre lots. The church intends to ask the Planning Board to consider a proposal that our property become the site of four new single family homes that could be offered as affordable housing with each also having a senior rental unit. Exempting our property from the two-acre zoning would be no great aberration from the Comprehensive Plan. Public water and sewer is available on the north. We have ample frontage on White Hill Road. (David Oliver, Church of the Nazarene, Transcript, 1/11/05)
407. I will point out to you also you're down-zoning the Church of the Nazarene property and there is no environmental as opposed to political reasons for doing that. (Lawrence Praga, representing Wallack Family, Transcript, 6/9/09)

*There is a public interest in promoting affordable housing, which was noted by the Town Board in the 2005 Findings Statement. The property in question is smaller than many of the others in the area, and thus the number of new dwellings that could be created on the property is substantially less than could be developed on more sizable tracts. Single-family homes constructed in accordance with the regulations of the R1-40 Zone would be consistent with development patterns and zoning to the north and east.*

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*Foothill Street*

408. With regard to Foothill Street (17 acres): Being adversely impacted by the proposed rezoning to R1-40 since it is effectively eliminating any future development of the site. (Niles Schwartz, Letter, 1/24/05)
409. With regard to Foothill Street (17 acres): The plan calls for upzoning our property from half acre zoning to one-acre zoning. It's a very difficult piece of property. The land is steep, there are wetlands and the road is very long and winding. So any reasonable development would require enough density to enable us to utilize the property, to make it economically viable. We believe that the half-acre zoning is appropriate to that area of the Town. The natural landscape limits the development adequately. (David Schwartz, Transcript, 1/12/05)

*The rezoning of this property addresses a number of broader issues, as discussed in response to other comments. The proposed zoning would still allow for the reasonable development of this property, albeit at a lower density.*

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*Simone Property*

410. We represent Arlene Simone, who is one-half equity owner of Front Street property. Both Mr. Mocha and Ms. Simone have agreed in their settlement stipulation to market the aforesaid lots,

and in connection with said marketing, Ms. Simone plans to appear before your Board and/or the Planning Board. (George Hunter Roberts, representing Arlene Simone, Letter, 5/21/08)

411. Own land on Front Street which is presently zoned residential. Is the Comprehensive Plan going to consider these parcels of Commercial/ Industrial. Feel that the area is not suited for residential: we are near the UPS, industrial park and Yorktown Business Center and a vacant office building. The lots are better suited for commercial; not for two single family homes. (Tax ID: 48.7-2-11; 48. 7-2-13; 48, 7-2-15; 48. 7-2-17) (Arlene Simone, Letter 5/12/08)

*The mere proximity of certain non-residential uses does not necessarily make a property better suited for commercial use instead of residential. Factors including existing land uses were taken into consideration in the drafting of the proposed Comprehensive Plan. Given the location, access and surrounding zoning and land use patterns of the property referenced in this comment, the Plan recommends continuation of the existing residential zoning of this property.*

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*Berardis Property*

412. Like many other property owners here today I've lost a great deal of equity in my real estate value. It is my hope that no further zoning or rezoning option is considered other than the C-2 status. I do not want to become a casualty of an agenda. (Mike Berardis, Transcript, 6/9/09)
413. The proposal to rezone from the current C-2 to residential R-120 does not make sense. What I have found is that there seems to be some level of favoritism and/or potentially discriminatory action being taken against my property. What rationale exists for my property that does not exist for the others? (Mike Berardis, Transcript, 6/9/09)
414. I'm back again to be heard and to be on record as I was here last month to voice my opinion to the opposition of rezoning of my property. I posed the question to the Board back in June and I want to repeat the question again tonight as I've not received an answer yet. (Mike Berardis, Transcript, 7/7/09)
415. I want to know what rationale exists to re-zone my property from its current C-2 zoning to what's proposed as R-120 that does not exist for the neighboring property owners. Many of the neighboring property values are being improved through the rezoning while my property loses a great deal of value through rezoning. (Mike Berardis, Transcript, 7/7/09)

*The property is between multifamily and single family properties and this area is at the transition of commercial to residential areas. The structure is a converted old home and used as office. The rationale of this Plan in this regard is to establish a clear limit to purely commercial developments by rezoning to residential. The office use is eligible under a special permit and therefore will not be made non-conforming; the change will help preserve the character of the*

*old building and; prevent the creep of commercial styled buildings toward a residential area, which would affect the character of such area.*

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*Wallack Property*

416. The Comprehensive Plan DGEIS did not note the fact that the proposed upzoning for the subject parcel would deprive the owner thereof of equal protection in violation of the New York State and Federal Constitutions, especially in that contiguous land, as set forth above, has been proposed to be rezoned for a substantially greater density. (Lawrence Praga, Letter, 1/25/05)
417. One of the most important things with respect to this Comprehensive Plan process and I never failed to reiterate it is that during the process the Town planners, the retained planner, the in-house planner, had recommended zoning for my client's property of R1-40 for the first 900 feet from Jacob Road with the remainder at R1-160 which is a significant upzoning from the present zoning. (Lawrence Praga, representing Wallack Family, Transcript, 7/7/09)
418. There are a vast number of issues with respect to the process, a vast number of issues with respect to the substantive requisites with regard to the individual upzonings of not only my client's property but all of the other properties which are being upzoned. (Lawrence Praga, representing Wallack Family, Transcript, 7/7/09)
419. My client could have lived with R1-40 and can live with R1-40 for the first 900 feet with the remainder being R-160 and in fact I believe that was actually discussed during the pendency of the litigation but fortunately or unfortunately the Court ruled in our favor before we were able to consummate that kind of settlement. This kind of zoning would recognize the environmental capacity of the land and also achieve the aims of the Town. (Lawrence Praga, representing Wallack Family, Transcript, 6/9/09)
420. The property is currently zoned R1-40 for 250 feet south of Jacob Road, with the remainder of the land zoned as R1-80. There is no information or rationale provided in any of the subject documents that, in my judgment, in any way provide a sound planning reason for the proposed rezoning of this property. I find it impossible to determine what the current rezoning proposals and rezoning rationale are for my client's property. (Nathaniel Parish, representing the Wallack Family, Letter, 7/20/09)
421. The property as you probably know by now is zoned R-140 for the first 250 feet off of Jacob Road, R-180 for the remainder. The proposal for the property in the Comprehensive Plan is R1-160 for the entire parcel which is a doubling or quadrupling of the minimum lot size. (Lawrence Praga, representing Wallack Family, Transcript, 7/7/09)

422. My client just wants to be left alone. This property is different from all other properties in Hunterbrook. It has public water, it will soon have public sewer, the topo is not bad at all, it has good access and little or no wetlands. It is appropriately zoned at one and two acres. (Lawrence Praga, Transcript, 1/12/05)
423. Should not be up zoned but portion should rather be down-zoned because of A) the entire parcel can and will be served by public water and has been incorporated into the Yorktown Water District B) can be serviced by public sewers with the bulk of the property by gravity sewers C) not in proximate to the Croton Reservoir D) existing road system is adequate to service present zoning or down-zoned development E) no significant wetlands F) existing soil nor slopes constitute significant environmental constraints G) other lands with virtually the same characteristic were withdrawn from the Hunterbrook Area rezoning and are proposed for a significantly smaller lot size. H) The development of the Field Home has substantially changed the character of the area and neighborhood. (Lawrence Praga, Letter, 1/25/05)
424. The Field home property again has been developed within the last few years and has significantly changed the character of the area. (Lawrence Praga, representing Wallack Family, Transcript, 6/9/09)
425. My client's property [Wallack family who owns approximately 150 acres on the south side of Jacob Road] is significantly different than most of the large properties that are being zoned in pretty much all of the rezoned properties in the Hunter Brook. My client's property has been serviced by public water for decade, continues to be serviced by public water and is in fact part of the Yorktown Consolidated Water District. Client's property can be serviced by gravity sewers and in fact with the Field Home development gravity sewers are right around the corner literally. (Lawrence Praga, representing Wallack Family, Transcript, 6/9/09)
426. In addition to its contradiction with the 209 proposal presented in Table 2.1 of the SDGEIS, it is inaccurate with respect to the 2005 Plan which had proposed to rezone the entire property to R1-160, and not to R1-200 as stated here. (Nathaniel Parish, representing the Wallack Family, Letter, 7/20/09)

*The proposed Comprehensive Plan and Land Use Plan take account of developments in this area over the past several years, including the further development of the Field Home site, the ability to connect to the Yorktown Heights WPCP, and the provision of public water. In addition, the first approximately 900 feet of the property south of Jacob Road is flat; the topography changes further south and the steep slopes culminate at Hunterbrook. In light of these circumstances specific to this property, the proposal is now to retain the R1-40 zoning on the first 250 feet south of Jacob Road, rezone the next approximately 650 feet as R1-40, and upzone the remainder of the property to R1-160. This rezoning would overall be consistent with smaller lot single-family residential in the vicinity. The upzoning of most of the property would serve to protect the sensitive environmental features of the site, including the steep slopes and*

*the Hunterbrook. In this respect, see also Section 2.4 of this FSGEIS regarding the rationale for upzoning.*

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*Wilkins Fruit & Fir Farm*

427. Most of the remaining farm parcels in Yorktown are clearly distinguishable from the rest of the parcels involved in this up-zone plan. (Barbara Wilkins Pratt, Letter, 7/19/09)
428. Further it appears that your plan for upzoning our farm is in fact a plan for spot zoning – which is not legal...Rather than develop a buffer or transition section of 2 acre zoning immediately adjacent to the 1 and ½ acre zoning, you have chosen to make the entire farm 4 acre zoning. (Barbara Wilkins Pratt, Letter, 7/19/09)
429. I'm talking about the changes in the Comp Plan and the changes that have taken place since I've lived in Yorktown for 68 years. Our farm on White Hill Road has been zoned quarter acre, half acre, one acre and now part of it is two acre. The property across the street from us is zoned one acre and half acre and is proposed to be one acre in the new plan. The property next to us on the east is proposed to be one acre in the new plan. (Barbara Wilkins, Transcript, 6/9/09)
430. I'm looking to the future and I really am pleading with you not to zone out our options for my decedents. This Town is going to change a lot in the next 30 years or 20 years and for you to make this a blanket cross-the-way four acre zoning with nothing like that around it just seems to me ludicrous. (Barbara Wilkins, Transcript, 6/9/09)
431. ...on rezoning the Church of the Nazarene property from 2 acre to 1 acre to “allow for needed housing diversity” and the statements made that there is adequate water and sewer service available. The portion of our farm that borders White Hill Road has the same qualifications – water, sewers and housing diversity options – yet the proposed plan upzones our farm portion to 4 acre... (Barbara Wilkins Pratt, Letter, 7/19/09)

*The proposed Comprehensive Plan and Land Use Plan take account of developments in this area over the past several years, including the rezoning and subsequent development of the Church of Nazarene property, the ability to connect to the Yorktown Heights WPCP, and the provision of public water. In addition, the first approximately 1100 feet of the property south of White Hill Road is flat; the topography changes further south and the steep slopes culminate at Hunterbrook. In light of these circumstances specific to this property, the proposal is now to retain the R1-40 zoning on the first 1,100 feet south of White Hill Road and upzone the remainder of the site to R1-160. This rezoning would overall be consistent with smaller lot single-family residential in the vicinity. The upzoning of most of the property would serve to protect the sensitive environmental features of the site, including the steep slopes and the*



*Hunterbrook. In this respect, see Section 2.4 of this FSGEIS regarding the rationale for upzoning.*

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*Old Hill Farm*

432. I'd like to point out a very important change that was made between the 2004 plan, the original community plan and the one that came out of these work sessions and that is, there was a policy 5-8 regarding my family's property which was removed and that policy stated that within the Jefferson Valley hamlet center which is over here to allow duplexes or townhouses in a campus-style format and then without explanation and upon the Town Board's own initiative this policy was replaced regarding my family's property. (Kathryn Hoenig, Transcript, 6/9/09)
433. Planning consultant Saccardi and Schiff which analyzed the zoning for my client's property which is commonly known as the Hill property and that report concluded among other things that the R-140 zoning that's proposed is inappropriate for the property. It's inconsistent with the land use patterns in the Jefferson Valley hamlet of the surrounding properties. (Adam Wekstein, representing Old Hill Farm, LLC, Transcript, 7/7/09)
434. The only policy that now exists in this new plan is Policy 4-55 which states, Feature the farm-like open space qualities of the vacant site between the Lee Boulevard and Hill Boulevard shopping areas, so here is what the Town Board apparently thinks promotes housing diversity and economic development and vitality in the Jefferson Valley hamlet business center and I think the aerial photo showing you what a one acre housing development in that part of the Town would look like and I think it speaks for itself and even the Town's outside planner John Shapiro questioned the validity of this proposed zoning at a Town Board work session on April 6, 2005. (Kathryn Hoenig, Transcript, 6/9/09)
435. Under the original proposed Master Plan and zoning our property would have served as a link between the small businesses on Hill Boulevard, Club Fit and the shops along Lee Road. This proposed zoning made sense not only from a planning perspective in that it was entirely consistent with the other property uses around it, but also presented opportunity for the town to add much needed commercial tax revenues to help alleviate the tax burden borne largely by individual homeowners. (Kathryn Hoenig, Transcript, 6/9/09)
436. How you can rationally and defensibly upzone this property which is surrounded by commercial on three sides and townhouses on the fourth side. It is tantamount to spot zoning. (Kathryn Hoenig, Transcript, 6/9/09)
437. You should look at the surrounding land use. In my client's case it's all commercial. It's the donut hole in a donut of commercial use. You should look at the proposed zoning in proximity. Again the proposed zoning is all commercial around it or multi-family and you should look at the

- purpose of the hamlet area. This hamlet area is supposed to be mixed use. (Adam Wekstein, representing Old Hill Farm, LLC, Transcript, 6/9/09)
438. It's [zoning] inconsistent with your own proposed Comprehensive Plan, the 2009 Plan in terms of the policies and goals for that hamlet. It's out of character with the visions of that Plan for the hamlet. (Adam Wekstein, representing Old Hill Farm, LLC, Transcript, 7/7/09)
439. It [the plan] doesn't put in development, residential development that's consistent with the surrounding commercial and residential uses. (Adam Wekstein, representing Old Hill Farm, LLC, Transcript, 7/7/09)
440. Making this large lot residential zoning makes no sense and is inequitable. It's inconsistent with your proposed policies in the Plan. It won't make this a walkable village-like atmosphere. (Adam Wekstein, representing Old Hill Farm, LLC, Transcript, 7/7/09)
441. What's the basis for rejecting multi-family or mixed-use zoning for my client's property. There should be a discussion of that basis and the discussion of what the impacts would be if you allowed multi-family housing or commercial development of that housing. What's the impact of the R1-40 zoning of the Hill property on the pattern of growth and development of Jefferson Valley. There is no discussion of that. (Adam Wekstein, representing Old Hill Farm, LLC, Transcript, 7/7/09)
442. I want to raise some questions as to SEQRA. The written submission deals with the Plan as a whole, the zoning as a whole, the zoning applies to my client's property and what I believe to be the clear defects in the Draft Supplemental Generic Environmental Impact Statement. (Adam Wekstein, representing Old Hill Farm, LLC, Transcript, 7/7/09)
443. What's proposed here in Jefferson Valley is the antithesis of spot growth, excuse me, of smart growth and we will be putting in a report from Saccardi and Schiff, an updated report specifically showing the irrationality of the zoning. (Adam Wekstein, representing Old Hill Farm, LLC, Transcript, 6/9/09)
444. What are the impacts of the R1-40 zoning of that property on the possibility that Jefferson Valley will in fact attain that village-like character, will become walkable and will even become an economically viable mixed-use center. (Adam Wekstein, representing Old Hill Farm, LLC, Transcript, 7/7/09)
445. In January 2005 I spoke in support of what was then the Comprehensive Plan. The original plan recommended that our property be zoned mixed retail commercial shops and multi-family townhouses, which not only is consistent with the other properties around our property but also presents an opportunity to help the Jefferson Valley hamlet to keep it a vibrant area that serves the needs of the residents around it. (Kathryn Hoenig, Transcript, 6/9/09)

446. My family's property was included in this upzoning despite the fact that it has public water and Peekskill sewer access and is not part of Hallock's Mill. Notwithstanding the community's task force's consensus in 2003 that my family's property be zoned for commercial development, the Town proposed that it be one acre residential notwithstanding its location smack in the middle of the Jefferson Valley business hamlet. (Kathryn Hoenig, Transcript, 6/9/09)
447. There is a blanket upzoning of all R1-20 parcels that are greater than one acre in area up to R1-40. (Adam Wekstein, representing Old Hill Farm, LLC, Transcript, 6/9/09)
448. Plaintiff's property [Hill property] was subjected to zoning that was totally different and more logical than the first instance back in 2003 what was proposed and what it is now. (Adam Wekstein, representing Old Hill Farm, LLC, Transcript, 6/9/09)
449. The text of the zoning amendment says our property is being re-zoned from R1-20 to R1-40. The DSGEIS says that but what the map that's actually in the Master Plan of the proposed zoning shows that it's staying at R-120. (Adam Wekstein, representing Old Hill Farm, LLC, Transcript, 6/9/09)
450. I believe the zoning of my client's property would not be sustainable in Court. It's both unconstitutional and violates the Town law. It's irrational. (Adam Wekstein, representing Old Hill Farm, LLC, Transcript, 6/9/09)
451. The Hill property has been rezoned or is being proposed to be re-zoned from R1-20 to R1-40. All one needs to do is look at this picture, this aerial photo to see how absurd that is. (Adam Wekstein, representing Old Hill Farm, LLC, Transcript, 6/9/09)
452. Your plan, in the only space where it actually now refers to this property, says one of the goals is a preservation of farm-like quality of this property. Well, look at it, it's not a farm, it hasn't been a farm for decades. It's surrounded by commercial development on three sides. (Adam Wekstein, representing Old Hill Farm, LLC, Transcript, 6/9/09)
453. The alternative of 20,000 to 40,000 sq. feet residential lots is not a reasonable land use given that the Hill Farm is surrounded primarily with commercial uses. The draft Plan appropriately proposes the property be designed for a blend of commercial shopping center and multifamily housing. (Albert A. Capellini, Letter, 1/24/05)
454. That property has long been master planned and thought of as commercial, and to have an alternate which considers the R1-20 zone, which is really an R1-40 zone area, you've severely diminished the value of that property. (Al Capellini, Transcript, 1/12/05)

455. R1-20 doesn't make any sense on that property. It's next to a state highway, it's got infrastructure, it's in a crowded area. People can walk to things from there. (John Kincart, Transcript, 1/12/05)
456. The zoning for Jefferson Valley should follow the proposal in Alternative B-1. Multi family or large scale commercial will negatively impact the area. Support CC zone; oppose Hill property R3 designation. (J. Galbraith, Letter, 1/23/05)
457. The Hill Farm property in Jefferson Valley would be a good place for multi-family housing. Mixed use development of that parcel, which is near Club Fit, would enable people to walk for groceries and to the post office. (Claire McNeill, Transcript, 6/9/09)
458. What's the environmental justification for the discriminatory treatment of my client's property in comparison to all of the surrounding properties which have more favorable zoning treatment. (Adam Wekstein, representing Old Hill Farm, LLC, Transcript, 7/7/09)

*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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#### Hunterbrook

459. Support upzoning throughout Town ...providing that clustering is allowed and look hard at mandatory clustering law to prevent ecosystem fragmentation. Supports the upzoning of the Hunterbrook area. (John Schroeder, Yorktown Land Trust, Letter, 1/22/05)
460. Up-zoning will help protect the Hunterbrook and recommends 5-acre zoning in the Huntersville Ct. (John Holland, Letter at Transcript, 1/12/05)

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461. Consider greater use of the clustering ordinance rather than upzoning the Hunterbrook areas. (Francesca Samsel, Letter, 1/24/05)
462. With the Hunterbrook upzoning, it appears the majority of existing homes are going to become non-conforming. (Francesca Samsel, Letter, 1/24/05)

*Lots improved prior to any zoning change will not be affected by the zoning.*

*Clustering is already permitted as a development option, and would continue to be an option if the zoning implementing the proposed Comprehensive Plan were to be adopted. There are infrastructure limitations that are better served by reducing the overall development yield, which would not be accomplished through applying clustering to currently permitted residential development densities.*

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463. The Hunterbrook area is maybe one-fifth, one-sixth of the town. It is the least dense area along with the area south of the reservoir. Your proposed upzoning will make it an enclave for the wealthy, totally. Upzoning there will have a tremendous spiraling effect on all of Yorktown. (Al Cappellini, Transcript, 1/12/05)
464. Rezoning Hunterbrook area from R1-80 to R1-160 or R1-200 will be detrimental to affordability and community character. Opposed to upzoning, especially 5 acre. (Linda and James Wade, Letter, 1/22/05)

*As noted in response to other comments, a diverse mix of housing types are proposed in appropriate locations throughout the Town. The proposal for Hunterbrook includes the retention of R1-40 zoning in certain areas that have experienced recent development and can connect to the Yorktown Heights WCPF and have public water. It is not clear from the comment what type of "spiraling effect" is anticipated.*

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465. The whole tone of the GEIS and comprehensive plan have this idea that we are going to look at zoning from a performance point of view, and then the whole thing makes a left-hand turn and you go off on a Euclidian approach to your zoning. You are taking big areas and designating them certain districts without any real consideration for the underlying performance of the property. A prime example of that is Hunterbrook. There is a laudable goal in preserving that area as a pristine natural resource, but within that area there are pockets that are developable. You should retreat from the Euclidian approach to that area. (Michael Grace, Transcript, 1/12/05)

*Comment noted. See and the response to Comments 427 to 431 and the response to Comments 463 to 464.*

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466. The Hunterbrook DGEIS contained a 5-acre upzoning proposal. Here, the Hunterbrook DGEIS clearly acknowledges that Alternative 1 would achieve the more environmental benefits than the proposed 4-acre upzoning. Yet again, the more protective Alternative was foregone without explanation. Thus, because it is the most environmentally protective, Riverkeeper urges the Town to make the 5-acre Alternative studied in the Hunterbrook DGEIS a part of the Proposed Action for the Draft Comprehensive Plan (essentially including the larger upzoning in, and adopting Alternative B-6). (Marc A. Yaggi, Riverkeeper, Letter, 1/25/05)

*The Alternatives and the Action ultimately adopted must be “feasible, considering the objectives and capabilities of the project sponsor.” (6 NYRR 617.9(b)(5)(v)). The GEIS considers a range of reasonable alternatives consistent with SEQRA and the overall objectives of the proposed Comprehensive Plan to reflect a balance of differing interests, a range of reasonable alternatives. The Town Board is not obligated to adopt or even consider the most protective possible actions, only those which are feasible in the community.*

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467. Clearly, the SGDEIS justification that the rezoning will “...result in greater consistency throughout the Hunterbrook area...and is reflective of the community character” is grossly incorrect. (Nathaniel Parish, representing the Wallack Family, Letter, 7/20/09)

*The development pattern envisioned in the proposed Comprehensive Plan for this area reflects the established character of this section of Yorktown, including recent developments. See also the responses to Comments 416 to 426 and the response to Comments 427 to 431.*

