



**Reasons Supporting This Determination:**

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

See attached.

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

**For Further Information:**

Contact person: John Tegeder, Director of Planning

Address: 1974 Commerce Street, Yorktown Heights, NY 10598

Telephone Number: (914) 962-6565

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

Commissioner, Dept of Environmental Conservation, 625 Broadway, Albany, NY 12233-0001

NYSDEC Region 3, 21 South Putt Corners Road, New Paltz, NY 12561

Town Supervisor, Town of Yorktown, 363 Underhill Avenue, Yorktown Heights, NY 10598

Applicant

Other Involved Agencies

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

## **Project Description**

The application by Underhill Soundview LLC proposes to construct a mixed-use development consisting of 80 condominium units including: 48 townhouses, a 32-unit 55+ senior restricted condominium building, and a mixed-use building consisting of 68 apartments and 15,600 square feet of retail/office space that includes 8,100 square foot of new retail space in addition to the reuse of the Underhill mansion. The development will preserve the existing historic mansion structure incorporating it into the development. All accessory structures are proposed to be removed. The project includes stormwater improvements, wetland mitigation, tree removal and mitigation, parking, and recreational amenities.

The Proposed Action is 13.8 acres in the R1-40 zoning district located at 370 Underhill Avenue, also known as Section 48.06, Block 1, Lot 30 on the Town of Yorktown Tax Map (hereinafter referred to as the “Project Site” or the “Property”).

## **SEQRA Review**

The Planning Board held a Public Informational Hearing, which is a public hearing unique to the Town of Yorktown and is required to be held by the Board in the beginning of the review process to hear public input on an application during the early planning stages of a proposed project, on June 13, 2022. At the hearing, 27 members of the public made comments.

In addition to the 19 work session meetings at which the Underhill Farms project was on the agenda, the Planning Board also scheduled three special work session meetings to discuss specific topics under review for the Underhill Farms project. The Board invited Town advisory boards, committees, or commissions and their own on-call consultants to discuss specific topics. These meetings were held on March 8, 2023, April 12, 2023, and May 3, 2023.

The Planning Board held a Public Hearing on June 8, 2023, which was a special meeting scheduled by the Board in order to allow enough time for the public to comment on the Proposed Action. At the hearing, 38 members of the public made comments. The Board closed the hearing and allowed a written comment period of 20 days ending June 28, 2023.

## **SEQRA 617.7 Determination**

**1. The proposed action will not cause a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems:**

(a) Air Quality: The proposed action will not cause any substantial adverse change in existing air quality. Emissions from residential buildings constructed as part of the proposed action will be general residential emissions. The commercial components of the proposed action will be non-industrial uses, such as retail, restaurant or office uses, so emissions from the commercial spaces will be clean. The proposed action does not include any industrial uses and no special air quality or emissions permits will be needed other than for routine residential or commercial uses.

In fact, due to the Applicant’s off-site traffic improvements (discussed in detail hereafter) the proposed action will result in substantial reduction in wait time at the intersection of Underhill

Avenue/NY State Route 118. This will result in reduced motor vehicle idling at the intersection, thus improving air quality in the vicinity of the Project Site and along both roads generally.

(b) **Water Quality:** The proposed action includes dredging the ice pond in front of the historic Underhill residence and the restoration, filtering and replanting of Wetland A. Both steps will result in the improvement of existing surface water quality conditions.

In addition, the existing condition which causes undesirable and potentially harmful runoff from Glen Rock Street to the existing pond will be corrected by installing a filtering device and stabilization methods to reduce erosive conditions. Post construction project stormwater will be managed and treated on site through an above ground wetland pond, rain gardens and/or stormwater planters and underground stormwater infiltrators will treat the runoff before the water infiltrates the ground. As a result, surface water and groundwater quality will be improved as a result of the proposed action.

(c) **Water Quantity:** Water usage will be increased from the time when the Project Site was operated as a private school and, before that, a conference center. However, the Approving Agency does not consider the water usage to be substantial. The Project Site is serviced by municipal water and there is sufficient water capacity to service the proposed action without placing strains on municipal services. Water quantity usage is anticipated to be typical for a multi-family residential facility. The Approving Agency finds that the project will not result in a substantial adverse impact to water quality.

(d) **Traffic Levels:** Traffic was an important issue during the proposed action review process and as will be demonstrated below, the issue was studied extensively. Access to the Project Site is provided from Underhill Avenue through an existing driveway entrance and a new proposed entrance opposite Rochambeau Court.

Traffic is discussed in greater detail hereafter, but for the purpose of this section, the Applicant retained a traffic consultant, Colliers Engineering & Design to study the nearby intersection and traffic to be generated by the proposed action. Issues with extensive queueing, that cause site distance issues for adjacent side streets as well as excessive speeds when queueing is not an issue with this project. The Colliers study concluded that the proposed action would add 5% to existing traffic volumes. The Town retained an independent traffic consultant, Transpo Group, to review the Colliers study and study additional intersections in the Project Site vicinity and advise the Approving Agency as to its review of the Applicant's data.

The Applicant proposed to mitigate the traffic impact by making a series of improvements to the Underhill Avenue/NY State Route 118 intersection. These improvements would not only completely mitigate the increased traffic volumes, but would also remedy problematic existing conditions, i.e., virtually eliminate queuing at the intersection, improve pedestrian safety, ease access to Underhill Avenue from side streets and expand traffic capacity so the Town would not be impaired in its planning for potential future development. The Colliers study also recommended additional changes by the Town including a reduced speed limit on Underhill Avenue.

The Approving Agency finds that the Applicant has mitigated the traffic impacts of the proposed action, it has proposed mitigation measures beyond the project's impacts, and that there will be no substantial adverse traffic impacts.

(e) **Noise Levels:** The proposed action will result in multi-family and commercial use of the Project Site. The commercial uses will be conducted during business hours while the residential uses will potentially be 24 hours per day. The Approving Agency believes that neither type of activity will generate a substantial volume of noise.

Noise volumes will increase while construction activities take place. Construction is expected to last approximately 24 months and will be carefully managed and thus will be only a temporary impact.

As a result, the Approving Agency believes that the impact on noise levels will not be substantial and, for the most part, will be temporary.

(f) Solid Waste: The Project Site is served by solid waste pickup and recycling. The Project Site is also on a regular solid waste and recycling pickup schedule. The proposed action is a typical multi-family residential development with a small commercial component. The Approving Agency has determined that the proposed action will not result in a substantial increase in solid waste production.

(g) Erosion: The Applicant has committed to follow The New York State Department of Conservation Erosion and Sediment Control Guidelines and Westchester County's Best Construction Practices, including the use of silt fences, stabilizing disturbed soil, regular inspections of silt fencing, particularly after rain, frequent cleaning out stormwater basins during construction and wetting down soil when necessary to reduce the risk of dust leaving the site. Excavated soil will be stockpiled and covered to minimize the potential for erosion. All construction related codes will be complied with during the construction process.

The Town's consultant, Barton & Loguidice, and the Town Engineer have each reviewed the Applicant's proposed stormwater management system, have commented and found the responses to be satisfactory and have endorsed the implementation of the final proposed system. The Approving Agency believes there will be no substantial increase in the potential for erosion.

(h) Flooding: The Applicant has designed the pre-construction and final stormwater management systems so that there will be no increase in the rate of runoff from the site. The Applicant's proposed stormwater management system has been designed to accommodate a 100-year storm. In addition, the Applicant will be managing the runoff from Glen Rock Street, which now flows uncontrolled, and will further reduce the risk of flooding. The Approving Agency believes there will be no increased risk of flooding due to the project.

(i) Leaching / Disposal of Sanitary Waste: Since the Project Site will be serviced by municipal sanitary sewers, there will be no septic systems. The Approving Agency believes there will be no increased risk of leaching.

(j) Drainage: At present, stormwater flows uncontrolled and untreated from Glen Rock Street onto the Project Site. The Applicant will be diverting this water into the proposed stormwater management system, where the previously uncontrolled water will be treated. All other runoff generated by the development will be managed on site. The Applicant's proposed stormwater management system has been designed to accommodate a 100-year storm. The Approving Agency believes there will be no substantial increase in drainage issues.

**2. The proposed action will not cause the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources.**

(a) Vegetation or Fauna: The Applicant retained an environmental consultant which includes expertise in wetlands, vegetation, stormwater management and wildlife habitat management. The Applicant's consultant conducted extensive site surveys which included documentation of all trees on the Property, wetland delineation, inventory of wildlife present on

the Property, research on federal and state endangered or threatened plant or wildlife species lists, and other environmental investigations. The Town retained an independent environmental firm to review the Applicant's consultant's reports, conduct its own wetland delineation and research federal and state endangered species lists.

The Applicant's consultant noted that the Property was initially used as a family residential compound with a large home and extensive farming operations. As a result, starting in the early 1800s, the site was cleared of most vegetation. Once the farming operations ceased after World War II, the vegetation on the site was mostly volunteer invasive and non-native plant species.

The Applicant proposed to remove approximately 494 trees from the Property. All trees to be removed have been tagged and categorized. Of the 494 trees to be removed, 92 trees are either non-native or invasive species. One invasive species, Norway Maple, has roots which aggressively crowd out the roots of other trees and tend to dominate a landscape.