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468. With regard to Hunterbrook: I bought a large, 32-acre parcel and would like to subdivide it. With two-acre zoning, we would get five parcels, which was fine. When I began to hear about 5-acre zoning, I thought, oh my god, maybe there would have been three lots, maybe fewer. We’re no longer talking about McMansions, we’re talking about estates. (Francesca Samsel, Transcript, 1/12/05)

*Comment noted. See the responses to Comments 465, 466 and 467. As reflected in the proposed Comprehensive Plan, the Hunterbrook area is proposed to be upzoned in most areas to protect its sensitive ecological features and to preserve open space.*

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#### *Gallustyants and Mitchev Property*

469. Recently, we have received a letter from you informing us that our property lot (5.17-1-3) was proposed to be rezoned from R1-20 to R1-40. This has quite disappointed us, because we had different plans for the use of our property in the future. Based on what we have said before, we

are asking if you take a closer look at the property and reconsider your decision regarding the rezoning of this lot. We are asking this so in the future, we can use that opportunity to live close by with our sons. (A. Gallustyants & I. Mitchev, Letter 6/3/09)

470. ...our lot is the only one acre lot on the entire street. Everyone else has a half-acre property or less. We also only use half of the property. The other half is just a wooded area...It simply does not make any sense to keep that half-acre area, which comes to the corner of the street, undeveloped and wooded. So we are asking you again to take a closer look at our property and change your position for the rezoning, as it is obvious that it will be beneficial for everybody, including the Yorktown community. (A. Gallustyants & I. Mitchev, Letter, 7/9/09)

*Alternative B5 is no longer part of the Proposed Action.*

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#### *Other Properties*

471. With regard to South Hill on the Reservoir/ Birch Grove Estates: No sound land use planning or environmental objective would be served by rezoning the property to five-acre zoning when it is already approved for development that substantially reflects such zoning. (Shamberg, Marwell, Letter, 1/25/05)
472. With regard to Arcadia Farms: Support four acre zoning for parcel. (Patricia Peckham, Letter, 1/11/05)
473. I, Amy Elba, the Administrator of the property at 3550 Lexington Avenue, Mohegan Lake, NY 10547 highly object to the up-zoning of my property. (Amy Elba, North Westchester Restorative Therapy & Nursing Center, Letter, 7/21/09)

*The project noted in Comment 471 has been constructed, although the size of the lots could allow further subdivision. Thus, the property is proposed to be rezoned to permit four-acre lots, not five acres as was previously proposed.*

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474. Freyer's Florist 2138 Crompond Road; for at least 50 years Freyer's Florist has flourished in that location. Perfect example of what the Country Commercial zoning district is intended to foster. Why disturb character of neighborhood with rezoning. Property has been non-conforming since 1932; now proposed zoning is one acre. Board has not examined its R1-20 to R1-40 zoning Proposals. Please discard proposed up-zoning from R1-20 to R1-40. Counterproductive to preservation of character of each of the Yorktown neighborhoods. (Albert Capellini, representing Freyer's Florist, Letter 6/29/09)
475. I am also heavy financially invested in the property that I purchased. I am currently zoned in the R-1, R1-20 zone. It'll go to R1-40. I have 24 acres of property. I have a plan before the Planning

Board for only five lots. I'm not looking to create a high density project. (John Kincart, Transcript, 6/9/09)

476. I owe three parcels in town that will be affected by this change. My parcels are up zoned from R-20 to R-40 they will no longer meet the zoning requirements. The parcels should not have been upzoned because it is only 36,639. @ other lots are also less than 40,000. I object to the upzoning of my parcels #25.12-2-25, #16.17-1-48, and #16.17-1-47 and ask that they be removed from the list of potential parcels to be upzoned. (James Cronin, Letter, 6/23/09)
477. My property has been identified to be rezoned from ½ acre into a full acre. I object to this rezoning because it unfairly affects very few, if any others in the immediate area besides me. Most of the parcels within the area are less than an acre. I would not object if most of the properties within the area were similar in size and would all be rezoned. (Alexander Mirdita, Letter, 7/8/09)
478. We are requesting that you do not change our zoning on our property of lot number SBL: 15.11-1-3 from half (½) acre residential building lots to the proposed one (1) acre residential building lots. All the properties surrounding and connecting my property are half-acre lots. If you change the zoning to one-acre lots, Yorktown will do an injustice. If we ever decided to subdivide the property to make residential houses on the lots there will be a greater tax base with the half-acre lots than the one-acre lots. (Bhagvat & Rambaben Jani, Letter, 7/21/09)
479. I, William Catucci, the owner of the property at 1715 Strawberry Road, Mohegan Lake, NY 10547 highly object to the up-zoning of my property and feel I am being discriminated against by the Town of Yorktown. (William Catucci, Letter, 7/20/09)

*Alternative B5 is no longer part of the Proposed Action.*

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480. All 18 of the developed properties on the south side of Strawberry Road which is 1501 to 1798 as well as 1710 and 1728 East Main Street will be negatively impacted by the upzoning and should be included in any proposed PDD for the area. (Alana Ciuffetelli, 3c Realty, Inc., Transcript, 6/9/09)
481. With regard to #1501-1698 Strawberry Road and #1710-1720 East Main Street: Should not be upzoned but included in the PDD or be allowed to transfer their development rights to their neighbors. (Ralph Ciuffetelli, Letter, 1/25/05)
482. These homeowners should be allowed to transfer their development rights to neighboring landowners therefore increasing the value of their homes and their investments. (Alana Ciuffetelli, 3c Realty, Inc., Transcript, 6/9/09)



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*The Town Board has eliminated all PDD zones from the proposed Plan except in the Bear Mountain Triangle, Jefferson Valley and the Shrub Oak-Barger Street proposed overlay due to potential significant impacts from development. A transfer of development rights program is no longer included as part of the Proposed Action. These properties are still proposed to be rezoned from one-half acre to one-acre lots, as they make up large contiguous vacant land and are in a heavily impacted part of the Town. They are also within the area covered by the Sustainable Development Study, which called for a 75 percent reduction in density. By comparison, the recommended rezoning represents a 50 percent reduction.*

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483. We had the land [12 acre parcel] up for sale a couple of years ago and it was one acre zoning – at least we were under the impression. We were informed that it was four acre zoning. There is no way we can sell that land with four acre zoning. We can't do anything with it so I would appreciate it if something could be done for us. (Max Hirsch, Transcript, 6/9/09)
484. I have a second adjacent lot that's empty, was zoned for quarter acre zoning, and now you are calling it an R1-10 but that's a misnomer because you're telling me there is an addendum on there that says you're supposed to have 20,000 square feet to build on. In essence you're making the empty lot that I have adjacent to my property worthless. (Jerry Rutigliano, Transcript, 6/9/09)
485. I never complained before because I was in the C-2 zone. I was in a commercial zone so how can I complain that there is commercial development behind me and they are going to put a parking lot when I'm part of that zone, all right so now what you're doing is you're going to make me a residential zone so subsequently I'm a residential zone surrounded by parking lots and what does that do to my property values. (Jerry Rutigliano , Transcript, 6/9/09)

*This property is in a single family residential neighborhood, with the rear lot line abutting commercial uses. The proposed rezoning would make the portion of this property on which the commenter's house is built, and the adjacent parcel, compatible with neighborhood character and zoning of adjacent land.*

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486. With regard to Gambelli Drive/Lakeview Estates: We do not understand why the Town Board believes it is necessary or appropriate to rezone our property. Will it affect our ability to rebuild in the event of a catastrophe? Will it affect our ability to resell our house or affect the selling prices or our ability to construct additions, pool or other improvements? Are there other potential adverse impacts on our property? ((1) Michael and Teresa Johnson; (2) Donna and Peter Grato; (3) Anthony Guido; (4) Gilbert Rella ; (5) Rosemary and Michael Rella; (6) Mr. and Mrs. Diamond; (7) Carol Kuczinski ; (8) Michael and Cindy Palmeri; (9) Bennett Fox; (10) Tim and Jean Alvino; (11) Albert Arroyo; (12) Joyce and Ken Vriet; (13) Anthony Sru; (14) Linda Vila; Letter, (1) 1/8/05, (2) 1/18/05, (3) 1/8/05, (4) 1/8/05, (5) 1/8/05, (6) 1/8/05, (7) 1/8/05, (8) 1/8/05, (9) 1/8/05, (10) 1/8/05, (11) 1/8/05, (12) 1/8/05, (13) 1/8/05, (14) 1/8/05)

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*The properties noted in this comment are no longer recommended for rezoning to require larger lot areas.*

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487. With regard to 200 acres on Stony Street (estate of Herbert Bartson): It's now zoned R-40 and is proposed to be upzoned to R-200. It's arbitrary, capricious and makes no sense whatsoever. It has public sewer and water. This is not an area of town that does not have infrastructure, so you have no legitimate basis to upzone. My client has investment-backed expectations regarding this property. (David Steinmetz, Transcript, 1/12/05)

*As noted in response to other comments, there are a number of valid planning and environmental objectives that are met by this and other rezoning proposals that reduce permitted residential densities in certain locations. In this section of the Town, there are environmental factors such as steep slopes as well as wooded areas that would be better protected through zoning that permits less intense development.*

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488. Comp Plan should show property as C-1 designation. The alleviation of traffic congestion on Route 202 cannot be accomplished under the present code. Development under R1-160 zone will not provide sufficient financial incentives to allow for the widening of Route 202. Development should take place on site; northern portion preserved for wetland mitigation and buffering from adjacent residentially-zoned properties. Commercial development provided Yorktown with tax ratables. (John Kirkpatrick, representing Monaco Property, Letter, 6/8/09)

*Any type of development that necessitates road improvements would be responsible to contribute to such improvements. There do not need to be "financial incentives" to encourage widening. While commercial development may provide tax ratables, such fiscal impacts are not a valid basis for allowing commercial use in unsuitable locations. The Town Board has determined that retail/commercial uses should be limited to a focused area on the south side of Route 202, and that low-density residential development is more appropriate than commercial uses on the north side of Route 202. The basis for this decision includes consistency with existing land use patterns and preservation of natural features on the north side of Route 202.*

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489. With regard to 1791 Wiley Rd.: Should not be rezoned from C-1 to R1-10. Wiley Road serves East Main businesses and receives a lot of commercial impacts as such. (Robert and Gail Gordineer, Letter, 1/11/05)

*The proposed residential zoning of this property is consistent with Comprehensive Plan goals, including providing for a more diverse housing stock in proximity to a hamlet business center.*

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Rezoning, Industrial

490. With regard to Former Gym Site: We ask you to add another use to Section 5 Subsection A of the I-2 zoning district, which we believe is in Section 5-B. We are looking to put a family entertainment center for private pre-planned events in this location. (John Iorio and Chris Vernia, Transcript, 6/9/09)
491. With regard to Former Gym Site, Yorktown Heights: Funtime Amusements Inc. business is planning, setting up and supervising entertainment venues/ The use for this location would be parties, special gathering; no food on premise. The premises is a place where private parties will be held but professionally planned and carried out by Funtime's personnel. M-2 and proposed I-2 zoning districts permit "health clubs". Request the Board to add a specific use to a list of uses which the Board has reserved to do in the future. (Albert Capellini, representing John Iorio, Letter, 6/15/09)

*The request for a specific type of use is beyond the typical scope of a Comprehensive Plan. In implementing the Plan, the Town Board can consider what exact use types are consistent with the generalized land use visions set forth in the Comprehensive Plan.*

492. Table 2-14, put warehouses in hamlets, have we lost our minds? (Ed Killeen, Transcript, 1/11/05)

*There are already existing industrial zones in the locations where modified industrial zones are proposed, including in and around some hamlet centers.*

493. With regard to Yorktown Business Center: Comments on Proposed Re-Zones under the Comprehensive Plan Light Industrial Use/ Property affected: Yorktown Business Center 1661 Front Street, Yorktown. Comments regarding the proposed rezoning under the Comp Plan which affects the commercial facility at 1661 Front Street (Rezoning from M-2/ Light Industrial Park District, to 1-2, Light Industrial. Restricts use of fitness clubs where main entrance and substantial parking is at rear of building. Want restriction removed: not in conformity with existing conditions on Front Street. Several of properties along Front Street have Main bldg entrances on front or side of building; parking is also on the front or side of the building. Zoning change may only benefit one building on Front Street. It is not in conformity with critical set of goals set forth in Comp Plan. (business park with improved public realms, main entrance in front, etc, business visibility, etc Not in conformity with proposed Land Use plan...with goals/recommendation of Economic Development & Hamlet Business. (Anthony Beldotti, Yorktown Business Center, Letter, 6/22/09)

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*The level of specificity in this comment goes beyond the typical scope of a Comprehensive Plan. In implementing the Plan, the Town Board can consider what exact use types are consistent with the generalized land use visions set forth in the Comprehensive Plan.*

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494. With regard to 1711 Front Street, Bauman Bus Company: Concerned over proposed rezone from M-2 to I. Wants to confirm that the change poses no threat to continuing existing uses without obtaining permits, variances etc. Also, concerned about limitations on future uses and expansions. (D. Yaffe, Hamburger, Maxson, Yaffe, Wishod & Knauer, Letter, 1/25/05)

The proposed change in zoning would not make this use non-conforming.

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#### Rezoning, Office

##### *1821 East Main Street*

495. I own 1821 East Main Street, the old Mohegan electric building that's now zoned office. I'm wondering why CBS across the street isn't zoned office. (Tim Mallon, Transcript, 6/9/09)
496. I am here to speak in favor of the plan contemplating retaining retail use for the site and against the rezoning (in one of the alternatives) for office use on that site. The marketplace cannot support office use. There is too much vacant space on the market right now. We would like to replace the existing deteriorating building with a new retail building. (Alan Getz, Transcript, 1/11/05)
497. The FEIS should address the need for office space on the scale proposed in the plan and alternatives. The site at the corner of Lakeland and Rte. 6, is clearly a prime retail site and should not be rezoned to O zone, but remain commercial (CHC). The O zone is an attempt to impede development. (Albert A. Capellini, Letter, Unknown)

*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.*

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##### *1884 Railroad Avenue*

498. I am the owner of 1884 Railroad Avenue, Yorktown Heights (tax lot #37.19-1-20), which is proposed to be changed to Office (O). I welcome this change particularly since I have maintained it as an office building continuously since I bought it thirty-nine years ago when it was zoned commercial. (Lester Rosenbaum, Letter, 7/20/09)

499. I request that the adjoining vacant lot (#37.19-1-19) also be designated as Office (O). Its proposed R-2 designation is unrealistic. The lot is much too small to be developed with even a single-family house...It and my lot should both be zoned either Office (O) or, in the alternative, Commercial-Hamlet Center District (C-2R). Together, they serve as a logical transition or buffer between the busy traffic in front of the Fire Station and the relative quiet of Railroad Avenue. (Lester Rosenbaum, Letter, 7/20/09)

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*The land use and zoning recommendations in the Comprehensive Plan are not made based upon property ownership, but upon other factors such land use patterns, road frontages and environmental constraints.*

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*100 East Main Street*

500. Maintain a zoning at least equal to our existing C4. (Anthony and Jeryl Clemenza, Letter, 1/22/05)
501. I object to the rezoning of my property. When I purchased it the zoning was C-2, it's still C-2, and now you're proposing to bring it down to office. That will seriously diminish the potential of the property. (Anthony Clemenza, Transcript, 1/12/05)
502. I own and operate Different Strokes Pools. We are zoned at the moment C-2. The Comprehensive Plan is changing that to office. I don't understand why it would go from commercial retail to an office space when it's been retail for 28 years. It diminishes greatly the value of the property by reducing the C-2 to office. (Tony Clemenza, Transcript, 6/9/09)

*The proposed Comprehensive Plan recommends zoning that provides for various land uses in appropriate locations throughout Yorktown. While there may be short-term market issues for certain uses, it is expected there will be changes in the viability of land uses over the twenty year horizon of the plan. Ongoing uses are not prevented by the change in zoning. See the response to Comment 494.*

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*741 Old Kitchawan Road*

503. Do not change our residential zone to OB-1. (Michael and Linda Pendergast, Letter, Transcript, 1/9/05, 1/11/05)
504. I would like it to stay R1-80. We have an old home, we know it needs updating, and we have aspirations to make it larger, but if you change it to OB-1, we can't do that. IBM had the opportunity to purchase the property seven and a half years ago, but it chose not to. (Linda Pendergast, Transcript, 1/11/05)

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*The rezoning proposal in the above comments is no longer part of the Proposed Action.*

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*Mercy College/Strang Boulevard*

505. The parcel is currently zoned interchange and not M-1 as is shown on the zoning map. Plan proposes OB with 30 acre min. They have only 24 acres and are concerned about losing some allowable uses, and would like to see a wide range of office, light industrial and service uses permitted. Request no rezoning of their property. The market for large office spaces is non-existent. (Norman M. Feinberg, Taconic Corporate Park LLC, Letter, 1/14/05; Norman M. Feinberg, Taconic Corporate Park LLC, Letter, 4/24/09)
506. The proposed zoning changes attendant to the adoption of the Comprehensive Plan would rezone the above-referenced site from Interchange to Office-Business Campus. The strategic location of the Park offers a ready-made location for many uses, much of which are encompassed in the Interchange and the Office-Business Complex zones. For this reason, we are compelled to request that you retain the Interchange district but also allow for an Office-Business Campus overlay so that many potential users will be attracted to the Park. This letter is intended to urge the Board to keep the field of potential users broad and varied by maintaining the Interchange zone with an Office-Business Complex overlay. (Albert Capellini, representing Taconic Corp. Park, Letter, 7/20/09)

*The proposed Comprehensive Plan does not include a specific minimum lot area requirement for the OB Zone – the Town Board will determine an appropriate size as part of any formal zoning amendments. Similarly, the Town Board can consider what exact use types are consistent with the generalized land use visions set forth in the Comprehensive Plan. With regard to market conditions, there is no guarantee that market conditions will remain constant during the time horizon of the Comprehensive Plan.*

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*250 East Main Street*

507. The new proposed zoning would create a hardship and great potential loss for us. The proposed O zone would not include our present use, an excavating company. We own a small office building we are trying to rent. There isn't a high demand for office at that location. We feel that this whole intersection should be zoned to the CG. Changing our residential piece to R1-160 would tremendously drop our value on this land. (Laurie Correia, Transcript, 1/11/05)
508. If the rezoning doesn't go through, we would like to hold onto the entire property as C-3. The O zone would render all the uses nonconforming. The R1-160 would not be consistent with the surrounding areas. (Daniel Ciarcia, Transcript, 1/11/05)

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*The property in question is proposed to be rezoned to County Commercial, as the structure on the property is an old converted house that does not lend itself to some of the more intense uses allowed in C-3 and C-4 districts. The CC zone, however, would allow most retail and general business uses.*

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*Temple Israel Project (Route 202 and Mohansic Avenue)*

509. My reading is that in the O Zone, the proposed house of worship (temple) is not permitted. You are discarding whatever intentions you may have had to allow for a house of worship. (Albert A. Capellini, Transcript, 1/11/05)
510. Please reconsider to allow the Temple project to move forward. ((1) Cherie and Roy Marcus; (2) Bonnie and Edward Becker; (3) Matt Copel; (4) Randy Zapakin; (5) Lynn Fielden-Smith; (6) Richard Schupper; (7) Mille and Richard Jasper; (8) Alan and Sandra Goldstein; (9) Linda and Claude Hirsch; (10) Ellen Wright, Letter, (1) 1/20/05, (2) 1/22/05, (3) 1/23/05, (4) 1/24/04, (5) 1/25/05, (6) 1/25/05, (7) 1/24/04, (8) 1/25/05, (9) 1/25/05, (10) 1/25/05)
511. I trust that the Temple exclusion (from the commercial zone) was an oversight and will be rectified in the final Plan. (Albert A. Capellini, Letter, 1/19/05)

*The Temple project has been approved, and it is the Town's understanding that funding is being sought for the development.*

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

512. The property at the southwest quadrant of should remain as proposed in the draft Plan with the ability to plan a small sized hotel at the site; a straight office designation would be inappropriate, thwart development of any kind, and is contrary to a stated need by many members of the community. The benefits of the hotel concept have not been weighed or analyzed in terms of the goals of the Comprehensive Plan. (Albert A. Capellini, Letter, 1/24/05)
513. The overlay allowing a country inn at the southwest quad of rte. 6 & the TSP should be maintained but should allow up to 100 rooms. (Bruce Simon and Jessica Campbell, Olnick Org., Letter, 1/13/05)
514. A hotel should be supported at the southwest quadrant of Rte. 6 & the TSP. (Don and Katherine Quinn, Letter, 1/21/05)
515. By bringing a hotel or helping that piece of property, there is not only myself, there are other caterers in the area that would benefit. (Lou Sinapi , Transcript, 1/11/05)

516. I support and encourage the enactment of the PDD office and country inn overlay. I request that consideration be given to amending that language. Something more in keeping with what is generically known as a limited service hotel with potential ancillary services would be something more appropriate to the site, with up to 100 rooms and not more than three stories. (Bruce Simon, Transcript, 1/11/05)

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*Given the proximity to the Taconic State Parkway and the projected 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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#### *Other Properties*

517. The Proposed Action envisions significant office development but in the DGEIS it is unlikely that the town will reach its current office buildout potential so it is not reasonable to assume creating new Office Zone (OB) will be needed to meet potential future demand. Office development is likely to need more robust sewer connection and will generate more traffic at peak hours than retail or residential. (James and Ann Kutter, Letter, 1/15/05; Transcript, 1/12/05)

*There is no basis for the conclusion in the comment regarding the likelihood of office buildout occurring, particularly in light of the proposed Comprehensive Plan's long-term time horizon. Furthermore, the new OB Zone is proposed only in certain appropriate locations that already are developed with office uses. These locations are adjacent to Taconic State Parkway interchanges, thus allowing for connections to the highway system without impacting local roads elsewhere in the Town.*

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518. The Planning Board gives qualified support for the OB zoning on the east end of southern Route 6 along this corridor as it has been master planned for 30 years. The office zone north on Route 6 also is reasonable though country commercial may be a better alternative. (Jeremiah R. Dineen III, Yorktown Planning Board, Letter, 1/25/05)

*The Town Board notes this opinion and will consider it in the context of the options that have been studied as part of the GEIS process.*

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519. With regard to 1916 Commerce Street: We strenuously object to the rezoning of our property from C-4 to CHC and O. The current C designation provides a larger spectrum of uses for building and development should we exercise that right sometime in the future. (Bruce Zarzeski, Transcript, 1/11/05)



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*The rezoning discussed in this comment is no longer part of the Proposed Action and the property is proposed to remain in the C-4 District.*

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520. With regard to Maple Avenue and Greenwood Street: The C-2 uses are in keeping with the surrounding retail, office and medical uses and we are the only remaining undeveloped parcel in the proposed re-zone area. It would be a hardship to be limited to what may be developed along this strip of roadway. There are better uses for this property than the office zone which is inappropriate and restrictive. (Bart Goldberg, Letter, 1/12/05, 1/21/05)

*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. This change in zoning would not be a true hardship, as reasonable use of the property would still be permitted.*

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521. With regard to Route 6N, Correia property: Opposes proposed rezone of their property from C-3 to O at the road frontage and R1-20 to R1-160 in the rear. They state that the O zone is an attempt to thwart development of the property; concerned that they will become non-conforming and will not be able to expand. Inconsistency of R1-160 with adjacent residential development and state there is little or no support shown for this in the DGEIS or Plan. ((1) Ralph Mastromonaco, P.E.; (2) D. Ciarcia; (3) A. Capellini representing the Correia family, Letter, (1) 1/25/05, (2) Unknown, (3) 1/19/05)

*With regarding to the non-conforming use issue, 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 although expansion is not permitted. § 300-170 of the Zoning Code states the following:*

*Except as otherwise provided in this article, the lawfully permitted use of land or buildings existing at the time of the adoption of this chapter, including uses of land or buildings under a special permit heretofore issued by the Board of Appeals, may be continued, although such use does not conform to the standards specified in this chapter for the zone in which such land or building is located. Said uses shall be deemed nonconforming uses, except as otherwise provided by § 300-177.*

*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.*

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522. With regard to Route 6 and Mohegan Avenue, west side: The FEIS should address the need for office space on the scale proposed in the plan and alternatives. The site at the corner of Mohegan Ave, and Rte. 6, is clearly a prime retail site and should not be rezoned to O zone, but remain commercial (CHC). The O zone is an attempt to impede development. (Albert A. Capellini, Unknown; Mitchell and Phyllis Goldstein, Letter, 1/18/05)

*The proposed Comprehensive Plan addresses issues from primarily a long-term perspective, and is not based solely on generally short-term conditions. Hamlet business centers such as Mohegan Lake are intended to have a mix of land uses, which includes office as well as retail and residential among other uses.*

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#### Rezoning, Commercial

523. We designed a green space area in the north end of Town and this would be an encouraging into it. If you were to change this place from residential to commercial you would then open up the opportunity for every single corner in that green space area to come in and apply for a rezoning to commercial. (Ed Killeen, Transcript, 6/9/09)

*The Comprehensive Plan is not expected to cause the result noted in the comment, as the rezoning of one or more specific parcels does not mean the rezoning of all other properties in the vicinity is warranted. Certain properties are more appropriate than others for particular uses. It should also be noted the proposed Comprehensive Plan does not seek to saturate the Town with commercial zoning.*

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524. Table 2-12, increase major or arterial roadways and hamlet centers. In other words, get rid of residential areas and replace them with commercial 10,000 square foot lots? (Ed Killeen, Transcript, 1/11/05)

*This comment appears to misconstrue the intention of the districts noted in Table 2-12 (CG and C-4). The proposed commercial zones have been determined to be appropriate locations for uses including retail, personal services and restaurants. The table notes that the Commercial General District replaces the existing C-4 District, and thus is not intended to “get rid of commercial areas.”*

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525. There is no rationale for the exclusion of residential uses from Commercial Recreation zone. It is also inconsistent with allowing bed and breakfast inns in this zone while prohibiting residential uses. (James E. Morgan, Galvin & Morgan, Letter, 1/25/05)

*As expressed in Table 2-8 of the proposed Comprehensive Plan, the goal of the Commercial Recreation district is to promote commercial recreation facilities for the enjoyment of Yorktown*

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*residents in the area around the business hamlet centers. The benefit of creating an area such as this zoning district is the provision of low density recreation opportunities to all the residents of the Town who live both within the hamlet center and in the lower density residential zones. Bed and breakfast inns are a use type that is compatible with this type of district, and is not a typical residential use.*

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526. Commercial growth should be fostered along the existing Route 6\* and 202\* R.O.W.s (\*see Exhibit #2) corridors instead of sending shoppers to the malls and shopping centers in Cortlandt and Somers. (Ralph Ciuffetelli, Letter, 7/20/09)
527. It's my client's position that based on all of the above they're looking to establish the Village of Teraverde according to the state law guidelines which allowed them to do so and which will create further area business for that area along 6. (Alana Ciuffetelli, 3c Realty, Inc., Transcript, 6/9/09)
528. Rewriting the commercial districts will be a humongous job and will turn every commercial property owner on his head. (Ed Killeen, Transcript, 1/11/05)

*The proposed Comprehensive Plan promotes commercial growth primarily in existing hamlet centers and commercial areas over the next twenty years, including along portions of Routes 6 and 202. The Plan does not recommend sending shoppers to other communities. However, the Plan recognizes there are limits as to the amount of commercial (and other) growth that should be permitted due to traffic and environmental constraints, as well as other factors. The ability to establish a new village goes beyond the scope of this Comprehensive Plan.*

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529. Commercial hamlet centers will densify development as in a city. We should keep the town a suburban town. (Ed Killeen, Transcript, 1/11/05)

*By concentrating commercial development within hamlet centers, the Town will retain the suburban culture of Yorktown while providing for inevitable development.*

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530. The Commercial Hamlet Center District would add three hundred fifty-eight thousand (358,000) square feet of additional commercial space. In light of the Comprehensive Plan's presumed objective to reduce development, how can this additional commercial be reconciled with the upzoning proposals? (Lawrence Praga, Letter, 1/25/05)

*Some of the goals of the Comprehensive Plan are to concentrate necessary development in strategic centers. This strategy serves to both develop better pedestrian commercial centers as well as preserve existing open space. The principal location designated for potential large-scale office development is proximate to the Taconic State Parkway, thus reducing substantially the*

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*potential for traffic impacts along roadways in the Town. It is implausible, as asserted in the comment that major office use could occur in hamlet centers, given such restrictions as off-street parking requirements and bulk restrictions. .*

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531. Have you done away with the interchange zone? (Al Capellini, Transcript, 1/11/05)

*No. The Planned Interchange district is still part of the proposed zoning amendments, and is shown on the proposed Land Use Plan in the vicinity of the Taconic State Parkway and Route 202.*

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### Property Specific

#### *Gambrell Site*

532. Will you encourage such use as are envisioned by the C-2R or CC zones? Presently, the property is zoned C-2 which does not permit a residential element except for a custodian on site. (Albert Capellini, representing Gambrell, Letter, 7/14/09)

533. Gambrell is in the eastern end of the hamlet of Shrub Oak...It provides an excellent setting for rental apartments and, if so desired by the Town, for a mixture of affordable housing units which are desperately needed in our community. (Albert Capellini, representing Gambrell, Letter, 7/14/09)

*A variety of land uses is permitted in each of the Town's hamlet centers, including Shrub Oak. The proposed Plan provides for the allowance of residential uses above commercial developments (with C2-R zoning), which would help to achieve rental and affordable housing units in the hamlet. .. See also response to Comments 1 to 6.*

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#### *1248 East Main Street, Lakeland Lumber*

534. What justification is there for rendering this half century old use non-conforming? The business hamlet is anchored by Lakeland Lumber. Non conforming status for Lakeland Lumber will ultimately mean that it will not be able to expand its use and be competitive. (Albert A. Capellini, Letter, 1/20/05)

535. Consider that Lakeland Lumber remain in the C4- zone. (Sheldon Kahan, Letter, 1/7/05; Transcript, 1/12/05)

536. C-4 is what this property has always been zoned and we'd like it to stay C-4. By changing it from a C-4 to a CHC, you are making it nonconforming and tying our hands. We need to stay competitive with the big boxes. (Sheldon Kahan, Transcript, 1/12/05)

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*The rezoning proposal in the above comments is no longer part of the Proposed Action.*

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*Jefferson Valley Service Station (399 East Main Street)*

537. You want to make it country commercial, which really doesn't work. It's more like a CG area. To bring these properties down to country commercial really won't do us any justice and CG would probably do it. Another problem is where they only want to zone half of the property to country commercial. We would need the back too. (Jay Hansmann, Hansmann & Croese, Transcript, 1/11/05)

538. Section 207, Parcel 16, Lot 1 is currently zoned C-3...The existing businesses require a C-3 zoning. My request is that the new rezoning for Jefferson Valley Service Station be the same for the above-mentioned property. (Jacob Hansman, BHV Properties, LLC, Letter, 7/21/09)

*The property in question is no longer proposed for rezoning to CC.*

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*Sinapi's Ceola Manor (Corner of Hill Blvd. and East Main Street)*

539. The proposed CHC designation for Ceola Manor absent any proposed laws spelling out standards, bulk and use regulations is difficult to intelligently analyze and comment upon as it relates to Ceola Manor's proposed expansion plans. (Albert A. Capellini, Letter, 1/24/05)

540. I got a letter from the Planning Board stating I should follow the Comprehensive Plan by building a deck in the back of my property. I am against that because it will prevent me from doing business back there, as people will be walking there in shorts, and for liability reasons. (Lou Sinapi, Transcript, 1/11/05)

*The Plan suggests a boardwalk along the Lake, which would stretch along the shoreline of this and other properties. The details of this plan, specific zone standards, and issues regarding implementation would be the subject of future considerations.*

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*Other Properties*

541. Regarding Former Levine Site: For the past four (4) years the Town Board has proposed rezoning the above-referenced property from C-3/R1-20 to C-2/RSP-2. The owners and developers wholeheartedly endorse and support the proposed rezoning which would permit a mixed retail/residential presence along the realigned Stony Street/Old Crompond intersection opposite the Staples Plaza. (Albert Capellini, representing Former Levine Site, Letter, 7/20/09)

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*Comment noted.*

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542. The property is presently zoned C-2 but is essentially vacant land with a one family rental dwelling. It is in short in the Jefferson Valley business hamlet. The proposed zoning law would rezone the property to CC. The owner of the property, Lake Osceola Realty Corp., is requesting that the Town Board rezone its property from C-2 to the C-2R zone which would permit a mixed development of housing, stores and/or offices. Kindly consider the C-2R zone in your review of the Plan, this site and the Jefferson Valley business hamlet. (Albert Capellini, representing 4 acre parcel, Lake Osceola, Letter, 7/16/09)

*The proposed Plan has been revised to provide for C-2R Zones in all of the hamlet centers. . The Plan's proposes rezoning of the property that is the subject of the comment to CC, which would allow residential uses above commercial uses. Thus, the requested use would be permitted under the Plan.*

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543. Your proposal to change a C-1 from business district to shopping, shopping center I'm having a problem with because the establishment of Underhill Plaza was established back in the mid 60's. (Michael Anderson, Board of Underhill Plaza President, Transcript, 6/9/09)

*Comment noted. The recommended zoning for the property referenced in the comment would not preclude the continued operation of existing uses within the zone.*

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544. With regard to 3668 Barger Street: The comprehensive plan seeks to rezone this property to CR. We think that given the history, the rezoning of this property is unlawful. The adjacent property to the east would be rezoned for a country inn, but this is not an appropriate use in northern Yorktown. Traffic concerns would not be addressed by this zoning change. It appears that our property is being unfairly singled out to carry the burdens of resolving traffic issues in this area, considering the recent approval of senior housing on an adjacent property. The plan suggests that this part of the hamlet attracts regional shoppers, so it may not be appropriate to limit commercial use of this property. (Mary-Beth Roselle, Transcript, 1/12/05)

*The recommended zoning of this property has been revised to CC in the currently proposed Comprehensive Plan, rather than CR.*

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545. I don't support either residential zones for the property [Antucci property] since prior plans which the current publication is designed to replace has not, has that property as non-residential. (Ray Arnold, Transcript, 6/9/09)

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*The proposed Comprehensive Plan has recommended zoning designations for properties in these centers and elsewhere in the Town based on a variety of factors. These include road access, existing development patterns, traffic generation characteristics and environmental factors, among others. Under the proposed Plan, residential is most appropriate for the property referenced in this comment.*

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546. With regard to Veterans Road, VFW Post: It seems logical that our zoning remain the same and that the new commercial zone start at the intersection of Maple and Veterans Road We are concerned that if we have to dissolve our organization and liquidate our assets that it would have a great negative effect financially. (Karl Dominique, Letter, 1/24/05)

*Comment noted. It is not the intention of the proposed zoning to result in the impacts stated in this comment.*

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547. With regard to Club Fit, Lee Blvd.: Concerned that proposed road connection to Hill Boulevard would disrupt present/future improvements on property. Specific question raised about CSC requiring larger parcel size and that auto dealerships no longer allowed. Club Fit claims that the property is not mapped as M-1A. (Beth Beck, Club Fit, Letter, Unknown)

*The road connection referenced in the comment is no longer part of the Proposed Action.*

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548. With regard to 3220 Old Crompond Road: We are under contract right now to sell the house to a person who would like to use the property under the C-3 Zone to store commercial equipment. With the rezoning, my deal is probably going to fall through. I would love for the property to proceed with the Planned Development District. (Steve Wolff, Transcript, 1/11/05)

*Comment noted. The sale noted in this comment is no longer a relevant factor given the passage of time. A Planned Designed District Overlay District is still being considered for the area that includes this property.*

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549. With regard to Section 10.13, Parcel 62, Lot 1: I am requesting that these properties remain zoned C-2 or CHC, which would be consistent with everything else south of Kear Street and would allow me to comply with the bulk standards, as well as everyone else. Does the previously granted zoning variance stay in effect, or do I have to reapply to the Zoning Board to get another variance? (Jody Newcomb, Transcript, 1/11/05)

*The zoning on these parcels is not proposed to change. Typically, a variance runs with the land, so the prior variance would remain effective. The question asked in the comment is beyond the scope of a GEIS.*

550. With regard to Jefferson Valley Mall: The amount of square footage that you have in your master plan is approximately half of what the JV mall owners are looking for. (Al Capellini, Transcript, 1/11/05)

*Comment noted. Policy 4-51 of the Comprehensive Plan encourages the Mall's expansion. The exact square footage that would be permitted to be developed will be determined when zoning amendments are proposed for this property. The amount that the Mall's owners are looking for may not be the same at this time as it was when this comment was written.*

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*Adrian Family Partners*

551. Where is the rationality in that and where is the fairness in that. This is not some big business and this is a little family that's lived in the Town all these years and all these people getting up about the hardship all I can think of is you guys doing this at the depth of one of the worst recessions in the history of the United States. (David Wright, representing Adrian Family Partners, Transcript, 6/9/09)
552. The proposed rezoning to C-2 obviously will be less desirable for the property owner [Adrian Family Partners owns two lots on Route 202, both of those lots are currently zoned C-3]. (David Wright, representing Adrian Family Partners, Transcript, 6/9/09)
553. The only difference between the two lots is one is owned by Adrian and one is owned by Exxon or Samuel Jamal. That one is going to stay C-3 right next to the Adrian property so it seems a little unfair, indeed the property owner would argue irrational, to say on one lot where there is an existing auto body shop, where there was an approval for a car wash to say well, you can't do that anymore but the lot directly adjacent to it if you could move those buildings 50 to 100 feet on the other lot, well, now it's legal. (David Wright, representing Adrian Family Partners, Transcript, 6/9/09)
554. Right across the street from Adrians, Mr. DePaolo is keeping his C-3 zoning right across the street. There is no change to C-2 there. Signs Inc. is right across the street, they're keeping their zoning. (David Wright, representing Adrian Family Partners, Transcript, 6/9/09)
555. Our son's body shop, 1.4 acres was being upzoned to C-2 which basically means that his usage is not legal. (Joseph and Elaine Adrian, Transcript, 7/7/09)
556. All the other properties west of that going down in the south side are being downzoned to C-4. They don't even have sewers most of them. (Joseph and Elaine Adrian, Transcript, 7/7/09)



557. The former Lavine property, seven acres was downzoned to multi-family and C-2 in this ordinance. Multi-family, that was never proposed. Mr. Arnold verified that the 1983 proposed Town Master Plan and all the others, it was never any thought of a multi-family usage on that property. (Inaudible) Jamal buys the property now we got multi-family going in traversed by Hunterbrook stream, the (inaudible) water course that Mr. Bianco has so much problem with on our Stop and Shop property. (Joseph and Elaine Adrian, Transcript, 7/7/09)
558. The last point was Mr. Wright pointed out about the C-3 zoning. The only parcel that's retaining its C-3 zoning on that block going over to the Taconic is property that's now owned by Exxon Mobil, they bought it from us and that one piece, 2.1 acres is being left C-3. It's a spot zoning. (Joseph and Elaine Adrian, Transcript, 7/7/09)
559. Before Adrian zoned it, Billy Kass's partner had an auto body shop there so the use has always been there and it's a wonderful business which you're proposing to make illegal. (David Wright, representing Adrian Family Partners, Transcript, 6/9/09)
560. The proposed rezoning would render the car wash that the Adrians have been seeking, they actually got an approval briefly in 1988 and seems like almost since that time have been in court trying to resuscitate it, but the proposed rezoning would drive another nail into that and render that use illegal. (David Wright, representing Adrian Family Partners, Transcript, 6/9/09)
561. C-3 that the Adrians have now would allow their auto body shop, gas stations, car washes and the like and the C-4 I think would also and under the proposed C-2 zoning he can't have any of that and I understand it would be a non-conforming pre-existing use for a time but we all know what that means in terms of getting variances any time you want to do anything with your property. (David Wright, representing Adrian Family Partners, Transcript, 6/9/09)
562. Proposed rezone to office leave no viable use and is an illegal spot zoning as it affects only a few properties. Violates equal protection as many other similar parcels on Route 202 corridor are not being rezoned office. Violates due process as the real motivation is to make "open space" out of developable property. (David Wright, Letter, 1/25/05)

*There are likely to be 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 although expansion is not permitted. § 300-170 of the Zoning Code states the following:*

*Except as otherwise provided in this article, the lawfully permitted use of land or buildings existing at the time of the adoption of this chapter, including uses of land or buildings under a special permit heretofore issued by the Board of Appeals, may be continued, although such use does not conform to the standards specified in this chapter*

*for the zone in which such land or building is located. Said uses shall be deemed nonconforming uses, except as otherwise provided by § 300-177.*

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.

In regard to Comment 553, C-2 districts allow mixed uses, which would be compatible with the mix of uses and zoning in this area. The rezoning is intended to increase the compatibility of the area with the Plan's goal of having mixed-use walkable, village style hamlets. *In regard to Comment 556, the area now can connect to sewers and to a treatment plant, so C-4 zoning is more consistent with the build-out of the area and anticipated uses. In terms of Comment 557, the proposed rezoning would assist in meeting the Plan's goal of creating a village-like quality for the Bear Mountain Triangle. Finally, the property noted in Comment 562 is no longer proposed to be rezoned as Office.*

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#### *Best Rent Properties*

563. Best Rent Properties 202, LLC, owner of approximately 14.3 acres located at 3200 Crompond Road, which is the parcel on the northwest quadrant of Route 202 and the Taconic Parkway. The property is best identified by the deteriorated motel building which has not been used for many years with the exception of its use as a County homeless hotel facility which preceded the current owner. During this time the parcel has been actively marketed but without success despite its favorable location in an existing C-3 commercial zone. The proposed zoning law contemplates the rezoning of this parcel from its current C-3 zoning, a zoning classification it has had for in excess of 15 years, to a new IND zone (Interchange District). As outlined in the Saccardi report, the IND zone is not presently an economically viable zone, and we are strongly recommending that the existing zoning be retained with the overlay district zone as suggested in the report. I ask that the Town Board retain the C-3 zoning classification to the three parcels affected by this proposal coupled with the inclusion of an IND overlay. (Albert Capellini, representing Best Rent Properties 202, LLC, Letter, 5/28/09)
564. The IND zone, it does not exist anywhere else in the town. It ignores the existing C-zones to the west and other prime commercial nodes. Therefore this proposed zoning would create a patchwork of different zones in the same area, a result inconsistent with prudent zoning practice. One can view this as indiscriminate diminution of my client's property value. (Albert Capellini, representing Best Rent Properties 202, LLC, Letter, 5/28/09)
565. No other commercial zone in the Town is so constrained or limited by uses in the zoning law. Further aggravating the narrow range of uses is the substantial limits (15%) on coverage (as contrasted to 30% in the adjacent C-2 and C-3 districts). This coverage limitation is a penalty imposed on my client's lot as it has no rational basis and could alone be viewed as

discriminatory and confiscatory. (Albert Capellini, representing Best Rent Properties 202, LLC, Letter, 5/28/09)

566. The proposed zoning ordinance is to change the zoning from a C-3 designation, which is a highway-oriented type of retail use, to the interchange district, pinioned on the basis of a regional type of use. The owner of the property has previously presented a retail operation. Your proposed zoning required an overlay district in order to allow for that complex to occur. Bringing a development into any community today is a vastly costly affair. They have expressed the concern that the proposed rezoning creates problems. (Al Capellini, representing Best Rent Properties 202, LLC, Transcript, 6/9/09)
567. Saccardi & Schiff, Inc. has been retained by Best Rent Properties 202, LLC to evaluate the planning implications of the proposed rezoning of this site from its current C-3 designation to a new interchange zoning district. The following study is presented within the context of your SEQRA review of this rezoning, with the anticipation that a response would be provided in your Final Supplemental Generic Environmental Impact Statement. The proposed Planned Interchange District significantly limits commercial and retail uses on the subject site, thus guiding future development towards uses that may not be economically viable or sustainable, such as other hotels and country inns. By retaining the C-3 zoning as an underlying district and creating a Planned Interchange District as an overlay or special permit use, the uses proposed in the Planned Interchange District would be allowed, as well as other uses that fit well with the surrounding uses. (Saccardi & Schiff, Inc., representing Best Rent Properties 202, LLC, Letter, 5/22/09)
568. The proposed zoning would impair the value of this and adjacent parcels and would thwart the potential development of this site...as currently an option contract exists which would bring new retail. The new zoning would preclude the development. (Albert Capellini, representing Best Rent Properties 202, LLC, Letter, 5/28/09)

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

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#### Development Constraints/Takings

569. With regard to 1565 Baptist Church Road: Opposed to rezoning of property from 2 acre to 5 acre as parcel is 9.5 acres. Two acre zoning has effectively preserved the character of the road and the quality of the environment. (Linda and James Wade, Letter, 1/22/05)

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*This section of the Town is proposed for four-acre, rather than five-acre zoning. This rezoning serves several purposes, including preserving valuable natural resources and open space. See Section 2.4 of this FSGEIS.*

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570. With regard to 1479 Maiden Lane: Opposed to upzoning because will result in out of character McMansions; instead consider cluster. (Francesca Samsel, Letter, 1/24/05)

571. The plan to upzone existing homes on ¼ and ½ acre lots is an illegal taking of land without compensation as existing home would not be permitted to expand, rebuild or remodel. (Ralph Ciuffetelli, Letter, 1/25/05)

*A taking does not occur when zoning limitations prevent the expansion of an existing home. All improvements that exist at the time of any rezoning will be grandfathered in as permissible structures. Where rebuilding is necessary, as long as it is done within one year, no special exception is necessary. See the response to Comment 521. To the extent that these comments refer to Alternative B5, that alternative is no longer part of the Proposed Action. In regard to the comment on McMansions, see Section 2.4 of this FSGEIS.*

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572. The Planning Department suggests that the minimum lot size for OB is 14 acres. None of our lots meet this requirement. Could this re-zoning be considered a taking without compensation? (James and Ann Kutter, Letter, 1/15/05)

*In general, only where a land owner is deprived of all value would a rezoning be considered a taking. In only a very few specific areas is an OB zone suggested, where lot size is appropriate. If, in an OB, a lot size did not meet the minimum requirement, a variance could be sought or the existing use could be continued. As explained above, any nonconforming use may be continued, but not moved or enlarged.*