The Applicant proposes to mitigate the vegetative loss by replanting 336 trees. In addition, the Applicant proposes to restore and revitalize both Wetland A and the former ice pond by planting additional, and more appropriate, wetland vegetation.

For these reasons, the Approval Agency has determined that the proposed action will not have a significant adverse impact on vegetation or fauna.

(b) Migratory Fish or Wildlife: No Migratory fish or wildlife has been identified as present or as intermittent users of the site.

(c) Habitat Area: Neither the Applicant's environmental consultant nor the Town's environmental consultant identified the Property as an important habitat area for any species of plant or animal. The Approving Agency has determined that the Applicant's proposal to restore the former ice pond and to rebuild and expand Wetland A will create a better habitat for any wetland preferring flora or fauna visiting or inhabiting the site.

(d) Threatened or Endangered Vegetation: Neither the Applicant's environmental consultant nor the Town's environmental consultant identified any endangered vegetation on the Property.

(e) Threatened or Endangered Animals: Neither the Applicant's environmental consultant nor the Town's environmental consultant identified any endangered animals on the Property.

(f) Habitat for Threatened or Endangered Species: The applicant's wetland consultant conducted a survey of the site and determined that the site was not hospitable for any threatened or endangered species of fauna or flora.

(g) Natural Resources: Neither the Applicant's environmental consultant nor the Town's environmental consultant identified any natural resources on the Property.

**3. The proposed action will not cause the impairment of the environmental characteristics of a critical environmental area as designated pursuant to 6 N.Y.C.R.R. § 617.14(g). A "critical environmental area" is defined as "a specific geographic area having exceptional or unique environmental characteristics that has been designated by a state or local agency pursuant to" 6 N.Y.C.R.R. § 617.14(g).**

Neither the property nor any of the abutting or substantially abutting properties have been designated as a "critical environmental area."

**4. The proposed action will not create a material conflict with a community's current plans or goals as officially approved or adopted.**

The Approval Agency has determined that the Proposed Action is consistent with the Town's 2010 Comprehensive Plan, which supports the use of overlay zones to promote economic development in the Town's hamlet business centers. Yorktown Heights is considered Yorktown's downtown and one of the most important hamlet business centers within the Town, therefore it was appropriate to refocus energy towards this hamlet in recent years when commercial vacancies have steadily increased and there is a lack of population density within the hamlet to support the commercial spaces.

The Approval Agency has determined that the Proposed Action is also consistent with the Town's Zoning Ordinance, specifically the Yorktown Heights Planned Design District Overlay Zone (the "Overlay Zone"). The Overlay Zone was created with the intent to encourage a walkable hamlet-style development that is both a commercial and community center that better serves the needs of its residents and surrounding neighborhoods. Further, the purpose of the overlay zone was to promote development of appropriate densities that will support the downtown, promote economic development, and increase housing types within the Town, while also improving the walkability and quality of open spaces.

Consistent with both the Comprehensive Plan and the Zoning Ordinance, the Proposed Action will create additional housing opportunities in the Town. Specifically, the Applicant proposes the following:

- 48 townhouse style units with 3 or 4 bedrooms, the primary bedroom being on ground level;
- 32 age restricted (ages 55 and over) units with 1 or 2 bedrooms and some units with additional non-bedroom space;
- 68 rental apartments with 1, 2 or 3 bedrooms.

The Proposed Action addresses several important housing needs, such as the need for market rate senior-adaptable housing, housing for residents looking to downsize and much needed market rate rental housing. The proposed action will provide both ownership and rental opportunities. The proposed action, by allowing some residents to downsize their residences, will free up existing housing and allow younger families to acquire older homes in Town.

The Town of Yorktown Comprehensive Plan supports the proposed project specifically with but not limited to, the following Goals and Policies:

From Chapter 2, "Land Use:"

*Goal 2-B: Promote land uses and development patterns that help implement the conceptual vision established for each hamlet business center in Chapter 4, and encourage a mix of residential, retail, office, civic, and park uses in the hamlet centers.*

The proposed project offers a mixed-use plan with office retail space and housing together with park and open space open to the general public.

*Goal 2-F: Promote housing for people in all stages of life, from young adults and couples, to families with children, to seniors.*

The proposed action will include age-restricted condominium housing for seniors, rental apartments geared towards all lifestyles and age groups, and townhouse condominium units geared toward families and empty-nesters.

From Chapter 5, "Housing & Neighborhood Quality of Life:"

*Goal 5-C: In and around the five hamlet business centers (refer to Chapter 4), promote housing diversity in a format compatible with both commercial uses and adjacent single-family residential areas.*

The proposed project is a mixed-use project is similar and compatible in density and size to its adjacent multi-family neighbors, and provides a compatible transitional use at its western edge (two-story townhouses) which borders single family development across Glen Rock Street.

The proposed action does not address all of the Town's housing needs. Nor should anyone expect the proposed action to do so. However, because the Planning Board believes the proposed action addresses several of the Town's housing needs, the proposed action does not create any material conflict with the Town's adopted plans or goals.

The Approving Agency concludes that the proposed action is consistent with the Town's Zoning Ordinance and Comprehensive Plan.

**5. The proposed action will not cause (v) the impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character.**

(a) Historical, Archeological & Aesthetic Resources: The Property and the Underhill family have a long, storied history within the Town. The Underhill family owned the Property and used it as a family residence and working farm for many years. During the mid-1800s, the family residence was constructed. That residence is still standing but is in need of major investment to restore the residence to its former greatness. The Property is located in a prominent location, at the intersection of Route 118 and Underhill Avenue.

The proposed action will result in the preservation, rehabilitation and restoration of the Underhill residence, along with several historic tunnels which serviced the Underhill residence, the long stone wall along Route 118 and Underhill Avenue and the ice pond. Portions of the property, including the ice pond and walking trails, will be open to the public. The Applicant and any successor owners will be responsible to maintain this portion of the Property as public space and the maintenance will not result in a financial burden to the municipal taxpayer.

That the Property is historically significant is not disputed. Some commenters, in written communications with the Approving Agency and in oral comments at public hearings, have suggested that the Property may have been used as a French encampment under the command of General Rochambeau during the Revolutionary War and possibly in connection with the Underground Railroad in the lead up to the Civil War.

The Applicant retained a historical and cultural resource consultant, now known as Hudson Cultural Services ("HCS"), to investigate the historical and cultural significance of the Property. HCS reviewed records maintained by the Town, Westchester County, New York State and the United States, as well as publicly available materials such as journals, photographs and recorded documents. HCS did extensive research on the Property, how the Property was used over the years, traced the evolution of ownership and made several presentations to the Approving Agency on the results of its research. HCS concluded that there is no hard evidence to support the claims that the Property was used in connection with Revolutionary War encampments or the Underground Railroad.

The Town retained its own historical and cultural resources consultant, Historical Perspectives, Inc. ("HPI"), to review the work of HCS. HPI reviewed the HCS report and



performed independent research. HPI made recommendations for revisions to the HCS documentation and further recommended that the history of the Underhill Farms property be documented through (i) a thorough photographic record of the entire Property prior to demolition of any buildings and commencement of construction and (ii) the installation throughout the Property of “interpretive signage documenting the history of the Property and its buildings.”

HPI also met in open meetings with the Approving Agency to discuss its report and the results of its own research. HPI concurred with HCS’s conclusion that there was no hard evidence to support the claims that the Property was used in connection with Revolutionary War encampments or the Underground Railroad. HPI went further and suggested that the Property was ill-suited for a Revolutionary War encampment because there was no nearby source of freshwater, something essential for any encampment location.

The Approving Agency received numerous communications from the Yorktown Heritage Preservation Commission (“YHPC”) disputing the conclusions reached by HCS and HPI. While YHPC challenged many of the statements made by the consultants, particularly HCS, and challenged the credentials of HCS, YHPC never supported its affirmative statements with any documentation or other information supported by any reliable evidence.

The Approving Agency afforded YHPC several opportunities, including speaking at the following: 1) a public informational hearing on June 13, 2022, 2) a special meeting at the Planning Board held March 8, 2023, an uncommon collaborative meeting attended by Town Agencies reviewing the Proposed Action, including i) the Community Housing Board, ii) the Conservation Board, iii) the Parks & Recreation Commission, iv) YHPC, and v) Town elected officials, and 3) a special meeting on April 12, 2023 attended by the Town’s environmental consultant, Barton & Loguidice, 4) a special meeting on May 3, 2023 attended by the Town’s environmental consultant, Barton & Loguidice, and 5) at a public hearing on June 8, 2023 to present evidence supporting its Revolutionary War encampment and Underground Railroad claims. YHPC submitted no additional documents or evidence of any sort to support these claims.

After the June 8, 2023 public hearing was closed, YHPC requested permission to make an additional presentation of “its findings.” The Approving Agency responded that the public hearing was closed and no new presentations could be made, but that the written comment period remained open until June 28, 2023. Up until this time YHPC had submitted no new documents or evidence, but merely re-submitted all of its prior communications with a new covering memo.

An excellent example of the YHPC’s vague assertions appears in YHPC’s June 12, 2023 communication to the Approving Agency (received by the Approving Agency on June 15, 2023). When requesting that the Approving Agency inquire further into the possibility of French encampments on the Property, the YHPC stated:

“We identified the location of the French army camps and will volunteer this information in order to correct the consultant’s (HCS’s) errors and misrepresentations about the years, locations and numbers of encampments.

In the same June 12, 2023 communication, the YHPC stated:

The Planning Board and consultant’s next step needs to include ruling in or out whether a French army encampment was on the Underhill Farms Property ...”

In the same June 12, 2023 communication, this time regarding the possibility of the Property being used in connection with the Underground Railroad, the YHPC stated:

*“The Planning Board needs to require the consultant to stop speculating and establish questions that potentially link the Underhills to known abolitionist connections (time frame, family connections, religious affiliation, location of descendants, social network, nearby waystations, architecture of estate, storage locations, etc.) and define the connections to known abolitionists and sources of family records; do the hard work and research primary accounts and, if found, conduct subsurface scanning to assess the potential existence of underground tunnels, reported by prior workers at the site.”*

The YHPC submitted a memo on June 28, 2023 which included historic maps created by the French army during the Revolutionary War, and an attempt to overlay the historic maps onto a current aerial photo map of the Town. The attempted map overlay, shows the locations of the various individual encampments of the French army, during its two stays in the area. The Overlays do not show any of the individual French encampments on the subject parcel, and indeed do not even include the subject parcel on those overlays. From the locations shown, no individual encampment was closer than approximately 1500 feet or over ¼ mile to the proposed Project Site. In other words, the resulting overlay maps fail to place the encampment on the Project Site.

HPI addressed French encampment and Underground Railroad issues at a prior Planning Board meeting. HPI advised that it is difficult to conclusively establish that a Revolutionary War encampment was located on the Property, and therefore, the Approval Agency must not make an unsupported finding. Similarly, with respect to the Underground Railroad, HPI advised that the Approval Agency should be very hesitant to claim the Property was a part of the Underground Railroad and, if such a claim is to be supported by the Approval Agency, the claim must have a strong evidentiary basis.

After reviewing the HCS and HPI reports, hearing live testimony from HCA and HPI representatives, and after reviewing the evidence submitted by YHPC, including the overlay maps, the Approving Agency believes that there is insufficient credible evidence to support the claims that the Property was used as a Revolutionary War encampment or as part of the Underground Railroad. Neither HCS nor HPI found any evidence to support the arguments advanced by YHPC and YHPC offered no credible evidence to support the claims.

The Approving Agency further concludes that, since the proposed action includes the preservation, rehabilitation and restoration of the Underhill residence and historic tunnels which serviced the Underhill residence, the proposed action will not cause or create any impairment of any important historical, architectural or archeological resources.

(b) Aesthetic Resources/Community Character: There is the potential to view the proposed buildings from surrounding roadways and properties. As part of the Expanded EAF, the applicant submitted a view analysis that included renderings of the site from seven different locations showing the current view, proposed view without screening, and proposed view with screening. In addition, a drawing depicting the rear elevation of the townhomes adjacent to Glen Rock Street was submitted with site sections from all four view locations on Glen Rock Street. In a response to comments made at the Public Hearing on June 8, 2023, the applicant submitted a revised elevation of the apartment building (Elevation A.06) that included the main historic house.

(1) Route 118

The original Proposed Action eliminated many trees along Route 118. The Planning Board asked the applicant to amend the original proposal by proposing alternative methods to minimize this impact. The Applicant complied and in an effort toward preservation, was able to move the parking area along Route 118 further from the right-of-way and therefore the trees along the

roadway will not be removed. This mitigation measure ensures the view of the existing site from Route 118 will continue to be buffered by the existing vegetation in this corridor.

Additionally, the original proposed submissions showed a longer apartment building along Route 118 that had potential to hide or overshadow the existing mansion. The side of the building was pulled back to open up the corner of the site and provide the mansion with more open space.

(2) Underhill Avenue

The original Proposed Action included the removal of trees along Underhill Avenue near Route 118 to facilitate the intersection improvements that required widening the road and relocating the existing stone wall. The applicant was able to redesign the intersection so that the stone wall no longer has to be relocated and therefore the trees along Underhill Avenue that are located along and on top of the wall will remain. Further from the intersection, the existing trees and vegetation along Underhill Avenue near the pond is proposed to remain aside from at the new site entrance. This ensures the view of the existing site from Route 118 will continue to be buffered by the existing vegetation in this corridor.

During the review of the Proposed Action, based upon Planning Board and Town staff requests, the Applicant agreed that two townhome buildings proposed immediately adjacent to Underhill Avenue and the new site entrance should be relocated further from Underhill Avenue to allow for more of a buffer and existing vegetation to remain along Underhill Avenue. This means that where a 4-unit and a 6-unit townhome buildings were 43.6 ft and 68.3 ft from Underhill Avenue respectively, the Proposed Action now has an improved design whereby the 2-unit and 4 unit townhome buildings 75.3 ft and 83.6 ft from Underhill Avenue respectively. In addition, the original proposed site plan included a clubhouse and pool located northwest of the pond. Again, based upon valuable input provided to the Applicant, the pool and community common space was relocated to the condominium building and a 2-unit townhouse was located next to the pond. Upon further revisions, this townhouse building was relocated to the end of the cul-de-sac at the end of the townhouse driveway, along with an additional 2 units that were displaced from adjacent to Underhill Avenue, as described above.

Parking was removed from directly in front of the main mansion building. This parking congested the yard in front of the mansion building and detracted from the view of the building from Underhill Avenue. Removing the four parking spaces north of the driveway and three spaces on the south side of the driveway simplified this view while still providing some parking near the front entrance of the building. Removes impervious area from in front of the building. The project amendments herein and above demonstrate the effective communication and review resulting from the Approval Agency's hard-look at the Project.

(3) Glen Rock Street

Trees will be removed to build the proposed buildings. It is unavoidable. The elevation on the Property is such that the view from Glen Rock Street reveals the second floor and roofs of the townhomes. Site section and renderings were requested at multiple locations along Glen Rock Street to confirm the view from existing homes. Where existing trees are not proposed to remain, new trees will be planted as part of the Landscape Plan to screen the townhomes from the single-family homes.

The Project Site has not been designed to function as an isolated campus but rather as an integrated mixed-use, walkable, complex that is open and integrated with the surrounding community. The passive recreation area around the pond and Underhill house along with the commercial retail component, is open and accessible to the public via walkable amenities or by

automobile. The historic formal gate to the property will be reopened after decades of non-use and will be the main pedestrian access to the site from outside of the property. Approximately 18 percent of the Project Site would be preserved as wetland as well as landscaped active or passive open space.

A key to ensuring that the Proposed Action does not result in adverse visual impacts is the overall design and configuration of the site improvements and the architecture of the proposed buildings. The Proposed Action will maintain the setting and feel of the property as it exists and is viewable today. The architecture is inspired by and celebrates the historic style and vocabulary of the 19<sup>th</sup> century Underhill House, and the style and architecture are compatible with the architecture found in the surrounding area and the region. The larger rental apartment building is proposed to be situated at the eastern portion of the site fronting on Route 118 and across from the commercial business zoned area while the western boundary will house the townhouse style units which are more in size and scale with the single-family neighborhoods on the west. Many existing trees and shrubbery are proposed to be maintained and will be enhanced by an integrated landscaping scheme.

(4) Lighting

A Lighting Plan was submitted by the applicant. The plan specifies period style fixtures that match the fixtures used in the Town's Commerce Streetscape projects in the Yorktown Heights hamlet for all free-standing light poles on the site. These poles will have lights mounted at a 12-foot height above the ground. All LED light sources are fully shielded. The Lighting Plan complies with Town Code Chapter 200 and proposes no light spill from the Property to adjacent properties or roadways. The Lighting Plan should be updated to show the most recent revision of the site plan.

The project, in consideration of the foregoing, will not result in any significant adverse impacts related to the views into and of, the proposed action nor will it be incompatible with the community character of its environs.

**6. The proposed action will not result in a major change in the use of either the quantity or type of energy.**

There will be an increase in the amount of energy used at the Property, however, the Approving Agency concluded that the increase in energy use will not be significant compared to nearby properties of commercial and larger residential properties in Town. The Applicant's consultants have represented that, with minor upgrades to local electrical infrastructure, the proposed action will not overload electrical capacity. The Applicant is working with electric service providers to mitigate any impact.

The energy to be used in the proposed action is no different than the energy used in nearby properties. No dangerous or harmful energy sources will be used. In addition, the Applicant is investigating the feasibility of installing electric charging stations as part of the proposed action.

Last, the increased amount of energy to be used in the proposed action is not environmentally significant when compared to the private school use of the Property.

As a result, there will be no major change in the type or quantity of energy to be used.

**7. The proposed action will not create a hazard to human health.**

The proposed action will involve only impacts related to residential and minimal commercial activities on the Property. Moreover, during construction, the Applicant will not be using blasting or other techniques which may cause damage to nearby properties.