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573. Changes to add more additional office could be interpreted as an attempt to prevent landowners from developing their properties. It is in effect a zoning code for no development. (Walt Daniels, Letter, 1/22/05)

*The proposed Comprehensive Plan no longer recommends rezoning this area as Office; it will be left in various commercial districts.*

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574. The land area that is bordered to the North by the George Washington Elementary School, to the East by Lakeland Street, to the South by the rear of 4-5 commercial property owners who front Route 6 and by Treetops Nursing Home and to the West by Lexington Avenue is also in part proposed to be up-zoned to 1 acre zoning, or not depending on what the final GEIS plan will be but this is therefore discriminatory and illegal. These property owners, whoever they

eventually will be (depending on politics), would be negatively impacted by the up-zoning and should instead become a part of any PDD, so that they have the right to transfer their potential development rights to the surrounding property owners therefore increasing the value of their homes and investments. (Ralph Ciuffetelli, Letter, 7/20/09)

*The proposed zoning in any of the proposed scenarios provides ample opportunity for development. The proposals made in the Proposed Action and the Alternatives are based on the future development projections for the community.*

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575. You are not defining what already is there and excluding what has been allowed so a pool store or a commercial deli may not be able to get the full value of your property because the eventual owners may not fit into the new Plan. (Linda Clemenza, Transcript, 7/7/09)

*Comment noted. See responses to Comments 521 and 574.*

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576. I'm here 37 years and with the upzoning and the changing of direction of the Town, actually putting up not only a hardship on me but many others here who are going to actually wind up with the same hardship that I have. You changed the zone, you're impacting my values and I don't think that's right. (Jerry Rutigliano, Transcript, 7/7/09)
577. You are taking the values of people's property away [through upzoning]. (John Kincart, Transcript, 6/9/09)
578. Own 12 acres; zoned as 1 acre zoning. Property in family since 1952. One lot is in the Yorktown School District; the remaining is in the Lakeland School District. The zoning change will drastically reduce the value of the property. (Marianne Dalton, 1280 Winding Court, Letter, 6/23/09)
579. Whether intended or not, with respect to its residential upzoning housing proposals, the 2009 Plan is exclusionary and discriminating in its economic impacts. (Nathaniel Parish, representing the Wallack Family, Letter, 7/20/09)
580. I write this letter to voice my opposition to those parts of the revised Comprehensive Plan that relate to the upzoning of hundreds of acres of land in Yorktown. After many years, it seems unfair and possibly improper to put in place upzoning that deprives many long-time property owners of their right to keep their property free of restrictions that would substantially reduce their value. (John Kibbe, Letter, 7/15/09)
581. When we bought the property in 2001, we knew that we were investing in our future...all of our hope for the benefits of future use of the property will be gone by the rezoning decision of the

Town Board....we were hoping to build another house on our property in the future to live closer to our children...it could be our only supplement for our retirement. (A. Gallustyants & I. Mitchev, Letter, 7/9/09)

582. I've also understood the purpose and the goals of the Comprehensive Plan and its theory and the many hours and all that is supplied and all of our people who helped in their efforts but in devising this Plan and protection from overdevelopment in the future you put a package together that does not protect the investment of your property holders. (Linda Clemenza, Transcript, 7/7/09)

*As noted on page 2-3 of the proposed Comprehensive Plan, and discussed in the DSGEIS, the upzoning proposals address 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.*

*To the extent that any of these comments relate to the previously proposed Alternative B5 upzonings, that alternative has been eliminated from the proposed Action see Section 2.4 of this FSGEIS. For any referenced upzoning that remains part of the Proposed Action, the Plan and the subsequent zoning would not constitute an unlawful taking of property. A regulatory taking only occurs when regulations deprive a property of any economically viable use. None of the land uses suggested intend this result, nor is it within the scope of the GEIS to evaluate the economic viability of a site. In regard to Comment 579, the Plan is not exclusionary, as it makes numerous provisions for the development of diverse housing types, including affordable workforce housing.*

583. We need to pay people not to build. If we are taking their property rights, we need to compensate them. We should get into a discussion with them and do it before they feel like they are stuck. (John Kincart, Transcript, 1/12/05)

*Comment noted. See response to Comment 582.*

584. Overall the draft plan seeks to implement a complex scheme which cheats to limit future development in Yorktown. However, the plan recites that Yorktown has had limited population growth since 1980. (John D'Angelo, Transcript, 1/12/05)

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*The determination of the Future Baseline Conditions are based on population trends of the past thirty years. The proposals made in the Proposed Action and the Alternatives are based on those population projections.*

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585. The concepts of overlay upon overlay sets up an effective governmental taking of the land at issue. (James E. Morgan, Galvin & Morgan, Letter, 1/25/05)

*A regulatory taking only occurs when regulations deprive a property of any economically viable use. None of the land uses suggested intend this result, nor is it within the scope of the GEIS to evaluate the economic viability of a site.*

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586. With regard to Yorktown Country Inn: There is no need or valid public purpose for the rezoning and that the rezoning potentially: 1) constitutes an unlawful taking of the property without just compensation, 2) represent impermissible reverse spot zoning and 3) treats the property differently than other comparable properties. (Shamberg, Marwell, Letter, 1/25/05)

587. With regard to 1836 East Main Street, St. Mary's Church: The alternate Plan raises the question of illegal spot zoning of our property. Also religious organizations are not an allowed use in the office zone if the alternative Plan is adopted. Office zoning will require us to file a number of variance if we proceed with our plan to reconstruct our parish hall. We question the necessity of the changed zoning. (Claire Woodley-Aitchison, Letter, 1/21/05)

*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. See response to Comments 551 to 562. Thus, there are protections to allow for the continued existence of the use.*

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588. With regard to the property across from the Triangle Shopping Center on Maple Avenue: You're spot zoning me. You're telling me, I'm the only lot undeveloped in the proposed Office zone, I have to build an office. I think it's a tremendous hardship. Your own plan refers to the fact that of all the developments that you are going to do, the office use is the one that will be the slowest, in actually developing. (Bart Goldberg, Transcript, 1/11/05)

*See response to Comment 520. The proposed Comprehensive Plan recommends zoning that provides for various land uses — including office — in appropriate locations throughout Yorktown. While there may be short-term market issues for certain uses, it is expected there will be changes in the viability of land uses over the twenty year horizon of the Plan.*

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589. The second floor concept does not acknowledge the cost factor involved in the conversion to office space which would require installation of an elevator to meet handicapped access requirements especially situated on parcels identified as small minimum lot sizes. (James E. Morgan, Galvin & Morgan, Letter, 1/25/05)

*It is not within the scope of SEQRA to evaluate the cost involved with meeting the requirements of the Americans with Disabilities Act or other local accessibility requirements.*

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Density Reduction Program (DRP)/Transfer of Development Rights (TDR) Program

590. Recommend more analysis of the DRP to ensure that no additional overburdening of densely populated areas or fragmentation of habitats. (Reena Lieber, Conservation Board (CB), Letter, 1/25/05)
591. DRP is a progressive approach to managing land development but should not allow receiving areas in relatively close proximity to the Reservoir. (James D. Benson, New York City Department of Environmental Protection (NYCDEP), Letter, 1/25/05)
592. DRP should be left in the Plan as a potential tool for TDR. DRP should not be scuttled b/c it is complex, challenging or has not been done on the town level before. (Jeremiah R. Dineen III, Yorktown Planning Board, Letter, 1/25/05)
593. This is an incredibly complex program which will not work. (Lawrence Praga, Letter, 1/25/05)
594. Where will the Town find the necessary funds to commence the purchase of development rights. How long will it take for the program to become self-sustaining? (Lawrence Praga, Letter, 1/25/05)
595. What is the justification for the receiving sites having increased density? Either the specific particulars of the land and its environmental constraints militate in favor or upzoning or they do not. (Lawrence Praga, Letter, 1/25/05)
596. The Town rejected the idea of density transfer in 1980 when planning laws were changed to allow such transfer. The Town should reject it now. (Raymond Arnold, Letter, 1/24/05)
597. Who would run and oversee the DRP bank? Would the records be public? Would the value of the land or rights be the same for the receiving and sending sites? How would wetlands effect the property calculations? Will the cost of a sale be subject to the capital gains tax? Is it possible for someone who sold away building rights to get a variance from the ZBA in the future? Can a



- sending site property owner purchase building rights from a sending site? (Carl S. Hoegler, Letter, 1/12/05)
598. The DRP is complex, could be subject to abuse and the administrative costs could create more bureaucracy. The advantages of DRP in receiving zones seems negligible. (Carl S. Hoegler, Letter, 1/12/05)
599. The only way the DRP will work economically is if send units from north to south, but that would defeat the purpose of the upzoning. (Ed Killeen, Transcript, 1/11/05)
600. We feel that the sending and receiving areas in the TDR program appear to be backward. (Leila Goldmark, Transcript, 1/12/05)
601. The discussion of the Density Reduction Program is complex. It would have been easier to understand if you had used concrete examples. Also, a frequently asked questions section would have been helpful. Who runs the bank; who oversees its management; would the records be public? Would I be subject to capital gains tax if I sell my building rights? Could a future purchaser of a sending unit property which has sold its rights in the past be able to purchase building rights in the future? I am concerned about administrative costs, checks and balances, record keeping and accountability with regard to the DRP program. (Carl Hoegler, Transcript, 1/12/05)
602. Alternative B-2 is the TDR program and that has problems with funding as currently written. (Walter Daniels, Transcript, 1/11/05)
603. I support Transfer of Development Rights. It's essential to the plan and we are going to have to work at it. We have capable people here and the means to do it, so I urge the board to go for it. (Al Landzberg, Transcript, 1/12/05)
604. Does not support the DRP as it does not support the "Smart Growth" principles of... transferring development to already developed areas with adequate infrastructure (but) targets many ecologically sensitive areas that are contiguous to open space and significant watershed protection areas. Believes that a straightforward upzoning plan will better protect water quality and be easier to implement than the proposed DRP. (Marc A. Yaggi, Riverkeeper, Letter, 1/25/05)
605. With regard to Bartzick property, Stony Street: Object to the upzoning because of no legitimate justification for a drastic upzoning as a blanket desire to decrease potential build-out throughout Town does not provide a lawful basis upon which to predicate the Plan or any resulting zoning changes. (The Proposed Action) is an undeniable economic impact upon investment backed expectations and arbitrary and capricious upzoning. Provide clarification on this property as a receiving site under the DRP. (David Steinmetz, Letter, Transcript, 1/13/05, 1/12/05)

606. I was puzzled by the way you are proposing to implement TDRs and analyzed it in the GEIS. You are asking where the market will best approach and tolerate TDRs, but that is not what TDR is about. They are not supposed to be driven by the market—they are supposed to allow you to decide where the market will go. You need to look at environmental factors and infrastructure. The leading articles are talking about where do you put the receiving sites? It's not where the housing will be the most expensive. I'm surprised your consultants did not address this. Look at the implementing legislation, Section 261-A, subsection 2-A. Sending sites are supposed to be places that have natural features, agricultural land and open areas. Receiving sites are areas that have adequate public facilities, such as transportation, water supply and waste disposal. The way I am reading your plan, you got it backwards. Southern Yorktown is not an ideal receiving site, it is an ideal sending site. The EIS should look at how my client's property in northern Yorktown (Yorktown Farms subdivision) was designated a sending site. Logically, it should be a receiving site. (David Steinmetz, Transcript, 1/12/05)
607. The DRP does not help farms since the farms are not listed as sending sites. (Barbara Wilkens Pratt, Wilkens Fruit & Fir Farm, Letter, Transcript, 1/11/05)

*The Density Reduction Program (DRP)/Transfer of Development Rights (TDR) Program is no longer part of the Proposed Action.*

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#### Winery/Grape Growing

608. Farms and farming operations, specifically wine grape growing in Yorktown, should have no minimum side requirements, rather Yorktown should follow state guidelines, definitions as well as encourage growing of grapes throughout Yorktown. (Alana Ciuffetelli, 3c Realty, Inc., Transcript, 6/9/09)
609. I am proposing Westchester Wine Country \*See exhibit #3 centered in Yorktown and Destination Yorktown commencing with "no minimum farm size' being first adopted by Yorktown in July 2009. (Ralph Ciuffetelli, Letter, 7/20/09)
610. In Westchester County we have a tremendous opportunity here in Yorktown to do a variety of things, to make it destination Yorktown. One of which is the wine in the area. I would like us to adapt state guidelines for, I think we have five acre requirements right now for a farm, that seems excessive and I would like us to seriously entertain adopting state guidelines and regulations as well. (Alana Ciuffetelli, 3c Realty, Inc., Transcript, 7/7/09)

*The proposed Comprehensive Plan promotes the protection of significant agricultural resources (see Policy 6-17 in particular) and recommends utilizing the NYS Farmer's Protection and Farm Preservation Act of 1996 to help preserve farmsteads. While there may be State guidelines for*

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*farming, the Town Board has determined it appropriate to have local zoning regulations pertaining to lot sizes and other bulk standards.*

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#### Overlay Districts

611. We support the use of overlay districts because they allow for flexibility in meeting the needs of our business community. (Aaron Bock, Chamber of Commerce, Transcript, 6/9/09)

*Comment noted.*

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612. Would you consider overlays along heavily traveled corridors Route 6, 202. I'm thinking particularly of 202 between the Taconic and the center, Yorktown Heights Center, where there are many professional offices by special-use permit right now. (John Kincart, Transcript, 6/9/09)
613. What appears to be suitable zoning along Route 202 as has been stated before may not indeed support such a use so we would like to see a zone that's created or an overlay district which would allow a supporting retail use at the same time allowing a hotel conference center because the combination of the two which seem to make success without such concurrent retail uses. (Aaron Bock, Chamber of Commerce, Transcript, 6/9/09)
614. It's difficult to get financing for a commercial use even though low impact commercial use like an accountant, a small accounting practice, something of that nature which would not have a lot of traffic generated but would bring tax dollars into the Town and remove the burden on the school districts. If we had a commercial overlay then they would be able to apply for financing that would allow them to get a commercial loan. (John Kincart, Transcript, 6/9/09)
615. Would you consider an overlay specifically stating commercial use, limiting commercial use, low impact use so that people could obtain financing and bring these tax dollars into our Town. (John Kincart, Transcript, 6/9/09)

*The proposed Comprehensive Plan has recommended zoning designations for properties in these centers and elsewhere in the Town based on a variety of factors. These include road access, existing development patterns, traffic generation characteristics and environmental factors, among others. The Town Board has determined there are adequate opportunities for commercial development in the hamlet centers and certain other business areas.*

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#### Planned Designed District

616. Does not agree with the PDD concept. (Ed Killeen, Advisory Committee for Open Space (ACOS), Letter, 1/25/05)

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617. The PDDs need to be expanded to include all of the hamlets and enforce a growth boundary around the hamlets. Let this PDD process deal with what goes on and what the mix is. (Walt Daniels, Letter, 1/22/05; Transcript, 1/11/05)

*The Proposed Action proposes PDDs only for the Bear Mountain Triangle, Jefferson Valley and the Shrub Oak-Barger Street proposed overlay due to potential significant impacts from development from the other previously proposed PDDs.*

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618. PDD–Mixed uses is an admirable concept however, the inclusion of this abstraction in a formula to be applied by a municipal body is not capable of hands on administration. (James E. Morgan, Galvin & Morgan, Letter, 1/25/05)

*This comment is not directed at the SGEIS.*

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619. The Plan actually allows for “unknown” commercial and low-income housing development in the PDD mixed use in Mohegan Lake. (Mike Saltzman, Letter at Transcript, 1/12/05)

620. There is insufficient “layperson” data on the proposed PDD Mixed use districts nor does it state what uses are permitted in these PDDs. (Mike Saltzman, Letter at Transcript, 1/12/05)

*A PDD is no longer proposed for Mohegan Lake. As for the remaining PDDs, 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 comment accepted.*

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621. We urge the Town Board to leave the residential section of the BMP Triangle intact and allow us to work with you as envisioned in the Planned Development District concept. (James and Ann Kutter, Letter, Transcript, 1/15/05, 1/12/05)

*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*

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*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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622. It is unfortunate that the PDD is not better defined... in theory the PDDs are to enable the Town and property owners in the designated district to work with trained professional planner perhaps through a grant to come up with a plan for future development that recognizes the needs and concerns of all parties. (James and Ann Kutter, Letter, 1/15/05; Transcript, 1/12/05)

*A PDD is a district where diverse uses are brought together to achieve a compatible plan of development. In this case, the Town and property owners have come together to discuss the Comprehensive Plan—a plan for future development that recognizes the needs of all relevant parties. The PDDs will be part of this plan and process, and so, will be appropriately addressed in a manner expressed in the comment above.*

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623. The PDD-Mix near Garden Lane is consistent with the existing uses and would allow for controlled uses. (Jeremiah R. Dineen III, Yorktown Planning Board, Letter, 1/25/05)

*Comment noted. See response to Comment 621.*

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624. While many of the development plans in the Proposed Action do not appear to be environmentally sound, we nonetheless commend the Town for proposing several positive policies that relate to CHCs and PDDs. If non-residential development were reduced to demonstrably supportable levels the overall idea of these planned infill districts could, theoretically be positive. (Marc A. Yaggi, Riverkeeper, Letter, 1/25/05)

*The Comprehensive Plan will attempt to concentrate dense development in areas where there is already a trend toward denser development. With this concentration, the Comprehensive Plan will better conserve many critical environmental areas. The goal of the GEIS process is to identify potential environmental impacts of any Proposed Action.*

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625. The properties along Lexington Avenue near Treetops nursing home, should be part of a PDD or allowed to transfer their development rights to the neighbors. (Ralph Ciuffetelli, Letter, 1/25/05)

*A PDD is no longer proposed for Mohegan Lake. The Density Reduction Program (DRP)/Transfer of Development Rights (TDR) Program is no longer part of the Proposed Action See response to Comment 617.*

### Floor Area Ratio

626. Floor Area Ratio, a term used in conjunction with the non-proliferation of McMansions, is not defined. (James E. Morgan, Galvin & Morgan, Letter, 1/25/05)

*Floor Area Ratio is the ratio of the total floor area of a building to the total land area of a site. It is one method used to control the bulk of buildings. Before Floor Area Ratio is implemented as a control method, the Comprehensive Plan calls for further study.*

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627. The introduction of FAR into the building code is troubling as it will restrict expansion of homes when the sewer and water system is expanding which will enable growth. (Ralph Ciuffetelli, Letter, 1/25/05; Alana Ciuffetelli, 3c Realty, Inc., Transcript, 6/9/09)
628. The introduction of a "Floor Area Ratio" into the building code is also a smokescreen/up-zoning, as it will serve to restrict the expansion of homes and businesses at a time when the Yorktown sewer and water main system is expanding, which will enable growth without any Board of Health concerns and in turn increase real estate values. Further, it is an illegal taking. (Ralph Ciuffetelli, Letter, 7/20/09)
629. Proposed floor area ratio could prevent people from adding exercise rooms and media rooms to their houses. (Ed Killeen, Transcript, 1/11/05)
630. FARs, increased bulk standards and limiting impervious surfaces for non-residential uses in residential areas should be encouraged. (James D. Benson, New York City Department of Environmental Protection (NYCDEP), Letter, 1/25/05)

*Most zoning regulations by their very nature limit development size, and there are already standards in the zoning code that regulate bulk. Minimum yard and maximum coverage or height requirements, for example, have are intended to provide restrictions on the size of buildings. Floor area ratio (FAR) is a very commonly used zoning technique for regulating the bulk of buildings. It takes into account the size of the lot and allows design flexibility by providing an overall limit to floor area that can be applied to one story or multiple stories of a building. The proposed Comprehensive Plan recommends further study before adopting any FAR limitations into the town Zoning Code. The impact of this provision also has been considered in assessing impacts of the Comprehensive Plan and proposed zoning.*

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### Golf Courses

631. The allowed use by special permit for golf courses in residential zones should not be removed from Yorktown's zoning code. This will render 2 existing courses nonconforming and the Trump

property will forfeit its recent investment in planning a course. This will expose the town to legal challenges. (Albert A. Capellini, Letter, Unknown)

632. Golf courses in R-1 zones would become nonconforming uses, frozen in time. (Al Capellini, Transcript, 1/11/05)
633. With regard to Sanctuary Golf Course: What good is being served by rendering the golf course as an “outlaw.” There is no significant public support in the public record to warrant the golf course out of the business. (Albert A. Capellini, Letter, 1/24/05)

*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 although expansion is not permitted. § 300-170 of the Zoning Code states the following:*

*Except as otherwise provided in this article, the lawfully permitted use of land or buildings existing at the time of the adoption of this chapter, including uses of land or buildings under a special permit heretofore issued by the Board of Appeals, may be continued, although such use does not conform to the standards specified in this chapter for the zone in which such land or building is located. Said uses shall be deemed nonconforming uses, except as otherwise provided by § 300-177.*

*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.*

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634. I support upzoning throughout the town and prohibiting golf courses in residential zones. (Dan Fitzpatrick, Transcript, 1/12/05)

*Comment noted.*

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#### Nonconforming Uses/Grandfathering

635. I would ask that you consider in your upzoning, grandfathering the minor subdivisions that have received final approval from the Planning Department. (Albert A. Capellini, Letter, 1/11/05)

*The issue of grandfathered uses and the approval of subdivisions is an issue separate from SEQRA and the GEIS, which seeks to investigate possible impacts of future development. This issue may be raised with the Town separately.*

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636. Regarding the bulk area change in the R1-20 zone, what would happen if the house burns down? Clarify what you mean by this bulk area change. Make clear it's to apply to new subdivisions and not existing lots and homes. (Al Capellini, Transcript, 1/11/05)

637. By imposing office in many locations, you create nonconforming uses. And you are also injecting a use that has no justification in the Comprehensive Plan. (Al Capellini, Transcript, 1/11/05)

*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. If discontinued, it may be reestablished within one year of its 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.*

638. You're taking all the businesses that have been here for years and making all the businesses basically nonconforming. It isn't what the area needs. (Brian Dee, Transcript, 1/12/05)

639. A number of properties, some of which have been mentioned already this evening, are being zoned out of commercial existence which freezes those uses, prevents them from expanding or developing or growing in response to the economic needs, we know that there needs to be a borderline drawn somewhere but we're hopeful that at least existing businesses in place would not be legislated out of existence. (Aaron Bock, Chamber of Commerce, Transcript, 6/9/09)

640. Once you render a property nonconforming, it is frozen in time and that is why the business community is concerned, because you have decided to change the nomenclature of various districts and you create confusion as to what uses are permitted and what uses are not permitted. Consider what you are doing and how that will affect existing businesses. (Al Capellini, Transcript, 1/12/05)

641. With regard to 329 Underhill Avenue, the Meadows Farm: We would like assurance that we will be able to continue to operate our business as we have done for the past 30 years. And that this business can continue if we transfer ownership to our children or any other buyer. (Richard and Francis Woodard, Letter, 1/3/05)

642. With regard to 171 E. Main Street, Route 6 Mohegan Lake Motors: Property should not be rezoned from C-2 to CG. The plan will render the property non conforming preventing future improvement. (Albert A. Capellini, Letter, 1/20/05)