One resident questioned whether the proposed emergency access through the adjoining Beaver Ridge complex will create a hazard to human health. The existing emergency access road exists as part of the approval of Beaver Ridge and is subject of an easement over the subject property. The Easement give the subject property owner the right, subject to Town approval, to relocate the emergency access Road. The Lead agency has been evaluating the provision of this emergency access road, in detail, as part of the subject application review. The Approving Agency concluded that the burden is on the Applicant and the adjoining Beaver Ridge management to work out the details of the relocation with the final location approved by the lead agency. Providing the proposed relocated access as designed will be a more practical, usable, and maintainable provision of this requirement over the existing condition and therefore, will reduce the risk of a hazard to Beaver Ridge residents.

**8. The proposed action will not result in a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses.**

(a) Intensity of Use: While the proposed action will increase the intensity of the use of the Property, the increase will not be substantial when compared with the similar uses existing at the neighboring properties to the south and north of the site nor when compared to the commercial uses to the east and northeast. The residential buildout of the property at approximately 10 units per acre is comparable to its neighbors and, significantly, the Project is within the allowable range of 9 to 12 units per acre that is allowed in the Town's R-3 multi-family zone. The R-3 zone is the only multi-family zone in the Yorktown zoning code that is unrestricted in the population that it can accommodate.

As noted by the Applicant's traffic consultant, the former private school use generated 48 trips to and from the Property during the morning peak hour and 32 trips to and from the Property during the evening peak hour. The proposed action would result in 123 trips to and from the Property during the morning peak hour and 153 trips to and from the Property during the evening peak hour.

In addition, the Applicant's traffic study noted that the Underhill Avenue/Route 118 intersection is very congested during peak hours, particularly the afternoon peak hour. The Applicant's proposed traffic improvements will mitigate an adverse impact by reducing wait times at the intersection from approximately 70 seconds at present to less than 20 seconds upon completion of construction and full occupancy of the buildings to be built.

The Approving Agency finds that the proposed action will increase the intensity of the use of the Property, but that such increase will not be substantial.

(b) Open Space:

The Project Site as it exists is a mix of developed land and open space; however, this open space is not open to the public nor is currently used for passive or active recreational purposes. The pond is centrally located on the Project Site and does have maintained lawn areas and a passive seating area which at one time provided passive recreation to the users of the site.

The open space and recreational features proposed on the Project Site are designed in size and program to serve the population who would reside on and visit the Property. The site will have two pools and associated areas and would be for the private use of the residents, while the passive

open space around the existing pond and along the Underhill House will be open to the public and will provide a walking trail and seating around the pond. This feature will serve shoppers and diners utilizing the commercial amenities of the site as well as residents of the 263 apartments on Rochambeau Drive, the 167 units of age-restricted apartments at Beaver Ridge apartments, shoppers and employees in the nearby commercial properties, and others. The open space feature will be accessible by proposed and existing pedestrian amenities or by automobile. Code-compliant parking will be available for visitors to use the open space feature. All of the recreational features will be privately maintained by the Applicant, including the publicly accessible open space feature, and therefore would not adversely impact the Town of Yorktown Recreation and Parks Department budget. It is expected that the open space and recreational features to be provided on the Project Site would serve the on-site population to the extent that there would be negligible new use of existing public swimming facilities or passive open space facilities. There will be a small to moderate impact to other active recreation facilities such as ballfields, tennis courts, and child playgrounds. This is due to the expected population being varied across all age groups, and the expectation that demand for active recreation opportunities across all age groups has increased and will continue to trend upward. The Project sponsor has committed to a payment of \$225,000.00 towards recreation mitigation which is discussed further below.

The overall amount of open space (existing wooded and meadow areas) on the Project Site would decrease by approximately 6 acres, while the open space area around and including the pond, approximately 2.4 acres or 105,000 square feet would remain as open space, passive recreation. This represents over 16% of the total area of the Project Site well in excess of the 10% required under Yorktown zoning code requirements. Adding in the area of the pools and pool courtyards the total area of open space and recreational areas totals 114,850 square feet or approximately 18% of the Project Site dedicated to recreational uses. Additionally, the project provides 400 square feet of usable outdoor space for each unit in areas behind each townhouse unit, in the area between the rental building and the Underhill house, and in areas within the open space around the pond, satisfying the requirements found in the Zoning Ordinance. As cited earlier, while satisfying the area requirements, the project will have a small to moderate impact on the active recreational facilities in town due to the lack of child playgrounds ballfields and racket sports. The project sponsor is therefore providing a payment of \$225,000.00 to mitigate this potential impact.

The Approving Agency therefore determines that the proposed action will have no substantial adverse impact on open space, recreation or the Town's capacity to support existing open space or recreational facilities.

**9. The proposed action will not result in encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action.**

The proposed action will attract more people to come to the Property compared with the number of people who would come to the Property without the Proposed Action. The increase, however, is not anticipated to be substantial.

According to the Applicant's traffic study, proposed action would result in 123 trips to and from the Property during the morning peak hour and 153 trips to and from the Property during the evening peak hour.

The restored ice pond and the newly developed walking trails, 16% of the Property, will be open to the general public and is expected to generate interest and traffic trips. The Approving Agency considers public interest in this space to be a benefit for the Town and its residents.

Nonetheless, the general public use of the public areas will not be a substantial burden on the environment.

**10. The proposed action will not create a material demand for other actions that would result in one of the above consequences.**

The proposed action will not create a demand for other governmental services in the Town. The Applicant's proposed traffic mitigation will not only mitigate its traffic impacts, but will also resolve a long-standing traffic problem at the Underhill Avenue/NY State Route 118 intersection in Town. The Applicant's traffic mitigation will cause the construction of a re-design of the intersection, including widening portions, adding turning lanes and signal timing, which will not only mitigate the proposed action's traffic impacts, but will provide much greater traffic capacity for future development and/or redevelopment in the Yorktown Heights area.

The Applicant's fiscal analysis concludes that the proposed action will not increase demand for municipal services. The study predicts that approximately 34 school children will reside at the Property and that the cost of educating those students will be offset by the taxes generated by the proposed action. Similarly, while ample recreational opportunities will be present on the Property, the Applicant is providing a payment of \$225,000.00 to the Town's recreation trust fund to mitigate the potential impacts to other active recreation programs and facilities in Town as further elaborated herein and later in this document. The Town will use the funds for capital projects at several Town parks, thus upgrading the Town's recreational facilities at no cost to the Town or its citizens.

**11. The proposed action will not result in changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment.**

The proposed action will create, at most, small to moderate environmental impacts which, taken together, will not result in a substantial adverse impact on the environment. In fact, the traffic improvements and contribution to the Town's recreation fund not only mitigate some potential, albeit minor, impacts, but benefit the Town and its citizens.

**12. The proposed action will not cause two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in SEQRA.**

The Approving Agency has considered the potential cumulative impacts of the proposed action and believes that such multiple potential impacts do not rise to the level of significant adverse impacts. As noted above, many of the potential impacts have been fully mitigated, and due to project changes, such as relocating buildings and decreasing wetland impacts, have reduced potential impacts to minor impacts.

**13. The lead agency has considered any related long-term, short-term, direct, indirect and cumulative impacts, including other simultaneous or subsequent actions.**

The proposed action stands alone and will not create the need for future actions, whether short-term or long-term.

- i. Actions which are included in any long-range plan of which the action under consideration is a part: There are no other actions included in any long-range plan or which is currently under consideration of which the proposed action is a part.

- ii. Actions which are likely to be undertaken as a result thereof: The Approving Agency is not aware of any action which are likely to be undertaken as a result of the proposed action.
- iii. Actions which are dependent upon the proposed action: there are no other action which are dependent upon the proposed action.

**14. The lead agency has considered the likely consequences of the proposed action in connection with the following criteria as part of its determination.**

- i. Setting: The location of the proposed action is suburban. The property has been used over many years as a residence, a farm, a conference center and as a private elementary and secondary school. Across Underhill Avenue from the property and abutting the property on the north are two multi-family residences, containing 263 units and 167 units respectively. Across NY State Route 118 is a three-story medical office building and a large shopping center. Diagonally across NY State Route 118 is Town Hall.
- ii. Probability of Occurrence: The proposed action is likely to occur.
- iii. Duration: The proposed action will take approximately 24 months from start to finish. The traffic improvement portion of the proposed action will take approximately 18 months from the start of detailed design drawings until completion of the traffic improvements. It is noted that preliminary design drawings have already been submitted to NY State Department of Transportation
- iv. Irreversibility: The proposed action, once constructed will be permanent.
- v. Geographic Scope: The scope of the proposed action is limited to the Property, the intersection being reconstructed and sections of Underhill Avenue and NY State Route 118, which will be widened to accommodate turning lanes.
- vi. The Magnitude: the number of people affected.

## **Supporting Facts and Analyses**

### **Land Use, Zoning, and Public Policy**

The Project Site is located at the intersection of New York State Route 118 and Underhill Avenue and consists of one contiguous parcel of 13.8 acres. Underhill Avenue is a collector road which provides access to the Taconic State Parkway for many commuters in Yorktown and Somers. The property is partially developed with a large 19<sup>th</sup> century house and seven outbuildings or accessory buildings. The property contains a nearly  $\frac{3}{4}$  acre pond and is bordered at its street frontage by a cut stone wall. A formal entry gate is positioned at the corner of the intersection. The seven outbuildings are a variety of structures that vary in size, age, materials and uses. They have been variously used as agricultural uses, as spaces serving a religious retreat and conference center, and most recently as a private high school. The buildings are arrayed in a campus style setting occupying the eastern half of the property. Paved drives provide access to the buildings and a large paved parking lot is located at the eastern perimeter of the property fronting on Route 118. Approximately half of the buildings are either structurally unsound or have structural deficiencies.



The western portion of the property is a successional woodland that has replaced formerly tilled agricultural field. Three small wetland areas exist in this area as well. A poorly maintained emergency access road that serves the Beaver Ridge Senior Apartments traverses the area within an easement.

There is a diverse array of land uses within ½ mile of the site generally including: institutional and public assembly, office; commercial and retail; public parks and open space lands; manufacturing, light industrial and warehousing; transportation, utilities; vacant property; and single family, condominiums, apartments, and other multifamily residential uses.

The proposed uses on the property are intended to provide much needed housing diversity in the immediate area and Yorktown as a whole, to support and enhance the Yorktown Heights hamlet, and to provide a transitional use from the more intense commercial uses to the east to the single-family neighborhoods at the west. The 19<sup>th</sup> century main house, or Underhill house, will be restored and reused, and will be open to the public; the seven outbuildings will be removed, salvaged, or dismantled and moved. The 48 townhouse style units will be constructed on the western portion of the property, a 32-unit age restricted condominium will be constructed within the middle third of the property, and a 68-unit rental apartment building will be constructed on the eastern boundary of the property fronting on Route 118. This building will house approximately 8000 square feet of commercial retail space on the ground floor facing Route 118.

The several different types of residential units as cited above provide a range of types that support diverse lifestyles. The 48 townhouse-style units will have 3-bedroom and 4-bedroom units. The 32 condominium units will be restricted to 55+ and be a combination of 1 bedroom, 2-bedroom, and larger 2-bedroom units. The apartment building will have 68 units made up of 1 bedroom, 2-bedroom, and 3-bedroom units. Both the townhouse and senior condominium units will be ownership and sold as condominiums, while the 68 apartments will be rental units. Townhouse units sometimes described by the developer as being “senior friendly” are said to be so because they have been designed to have first floor master bedrooms and other design features that the senior population desires. There will be no age-restriction or ‘credit’ taken for these units, however the Board does note that they may provide a desirable option for seniors who are interested in the townhouse units.

The Project Site is located in the R1-40 zoning district which allows single-family residential development on lots with a minimum of 40,000 square foot area. The Project Site is also located within the Yorktown Heights Planned Design District Overlay Zone (hereinafter referred to as the “Overlay Zone”), as defined by Town Code Section §300-255, which was created with the intent to encourage a walkable hamlet-style development that is both a commercial and community center that better serves the needs of its residents and surrounding neighborhoods. Further, the purpose of the overlay zone was to promote development of appropriate densities that will support the downtown, promote economic development, and increase housing types within the Town, while also improving the walkability and quality of open spaces. Specifically, the following objectives are encouraged:

- (1) Phase out of incompatible, nonconforming uses and signs.
- (2) Construction of attractive building facades along Commerce Street, Downing Drive, Veterans Road, Kear Street, and Underhill Avenue with off-street rear parking lots.
- (3) Transportation design that emphasizes Complete Street design methods and practices and that includes the pedestrian and bicycle experience to encourage users of the North County Trailway, connected Town trailways, and the disabled to be able to move through the overlay zone safely.
- (4) Creation of off-street parking lots for shared parking between adjoining and neighboring

- principal uses.
- (5) Application of enhanced street access, building design, off-street parking, landscaping and buffering controls by the Planning Board to enhance the physical appearance of properties in the Yorktown Heights Planned Design District Overlay Zone.
  - (6) Development of multifamily residential uses not to exceed three stories, unless otherwise stated herein.
  - (7) Creation of mixed-use space that includes live-work space or professional office use in a residence pursuant to § 300-76.

Each property within the Overlay Zone is not envisioned to meet all of the objectives of the zone, but to contribute in a positive way to many of the stated objectives and the overall health of the hamlet.

In order to increase housing types and provide the population to support the businesses within the Yorktown Heights hamlet, mixed-use developments, multifamily and townhouse-style developments, and commercial uses are permitted main uses in the Overlay Zone. This type of development surrounding the business hamlet would allow for a transition from the commercial hamlet to the single-family neighborhoods.

The Town of Yorktown Comprehensive Plan adopted on June 15, 2010 supports the use of overlay zones to promote economic development in the Town's hamlet business centers. Yorktown Heights is considered Yorktown's downtown and one of the most important hamlet business centers within the Town, therefore it was appropriate to refocus energy towards this hamlet in recent years when commercial vacancies have steadily increased and there is a lack of population density within the hamlet to support the commercial spaces. The Comprehensive Plan also recommends promoting diversity of housing types and recommends locating multi-family housing in and around the commercial hamlet centers. The Westchester County's policy documents "Patterns for Westchester" (1996) and "Westchester 2025" likewise have policies and goals with which the proposed action demonstrates consistency.

The Town of Yorktown Comprehensive Plan supports the proposed project in many ways both generally and specifically, with particular emphasis on the following Goals and Policies:

From Chapter 2, "Land Use:"

*Goal 2-B: Promote land uses and development patterns that help implement the conceptual vision established for each hamlet business center in Chapter 4, and encourage a mix of residential, retail, office, civic, and park uses in the hamlet centers.*

The proposed project offers a mixed-use plan with office retail space and housing together with park and open space open to the general public.

*Goal 2-F: Promote housing for people in all stages of life, from young adults and couples, to families with children, to seniors.*

The proposed action will include age-restricted condominium housing for seniors, rental apartments geared towards all lifestyles and age groups, and townhouse condominium units geared toward families and empty-nesters.

From Chapter 4, "Economic Development & Hamlet Business Centers:"

*Goal 4-E: Promote the five hamlet business centers as hubs of civic life and community identity, and promote a mix of retail, professional office, park/civic uses, and compatible residential uses that create an atmosphere of vitality.*

The proposed action will preserve the 19<sup>th</sup> century Underhill house and adjacent grounds which is an iconic and part of the community identity. For the first time in its existence it will be open and accessible to the public, rather than inaccessible and only viewable from the public streets. It is also a mix of office, retail and residential uses that will promote vitality in the Yorktown heights hamlet.

*Goal 4-H: Promote Yorktown Heights as Yorktown's "downtown," with a concentration of commercial, civic, and park uses that create a special sense of place.*

The proposed project adds a publicly accessible passive park which retains and enhances the iconic sense of place existing at the site by virtue of the Underhill House and its immediate landscape and ice pond.

*Goal 4-I: Improve access into and circulation throughout the five hamlet business centers through roadway and intersection improvements, but also promote walking and biking by creating safer and more comfortable environments for pedestrians and cyclists.*

The Proposed Project will reconstruct the Existing Route 118/Underhill intersection to a significant degree, eliminating much of the wait time, queuing, and inefficiencies. Pedestrian crossings will be vastly upgraded and improved in terms of safety, walkability, and connectivity.

*Goal 4-J: Promote convenient parking, while also promoting more efficient parking patterns and striving to reduce unnecessary expanses of blacktop.*

The proposed project provides ample parking for the site but reduces impervious surface parking by provide parking garage space under the rental building and the age-restricted condominium building.

*Policy 4-1: Promote a mix of retail shopping, professional offices, and housing in the hamlet business centers, and in specified locations, promote mixed-use "Main Street" or "Village Center" development.*

- *Retail-only districts are most active on weekends, whereas office-only districts are active mornings and evenings. Mixing the two creates a district that is vital and busy every day, all week long.*

- *Residential uses would add more evening and weekend activity to the hamlet business center. More importantly, housing units in hamlet business centers would tend to be smaller than single-family homes, providing much-needed housing diversity and greater affordability*

*to Yorktown's housing supply (see Chapter 5.) Second-floor apartments over retail uses should be permitted where appropriate.*

- *"Main Street" or "Village Center" development would have a mix of housing units, offices, and shops, all in a pedestrian-oriented setting. Such sites should generally have the following characteristics:*

- *Sidewalk connections throughout and connecting to surrounding areas.*
- *A Main Street or village green accessible to the general public.*
- *Parks and abundant landscaping.*
- *Requirement that a portion of housing units be set aside for seniors.*
- *High-quality architectural design, effective traffic and parking schemes, wetland and slope protection, buffering (where appropriate), etc.*

– *Coordinated signage.*

The proposed project provides a mix of uses, with public open spaces, preserves and reuses an iconic structure prominent in the community, and is located within an appropriate position relative to the commercial area of the Yorktown heights hamlet. The project provides housing diversity and greater affordability, improves and enhances the pedestrian connection to the hamlet, offers a passive park open to the public, creates age-restricted housing for seniors, and exhibits high quality contextual and historically inspired architecture. It further is improving the traffic scheme by the intersection reconstruction, and is enhancing the wetland regime on the site.