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643. With regard to Yorktown Community Nursery School, 247 Veterans Road: We understand that our school will become a legal non-conforming use. We would like to continue to provide families with high quality school program as we have since 1948. (Adriana Beaudreault and Anne Jaffe, Letter, 1/11/05)

*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. The goal of the rezonings will be gradual change. See also the response to Comments 631 to 633.*

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644. The proposed plan will make all quarter acre and half acre building lots non-conforming and frozen in time therefore negatively impacting these existing homeowners and their investments in their homes. (Alana Ciuffetelli, 3c Realty, Inc., Transcript, 6/9/09)

645. I respectfully ask again that careful consideration be applied to those who have been a long part of this community, grandfather, do whatever you must do, correct this Plan before it's too late. (Linda Clemenza, Transcript, 7/7/09)

646. We are very concerned about the fact that the upzone from half acre to one acre is going to put a lot of us in non-compliance; the burden on the homeowner or the property owner to then come into compliance is a big one. I would ask that you consider not changing the zoning until the property changes hands. I think that would meet the goals of reducing the potential build-out. (Ann Kutter, Transcript, 6/9/09)

647. The upzoning makes all  $\frac{1}{4}$  and  $\frac{1}{2}$  acre building lots non-conforming. (Ralph Ciuffetelli, Letter, 1/25/05)

*Existing homes would not be made non-conforming. 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. However, subdivision of the lot would be precluded if the proposed new minimum lot area is not met, unless a variance is granted. To the extent that these comments refer to Alternative B5, that alternative is no longer part of the Proposed Action.*

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### Fairness

648. It was set out in a Town that is 75 to 80 percent developed to overturn and change every zone and every single thing in the Town. (Ed Killeen, Transcript, 6/9/09)

649. You just can't tell someone that after all of these years, you can't even tell anybody that's been here three years, that you're going to ruin their life. You bought that, too bad. We changed the law, so that's it. (Tim Mallon, Transcript, 6/9/09)

650. These people bought their properties knowing what they were, figuring, investing their lives and their money in it. For somebody to come along and just change the whole thing I thought was very unfair. (Ed Killeen, Transcript, 6/9/09)

651. The number of parcels involved in the zoning changes is 1,610 which is more than 10 percent of the parcels in the Town of Yorktown and if you don't think you're hurting the people in the Town by approving the changes in the zoning and the text you are mistaken. (Ray Arnold, Transcript, 7/7/09)

*The Comprehensive Plan looks at long-term issues. While there may be changes to existing zoning regulations, the recommendations take into account Townwide issues as well as localized conditions. The elimination of Alternative B5 from the proposed Plan would materially reduce the number of parcels in the Town that would be rezoned consistent with the Plan; most of the changes in zoning between the draft 2003 Comprehensive Plan and the 2005 Plan was due to the addition of the upzonings per Alternative B5.*

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Other

652. Add a requirement that on the sale of partially developed or un-developed land that the buyer must sign a full disclosure statement that they have seen all the appropriate environmental constraint maps and are aware of the possible effects on their ability to develop the property. (Walt Daniels, Letter, 1/22/05)

*It is not within the scope of a GEIS to require disclosure statements, or any land use or related agreement. Such requirements would be set forth in an ordinance or local law*

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653. The Town should look at deed restrictions of large parcels before the rezones to (determine if uses) might be prohibited by covenants. (Mike Saltzman, Letter at Transcript, 1/12/05)

*Covenants existing between private parties are neither within the scope of the Comprehensive Plan nor the SEQRA and GEIS process and have no bearing on this decision making process*

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654. With regard to Birdsall Drive and Route 129: What happens to the transition zone that was enacted? (Al Capellini, Transcript, 1/11/05)

655. I have no basis to believe that the transition zone will survive the Plan and subsequent rezoning. (Albert A. Capellini, Letter, 1/19/05)

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*This comment is not directed to the GEIS. However, the GEIS process and the Comprehensive Plan adoption process has led to the suggested elimination of the transitional zone in favor of other solutions more responsive to the needs of Yorktown.*

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### **3.2.6 Transportation**

#### Public Transportation

656. The real thrust on traffic control must be using more public transportation. Having transportation centers in the hamlets is one step in this direction. (Walt Daniels, Letter, 1/22/05; Transcript, 1/11/05)

*Public transportation is a valuable traffic control tool. While Policies 3-30, 3-33, 3-40 and 3-41 of the Comprehensive Plan advocate for expanded and improved public transport, it is not within the scope of the Proposed Action to mandate expanded public transportation. Further, in Westchester County, the public transport system is operated primarily by the County itself, so the Town has very limited, if any, ability to effectuate improvements in public transportation without County action.*

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657. Public transportation should be improved to trains and White Plains. (Don and Katherine Quinn, Letter, 1/21/05)

*See response to Comment 656. In addition, the proposed Comprehensive Plan's Policy 3-30 advocates increasing commuter bus service from Yorktown to nearby train stations and to White Plains.*

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#### Sidewalks and Pedestrians

658. Under your Commerce Street Revitalization that you did across, down Main Street on Commerce Street, you have replaced those sidewalks three times. I'm here 20 years in this Town, own in that shopping center for over 10. You have not once addressed the sidewalks over there. (Michael Anderson, Board of Underhill Plaza President, Transcript 6/9/09)
659. Hanover Street between Moseman Avenue and the firehouse fits exactly the description given in the DSGEIS: it is a "major walking route leading into the hamlet center" of Yorktown Heights. The condition of the sidewalk from Moseman Avenue to the firehouse along Hanover Street is horrendous and dangerous. This recommendation in the DGEIS to provide sidewalks on major walking routes leading into the hamlet of Yorktown Heights is very important for the safety and well-being of all the citizens of Yorktown Heights, not just to a demographic few...ensuring the structural integrity of the sidewalk along Hanover Street. (Albert Boutross, Letter, 7/14/09)

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660. Consider adding and improving sidewalks in Jefferson Valley, Shrub Oak and parts of Yorktown Heights. (Don and Katherine Quinn, Letter, 1/21/05)

*The Comprehensive Plan acknowledges the importance of safe and accessible sidewalks for pedestrians. Policies 3-18 through 3-23 advocate providing new sidewalks and enhancing existing ones. A sidewalk project is currently in design for the area referenced in comment 658. In addition, sidewalks in Shrub Oak and Yorktown Heights have been upgraded in the past 10 years, and Jefferson Valley sidewalks are under construction now.*

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661. I encourage you to follow through with the intent of the pedestrian-oriented provisions in the hamlet centers. (Steve Wolff, Transcript, 1/11/05)

*The proposed Comprehensive Plan recommends improvements to pedestrian access to hamlet centers. See response to comment 660.*

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662. These kind of walkable Town centers discourage car traffic, which is another problem that we have in Yorktown. (Maura Gregory, Transcript, 6/9/09)

663. I would like to see downtown Yorktown Heights changed so that it becomes more pedestrian friendly, so the children and grandchildren will enjoy a more convenient and friendly environment when they come into town to shop. (Al Landzberg, Transcript, 1/12/05)

*Improvements are already being made to the streetscape of Yorktown Heights and the Comprehensive Plan proposes more extensive pedestrian improvements. See response to comment 660.*

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664. I question your determination to take away much of the town's commercial zoning and replace it with office space. Don't you think people who live locally should be able to shop locally? Pedestrian-friendly shopping centers are a terrific idea. (Alice Roker, Transcript, 1/12/05)

*The proposed Comprehensive Plan incorporates pedestrian shopping in the hamlet centers while also providing additional office opportunities for further economic development in Yorktown. The Plan provides sufficient commercial zoning to accommodate retail needs for the community.*

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### New Road Connections

665. Construct Bear Mountain Parkway not Mohegan Lake bypass as in Sustainable Development Study. (Mike Saltzman, Transcript, 1/12/05)

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*The Comprehensive Plan identifies both of the two mentioned projects; however, the Plan specifically recommends, consistent with the Sustainable Development Study, the Bear Mountain Parkway extension, and then identifies the Mohegan Bypass as a possible roadway connection. See proposed Comprehensive Plan Policies 3-6 and 3-9, respectively, as well as road connection 5 on Table 3-2(5) and Figure 3-2 of the Plan.*

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666. The new roads and road extensions are things that really should go into the plan. We at least ought to try to make it happen because we know that traffic will get worse each year unless we do something decisive. (Al Landzberg, Transcript, 1/12/05)

667. I think we have a historic opportunity as a result of the Sustainable Development Study and because of the participation of state, county and federal funders. The Route 6 bypass should be built to remove the heavy traffic from the center of Mohegan Lake and turn Mohegan Lake into a true walkable village center. (Ken Belfer, Transcript, 1/12/05)

*The Town Board notes the suggestions regarding road construction and will consider them when adopting the Comprehensive Plan, which, by Policies 3-5 through 3-11 and 3-38, would create a framework for future implementation actions. The Town Board has endorsed the Sustainable Development Study, which makes recommendations for the same. See Table 3-2 and Figure 3-2 in the proposed Comprehensive Plan.*

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668. We strongly encourage the immediate creation of a joint council to help effectuate the Bear Mountain Parkway connection. This should include researching funding mechanisms (e.g. transportation improvement districts if possible) as well as engineering and designing the roadway. (Jeremiah R. Dineen III, Yorktown Planning Board, Letter, 1/25/05)

*The Comprehensive Plan Policy 3-6 supports the Bear Mountain Parkway connection, but such a roadway depends primarily on State decision making and funding. While the commentor's request is outside the scope of the Proposed Action and GEIS, the Town Board may determine to proceed in this manner in the future.*

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669. Not in favor of new road connections. (Ed Killeen, Advisory Committee for Open Space (ACOS), Letter, 1/25/05)

*Comment noted. The road connections proposed or otherwise identified in the proposed Comprehensive Plan are the result of extensive study by transportation experts and public input. While not everyone may agree with the Plan's recommendations for various connections, these improvements, as outlined in Policy 3-9, would be part of the larger plan to create a sustainable future for Yorktown that would be implemented gradually.*

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670. Address the traffic in Mohegan Lake by widening the existing right of way on Route 6 by using the free and unobstructed land on both sides to meet the existing minimum front setbacks realizing the 80-100 feet required by the State for a four lane road. (Ralph Ciuffetelli, Letter, 1/25/05)
671. North of Route 6 which you have multiple commercial zoning would be an appropriate area to run some form of bypass into a parking area which would also provide for small shops and walkways, pedestrian walkways, that would bring the traffic back near the consumer back to Route 6. This way you could help bypass some of the traffic and alleviate some of that on Route 6 that are squeezed into the Mohegan district. (Tom Iannicari, Transcript, 6/9/09)
672. Circumstances have resulted in lanes as low as nine feet and shoulders of various widths as low as no shoulder at all, that in my opinion would be a better way to report getting rid of the traffic as opposed to running a bypass through property which I know my landowner is going to fight you on because he is not going to allow. (Alana Ciuffetelli, 3c Realty, Inc., Transcript, 7/7/09)
673. It's my understanding that in Mohegan Lake, Route 6 at its worse point is 50 feet and at some point it's 60 to 80 feet in diameter. We have sidewalks which I don't understand because it's not a walking area, it's a very busily traveling lane. In my opinion we can do two lanes east, two lanes west and then a turning lane nine feet wide for a total of 45 feet. That would help you with your bottleneck and would not need a bypass. (Alana Ciuffetelli, 3c Realty, Inc., Transcript, 7/7/09)

*Comments noted. The recommended transportation improvements in the proposed Comprehensive Plan are the result of extensive study by transportation experts and public input. The Town's traffic consultant, Eng-Wong Taub, modeled the recommended roadway and intersection improvements put forth in the Sustainable Development Study (upon which the recommendations in the Comprehensive Plan were built), and found that the traffic network would be most improved with connection of the Route 6 bypass and a widened Route 202 to accommodate a center turn lane, as discussed in Policy 3-5. In addition, as part of the Comprehensive Plan public outreach process, the Town's traffic consultants presented their recommendations in a Technical Memorandum, which was put forth for public discussion at subsequent Task Force meetings. For additional information on the community outreach process, see Section 1.2. New road connections and intersection improvements identified in the Plan are intended to address traffic issues in the Mohegan Lake area. The Mohegan Lake bypass in particular is recommended in the Sustainable Development Study as well as the proposed Comprehensive Plan. See also Policies 3-5, 3-19, 3-20, 4-29, 4-31 and 4-37; Table 3-2(5); and Goal 4-I of the Plan. The suggestion made in comment 670 is unattainable as it would require the removal of many buildings.*

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674. At some point, there was thought given to connecting Bank Street with Hill Boulevard, further integrating the Jefferson Valley business hamlet. This idea should not be dismissed lightly and its merits should be further explored. (Albert A. Capellini, Letter, 1/24/05)

*This proposal was included in the Economic Development chapter of the June 2003 draft Comprehensive Plan, but it was not included in the Transportation chapter and thus not shown as a potential road connection in Table 3-2 or Figure 3-2 in that version (2005) of the Comprehensive Plan or in the current (2010) one. The Town Board may, in the future, further explore this proposal.*

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675. The Sustainable Development Study has cost hundreds of thousands of dollars and has resulted in no action. I am not sure it makes sense to rely on this study since it seems flawed. There is mention of the Bear Mountain Parkway offering traffic relief when this has been on the state DOT drawing boards for 30 years. This will cost 50-250 million dollars. What is the likelihood of this being funded anytime soon? What sense does it make to include the Bear Mountain Parkway extension in the Comprehensive Plan as a way of improving traffic when it is highly unlikely it will ever be funded and implemented? (Robert Giordano, Letter, Undated; Transcript, 1/12/05)

676. I don't think we are going to find the \$250 million for the two roads [Bear Mountain Parkway extension and Mohegan Lake bypass]. (Miller, Transcript, Unknown)

*The proposed Comprehensive Plan provides a framework for the Town's growth over the next 20 years. Policy 3-6 provides for the Town to advocate for the Bear Mountain Parkway connection, consistent with the Sustainable Development Study. While this connection depends on State decision making and funding, Town advocacy could assist in achieving the desired outcome. The cost of the connection is beyond the scope of the GEIS. As a result of the Sustainable Development Study, the Route 202/Lexington Avenue and the Lakeland/Route 6/Mohegan intersections have been constructed, Pine Grove Court signal is beginning State design, and the Bear Mountain Parkway extension, Mohegan Lake bypass, Route 202 center turn lane and Garden Lane are on the New York State Transportation Improvement Plan. See response to Comment 668.*

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677. Build the Bear Mountain Parkway and then all of the other studies and plans fall into place. Go out and get the 100 million dollars to build it. (Mike Saltzman, Transcript, 1/12/05)

*See responses to Comments 668, 675 and 676.*

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678. Unless we get a firm commitment from the State to the start and finish of the Bear Mountain Parkway extension and by-pass in Mohegan, the Plan should be shelved until such time as these roads are able to handle the thru traffic. (Anthony Grasso, Letter, 1/19/05)

*See responses to Comments 668, 675, and 676. SEQRA does not require an analysis of governance, institutional or financial options. The proposed Comprehensive Plan seeks to provide the policy framework to guide the development of Yorktown over the next 20 years and the GEIS studies the potential impacts of actions that may be included in the Comprehensive Plan. It is not required that the State commit funds for particular traffic improvements in order to adopt a Comprehensive Plan.*

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679. The Bear Mountain Parkway and Mohegan Bypass have severe wetland crossing issues that have no mitigation short of massive bridge spans. Both will be extremely expensive to construct without good funding sources. Both will kill many businesses on the existing roads. Seek other traffic solutions. (Walt Daniels, Letter, 1/22/05; Transcript, 1/11/05)

*The GEIS notes (e.g., Sections 5.35 and 6.3) that road connections identified in the proposed Comprehensive Plan could have impacts on ecological features such as wetlands that would not be studied in a generic EIS. Accordingly, the GEIS and SEQRA generally provide for further study of impacts of any such projects if they become actual proposals subject to environmental review. At that point, if the environmental impacts of a particular proposal may be significant, a site-specific EIS would need to be prepared. See GEIS at Section 20.8 and Policy 3-5 of the proposed Comprehensive Plan.*

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680. The statement on pages 16-19 of the DEIS regarding street extension 5 is not what the draft Plan calls for, which is consistency with the Sustainable Development Study. There is no analysis of the effect of the bypass on land use, or neighborhood character in Chapter 16 nor analysis where else in the DGEIS. (Michael Saltzman, Letter at Transcript, 1/12/05)

*It is not clear from the comment what is inconsistent about this statement, as Policy 3-5 of the proposed Comprehensive Plan calls for building on the recommendations of the Sustainable Development Study. See also the response to Comment 679*

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681. Section 16.4.2 fails to attempt to assess the impact of the Bear Mountain Parkway connection on any of the roads. (Michael Saltzman, Letter at Transcript, 1/12/05)

682. Does not the proposed Mohegan Lake bypass to foster development of the contiguous areas not have an impact on noise, odor and light to the neighbors? Why is it not assessed? (Michael Saltzman, Letter at Transcript, 1/12/05)



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683. There is no discussion in Chapter 19 [of the DGEIS] of any areas in Mohegan Lake north of Route 6 nor is there a discussion of the benefits to our community character that the Bear Mountain Parkway connection will provide. (Mike Saltzman, Letter at Transcript, 1/12/05)

*Chapter 19 addresses the entire Mohegan Lake area, including both areas north and south of Route 6. Other than the possibility of a reduction in traffic on Route 6, the Bear Mountain Parkway connection would provide no direct benefit or detriment with regard to the community character of the Mohegan Lake area inasmuch as it would be located in Crompond. Table 3-2(5) of the proposed Comprehensive Plan calls for a “park drive” limited access road, which will have no growth-inducing properties.*

*For additional discussion of the Bear Mountain Parkway project, please refer to Chapters 3 and 4 of the Comprehensive Plan, which identify transportation and development recommendations. See also responses to Comments 668, 670 to 673 and 675 to 679.*

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684. The DGEIS completely ignores the true effects of the planned Mohegan Lake by-pass which actual effects are irretrievably to foster the gentrification and conversion of the entire area into a commercial zone impinging on the nearby residential districts. (Michael Saltzman, Letter at Transcript, 1/12/05)

*The GEIS analyzes the impacts of road connections including the Mohegan Lake bypass. There is no indication that the bypass would have the effects suggested in this comment. Again, Table 3-2(5) of the proposed Comprehensive Plan states that the bypass should be a “park drive” with no curb cuts – therefore it would have no commercial growth-inducing properties. See also response to Comment 679.*

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685. We strenuously object to the proposed tearing down of the firehouse and constructing a town road through the property. (Bruce Zarzeski, Transcript, 1/11/05)

686. The Yorktown Heights Engine Company strenuously objects to the Plan which calls for the tearing down of the firehouse and the constructing of a town road through our property. (Yorktown Heights Engine Company, Transcript, 1/11/05)

*The Town Board appreciates the concerns expressed by the Yorktown Heights Engine Company and has eliminated from the proposed Comprehensive Plan the proposal that would have resulted in the relocation of the firehouse.*

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687. The connection from Front Street to Route 118 is critical in keeping in the plan for long term possibilities, despite the complications with wetlands. (Steve Wolff, Transcript, 1/11/05)

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*The proposed Comprehensive Plan includes a connection between Front Street and Route 118, provided appropriate wetland mitigation measures are identified. See Policy 3-5 and Table 3-2 (9). See also response to Comment 679.*

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### Traffic Calming

688. Although the Plan attempts to define “traffic calming,” the purported definition fails to meet accepted criteria. (James E. Morgan, Galvin & Morgan, Letter, 1/25/05)

*"Traffic calming" is a term applied to methods used to achieve a reduction of speed in road traffic through various measures, including by constructing speed ramps, or by creating more pedestrian crossings, by building low walls halfway across the road from alternate sides in order to create curves in a straight street. The traffic calming measures proposed in Chapter 3 of the proposed Comprehensive Plan, and detailed in Policies 3-12 through 3-17, are consistent with this common definition.*

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689. Add Moseman Road to the traffic calming list in the Comprehensive Plan. (Steve Wolf, Transcript, 1/11/05)

*Moseman Road was not part of the traffic study completed for traffic calming roads. The stop sign at the intersection of McKeel Street, Pines Bridge Road, Moseman Avenue, and Moseman Road and the stop light at the Hanover intersection provide breaks in the stretch from McKeel to Hanover Street. Policy 3-13 allows consideration of traffic calming along any street in Town.*

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### Traffic Generation and Land Use

690. Concerned Citizens for the Environment urges the Town to carefully scrutinize any proposed roads and to consider road building as the last resort to traffic problems as addressed in the impact statement. The net effect of more roads and lanes is usually more traffic eventually. More traffic would counteract a lot of the great proposals in this plan for more bike paths, traffic calming, sidewalks and public transportation improvements. (Emmett Pepper, Transcript, 1/12/05)

*The proposed Comprehensive Plan includes a host of transportation improvements, which include transit, bicycle, pedestrian, and road improvements. It is anticipated that these improvements will both provide for manageable growth over the next 20 years, and reduce traffic congestion and improve pedestrian and traffic conditions.*

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691. Include an analysis of the nature and extent of how industrial land uses would impact traffic and transportation. (James D. Benson, New York City Department of Environmental Protection (DEP), Letter, 1/25/05)

*The SGEIS includes an analysis of the impacts on traffic of various land uses, including industrial. See DGEIS at 16.4.1 and Table 16-8.*

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692. I would ask that the environmental impact statement explain the effect that the zoning proposed in the alternative plan would have on traffic. (Kathryn Hoenig, Transcript, 1/12/05)
693. Neither the 2009 Comprehensive Plan nor the 2009 SGDEIS cite any specific traffic constraints in the area, nor provide any specific data to establish that rezoning is necessary in order to avert any significant adverse traffic impacts that could not be mitigated by project proposals. (Nathaniel Parish, representing the Wallack Family, Letter, 7/20/09)
694. The Comprehensive Plan and DSGEIS fail to establish that upzoning is required in order to address traffic impacts. (Nathaniel Parish, representing the Wallack Family, Letter, 7/20/09)
695. There is more traffic because there has been a lifestyle change. Both parents are forced to work, and teenagers with jobs also have cars. Traffic is not unique to any community in Westchester. Don't upzone in response to traffic; instead, fix the traffic problem. (Alice Roker, Transcript, 1/12/05)

*The proposed upzoning is intended to address a number of issues, including traffic, as detailed in Section 2.4 of this FSGEIS. The Sustainable Development Study determined that traffic problems could best be addressed through a combination of road improvements and density reduction. Traffic and other transportation issues are also addressed in the Comprehensive Plan's various tools and recommendations, as set forth in Policies 3-1 through 3-41. The reduction of traffic anticipated due to the proposed rezoning measures will have positive impacts that may reduce the need for certain transportation improvements to be made. See response to Comments 670 to 673.*

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696. If the Town is concerned about peak hour traffic, why would the Town rezone (Crompond triangle area to office zoning) to worsen traffic? Office traffic use is concentrated in peak hours. The DGEIS avoided admitting this relevant exacerbation of traffic. (David Wright, Letter, 1/25/05)
697. The Planning Board strongly opposes the Crompond Alternative B1 because it is tantamount to creating a zone which cannot be built. It is disingenuous to propose extensive re-zoning to high traffic office use when the biggest concern is traffic. (Jeremiah R. Dineen III, Yorktown Planning Board, Letter, 1/25/05)