*Policy 4-19: Create ornamental gateways at the entrances to Yorktown Heights.*

- *Install "gateway" treatments (signs, flags, trees, shrubs, decorative fencing or stone walls) at the entrances to Yorktown Heights.*
- *These would be found at the Route 118-Underhill, the Route 118-Route 202, the Route 118-Greenwood, and the Route 118-Downing Street intersections.*

The proposed project will preserve and enhance the features of the project that are now known and considered as a gateway into Yorktown Heights. The Underhill house will be preserved, restored, and reused, the ice pond will be restored and enhanced, and will have a public walking path around it, and the cut stone wall and formal gate at the corner will be preserved and restored. The landscape setting will remain to the greatest extent practicable as it appears in its existing condition.

From Chapter 5, “Housing & Neighborhood Quality of Life:”

*Goal 5-C: In and around the five hamlet business centers (refer to Chapter 4), promote housing diversity in a format compatible with both commercial uses and adjacent single-family residential areas.*

The proposed project is a mixed-use project is similar and compatible in character, density and size to its adjacent multi-family neighbors, and provides a compatible transitional use at its western edge (two-story townhouses) which borders single family development across Glen Rock Street.

*Goal 5-E: Ensure that new homes are compatible with the character of their neighborhoods.*

The proposed project is of similar character and density to its immediate neighboring multi-family developments of Rochambeau Drive and Beaver Ridge senior apartments. To its east, across Route 118, it has similar residential density found in the commercial area and also exhibits similar historically inspired architecture of the immediate commercial area. The western single-family developments will be transitioned by the placement of the low-scale and low-density townhouse units.

*Goal 5-G: Promote traffic safety and create a comfortable environment for walking and biking on residential streets.*

The Proposed project will reconstruct the adjacent intersection and vastly improve the safety of the intersection and its approaches, including pedestrian safety, which naturally translates to a more comfortable environment for bikers and walkers.

*Goal 5-H: Protect street trees and woodland areas, particularly significant trees, in residential areas where they contribute to the character of the community.*

The proposed project will retain many of the existing trees which line the street and create the pleasing landscape setting existing in the current condition.

From Chapter 6, “Scenic & Historic Preservation:”

*Goal 6-D: Take into account private property rights, while undertaking historic preservation initiatives.*

The proposed project will achieve a significant historic preservation while affording a private property owner the ability to realize the properties adaptive re-use and development potential, and making possible the funding and revenue stream to restore the historic structure and provide for its future maintenance and existence.

*Goal 6-E: Encourage the ongoing use and re-use of historic structures by private property owners, while encouraging owners to take steps to protect the historical or architectural attributes of those structures.*

The proposed project will adaptively reuse the historic Underhill house, will restore its period architecture, and will draw inspiration for the architecture of the proposed buildings. The landscape setting around the house and ice pond will be preserved to the greatest extent possible and opened to the public.

*Goal 6-F: Ensure visual compatibility between new development and nearby historic sites and districts.*

The proposed project will be designed with an architectural palette and vocabulary that is inspired by and drawn from the existing 19<sup>th</sup> century Underhill house.

*Goal 6-I: Protect the visual quality of scenic corridors throughout Yorktown, and maintain landscape and woodland buffers along identified "green" corridors.*

The existing landscape setting visible from the frontages of the proposed project will remain as close to the existing condition as practicable.

The Comprehensive Plan and the overlay district regulations promote Pedestrian connections and walkable downtowns and neighborhoods – since the NYS DOT dictates that crossings can only occur at the signalized intersections on Route 118, the project proposes to strengthen the pedestrian crossings at the Route 118 and Underhill Avenue intersection. The intersection improvements include signalized and ADA compliant landings and crosswalks on all four sides of the intersection, which will provide safe crossing to the existing sidewalks on the east side of Route 118 to enter the hamlet commercial area. While it would be preferable to have sidewalks on both sides of Route 118 and a sidewalk would most likely be allowed on the west side of Route 118 as long as no midblock crossings were proposed, the width required to construct a sidewalk in this location would require widening of the road and removal of the stone wall. Therefore, the Planning Board determined that the best and most desirable outcome is to retain the existing stone wall and the trees adjacent to it, and preserve the existing historic look and feel of the site, rather than disrupt these existing features to add a sidewalk in this location.

The project, in consideration of the foregoing, will not result in any significant adverse impacts related to Land Use, Zoning or Public Policy in the Town.

### **Views Analysis**

There is the potential to view the proposed buildings from surrounding roadways and properties. As part of the Expanded EAF, the applicant submitted a view analysis that included renderings of the site from seven different locations showing the current view, proposed view without screening,

and proposed view with screening. In addition, a drawing depicting the rear elevation of the townhomes adjacent to Glen Rock Street was submitted with site sections from all four view locations on Glen Rock Street. In a response to comments made at the Public Hearing on June 8, 2023, the applicant submitted a revised elevation of the apartment building (Elevation A.06) that included the main historic house.

### Route 118

The original Proposed Action eliminated many trees along Route 118. The Planning Board asked the applicant amend the original proposal by proposing alternative methods to minimize this impact. The applicant was able to move the parking area along Route 118 further from the right-of-way and therefore the trees along the roadway will not be removed. This mitigation measure ensures the view of the existing site from Route 118 will continue to be buffered by the existing vegetation in this corridor.

Additionally, the original proposed submissions showed a longer apartment building along Route 118 that had potential to hide or overshadow the existing mansion. The side of the building was pulled back to open up the corner of the site and provide the mansion with more open space.

### Underhill Avenue

The original Proposed Action included the removal of trees along Underhill Avenue near Route 118 to facilitate the intersection improvements that required widening the road and relocating the existing stone wall. The applicant was able to redesign the intersection so that the stone wall no longer has to be relocated and therefore the trees along Underhill Avenue that are located along and on top of the wall will remain. Further from the intersection, the existing trees and vegetation along Underhill Avenue near the pond is proposed to remain aside from at the new site entrance. This ensures the view of the existing site from Route 118 will continue to be buffered by the existing vegetation in this corridor.

During the review of the Proposed Action, based upon Planning Board and Town staff requests, the Applicant agreed that two townhome buildings proposed immediately adjacent to Underhill Avenue and the new site entrance should be relocated further from Underhill Avenue to allow for more of a buffer and existing vegetation to remain along Underhill Avenue. This means that where a 4-unit and a 6-unit townhome buildings were 43.6 ft and 68.3 ft from Underhill Avenue respectively, the Proposed Action now has an improved design whereby the 2-unit and 4 unit townhome buildings 75.3 ft and 83.6 ft from Underhill Avenue respectively. In addition, the original proposed site plan included a clubhouse and pool located northwest of the pond. Again, based upon valuable input provided to the Applicant, the pool and community common space was relocated to the condominium building and a 2-unit townhouse was located next to the pond. Upon further revisions, this townhouse building was relocated to the end of the cul-de-sac at the end of the townhouse driveway, along with an additional 2 units that were displaced from adjacent to Underhill Avenue, as described above.

Parking was removed from directly in front of the main mansion building. This parking congested the yard in front of the mansion building and detracted from the view of the building from Underhill Avenue. Removing the four parking spaces north of the driveway and three spaces on the south side of the driveway simplified this view while still providing some parking near the front entrance of the building. Removes impervious area from in front of the building. The project amendments herein and above demonstrate the effective communication and review resulting from the Approval Agency's hard-look at the Project.

### Glen Rock Street

Trees will be removed to build the proposed buildings. It is unavoidable. The elevation on the Property is such that the view from Glen Rock Street reveals the second floor and roofs of the townhomes. Site section and renderings were requested at multiple locations along Glen Rock Street to confirm the view from existing homes. Where existing trees are not proposed to remain, new trees will be planted as part of the Landscape Plan to screen the townhomes from the single-family homes.

The Project Site has not been designed to function as an isolated campus but rather as an integrated mixed-use, walkable, complex that is open and integrated with the surrounding community. The passive recreation area around the pond and Underhill house along with the commercial retail component, is open and accessible to the public via walkable amenities or by automobile. The historic formal gate to the property will be reopened after decades of non-use and will be the main pedestrian access to the site from outside of the property. Approximately 18 percent of the Project Site would be preserved as wetland as well as landscaped active or passive open space.

A key to ensuring that the Proposed Action does not result in adverse visual impacts is the overall design and configuration of the site improvements and the architecture of the proposed buildings. The Proposed Action will maintain the setting and feel of the property as it exists and is viewable today. The architecture is inspired by, and celebrates the historic style and vocabulary of the 19<sup>th</sup> century Underhill House, and the style and architecture are compatible with the architecture found in the surrounding area and the region. The larger rental apartment building is proposed to be situated at the eastern portion of the site fronting on Route 118 and across from the commercial business zoned area while the western boundary will house the townhouse style units which are more in size and scale with the single-family neighborhoods on the west. Many existing trees and shrubbery are proposed to be maintained and will be enhanced by an integrated landscaping scheme.