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*Comments noted. This change was not made in the proposed Comprehensive Plan, and thus the zoning in the area referred to in the comments remains commercial. The proposed zoning is OB, which resulted in larger amounts of AM peak hour traffic than commercial use, although the impacts would be limited due to proximity to the Taconic State Parkway.*

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698. You want to build a [Mohegan Lake] bypass and open up the area behind there to be commercial also. So there will be even more access back there. You take all this and look at it and some of the sections just don't make sense. (Brian Dee, Transcript, 1/12/05)

*Comment noted. As described in response to Comments 681 to 684, the proposed Comprehensive Plan would not open up the referenced area to commercial development.*

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699. We don't need any more buildings or development on Route 6, 202 and the Lexington corridor until the traffic gets settled. To keep the moratorium in effect, at least double the size of the building lots required. (Kathleen Spillane, Transcript, 1/12/05)

*The required lot size does not cause or perpetuate a development moratorium; the two are separate regulations. In any event, the moratorium in effect at the time of the comment is no longer in effect. The Comprehensive Plan includes numerous measures and recommendations to address traffic over the next 20 years. See responses to Comments 666 to 673, 681 to 684 and 688 to 698.*

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700. Mohegan Lake traffic is very dangerous. The present plan encourages more business, more traffic, and less infrastructure repair. Businesses are being made nonconforming placing extra burden. The town wants to take the property behind the bypass area and make that commercial. (Brian Dee, Transcript, 1/11/05)

*Chapter 3 and Table 3-1 of the proposed Comprehensive Plan suggest several intersection improvements to reduce the traffic hazards in the Shrub Oak and Mohegan Lake areas, including new signals, traffic calming measures, and intersection realignment, among other things. See also response to Comment 698.*

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701. The issue I'm talking about now is the traffic. It's when the Cortlandt Town Center came in and then it was further exacerbated by the sort of extended strip mall, auto-oriented usages that Mohegan Lake turned out to be. (Ken Belfer, Yorktown Community Housing Board, Transcript, 6/9/09)

*The proposed Comprehensive Plan and GEIS recognize that there is traffic congestion in certain areas of the Town. The Proposed Action recommends approaches to reduce such*

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*congestion, as well as to address traffic issues in other parts of the Town, while also directing future development to avoid exacerbating these traffic problems. Improvements are proposed in the Mohegan Lake area as described in the responses to other comments, which are intended to help make the area more pedestrian-friendly and improve community character.*

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702. Traffic in the Jefferson Valley area is not the problem that exists elsewhere in Town, particularly Mohegan Lake, and it should not be a justification for letting the Jefferson Valley area stagnate. Traffic will continue to grow as surrounding areas grow, and the Town will inevitably bear the cost of this. One can plan for and obtain some benefit from this growth by augmenting the business areas that exist in Jefferson Valley as recommended in the Master Plan. (Kathryn Hoenig, Transcript, 1/12/05)

*Comment noted. The proposed Comprehensive Plan does not propose to allow the Jefferson Valley area to stagnate. In fact, the Plan provides for growth in Jefferson Valley, including encouraging expansion of Jefferson Valley Mall (Policy 4-51), promoting a “walkable ‘Main Street area’ along Hill Boulevard north of Route 6” (Policy 4-53) and provision of additional retail and office use (Policy 4-59).*

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703. I think on Lexington Avenue north of Route 6 you're missing an opportunity to provide for more senior type uses possibly there and I think because of the reaction to the traffic issue in Mohegan Lake you're not really looking 20 years ahead and thinking in terms of if there is a bypass of Route 6 can we really create a walkable village center. (Ken Belfer, Yorktown Community Housing Board, Transcript, 6/9/09)

*The proposed Comprehensive Plan supports the enhancement and improvement of Mohegan Lake and the other hamlet business centers, as well as the possible provision of senior housing (page 4-1). See response to Comments 692 to 695.*

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704. The sale of BOCES property in Somers for a middle school should be studied. We believe it will have an impact—traffic. Will it put a strain on our services? (Nick DiTomasso, Transcript, 1/11/05)

*The referenced property was not sold, but it nevertheless was, and remains, a school. Existing traffic patterns, including those considered in the GEIS, reflect the property's continued use as a school.*

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#### Traffic Improvement Suggestions

705. Road expansions should be carefully examined with additional alternatives considered. (Reena Lieber, Conservation Board (CB), Letter, 1/25/05)

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*The road expansions have been carefully examined throughout the Comprehensive Plan process, and proposed by well-qualified transportation analysts. See the Comprehensive Plan at Chapter 3. Many of the road expansion recommendations put forth in the Comprehensive Plan build upon the Sustainable Development Study, prepared by traffic consultant Edwards and Kelcey, in association with the U.S. Department of Transportation's Federal Highway Administration and Westchester County. See response to Comments 670 to 673.*

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706. A few low cost road changes have dramatically improved traffic flow. There are other projects that should have similar good effects. (Route 202 with a turning lane). (Walt Daniels, Letter, Transcript, 1/22/05, 1/11/05)
707. There is no quick fix. We can fix small problems that will have a large impact on traffic. Turn lanes and traffic signals, for example. Little steps, not big leaps, are going to get the job done. (Robert Giordano, Transcript, 1/12/05)

*Please refer to the Transportation section of the proposed Comprehensive Plan, which highlights both smaller traffic-calming measures and larger, longer-term transportation goals. These measures and recommendations are designed to reduce traffic congestion and improve traffic, transportation and pedestrian flow and safety. They include short-term road and intersection improvements in Policies 3-1 to 3-4, long-term road and intersection improvements in Policies 3-5 to 3-11, traffic calming in Policies 3-12 to 3-17 and pedestrian, bicycle and transit improvements in Policies 3-18 to 3-35.*

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708. The Planning Board maintains that the following traffic mitigation improvements should be left in the Plan: Downing Drive through to Baldwin; Strang Boulevard connection to Route 202 somewhere; Route 6/Lakeland/Mohegan Avenue realignment; Pine Grove stop light. Intersection improvements are Route 132/Route 202 and Route 220/Granite Springs, Route 6/Lexington. (Jeremiah R. Dineen III, Yorktown Planning Board, Letter, 1/25/05)

*The Town Board has considered the opinion of the Planning Board, and several of these recommendations are now included in the proposed Comprehensive Plan and/or are being implemented. For example, the Lakeland realignment currently is under construction and the Pine Grove stoplight is on the New York State Transportation Improvement Plan for 2009-2010.*

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709. Support Alternative B-4—Removing roads from the plan would generate more open space. (Walter Daniels, Transcript, 1/11/05)

*Comment noted.*

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710. Take strong and immediate action to relieve the traffic on Moseman Road. (Ray Zelinski, Letter, 1/20/05)

*Comment noted. Speed bumps have been installed, and either weight limits or limiting the road to local traffic are being considered. These actions are consistent with Policy 3-13 of the proposed Comprehensive Plan.*

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711. Consider closing the last block of Moseman Road on the end, on the east side of Front Street. (Steve Wolff, Transcript, 1/11/05)

*Comment noted. The proposed Comprehensive Plan calls to maximize connections as fewer choices force all traffic to fewer roadways. However, the Plan also recommends improvements that reduce speed for residential neighborhoods. See also Policies 3-12, 3-13 and 3-14.*

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#### Procedural

712. The DGEIS should describe how the method of estimating AM and PM peak hour trip generation was selected for the proposed No Action alternative. (James D. Benson, New York City Department of Environmental Protection (DEP), Letter, 1/25/05)

*The DGEIS utilized a standard planning reference, the current version of the Institute of Transportation Engineers' Trip Generation manual. This book includes multipliers for a variety of land uses that enable projections of traffic generated by such uses for specified periods of time (e.g., morning peak hour).*

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713. Describe how parking policies in the commercial/business districts were incorporated into the analysis. (James D. Benson, New York City Department of Environmental Protection (DEP), Letter, 1/25/05)

*The Town's zoning regulations include standards for off-street parking for various land uses. These vary by specific land use. It is difficult to generate accurate projections for parking utilization as part of a study of a large geographic area, as the Comprehensive Plan and zoning do not mandate a single use in a specific use in a particular zoning district, and thus there would be variation in parking provision and utilization depending on the specific uses that are built*

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714. The anticipated volume of truck deliveries generated by the proposed action should be separate from the automobiles. (James D. Benson, New York City Department of Environmental Protection (DEP), Letter, 1/25/05)

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*The multipliers in the Institute of Transportation Engineers' Trip Generation manual account for all vehicular trips, including trucks.*

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715. "Roadway safety" used in relation to Route 6 in the vicinity of Barger Street is helpful but is not a definition. The term should be defined within the context of NYSDOT definitions or industry standards. (James E. Morgan, Galvin & Morgan, Letter, 1/25/05)

*Roadway safety is a general term that refers to reducing the number of crashes of vehicles traveling on public roads. This includes both vehicle collision with other vehicles and with pedestrians.*

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716. The lack of any defined criteria of roads, roadway and traffic safety issues leaves the interpretation of the Plan addressing vehicular and pedestrian flow, management and direction open to purely subjective measure and potentially discriminatory application. (James E. Morgan, Galvin & Morgan, Letter, 1/25/05)

*The Comprehensive Plan sets up a policy framework for the future implementation of regulations to implement the suggested policies. There are well-accepted engineering and safety criteria that would apply to road and street improvements, which also account for pedestrian safety, which would be followed in the implementation of any of the improvement.*

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### **3.2.8 Process**

#### Public Participation/Notice

717. As landowners my clients were never contacted for any input regarding the Comprehensive Plan. (Alana Ciuffetelli, 3c Realty, Inc., Transcript, 6/9/09)
718. As a land owner, I was never contacted in regard to the Comprehensive Plan. (Ralph Ciuffetelli, Letter, 1/25/05)
719. Firstly, I (and many, if not all, other larger landowners) were never contacted/involved in this process hereinafter called the "Comprehensive Plan" which began in 2002 under the smokescreen of protecting the environment due to "lack of infrastructure." As the owner of the property referred to as the La Forge Chalet, and other properties that are directly impacted by the plan, I was never asked for input or invited to participate in the development of the plan. \*See Exhibit #1 (Ralph Ciuffetelli, Letter, 7/20/09)
720. With regard to Section 5.2. Block 6, Lots 29 and 30: Please keep us informed of the changes and how they will affect this property. (Anne Harrington, Letter, 1/11/05)



721. As previously stated they [landowners] were extremely concerned that all the decisions seem to be made based on the input of only six and six tenths percent or 2,434 people. (Alana Ciuffetelli, 3c Realty, Inc., Transcript, 6/9/09)
722. I am concerned that all of the decisions seem to be based on the input of 6 6/10% or 2,434 of the Yorktown population of 36,318 residents. This number of opinions is too small to use as the basis for decision which will impact the next 20 years. (Ralph Ciuffetelli, Letter, 1/25/05)
723. I believe that the process to formulate the plan should include the small business owners. This has been going on for over two years or more, but nobody ever came in and sat with me and said we are planning to change your zoning. I think it would make things run smoother and you would have a lot more people in favor of the plan if they were talked to earlier and brought up to speed and had their input into the future intentions for their property. (Anthony Clemenza, Transcript, 1/12/05)
724. The (maps) do not give property owners adequate notice of the proposed rezonings. (Lawrence Praga, Letter, 1/25/05)

*The Town Board has complied with all public notice and hearing requirements and every landowner and resident of the Town has been offered the opportunity to comment. Individual landowners are not required to be contacted regarding the Comprehensive Plan. However, publicity surrounding the Comprehensive Plan process has been ongoing since 2001 and has included Town-wide mailings, town-sponsored programs, and extensive media coverage. Notice has been given to property owners affected by proposed zoning changes. Documents pertaining to this process have been available to the public, including on the Town's website.*

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725. How did the plan change because of the lawsuit, I'm not sure that was addressed in the Generic Supplemental. Had these hearings been correctly noticed? (Ray Arnold, Transcript, 6/9/09)

*The lawsuit invalidated the Comprehensive Plan that was adopted and the zoning amendments that had been enacted in 2005. The current proposed Plan has some changes from the 2005 Plan.*

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726. None of the hearing notices contain any reference to Section 272a of the Town law, which requires notice of hearing on the Plan itself. (Raymond Arnold, Letter, 1/24/05)

*The most recent hearings on the Proposed Action, which includes the Comprehensive Plan, were properly noticed.*

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727. Because the proposed Plan is primed to change zoning districts on a massive scale, I urge that the standards and regulations for each zoning district be devised and circulated now to prevent unintended results. (Albert A. Capellini, Letter, 1/24/05)

728. The proposed zoning designations are somewhat specific, but not specific enough for informative comments at this point. (Michael Grace, Transcript, 1/12/05)

*The proposed Comprehensive Plan outlines the parameters and goals of each zoning district. The specific proposed changes are included in the Land Use Plan that is available on the Town of Yorktown website: [www.yorktownny.org](http://www.yorktownny.org) and in the Yorktown Planning Office, along with the proposed Comprehensive Plan and related documents. The availability of these documents was publicized and the public notices referred to the availability of these documents.*

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729. It would appear that the DGEIS and the Comprehensive Plan are community popularity driven, rather than even handed proposals. See, e.g., the November 16, 2004 addendum in which twelve (12) carefully thought-out traffic improvement proposals are deleted even before there has been consideration in the DGEIS, which presumably would have presented positive and negative impacts proposals. The reason given for the deletion is "public comment and analysis to date." (Lawrence Praga, Letter, 1/25/05)

*The proposed Comprehensive Plan was prepared through an extensive public process that included community input and sought consensus on various topics. This type of process is commonly utilized for the preparation of plans of this type, and various suggestions or proposals are commonly added or eliminated at different stages of the process.*

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730. There is too much which is fundamentally flawed and erroneously based in the Comprehensive Plan, most of which are set forth in the "Alternative Zonings" which appeared at the last minute, and were not the work product of the dozens of meetings leading up to the existing proposed Plan. (Jeremiah R. Dineen III, Yorktown Planning Board, Letter, 1/25/05)

*There are no specific standards or requirements in the Town Law, the Town Zoning Code or SEQRA specifying the means by which alternatives are devised; an EIS prepared pursuant to SEQRA must include a discussion of the No Action Alternative and a range of reasonable alternatives. The alternatives were developed as part of the scoping process permitted under SEQRA, and the impacts of the various alternatives are evaluated in the GEIS.*

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#### Public Hearing

731. Please note that in the June 9, 2009 and July 7, 2009 public hearings not one speaker who spoke was in favor of this draft SGEIS! (Ralph Ciuffetelli, Letter, 7/20/09)

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*Comment noted. The Town Board notes that this comment is not correct, as during the extensive opportunity provided for comment public, a variety of views have been expressed, both in favor of and opposed to the Proposed Action. In particular, at the June 9 and July 7, 2009 public hearings, some speakers spoke in favor of some or all of the Proposed Action. See, e.g., Comments 322, 323, 324 and 611.*

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732. You have to go through the SEQRA process on the environmental stuff then you have to adopt the Comprehensive Plan then you can have the Public Hearings on the zoning changes to the text and then you can have the Public Hearing on the changes to the parcel. You're trying to do everything in one night. (Ray Arnold, Transcript, 6/9/09)

*The public hearing for the currently Proposed Action has followed proper procedures in accordance with SEQRA requirements. SEQRA specially allows, and in fact encourages, the combination of public hearing and other procedures during the SEQRA process.*

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733. People should be allowed to speak longer. The issues are too complex. (Ed Killeen, Transcript, 6/9/09)

734. While SEQRA allows a minimum of 10 days, 10 days is a short time to comment. Many similar actions allow up to 30 days. (Raymond Arnold, Letter, 1/24/05)

*SEQRA requires at least a thirty day comment on the DGEIS, with at least ten days to provide written comments after the close of the public hearing on that document. The Town satisfied or exceeded those requirements in connection with the Comprehensive Plan.*

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735. I feel the way this is being run tonight is wrong, should have been held in a larger area. (Ed Killeen, Transcript, 6/9/09)

*Comment noted. No person was denied an opportunity to speak or to submit written comments on the Proposed Action. See the response to Comment 738.*

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736. As I said before the 1,610 parcels that are proposed to be re-zoned, the Board has a propensity for taking everything in one resolution as you did tonight practically but the zoning questions or the proposals are broken down into a number of over a hundred different sections. (Ray Arnold, Transcript, 7/7/09)

737. I am hopeful that we will have individual hearings at a later date on the proposed parcels that would be rezoned because I don't believe that at this point the legal requirements for rezoning anything have been met. (Michael Grace, Transcript, 1/12/05)

738. I think your Plan and this was mentioned in the Supervisor's eloquent discussion of what you're trying to do in the SEQRA process but one of the things that he said the Plan does which I think or excuse me the EIS actually fails miserably in doing is analyzing the changes in 801 parcels of the zoning that was originally suggested, that was analyzed in the DSGEIS from that which ultimately was adopted previously and which is now being reincarnated in your current proposed zoning. (Adam Wekstein, representing Old Hill Farm, LLC, Transcript, 7/7/09)

*A generic environmental impact statement by its very nature is broader in scope than an environmental impact statement for an individual property. A site-specific discussion is not required in a GEIS for every single parcel affected by a proposed change in zoning. There has been substantial analysis of the projected impacts of the proposed zoning amendments, including comparison with Future Baseline Conditions and multiple alternatives to the Proposed Action, as required by SEQRA. The cumulative impacts of Proposed Action have been thoroughly evaluated and compared to the alternatives to the Proposed Action. In addition, certain recommendations and zoning proposals have been modified in response to comments and consideration of projected impacts. Because the zoning amendments contemplated by the Plan would not take place until later in time, any hearings required on such zoning amendments would be consistent with the Town Law and the Town Zoning Code.*

*It is estimated that approximately 60% of the changes in zoning in the 801 parcels referenced in the comments were attributable to the addition of the upzonings under Alternative B5 between the 2003 draft of the Comprehensive Plan and the 2005 Plan. Another large proportion resulted from the proposal to upzone many areas of Hunterbrook to four-acre rather than 5-acre lots. Most if not all of the remaining changes resulted from modifications in the name of districts between the proposed Plans, such as the change from a CG zone in the draft 2003 Plan to C-4 zone in the proposed 2005 Plan. The GEIS discusses the impacts of all of these changes directly (e.g., the effect of the B5 Alternative) or as within a range of impacts (e.g., between the no-action alternative and upzoning to 5-acre parcels in the Hunterbrook area).*

739. A lot of people understand the reasons why we're doing a Comprehensive Plan but a lot of people cannot afford attorneys. They don't understand the language sometimes that's going on here between this evening and with you. (Linda Clemenza, Transcript, 7/7/09)
740. What I see with these plans, with this revised Plan now is people themselves representing their own property, okay, and those that can afford an attorney. (Linda Clemenza, Transcript, 7/7/09)

*Although members of the public were informed that they could use attorneys, the proposed Comprehensive Plan and the GEIS are intended to be understandable to laypeople, are thus to not require legal representation. During the extensive public participation process, the public was advised that they could speak to the Town Planner and his staff in the event they could not understand element of the Proposed Action or had questions regarding any specific parcel or*

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*issue implicated by the Proposed Action. Furthermore, this FSGEIS provides answers to specific questions raised by members of the public.*

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741. I think the process of using this DSGEIS is hopelessly confusing to any member of the public to try to flip back and forth between the documents. (Adam Wekstein, representing Old Hill Farm, LLC, Transcript, 6/9/09)

*Comment noted. The GEIS and SGEIS are set out and written in the customary manner for similar proposals under SEQRA. See responses to Comments 739-40.*

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742. Enclosed please find comments regarding revised Comprehensive Plan, which I should appreciate having incorporated in the minutes of the next public hearing on this matter. (John Kibbe, Letter, 7/15/09)

*Comment noted. The comments are incorporated in this FSGEIS.*

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743. They don't care any more. That's why your residents aren't here, they don't care what you say because you didn't help it the first round. (Linda Clemenza, Transcript, 7/7/09)

*This comment is not directed at the GEIS.*

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744. I was informed via mail that the Town of Yorktown Planning Department would like to change my zoning to R3 – high density. I very much agree with this decision but I would like something in writing stating what is happening. (Curtis Delano, Letter, 7/17/09)

*This information is available in the documents available to the public, including on the Town's website. See the response to Comment 730-740.*

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#### Hunterbrook

745. The DGEISs for the Hunterbrook Rezoning and for the Comprehensive Plan contain contradictory facts, conclusions and recommendations for the same land mass. How can the Town Board accept both as complete and evaluate both? Which is the Proposed Action which the citizens are supposed to comment upon. What is the plan for the Hunterbrook area currently before the Town Board. (Lawrence Praga, Letter, 1/25/05)

746. Both the Comprehensive Plan DGEIS and the Hunterbrook DGEIS deal with the same land, come to different conclusions, have different facts, that's irrational and I say to you that neither one of them can be used as a predicate for rezoning in that area. Hunterbrook DGEIS does not

apply with the accepted scope and should never have been accepted as complete. (Lawrence Praga, Transcript, 1/12/05)

747. The Hunterbrook Rezoning DGEIS should not have been determined to be complete, as it did not comply with its accepted Scope. For instance, the rezoning distance utilized in Alternative 2 in the DGEIS did not comply with the distance which the Scope required the DGEIS to analyze. (Lawrence Praga, Letter, 1/25/05)
748. Hunterbrook EIS does not apply with the accepted scope and should never have been accepted as complete. (Lawrence Praga, Transcript, 1/12/05)
749. When was the Hunterbrook DEIS accepted by the Town? Was there filed a certificate of acceptance of the Hunterbrook FDEIS.? How long does the Town have under SEQRA to act on the action proposed (in the Hunterbrook DEIS)? (Mike Saltzman, Letter at Transcript, 1/12/05)

*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 the 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 the 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.*

750. Alternative B6 fails to describe the basic proposal and the Alternatives. It discusses “build out of commercial and industrial parcels” which would not be relevant to the Hunterbrook Rezoning. (Lawrence Praga, Letter, 1/25/05)
751. Although the proposed zoning action in the Hunterbrook Rezoning DGEIS is Alternative B-6 in the Comprehensive Plan DGEIS, no other alternatives from the Hunterbrook DGEIS are evaluated in the Comprehensive Plan DGEIS. How can the Town Board have a reasonable range of alternatives without the evaluation of these other alternatives? (Lawrence Praga, Letter, 1/25/05)

*Alternative B6 describes the proposal in the Hunterbrook DGEIS, which is incorporated into the GEIS. Other alternatives identified and evaluated in the GEIS and SGEIS apply to the Hunterbrook area; thus, Alternative B6 is not the only alternative to the Proposed Action that would be pertinent to the Hunterbrook area. Alternative B6 is one of the ranges of reasonable alternatives considered in the GEIS and SGEIS. See also responses to Comments 745 to 749.*

752. Although the proposed zoning action in the Hunterbrook DGEIS is alternative B-6, the Town has attempted to factor in Hunterbrook into the Comprehensive Plan, none of the other alternatives in the Hunterbrook DGEIS are factored into the Comprehensive Plan and I say to you that's a fatal error. (Lawrence Praga, Transcript, 1/12/05)

*See responses to Comments 745-49 and 750-51.*

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753. What does it mean that the Hunterbrook DGEIS is incorporated herein by reference? What is the legal pretext or justification for incorporating one DGEIS into another without any analysis of the former? (Lawrence Praga, Letter, 1/25/05)

*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. By incorporating by reference the Hunterbrook DGEIS, the GEIS could advantage of 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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754. The Comprehensive Plan DGEIS Executive Summary fails to list or explain the concurrent Hunterbrook Rezoning DGEIS and how or whether or not the two (2) are coordinated, integrated or otherwise related. (Lawrence Praga, Letter, 1/25/05)

*The Hunterbrook Rezoning DGEIS was prepared prior to the Comprehensive Plan DGEIS. However, there is narrative reflecting the coordination, integration and relation of the Hunterbrook Rezoning DGEIS to the Comprehensive Plan DGEIS. For example, Section 1.3.3 of Pages 1-13 and 1-14 of the Comprehensive Plan DGEIS explains that "a separate DGEIS was prepared to rezone the entire Hunterbrook area, including approximately 2,440 acres roughly between Crompond Road and the New Croton Reservoir west of the Taconic State Parkway." The DSGEIS also notes the incorporation of the Hunterbrook Rezoning DGEIS, and includes ample discussion of its studies and recommendations in Chapter 2. The Hunterbrook*

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*Rezoning DGEIS is therein incorporated in the GEIS by way of reference. See also response to Comments 751 and 753.*

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755. There is absolutely no basis for now using the impact assumptions for various alternatives as presented in the Hunterbrook SEQRA study. (Nathaniel Parish, representing the Wallack Family, Letter, 7/20/09)

*Comment noted. See the responses to Comments 745 to 754.*

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#### New Plan Versus Old Plan

756. Despite the current plan's claim that it is the community's plan, the plan that the Town Board approved in 2005 and re-issued in 2009 contains significant revisions that were made by the Town Board in a series of sparsely attended Town Board work sessions that took place from January 2005 through May 2005. (Kathryn Hoenig, Transcript, 6/9/09)
757. The EIS really doesn't give any rational explanation of the evolution from the original recommendations to where we were and what the impacts of that evolution is from 2003 to 2009. (Adam Wekstein, representing Old Hill Farm, LLC, Transcript, 6/9/09)
758. It's also inconsistent with the recommendations that were made by your professional planner back in 2003. It's inconsistent with the recommendations of your Master Plan Task Force made back in 2003 and it's inconsistent with the 2004 Comprehensive Plan and zoning which was the subject of the DEIS which this document, this DSGEIS purports to supplement. (Adam Wekstein, representing Old Hill Farm, LLC, Transcript, 7/7/09)
759. There is no document which indicates the reason the Town Board overrode the planner's recommendations for zonings on scores of properties. (Lawrence Praga, representing Wallack Family, Transcript, 7/7/09)

*Comprehensive plans often evolve throughout the course of their preparation and the environmental review process. Section 1.1.3 of the DSGEIS describes the process. In addition, responses to comments on the DGEIS and the Town Board's Findings following the FGEIS contained explanations for the adoption or rejection of various aspects of the 2005 Comprehensive Plan, including the zoning changes contained in that Plan. It is commonplace over the course of developing documents such as comprehensive plans that consultants' recommendations are sometimes accepted and are sometimes not accepted. This SFGEIS contains explanations for certain aspects of the Proposed Actions, including the proposed zoning changes. Furthermore, the Town Board's Findings for the Proposed Action will contain additional explanations for whatever action it takes.*



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760. In or about 2003 the Town prepared and circulated what was termed a new Comprehensive Plan. The plan was significantly altered during the ensuing years without environmental review. (Lawrence Praga, representing Wallack Family, Transcript, 6/9/09)

761. The DSGEIS which is a Draft Supplemental Environmental Impact Statement is insufficient. You have a brand new 2009 Comprehensive Plan. You need a brand new Generic Environmental Impact Statement. You can't use a supplement...you need an entire new process. (Lawrence Praga, representing Wallack Family, Transcript, 7/7/09)

*The environmental review process for the proposed Comprehensive Plan began in 2002 and continued through 2005. The environmental review process for the revised proposed Comprehensive Plan has been ongoing since 2007 and continues with the preparation of this FSGEIS. The current proposed Comprehensive Plan represents an evolution for the 2005 Plan, and is not an entirely new proposal. Rather, it is predicated on the earlier Plan and the environmental review that accompanied that Plan, and any changes to the Plan or other new information are identified and assessed. Further, as reflected by the SEQRA regulations [6 NYCRR § 617.9(a)(7)], a supplemental EIS is appropriate in these circumstances, Further, the court decision overturning the 2005 Comprehensive Plan and attendant local laws references the need for a supplemental GEIS. A new EIS process would rely on the prior GEIS, so the difference would not be substantive but semantic.*

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762. The current multiples of DEISs never analyzed a change in the Comp Plan from one Comp Plan to the other. All it analyzed was the existing zoning versus a Comp Plan. It's a basic flaw in the current proposed. (Ray Arnold, Transcript, 6/9/09)

763. You do have an existing plan vintage 1982 and one of the things that none of the FEISs addressed was the fact of changes from that plan to this plan, they didn't analyze it. All they analyzed was the zoning which was wrong. (Ray Arnold, Transcript, 6/9/09)

*These comments are not correct. The No Action Alternative in the DSGEIS reflects the Future Baseline Conditions, including development expected to occur in accordance with the Town's 1983 Zoning Code – which implements the 1982 Comprehensive Plan.*

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764. The following is a list of concerns about the "new" Comprehensive Plan. They are eerily similar to the concerns that I submitted in reference to the Comprehensive Plan created in 2005 and as the new Comprehensive Plan is almost a duplication of the original plan I have many of the same concerns about its wisdom and merit. (Ralph Ciuffetelli, Letter, 7/20/09)

765. Under the last supervisor who had an agenda for "up-zoning", you and your staff embarked upon, in 2001/02, a revision to the Town's Comprehensive Plan. The Plan that still exists and is

workable. After many, many "false starts", starting with some of the initial public hearings notices in January, I believe, of 2003 continuing through the successful court challenge, you arrived at a point where you were in the process of trying to finish the process started in 2001/2002. It is now 2009, and the initial document, has had little or no changes from the 2003/2005 document as far as I know. (Ray Arnold, Transcript, 7/7/09)

766. Now, you have a DSGEIS and a Comp Plan that reaches the same conclusions as last time. It says recent developments don't change our conclusions with respect to fiscal impacts, impacts on economic resources, impacts on community services, impacts on commercial development, industrial and office development. (Adam Wekstein, representing Old Hill Farm, LLC, Transcript, 6/9/09)
767. It is obvious in the fact that the "new" plan is in essence a reprinting of the invalidated plan that the Town Board has its own agenda that is not in line with the multitude of residents and property owners who oppose the plan. (Ralph Ciuffetelli, Letter, 7/20/09)

*See Chapter 1 of the DSGEIS for an explanation of the process that has led to the preparation of this FSGEIS. While the proposed Comprehensive Plan has many similarities to the 2005 Plan, it also has some differences (such as the elimination of the contemplated PDDs and of Alternative B5). See Section 2.4 of this FSGEIS for discussion of the changes to the proposed Comprehensive Plan. The SGEIS also addresses deficiencies noted by the Court in the decision invalidating the Town's adoption of the 2005 Plan and corollary zoning changes, and brings evaluations in the GEIS up to date.*

768. The internal contradiction between the 2009 Plan's Vision Statement and its proposals are exemplified by the opening sentence of its Vision Statement on Land Use (found on page ES-1 of the 2009 Plan): "Yorktown will continue to be a low-density community of single-family homes, with strong neighborhoods that have a balance of developed areas and open space." The statement establishes that Yorktown under its present zoning pattern is a "low density" community. Why then does the 2009 Plan then go on to propose to radically rezone residential areas to further reduce density? (Nathaniel Parish, representing the Wallack Family, Letter, 7/20/09)

*The quoted sentence is a general statement of the future vision of the Town – one that could be compromised in the absence of the Proposed Action. As noted elsewhere in the proposed Comprehensive Plan, the upzoning of certain areas is intended to be balanced by increased development yields in and around the commercial hamlet centers. This approach would also address other valid planning concerns related to economic development, environmental protection and traffic. The language of the Vision Statement has been modified to indicate that "Yorktown will continue to be primarily a low-density community...."*

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769. What was the objection to the planned development districts in the very first draft of this plan? (Maura Gregory, Transcript, 6/9/09)

*That Board was concerned that the districts may actually result in greater commercial and/or residential density than permitted in the underlying zoning, that is, the "base" zoning districts upon which the PDD would be overlaid.*

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770. Despite New York State law, the Town kept no written minutes of these sessions or the basis for the wide-scale changes that it made to the community's original plan. The New York Supreme Court noted the Town's admitted violation of the Open Meeting Laws in its 14 page decision in 2007 which invalidated the Board's re-written 2005 plan. (Kathryn Hoenig, Transcript, 6/9/09)

*Comment noted.*

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#### Legal/Procedural Requirements

771. This Town needs a Master Plan for the 21st Century. You have a competent Town attorney in Town and you have good planner and you have good outside planners, please listen to them and get this plan revised, corrected, legally make it bulletproof and let's move forward. (Marc Wallack, Transcript, 6/9/09)

*Comment noted.*

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772. Mr. Tegeder is not an attorney and this Plan lacks necessary legal strong language to protect the investments of your residents. (Linda Clemenza, Transcript, 7/7/09)

*Comment noted. The Town's Planning Department and the Town Attorney, as well as the town's outside environmental counsel, have all provided input to the Proposed Action.*

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773. The Comprehensive Plan would violate the state and federal mandates for equal protection. It treats similarly situated properties differently. (Lawrence Praga, Transcript, 1/12/05)

*The proposed Comprehensive Plan proposes land use regulations that represent permissible zoning techniques. While there may be a limited number of properties that have certain characteristics in common, there are also characteristics that differentiate them as well.*

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774. A blanket upzoning strategy would take care of a lot of the legal matters in my mind because you wouldn't be targeting any one site or geographical area. (Carl Hoegler, Transcript, 1/12/05)

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*Comment noted. See also the response to Comment 773. To the extent this comment refers to Alternative B5, that alternative is no longer part of the Proposed Action. See Section 2.4 for discussion of the elimination of Alternative B5.*

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775. The drafters failed to acknowledge the existence of cross over jurisdictions and the impact of each level of regulatory authority on each zone. (James E. Morgan, Galvin & Morgan, Letter, 1/25/05)

776. Traffic calming measures are proposed for Route 202. How can a moratorium that affects landowners throughout Town go on for so long and yet there be no meaningful interaction between the consulting firm preparing this study and the DOT which is responsible for maintaining the roadway? (John D'Angelo, Transcript, 1/12/05)

777. There has been a lack of due process in Yorktown in this draft plan process, illustrated by the planning consultant's failure to consult with DOT on changes to Route 202. (John D'Angelo, Transcript, 1/12/05)

*The NYSDOT was a full partner and sponsor of the SDS, and therefore is aware of all the recommendations of the plan as it pertains to State roads. The intention is to examine potential environmental impacts of the future development options.*

*The interaction between any consulting firm and any governmental agency is not the focus of the SGEIS process or the Comprehensive Plan. The goal of SGEIS is to study potential environmental impacts.*

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778. The drafters should consider the potential for litigation if this term (McMansions) is either used in the Plan or any ordinances. (James E. Morgan, Galvin & Morgan, Letter, 1/25/05)

*This term "McMansion" is not utilized in the Proposed Action as well as the implementing zoning. It is a colloquial term is sometimes used in planning literature as a short-hand for large-lot, estate-type of single family homes. .*

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779. The Master Plan suffers from significant deficiencies in setting for definitions to allow full and proper review. (James E. Morgan, Galvin & Morgan, Letter, 1/25/05)

*The proposed Comprehensive Plan was prepared consistent with accepted planning principles and applicable statutes.*

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780. You have to go through the SEQRA process before you can adopt the Town plan. (Ray Arnold, Transcript, 6/9/09)

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*The environmental review process for the proposed Comprehensive Plan began in 2002 and continued through 2005. The environmental review process for the revised proposed Comprehensive Plan has been ongoing since 2007 and continues with the preparation of this FSGEIS.*

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781. It is unlawful under SEQRA for the (Comprehensive) Plan to seek to implement any suggestion of the Sustainable Development Study unless and until the admittedly required SDS SEQRA proceeding are completed. (Mike Saltzman, Letter at Transcript, 1/12/05)

*Suggestions in other planning documents can be incorporated into the Comprehensive Plan, which is subject to its own environmental review through SEQRA.*

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782. The parcels (36.14-1-15, 36.14-1-16, 36.14-1-17 and 36.18-1-6) are listed in your proposed zoning to go from one acre to all being rezoned four acre residential. These parcels are the same parcels which were the subject of Supreme Court action Wilkens Family Farm, Inc., John F. Wilkens Trust and Appleseed Ventures, Inc. v. The Town Board of the Town of Yorktown and The Town of Yorktown, Index No. 06-03024, before Justice Barbara G. Zambelli. It is our position that the Yorktown Town Board and the Town of Yorktown with the proposed 2009 Comprehensive Plan and Draft Supplemental Generic Environmental Impact Statement have failed to comply with all of the directives in Justice Zambelli's decision and order dated April 19, 2007. (Randall D. Pratt, representing Wilkens Family Farm, Letter, 7/19/09)
783. I would respectfully submit to you that you have not and are not complying with the court order. (Lawrence Praga, representing Wallack Family, Transcript, 7/7/09)
784. I don't believe that this document [DSGEIS] could stand as an independent document to begin with. I believe the court's order requires you to start from scratch. (Adam Wekstein, representing Old Hill Farm, LLC, Transcript, 6/9/09)
785. Your plan and your DSGEIS are bad. They've amplified the problems that resulted in the invalidation of your old plan two years ago. (Adam Wekstein, representing Old Hill Farm, LLC, Transcript, 6/9/09)

*The Town Board recognizes that not every resident will agree with every element of the Comprehensive Plan. However, the environmental review process for the Proposed Action has been conducted in accordance with all applicable requirements of SEQRA, and specifically designed to address and cure the deficiencies identified by the Court. See Section 2.4 of this FSGEIS and the responses to Comments 761, 766 and 767. The preparation of an SGEIS is permissible and appropriate.*

786. I believe the Town Board never accepted the [Hunterbrook] FGEIS it never issued a Findings Statement. (Nathaniel Parish, representing the Wallack Family, Letter, 7/20/09)

*The comment is correct, but does not preclude the use of the Hunterbrook DGEIS in the GEIS for the Proposed Action. See also the response to Comments 745 to 749.*

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787. It's the EISs job to answer each of those legitimate concerns [with regard to upzoning] and explain why it's appropriate to take value away from those property owners. (Adam Wekstein, representing Old Hill Farm, LLC, Transcript, 6/9/09)

*The FGEIS answers all legitimate concerns that have been raised through public comments. The basis for aspects of the Proposed Action that may take away value from property owners — or provide more value to them — is provided in the GEIS and SGEIS and in responses to numerous comments, which discuss the valid planning objectives that are intended to be addressed through implementation of the proposed Comprehensive Plan. There is no requirement under SEQRA to address the potential for individual properties to be lowered or increased in value due to a proposed comprehensive plan.*

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788. What is the basis for the statement that there is no significant land use impact of this Plan? (Adam Wekstein, representing Old Hill Farm, LLC, Transcript, 7/7/09)

*The DSGEIS provides the basis for the conclusion that there is no significant adverse land use impact from the Plan in Section 4.1.2, where it describes in detail the projected impacts of the Proposed Action on the Town as a whole. The primary effects of the proposed Plan would be reductions in development yield in parts of the Town, together with some increased density in already more—developed hamlet areas of the Town. The Proposed Action would include substantial reductions of housing units and commercial space constructed within the 20-year horizon compared to Future Baseline Conditions.*

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789. Neither DGEIS evaluated whether or not the Town Comprehensive Plan complied with the requirements of such a plan as set forth in Town Law §272-a. Further, there is no basis in Town Law §272-a for the massive rezonings as contemplated in the Comprehensive Plan. (Lawrence Praga, Letter, 1/25/05)

*The requested legal analysis is beyond the scope of a GEIS. The proposed Comprehensive Plan complies with all applicable requirements of the Town Law, as well as SEQRA and other legal requirements. In particular, the Plan explains the bases for its recommendations, and takes into account the considerations articulated in Town Law 272-a. See also Section 2.4 of this FSGEIS and response to Comment 785.*

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790. The DGEIS assessment of the alternatives seeks to create a monster to scare the reader into thinking that the recommendations of the Plan are the only recommendations that make sense. This isn't what the law really requires. (Mike Saltzman, Transcript, 1/12/05)

*The DGEIS contains a range of reasonable alternatives. The impact statement assessed each alternative based on the requirements enumerated in 6 NYCRR 617.9(b)(5)(v) so that a comparative assessment could be made between the various alternatives and the Proposed Action.*

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791. The DGEIS suggests that there may be some adverse impact from the proposed office space but it might be mitigated by future legislation reducing the amount of allowed office space allowed per square foot. This constitutes segmentation under SEQRA. (David Wright, Letter, 1/25/05)

*The commenter's observation was merely addressing one possible scenario in the unanticipated event that the Town Board finds, in the future, that the GEIS projections, though reasonable when made, turn out to have underestimated the actual extent and impact of the proposed development of office space during the 20-year time horizon of the Proposed Action. However, this possible scenario is contrary to GEIS projections and is not expected, and thus is speculative and does constitute segmentation under SEQRA.*

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792. The bibliography and the attachments to the DGEIS are themselves per se defective because the transcript of the scoping hearing was not annexed to the GEIS as required by 6 NYCRR 617.9. (Michael Saltzman, Letter at Transcript, 1/12/05)

*Comment noted. SEQRA does not require the transcript to be part of the FGEIS; it allows a summary of comments to be included in a final EIS. See 6 NYCRR § 617.9(b)(8).*

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793. The purported justification for upzoning, as presented in Section 2.4 Policy 2-1 of the 2009 Plan, one of the fundamental premises of the Comprehensive Plan, is erroneous...The wholesale upzoning of the Town, as required by the Comprehensive Plan, fails to meet this crucial planning and legal test. (Nathaniel Parish, representing the Wallack Family, Letter, 7/20/09)

794. The Town simply posited as a truth that larger lots cause less impact than smaller lots. There is no empirical justification for this statement in the Town's studies. (Nathaniel Parish, representing the Wallack Family, Letter, 7/20/09)

795. The Comp Plan DGEIS states in numerous places that upzoning of underutilized properties appears to be the primary cure for all of Yorktown's perceived ills. It's irrational and it's certainly not appropriately analyzed in the two documents. (Lawrence Praga, Transcript, 1/12/05)
796. "Upzoning has many potential benefits as discussed throughout the Comprehensive Plan. First and foremost, it promotes natural resource conservation and open space preservation. With lower densities, less land needs to be disturbed for the purpose of development, meaning that natural drainage patterns, streams and wetlands, steep slopes, bio-diversity areas, and other natural features can be better protected. Second, with fewer homes and septic systems, upzoning helps protect the water quality of aquifers and watersheds. Finally, by allowing a smaller number of homes to be built, upzoning reduces potential future traffic generation." This is exactly the language used for the upzoning justification in the 2005 Plan. Judge Zambelli, when she invalidated the 2005 Plan, took exception to this rationale, noting certain of my Affidavit comments as well as those of others. (Nathaniel Parish, representing the Wallack Family, Letter, 7/20/09)
797. Wondrously the authors conclude that whether growth is fast or slow, natural resources and systems experience more stress as land is subdivided. That certain is true...any development at any density results in some street. But how and why does this establish an argument for reduction in zoning density? (Nathaniel Parish, representing the Wallack Family, Letter, 7/20/09)

*The upzoning measures in the Proposed Action address a number of purposes identified in the Comprehensive Plan and account for physical limitations on the amount of development possible in Yorktown. This issue is addressed in detail in Section 2.4 of this FSGEIS.*

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798. What took place with the "Amended chapters" of the Draft Plan and which precise and specific draft of the Plan is the current one subject to the current DGEIS review? There is actually no complete, up-to-date and official draft of the Plan itself either formally on file in the Town or elsewhere as mandated by SEQRA. (Mike Saltzman, Unknown, 1/2/05, 1/18/05)

*All documents that are part of the Proposed Action have been made available to the public, as noted in response to other comments. The proposed Comprehensive Plan has been available Yorktown.org and in various locations in the Town.*

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799. The manner in which the phrases "shared parking" and "cross- access agreements" are used in the Plan indicates that the drafter seeks to regulate the use and access to property beyond the scope of that allowable under existing planning and zoning laws, rules and regulations and as interpreted by the courts. (James E. Morgan, Galvin & Morgan, Letter, 1/25/05)



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*This comment is not directed at the SGEIS. Such agreements are outside the scope of the SEQRA process.*

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Data Missing/Errors/Clarification

800. Some of the data is suspect, some parameters have changed. (Ray Arnold, Transcript, 7/7/09)
801. Your sales figures for housing are dated. A lot has changed since 2000. (Al Capellini, Transcript, 1/12/05)
802. Your DSGEIS has retail data in the appendix to Chapter 4 from 1997. It was a different universe. (Adam Wekstein, representing Old Hill Farm, LLC, Transcript, 7/7/09)
803. I think you really do need some kind of economic study, some kind of planning study, some really empirical data that's from this decade as opposed to from 1997 or even from 2003, 2004. (Adam Wekstein, representing Old Hill Farm, LLC, Transcript 7/7/09)
804. Even the scant amount of added data in this plan to that which was presented in the 2005 plan demonstrates the obvious need to scrap the 2009 Plan in its entirety. (Nathaniel Parish, representing the Wallack Family, Letter, 7/20/09)

*The Comprehensive Plan is a long-range planning document, and therefore looks beyond immediate economic conditions. There is updated information provided in the DSGEIS, including descriptions of recent development activity, updated population and housing data, acknowledgment of changes in consumer spending and real estate activity due to the economic downturn and notation of changes in the status of community facilities and county/regional planning efforts (e.g., the Croton Watershed plan). Thus, the data in the GEIS is adequate for SEQRA and planning purposes.*

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805. Projections for 20 years are meaningless which would become quickly apparent if error bars were included. (Walt Daniels, Letter, Transcript, 1/22/05)

*It is common practice in comprehensive plans and GEISs to make projections for an extended future time period. There needs to be some basis for analysis and recommendations.*

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806. For south of the Reservoir areas in "no action" vs. "action," the total net reduction is from 293 to 269. The Plan proposes to double upzone each and every parcel in that area. Explain this unassailably impossible projection. (Mike Saltzman, Letter at Transcript, 1/12/05)

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*The limited proposed reduction of density in this area is due to the very limited amount of vacant, developable land and underdeveloped land in this portion of the Town. A large amount of this land area is protected open space (see Figure 6-1 of the proposed Comprehensive Plan) and/or environmentally constrained (see Figures 7-1 and 7-3 of the proposed Comprehensive Plan). Further, the zoning is predominantly large-lot already – up to 4 acres in many places.*