### Lighting

A Lighting Plan was submitted by the applicant. The plan specifies period style fixtures that match the fixtures used in the Town's Commerce Streetscape projects in the Yorktown Heights hamlet for all free-standing light poles on the site. These poles will have lights mounted at a 12-foot height above the ground. All LED light sources are fully shielded. The Lighting Plan complies with Town Code Chapter 200 and proposes no light spill from the Property to adjacent properties or roadways. The Lighting Plan should be updated to show the most recent revision of the site plan.

The project, in consideration of the foregoing, will not result in any significant adverse impacts related to the views into and of, the proposed action nor will it be incompatible with the community character of its environs.

### Wetlands and Watercourses

The Project Site is located within the Hallocks Mill watershed with a smaller portion of the southern part of the property draining into the stream/wetland system that follows the Saw Mill River Road. The entire property eventually drains into the Croton Reservoir, and is within the New York City Watershed and the jurisdiction of the New York City Department of Environmental Protection. The onsite pond outlets to the north and eventually drains to the Hallocks Mill Brook. Hallocks Mill Brook is located approximately  $\frac{3}{4}$  mile from the site and the Croton reservoir to the south is located more than 1 mile from the site. One watercourse was identified on the Site which is comprises a perennial stream that flows from a drainage outfall from Glen Rock Street with

contributing flow from groundwater discharge. This watercourse flows into the onsite pond and is identified in the EAF as Wetland A. The watercourse corridor is narrow and does not exhibit vegetative diversity nor an abundance and diversity of wetland fauna. It primarily functions as a conveyance of flow to the onsite pond. It has been identified as having low to moderate functional qualities. The watercourse does meet the threshold for regulation under the U.S. Army Corps of Engineers. Wetland A is 10,035 square feet in area and the onsite pond is approximately 27,000 square feet in area.

The proposed action will cause direct impact to wetland A and will result in the loss of 520 square feet of the watercourse corridor due to construction of several townhouse units and the construction of a road crossing of the corridor.

Two other distinct wetlands were identified onsite, identified as Wetland B and Wetland C. They are 2,065 square feet and 5,730 square feet respectively. They are both situated west of the emergency access road (serving Beaver Ridge Senior Apartments) and their source of hydrology is from overland runoff from the higher elevation to the west and northwest. It is likely that these two wetlands were created by the construction of the emergency access road which impeded unrestricted overland flow from the west and northwest and caused the continual impoundment of water against its roadbed. Each lacks any significant wetland vegetation, and there no hydric soils are evident. Both have been identified as having low wetland functions with a low/moderate function as it pertains to stormwater storage.

The proposed action will cause direct impact to Wetland B and C and will result in the loss of 7,795 square feet of the wetlands due to construction of several townhouse units and associated grading.

The applicant's consultant delineated the wetlands on the site and submitted his report as part of the applicant's submission. The Town's Environmental Consultant reviewed the applicant's submission and inspected the site. The wetland delineation was eventually extended to include additional areas which totals are reflected herein.

The proposed action in total, will fill in approximately 8,300 square feet of wetlands shown on the plans as delineated Wetlands A, B, and C.

The wetland disturbance will be mitigated by creation of new wetlands. However, the original plan has been modified to reduce wetland impacts by several measures. First, at the Planning Board's request, the Applicant agreed to relocate several townhouse units to other areas of the site. The Board then required the remaining townhouse units adjacent to Wetland A to be moved further away from the delineated wetland boundary. Third, a two-unit building originally next to the pond was also relocated to the end of the cul-de-sac to reduce the encroachment of development around the pond. All changes have reduced and mitigated potential adverse impacts.

The proposed action will create a new wetland in the form of a shallow marsh environment at the western side of the onsite pond and at the entry point of the watercourse (Wetland A) into the pond. The onsite pond will be enhanced and restored. This wetland creation totals over 14,000 square feet of mitigation, well in excess of the 1:1 mitigation required in the town's wetland ordinance. The marsh will enhance the water quality of the flow into the pond, create high quality habitat for wetland flora and fauna, and create a stabilized higher quality watercourse. The mitigation will be a significant improvement to the low functioning wetlands existing at the site.

In addition, the stormwater management feature that will be constructed near the southern shore of the pond will provide additional habitat for wetland species that do not currently exist.



## **Trees**

The Underhill Property was originally a large farm. As can be seen in historical aerial photography, most of the land to the west of the mansion was cleared fields until approximately the 1980s. Therefore, the existing woodland on this part of the site consists of younger growth trees. The Applicant completed a tree survey that confirmed that opportunistic, fast-growing species that offer little habitat or vegetative diversity, and are usually considered “nuisance” species were located on the western portion of the site. Larger, more mature trees were found in the developed parts of the site closer to the existing buildings and managed landscape. The western portion of the site, approximately 7 acres, is still a “protected woodland” as defined by the Town Code Chapter 270 and mitigation is required for the function it does provide.

The Applicant’s consultant tagged 714 trees on the Project Site by species, size, and condition. The original proposed site plan proposed to remove over 520 trees. Of the 714 trees tagged, 603 trees are defined as “protected trees” by Town Code Chapter 270; native trees over 8 inches in diameter at breast height. The latest revised site plan proposes to remove 402 protected trees and 92 non-protected trees from the site, while 201 protected trees and 19 non-protected trees will remain and 336 new trees will be planted as part of the Applicant’s landscape plan.

The 92 non-protected trees to be removed from the site are black locusts and Norway maples, both of which are designated as invasive species by the Lower Hudson Partnership for Regional Invasive Species Management. These trees tend to hinder the growth of more diverse species around them. In some specific locations, the Applicant has worked with the Board to retain 19 Norway maples on the site that provide screening or viewsheds from nearby locations and maintain the existing look and feel of the Project Site.

In order to mitigate the flood control and storage function of the existing woodland, the Applicant proposes to dredge and expand the pond and enhance its associated wetland. The existing stream channel will be stabilized and will be re-planted with native tree and shrub species. While the Applicant’s stormwater plan will ensure the adequate treatment and volume control of all runoff from Glen Rock Street and runoff generated by the site improvements.

In order to encourage improved vegetative diversity and manage invasive species, the Applicant is proposing a detailed invasive species management program for the Project Site and a landscape plan that replants the site with a variety of native species.

## **Cultural Resources**

The Project Site in its existing condition was formerly a religious retreat, conference center, and most recently, a private high school. These uses were established on what was a 19<sup>th</sup> century farm that contained a main house and accessory outbuildings. The main house and property were established by the Underhill Family, a prominent family in the Town of Yorktown and in the region. The main house is essentially of two distinct constructions, the first in circa 1828 which was in the federal style and which has architectural attributes associated with that period. The second was a substantial addition to the federal style house in circa 1880 and was designed in the Italian renaissance style. The entire structure comprising the addition and the original house were cast with Italian renaissance exterior detailing at the time of the addition’s construction. It exists today largely intact from its 1880 construction and renovation. The Main House, known as the Underhill House or the Underhill Mansion is situated prominently on the property and is readily viewable from the public streets and corner intersection upon which it fronts. It has become an iconic architectural artifact, well known to residents, and is considered an unofficial gateway into

the Yorktown heights hamlet. This is attributable to its architecture as well as its landscape setting which boasts tall mature trees, lawns, and a pond, all bordered and framed by a gray granite cut stone wall that follows the property line along Underhill Avenue around the corner and then northerly along Route 118. The interior of the site contains seven accessory outbuildings which are of varying dates of origin, varying levels of renovation and alteration, and varying states of structural stability. The buildings are linked by paved drives and there exists a substantial parking lot at the eastern portion of the property.

In the initial stages of the project sponsor's pursuit of the project the New York State Historic Preservation Office (SHPO) was called upon to evaluate the historic attributes of the property and eventually designated the property as eligible for National Register of Historic Places status in 2021. The outbuildings, landscape setting, stone walls are all contributing factors to the SHPO determination. The Proposed action calls for the removal of the seven outbuildings, the preservation of the Underhill House, cut stone walls and the pond. The eligibility status triggered a review of potential alternatives to the project by SHPO. Later in 2021, SHPO issued a determination that there are no prudent or feasible alternatives to the proposed action. The SHPO subsequently drafted a letter of resolution which put forth a number of mitigation strategies in response to the proposed action. The strategies called for the renovation and restoration of the Underhill House, the retention to the greatest extent practicable the cut stone walls, the retention and enhancement of the landscape setting and feel, and the preservation and enhancement of the pond among others. These strategies mirrored the proposed action initial design scheme which was largely borne of the requirements and guidance embodied on the overlay zoning district regulation. The Town has since reviewed the project with sensitivity to the issues arising out of the historical and cultural nature of the existing attributes of the site. Additional measures toward retention of the historic qualities of the site were developed during the review and are set forth as follows:

- The cut stone wall along Underhill Avenue was originally proposed to be demolished and rebuilt to accommodate road widening necessary to the traffic improvements. The lead agency directed the applicant to redesign the traffic improvement to retain the wall in its place. The entire stone wall surrounding the property on Route 118 and Underhill Avenue and corner entrance gate will now remain intact and be restored. The formal gate at the corner will be used as the pedestrian access to the site.
- Existing trees along the property frontage were proposed to be removed. The lead agency directed the project sponsor to retain as many of these trees as practicable in order that as much of the setting and feel of the property is retained; the Applicant has agreed to this course of action.
- Parking spaces in front of the Underhill House were proposed which would have been visible from Underhill Avenue. The Lead agency directed the project sponsor to remove parking spaces in this location to the extent practicable, in order that as much of the setting and feel of the property shall be retained.
- The original rental buildings east wing, fronting on route 118 was proposed to be of a length and position that would partially obscure the Underhill house and would diminish its architectural importance and integrity. The lead agency directed the project sponsor to redesign the rental building to reposition and reduce the east wing to diminish this negative effect.
- Several townhouse units were proposed to be located closely to Underhill Avenue. The Lead agency directed the project sponsor to relocated the units away from the frontage to be less visible from the street and retain as much of the setting and feel of the property as possible.
- Several Townhouse units were proposed to be located near the pond and its

surrounding walking trail. The lead agency directed the project sponsor to relocate those units to the terminating cul-de-sac, in order that as much of the setting and feel of the property is retained.