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807. The Comprehensive Plan and DGEIS buildout estimates differ. (James D. Benson, New York City Department of Environmental Protection (NYCDEP), Letter, 1/25/05)

*This issue is addressed in Section 4.3.2.1 of the DSGEIS:*

*“Thus it should be noted that this projected Future Baseline Condition [in the DSGEIS] reflects an upper limit on the future population. It assumes that the household size, both for existing and new units, will not continue to decline and that the vacancy rate for existing units will remain the same as it is today. This analysis is conservative because the household size will likely continue to fall. These estimates represent a reasonable “worst-case” scenario, differing from the Comprehensive Plan estimates of future population, which represents the most likely scenario.”*

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808. IBM - I noticed in there that you don't even have them addressed on your Master Plan as far as their commercial space. (Michael Anderson, Board of Underhill Plaza President, Transcript, 6/9/09)

*It is not clear what is meant by this comment. The IBM facility is included in the OB Office Business Campus Zone, which is described in Table 2-16 of the proposed Comprehensive Plan as providing “locations for major office and research campuses that promote the economic and fiscal health of Yorktown, are located on State or County routes, and are easily accessible from major arterials.”*

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809. The Lead Agency might consider providing a table of proposed policies which can help to meet multiple goals or mitigate multiple impacts, to prioritize which policies may provide the greatest benefits. (James D. Benson, New York City Department of Environmental Protection (NYCDEP), Letter, 1/25/05)

*Comment noted. This type of compilation is not necessary for purposes of SEQRA.*

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810. The DGEIS should address the impacts of the passage or non-passage of the law proposed in the draft Plan. (Walt Daniels, Letter, 1/22/05; Transcript, 1/11/05)

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*Comment noted. If the Proposed Action is not implemented, the No-Action conditions (the baseline conditions under the existing master Plan) would be expected to occur.*

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811. In fact we don't have a certified zoning map upon which all of these decisions are based. (Ray Arnold, Transcript, 6/9/09)

*Existing and proposed zoning maps are available from the Town on its website and in the Planning Department, the Library and other locations. The Land Use Plan is part of the proposed Comprehensive Plan. See also responses to Comments 736-39, 717-25.*

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812. All maps or the proposed re-zoning utilizing multiple shades of colors lack street names or other identifiable landmarks. (Lawrence Praga, Letter, 1/25/05)

*Highway names and landmarks such as waterbodies are included on the proposed Land Use Plan and other figures in the Comprehensive Plan. Street names can be determined by referring to other maps.*

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813. This EIS should have an exhibit showing exactly in a diagram what properties are being re-zoned so someone looking at it can really see the impact and assess it and not looking at this verbally. (Adam Wekstein, representing Old Hill Farm, LLC, Transcript, 6/9/09)

*The proposed Land Use Plan, which is part of the Comprehensive Plan, has the requested information.*

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814. This EIS should quantify the total land area which is being upzoned or which is being changed from one zone to another. (Adam Wekstein, representing Old Hill Farm, LLC, Transcript, 6/9/09)

*The proposed Land Use Plan, which is part of the Comprehensive Plan, has the requested information.*

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815. The DGEIS bibliography should also include: (1) pending and unresolved application to the Yorktown Historic Preservation Commission; (2) the 2004 newly reviewed NYSDEC wetland maps; (3) the pending redistricting of the Lakeland and Panas High School attendance; (4) the MCA Biodiversity Study; (5) SDS SEQRA documents, if any; (6) The Hunterbrook DEIS from Nov. 14, 2001 (7) Prior Mohegan Lake Business District Master Plans; (8) US DOT projections or financial information; (9) Yorktown, County, State Police Dept. traffic counts; (10) Analysis of the pending review of the "1994 County Affordable Housing Allocation Plan". (Michael Saltzman, Letter at Transcript, 1/12/05)

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*Comment noted. The Hunterbrook DEIS, November 2001, was both incorporated into the DGEIS by reference, and is listed on page B-1 of the Bibliography. A citation for the Biodiversity Plan prepared by the Metropolitan Conservation Alliance can be found on page B-2 of the Bibliography, as well as for the 1994 "Affordable Housing Allocation Plan" on page B-4. Background studies and maps that were included in the Comprehensive Plan, and were used, in part, to compile Future Baseline conditions for the DGEIS, were incorporated into the DGEIS by reference.*

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816. The figures in the first paragraph of Section 2.1.3 of the Comprehensive PDEIS appear to be at variance with Table 5-9 (on pages 5-30, 5-31) of the Comprehensive Plan. (Lawrence Praga, Letter, 1/25/05)

*This comment is no longer applicable.*

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817. The Transportation chapter independently analyzes office and retail impacts but why does the Land Use chapter not segregate future retail build out? (Mike Saltzman, Letter at Transcript, 1/12/05)

*This comment is no longer applicable.*

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818. I think there has to be a real analysis of the physical [sic] impact in light of present day conditions of the proposed Town-wide upzoning. (Adam Wekstein, representing Old Hill Farm, LLC, Transcript, 7/7/09)

*This analysis has been done. The base data and projections in the DGEIS were reviewed and updated as appropriate in the DSGEIS.*

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819. The GEIS makes no mention of the volume and frequency of noise from barking dogs. (Carl S. Hoegler, Letter, 1/12/05)

*To the extent measurable, this issue is best addressed at a site-specific level, and thus is beyond the scope of a GEIS.*

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820. "Typical land use" is used to encompass what normally are the definitions identified in specific zones and the drafters have failed to adequately identify its intended function. (James E. Morgan, Galvin & Morgan, Letter, 1/25/05)

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*The Comprehensive Plan sets up a policy framework. For each proposed zone, the “typical land uses” serve to suggest the types of uses that are appropriate in the zone; they do not represent an exhaustive list. The proposed zoning changes enumerate the specific uses permitted in each zoning district.*

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821. “Supplementary standards” should be re-visited as it is neither defined nor explained. (James E. Morgan, Galvin & Morgan, Letter, 1/25/05)

*This term refers to additional regulations applicable to certain non-residential uses in the residential zones.*

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822. The Plan fails to explain the methods of computation used to determine which Maximum Density is allowed in each zone which is subject to density limitations. (James E. Morgan, Galvin & Morgan, Letter, 1/25/05)

*The Comprehensive Plan sets up a policy framework on which to base future implementing local laws and ordinances. The particular method of determining the maximum density of each lot will be set in the zoning ordinance. For example, Floor Area Ratio calculates maximum density as the ratio of building floor area to lot size (e.g. a 10,000 square foot building on a 10,000 square foot lot, would have an FAR of 1.0 even if the building were two stories of 5,000 square feet each or 4 stories of 2,500 square feet each).*

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823. From the information in the Plan it is impossible to compute what areas would be allowable for development in the RSP-3 zone or RSP-2 zone nor is it clear why the RSP Zone has no reference to open space set aside while the RSP sets forth a Maximum Floor Area ratio but applies that criteria after the open space set aside. (James E. Morgan, Galvin & Morgan, Letter, 1/25/05)

*All three RSP zoning districts have open space requirements as well as density limiting restrictions. RSP-1 is the most dense, with 12 units per acre, and RSP-3 is the least, allowing only 8 units per acre. The RSP-1 zoning district is the same as in the existing zoning ordinance.*

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824. “Open space set-aside” is a term which is neither helpful nor does it convey any discernible meaning. (James E. Morgan, Galvin & Morgan, Letter, 1/25/05)

*“Open space set-aside” is a commonly-used planning term that refers to a portion of a development site that is permanently designated for public or private use and will not be developed.*

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825. The meanings of “significant open space requirement”, “large minimum tract size” and “very large minimum lot size” must be reduced to a measurable quantitatively-defined standard which may be applied and addressed in consideration or an application by the reviewing municipal authority. (James E. Morgan, Galvin & Morgan, Letter, 1/25/05)

*The Comprehensive Plan proposed a policy framework and sets up goals for the Town’s future development. Implementing local laws will quantify the specific requirements of different zoning districts and otherwise define necessary terms.*

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826. “Many of the most recent residential subdivision developments have consisted of subdividing lots to legalize existing homes located on one tax lot.” What is the basis for this statement? (Lawrence Praga, Letter, 1/25/05)

*Review of development records and knowledge of subdivision applications.*

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827. There are substantial unsupported, unquantified and misleading statements in Section 2.1.4. For instance, relating to Area 3 include that “this area has considerable undeveloped land in addition to some of Yorktown’s last remaining farm land, but it also has several built-up areas.” How much undeveloped land remains and what is the proportion of undeveloped land to developed land. (Lawrence Praga, Letter, 1/25/05)

*This type of information is at a level of detail not necessary for a comprehensive plan. However, the Land Use Plan, which is part of the Comprehensive Plan, contains information relevant to his comment.*

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828. In the DGEIS the extent of underutilized parcels is then used to determine potential density at current and proposed density. All of this is invalid, because simply, the DGEIS assumption that a residentially zoned parcel more than twice the size of the minimum require would lead to increased developed lots disregards the sensitivities of particular lands. (Lawrence Praga, Letter, 1/25/05)

*The development of larger properties would not always result in increased density per se, but such properties would have greater potential as-of-right development yields than smaller properties. In addition, there are often efficiencies to development of larger parcels, whereby less land is necessary for common improvements such as roads, which could lead to effectively higher lot yields on larger properties compared to smaller ones. Comprehensive plans do not typically look at each individual property, as site-specific issues are more properly addressed through the site plan or subdivision review process. The general planning propositions noted above are commonly-used in preparing comprehensive plans. See also Section 2.4 of this FSGEIS.*

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829. Does the buildout in the Plan and DGEIS take into consideration land ownership? Were properties in public ownership or already restricted from development eliminated from calculations? (Tim Miller Associates, Letter, 1/25/05)

*The Comprehensive Plan's buildout analysis counted as "vacant" properties that are classified as vacant or agriculture in use in Yorktown's geographic information system, but excluded parks and permanently preserved conservation areas.*

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830. Under Impacts and Mitigation, the Plan states it will reduce commercial buildout outside the PDS and the CHC then claims reduced commercial development in the PDDs will decrease. (DGEIS page 20-3) (Mike Saltzman, Letter at Transcript, 1/12/05)

*Comment noted.*

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831. Where are the newly proposed bulk requirements for the commercial zones? They must be assessed under SEQRA in a supplemental DGEIS. (Michael Saltzman, Letter at Transcript, 1/12/05)

*Any changes proposed to the bulk requirements will be assessed in accordance with SEQRA requirements.*

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832. The Comprehensive Plan DGEIS fails to analyze or mention the fact that upzoning all vacant and underutilized parcels, without regard to the specific characteristics of each parcel, is a violation of Town Law §263, which contains the permitted purposes of zoning. (Lawrence Praga, Letter, 1/25/05)

833. The comprehensive Plan DGEIS fails to analyze the fact that the upzoning of the subject parcel, without regard to specific characteristics of this parcel, is a violation of Town Law §263. (Lawrence Praga, Letter, 1/25/05)

*While comprehensive plans by their very nature look at broad areas of a community and do not undertake in-depth analyses of each and every parcel, they account for localized conditions and take into account land use patterns and other factors. To the extent that these comments refer to Alternative B5, that alternative is no longer part of the Proposed Action.*

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834. Executive summary page number two, top of the page, Land Use, upzone vacant land areas throughout the Town with contiguous open space and/or larger lots to reduce residential densities. The proposed zoning changes do not reflect this minimizing statement. (Ray Arnold, Transcript, 6/9/09)

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*Comment noted. North of Route 202 the zoning was changed from R1-40 to R1-160 and in Hunterbrook generally from R1-80 to R1-160, which reflects the statement referenced above.*

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835. Executive summary ES-6, DEIS 2004 had 6,046 acres of vacant and under-utilized land, which is 24 percent of the total land area as shown in figure 5-5 in the 2005 Comp Plan. It's not listed, there is no such table nor in either publication. Question, how was this figure arrived at, were schools and parklands included? (Ray Arnold, Transcript, 6/9/09)

*This comment refers to a quote in the DSGEIS that is taken directly from page 2-1 of the November 2004 DGEIS. The 6,046-acre figure includes "vacant" acreage described in the response to Comment 829. "Underutilized" parcels included all residentially zoned parcels in any use, other than vacant or agricultural, and which are more than twice the minimum required lot size in a zone. The reference to a particular Figure 5-5 in the 2005 Comprehensive Plan may have been in error.*

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836. Since the alternative plan does not state the basis for the recommendation that half-acre zoning in the town be changed to one-acre zoning, I would ask that the EIS explain the basis for recommending a residential use in what is clearly a commercial area as well as a cost-benefit analysis with respect to the recommendation that the farm be rezoned for one-acre housing in a commercial area. (Kathryn Hoenig, Transcript, 1/12/05)

*A cost-benefit analysis is not required pursuant to SEQRA, but the benefits of upzoning are explained in the referenced responses to comments and Section 2.4 of this FSGEIS. To the extent that the comment refers to Alternative B5, that alternative is no longer part of the Proposed Action. The Comprehensive Plan suggests that residential or a mix of use be considered in the context of a future planning process.*

*This area is not "clearly commercial" but rather there is a rich mix of uses in JV, SF and MF.*

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837. The B5 Alternative is not adequately addressed in the Comprehensive Plan or DGEIS. Homeowners in the R1-20 must be notified about the possible change. The GFEIS must address the ramifications to homeowners in an R1-20 district being nonconforming in area. Would area variances be required? If the intent is not to affect existing lots but rather new subdivisions, how may that be accomplished without affecting existing homeowners? The GFEIS should also address the observation that this is in effect an across-the-board upzoning. (Albert A. Capellini, Letter, 1/19/05)

*The concerns expressed in this comment do not bear directly on the GEIS or the Proposed Action but rather address procedural issues with respect to implementing the Proposed Action*



*through the passage of subsequent ordinances and local laws. The impacts of the Proposed Action have been addressed in the GEIS and SGEIS.*

*The opportunity to review and comment on the Proposed Action, including the alternatives evaluated in f the GEIS and SGEIS, was widely publicized (including newsletters mailed to every home and business with a phone-in survey for public opinion gathering) and every resident of Yorktown was invited to comment at a hearing or in writing. See also responses to Comments 721-29, 731-32, 743.*

*To the extent that these comments refer to Alternative B5, that alternative is no longer part of the Proposed Action.*

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838. There should be a real explanation of why certain R-120 parcels have been selected for upzoning while others have not. (Adam Wekstein, representing Old Hill Farm, LLC, Transcript, 7/7/09)

*Alternative B5 is no longer part of the Proposed Action. In this Alternative, only those properties that are less than 40,000 square feet that exist in the R1-20 zone were not proposed to be rezoned.*

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839. With regard to Barger Street and Route 6: Mr. Chadwick's property is a C-4 not a C-2 as indicated in the Draft Plan. (James E. Morgan, Galvin & Morgan, Letter, 1/25/05)

*Comment noted. The property appears to be on the Land Use Plan as C-4/C-6.*

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840. You don't distinguish between the "Comprehensive Plan" and the zoning map/Plan. It is a basic flaw in the process. (Ray Arnold, Transcript, 7/7/09)

841. Fourth paragraph of the environment, of the executive summary page one alludes to the concept that the Comp Plan is the zoning. This is very far off base with this statement. The plan is a guide for future development, one to twenty years. The zoning ordinance is a legal document that controls land use and development and is immediate in its effect. (Ray Arnold, Transcript, 6/9/09)

*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. It is acknowledged that there are legal differences between a comprehensive plan and zoning.*

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842. In the executive summary and introduction to the Comp Plan DGEIS, there really is no Proposed Action. It presents the comprehensive plan as a work in progress. Somehow, the DGEIS hearing process is being used to further refine it. Thus the public does not know what the action is, so how can you weigh the impacts of the Proposed Action? (Lawrence Praga, Transcript, 1/12/05)
843. After the GEIS is accepted, precisely what document is it that will represent the “final action” being approved? (Michael Saltzman, Letter at Transcript, 1/12/05)

*The Proposed Action includes the proposed Comprehensive Plan and certain implementing zoning amendments. If changes are proposed to these documents or the DSGEIS through the environmental review process, they will be noted and explained in this document and, depending on the Town Board’s decision, in the agency’s SEQRA Findings Statement.*

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844. The proposed zoning map (Appendix A) shows the Catskill Aqueduct land “rezoned” in accordance with surrounding properties, while the existing zoning map shows that land effectively “unzoned” as is the Taconic State Parkway. The change in designation should be clarified and corrected on the zoning map. (Marilyn Shanahan, NYCDEP, Letter, 6/16/09)

*The Land Use Plan in the Comprehensive Plan has been modified consistent with the comment.*

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#### Planning Board

845. The State legislature in their infinite wisdom decided that the Town Board should be the body to adopt the Comprehensive Plan and taking it out of the Planning Board's arena and putting it into really a political arena of the Town Board in my estimation was a mistake. (Ray Arnold, Transcript, 6/9/09)

*Comment noted.*

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846. The Board should seriously consider and entertain the possibility of getting input from the Planning Board so that you truly understand the ramifications of your actions by upzoning capriciously from R1-20 to R1-40. (John Kincart, Transcript, 6/9/09)

*Comment noted. The Planning Board has had the opportunity to comment on the Proposed Action. The Alternative B5 upzoning (which is no longer part of the Proposed Action) was considered in a two-step process that took account of relevant factors.*

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Other

847. The Town should go slow in making any major changes to either the zoning or other development controls. It is not that Yorktown does not have a plan and we have to rush to get one. (Raymond Arnold, Letter, 1/24/05)

*Comment noted.*

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848. This plan was misdirected from the very beginning. (Ed Killeen, Transcript, 6/9/09)

*This comment is beyond the scope of the SGEIS. The basis and evolution of the Proposed Action are explained in the GEIS and SGEIS.*

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849. Yorktown's history of planning activities has been given short shrift. (Raymond Arnold, Letter, 1/25/05)

*The Comprehensive Plan and the associated processes are intended to complement Yorktown's history of planning activities and to guide future activity.*

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850. All is not lost unless you are hell bent on proving your ability to take an action contrary to the wishes of the general public because you are the Town Board. Step back, and after completing your actions that I have outlined in Memo #4 appoint a review committee to review and report back to you before you continue down a path that will inevitably lead to additional litigation. (Ray Arnold, Transcript, 7/7/09)

*Comment noted.*

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851. Many or all of the goals of the plan are laudable, but the means to them are a convoluted fraud on the citizens of Yorktown. They do not offer a plausible cure for the collective hell that our daily lives actually entail. The plan is actually a direct repudiation of the stated goals of density reduction townwide as applied to northern Yorktown. (Mike Saltzman, Transcript, 1/12/05)

*Comment noted. Rezoning has taken place in all areas of the town and there was a breakdown of the number of reduced unit count to each quad of Yorktown so the plan has supported its stated goals in Table 2-7 in the DGEIS.*

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852. In this process in the year 2009 I haven't seen any organizations come forth but I've seen individual people come up and say we're in trouble, our livelihoods are at stake, our investments are in peril and we need the Town Board, we're asking the Town Board, our representatives,

our fellow neighbors to take a really hard look at this process and these documents. (Marc Wallack, Transcript, 7/7/09)

*Comment noted.*

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853. A plan should have a strategy where you should have an entrance, you should have the plan made out, how you conduct the plan and then an exit plan, which is to say when it's to be finalized. How it's to be appropriated for with the money, where it's coming from and so on and so forth. (Nick DiTomasso, Transcript, 1/11/05)

*The purpose of SEQRA is to determine the environmental impacts of the Proposed Action; the impact analyses are focused on the design and programming of the project, not determining the mechanisms for funding or administration. Following the adoption of a Comprehensive Plan, further study, adoption and implementation of local laws and/or ordinances would determine issues such as funding.*

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854. Virtually every statement on DGEIS Chapter 17, pages 6-7, as applied to Mohegan Lake is an outright fabrication. (Mike Saltzman, Letter at Transcript, 1/12/05)

*The comment has no apparent basis. It is stated on pages 17-6 and 17-7 of the DGEIS that (1) the Proposed Action would allow development on East Main Street in Mohegan Lake in accordance with development regulations that would require this area to be redeveloped into a walkable village center, and that (2) the proposed Route 6 bypass would take traffic away from the existing business area in Mohegan Lake. The former is a statement of fact, the latter a statement of likelihood based on a generic, broad-based traffic analysis that was prepared for the Comprehensive Plan.*

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855. Section 265 of the Town Law states if 20 percent of owners object you need four votes to change the zoning. Question is it's going to be 20 percent of 1600 which is 400, probably 400 or is it going to be 20 percent of each of those sections. (Ray Arnold, Transcript, 7/7/09)

*This provision applies in the event a protest is filed with regard to proposed zoning amendments. If such a protest is filed, it would be evaluated and Section 265 might then apply to the Town Board vote.*

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856. The types of issues involved here are not that complex or time consuming to warrant a four-year moratorium. (John D'Angelo, Transcript, 1/12/05)

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*No moratorium is presently in place. With respect to the moratorium that was in place when the comment was made, development moratoria are common and useful tools for assessing the planning and land use needs of a community. A moratorium allows the local government to consider the future of a place without being inundated with requests for subdivisions and other significant land use approvals submitted in anticipation of changes in zoning or other land use laws. The planning process and projecting the future needs of the Town are complex and the moratorium was critical in this assessment.*

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857. Many of the members [of the Town Board], the current members really didn't participate in the formation of these documents. (Marc Wallack, Transcript, 7/7/09)

*Comment noted.*

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858. "Neotraditional" neighborhoods initially appears to be defined in terms of a specific location. (James E. Morgan, Galvin & Morgan, Letter, 1/25/05)

*This comment is not directed at the GEIS.*

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859. As a longtime resident (38 years) and a homeowner, I think that it is most important that the comprehensive plan for future development of Yorktown be vigorously pursued. (Mary Longhi, Letter, 7/17/09)

*Comment noted.*

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860. Does this draft plan not seek to develop the northern part of Yorktown only? (Mike Saltzman, Letter at Transcript, 1/12/05)

*The Comprehensive Plan seeks to plan for the entire Town of Yorktown comprehensively over the next approximately 20 years in the way most beneficial to the entire Town and its residents. The plan does not focus on any area in particular and does not provide for development only in the northern portion of the Town.*

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861. EIS should present a comparison of potential impacts for all resource categories across all alternatives (Marilyn Shanahan, NYCDEP, Letter, 6/15/09)

*The DSGEIS does compare impacts of Future Baseline Conditions, the Proposed Action and all alternatives to the Proposed Action. All relevant comparisons are included in the document to enable analysis of the alternatives.*

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862. Also, the landowners that I represent are seriously entertaining doing a Village and absconding. (Alana Ciuffetelli, 3c Realty, Inc., Transcript, 7/7/09)

*The possibility of any landowner(s) creating a Village within the Town is governed by the New York State Village Law, and is beyond the scope of the Proposed Action and the GEIS.*

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## **4 Appendices**

APPENDIX A: 2009 REDLINED COMPREHENSIVE PLAN

APPENDIX B: HALLOCK'S MILL SEWER DISTRICT MAP

APPENDIX C: OVERLAYS OF LOTS AND IMPERVIOUS SURFACES FOR 8  
SUBDIVISIONS & DATA RELATING TO LOT SIZE AND IMPERVIOUS SURFACES