These changes were made in order to preserve and enhance the setting, feel, and visibility of the project site.

As stated earlier, the mansion and walls around it will remain intact and be restored. The project sponsor has committed to the restoration of the Underhill House, to reuse the house as either office or restaurant/café, which would be open and accessible to the public, notably for the first time in the structure's history. This investment, estimated to be upwards of one million dollars, will insure the existence of the Underhill House for many years to come.

The removal of the seven outbuildings was analyzed by the lead agency, notwithstanding the SHPO determination that there was no alternative to the proposed project that would retain them. The period of significance identified by SHPO was 1828 to 1888, representing the initial construction of the house in the federal style, and terminating on the death of Edward Underhill, 8 years after he constructed the Italian renaissance structure existing today. The evaluation of the outbuildings reveals important facts:

- Four of the outbuildings were constructed after the period of significance and are not associated with the Underhill Family.
- The three remaining outbuildings are dated to circa 1850s construction but at least two have been significantly altered or rebuilt and therefore lack some period integrity. The Horse Barn known as building E has been nearly completely rebuilt to the extent that it is believed the only remaining period structure is a part of the foundation. Building B or summer kitchen, has been modernized to the extent that it no longer has historic architectural integrity. The third, Building G, or the carpenter workshop, has also been renovated with some modern materials, and also has structural stability issues due to rot and deterioration of structural members.
- The remaining four buildings are, as stated, constructed after the period of significance, and generally do not have contextual or complementary architecture to the period of significance. Buildings I and J, have significant condition issues with building I having actual structural failures and is unable to be entered. Building H, or the Chapel has condition issues and a substandard foundation. It has interesting architectural features such as a small bell cupola. Building C is in good condition but is of late construction and does not exhibit any 19<sup>th</sup> century architectural style, material, or form.

Further, the following strategies will be required to mitigate for the removal of the structures and disturbance of the site. The seven outbuildings will be evaluated for their structural integrity to ascertain whether they can viably be moved and relocated. The period materials and details will be offered for salvage to interested parties or potentially reused or saved as artifacts that may enrich the historical context of the property. During excavation, there will be required monitoring to investigate catalog and retain any artifacts that may be uncovered during that construction phase.

The proposed action's architectural scheme, in compliance with the requirements of the overlay zoning district regulations, is inspired by and drawn from the period architecture of the Underhill House and from other architectural examples extant in Yorktown and exemplary of Yorktown's past.

Abraham and Edward and the Underhill family are important figures to the Town of Yorktown and to the region at large. The proposed action will preserve their legacy through the adaptive

reuse of the family's house, improvements to the grounds including the pond, the stone walls, and the landscaping in a manner sensitive to the setting and feel of the property as it existed then and exists today. Further the property and the Underhill house will be, for the first time, open to the public for it to experience and interact with the beautiful interior, rather than just observe from the public streets. Further the look and feel of the site as it exists from the street will be retained to the greatest extent practicable, thereby retaining the unofficial gateway to the Yorktown Hamlet.

Considerations regarding Revolutionary War archeological resources and Underground Railroad activities at the site were discussed earlier in this document and are therefore not repeated here.

The proposed action is consistent with the Yorktown Comprehensive Plan with particular emphasis on the following goals and policies:

*Goal 6-D: Take into account private property rights, while undertaking historic preservation initiatives.*

The proposed project will achieve a significant historic preservation while affording a private property owner the ability to realize the properties development potential, and making possible the funding and revenue stream to restore the historic structure and provide for its future maintenance and existence.

*Goal 6-E: Encourage the ongoing use and re-use of historic structures by private property owners, while encouraging owners to take steps to protect the historical or architectural attributes of those structures.*

The proposed project will reuse the historic Underhill House, will restore its period architecture, and will draw inspiration for the architecture of the proposed buildings. The landscape setting around the house and ice pond will be preserved to the greatest extent possible and opened to the public.

*Goal 6-F: Ensure visual compatibility between new development and nearby historic sites and districts.*

The proposed project will be designed with an architectural palette and vocabulary that is inspired by and drawn from the existing 19th century Underhill house.

*Goal 6-I: Protect the visual quality of scenic corridors throughout Yorktown, and maintain landscape and woodland buffers along identified "green" corridors.*

The existing landscape setting visible from the frontages of the proposed project will remain as close to the existing condition as practicable.

In consideration of the foregoing, the proposed action will not result in any significant adverse impacts related to the historic and cultural resources in the Town.

### **Fiscal & Socio-Economic Analysis**

The Project Site currently generates a total of \$45,354 in annual property taxes, of which \$11,827 goes to the Town, County and special districts and \$33,527 is distributed to the Yorktown Central School District. Special districts for the Project Site include County Solid Waste, Hallocks Mill Special Sewer District, Advanced Life Support District, Yorktown Fire District, and Yorktown Consolidated Water District, and the Westchester County Refuse District.

The Proposed Action was based upon a thorough assessment of the current economic and demographic variables in the region as presented in the Expanded EAF. This study concluded that the demand and absorption rates for the Proposed Action are favorable.

The Proposed Action would result in a net positive impact for the taxing districts of approximately \$924,004 annually. The Proposed Action would also generate revenue from sales tax. Construction spending and associated annually supported jobs would be substantial. Approximately 50 new permanent jobs would be created by the proposed action which would create additional positive economic impacts to the local and regional economies. Construction spending during the construction periods and permanent jobs to be created by proposed action would result in significant economic output, which would support local and regional businesses, workers, and residents.

The 148 households are estimated to spend approximately \$4.5 million annually. A substantial portion of these expenditures would be made at supermarkets, local convenience stores, restaurants, and service businesses in the area.

The Lead Agency finds that there is significant and pressing market demand for the Proposed Action and that the development will generate additional real estate taxes, create new permanent employment opportunities, create construction jobs and secondary indirect and induced benefits as well. No adverse fiscal impacts will result.

The Project Site is located in Yorktown Central school district.

The Project Sponsor prepared a study to estimate the number of potential school-age children that would be generated by Proposed Action. Based on the low impact nature of the proposed housing, and the number of students and young professionals, and senior citizens likely to occupy the Project Site, the Proposed Action would result in approximately 34 school-age children residing on the Project Site and attending schools in the Yorktown Central School District. It is further estimated that the cost to educate 34 students in the Yorktown Central School District would be approximately \$641,648 based on current programmatic costs of \$18,872 per student. The projected annual school property tax revenue would be approximately \$957,531, resulting in a net benefit to the Yorktown Central School District of approximately \$315,883 annually. There are also significant taxes that will be paid to special districts. It is expected that the Yorktown Central School District would have capacity for an additional 34 students, who would likely be spread throughout the 13 grades.

The Lead Agency finds that the Proposed Action will result in a proportional increase in the demand for police, fire and EMS services, however these increases are determined to be relatively minor and will be fully off-set by the significant generation of taxes that would cover the increased demands. The Proposed Action will not eliminate any existing publicly accessible open spaces or recreational facilities, and includes new recreational facilities and resources that can be utilized by the tenants, residents and visitors of the Site. A potential exists for a small number of school-aged children to be generated from the low-impact dwelling units, which can be easily accommodated in the Yorktown Central School District, and for which significant school tax revenue will be generated to offset any additional impacts. No adverse community service impacts are anticipated.

### **Traffic**

Access to the Project Site is provided from Underhill Avenue through an existing driveway entrance and a new proposed entrance opposite Rochambeau Court. To evaluate the traffic impacts of the Proposed Action, the following roadways were studied:

- Underhill Avenue
- Glen Rock Street
- Rochambeau Drive
- NYS Route 118 (Saw Mill River Road)
- Allan Avenue
- Kear Street

And the following intersections were studied:

- Underhill Avenue and NYS Route 118 (Saw Mill River Road)
- Allan Avenue/Kear Street and NYS Route 118
- Underhill Avenue and Existing Easterly Access Driveway
- Underhill Avenue and Rochambeau Drive/Proposed Site Access
- Underhill Avenue and Glen Rock Street

The Town's Traffic Consultant questioned whether the intersections of Route 118 at Downing Drive and Route 118 with Routes 202/35 and Commerce Street (the Triangle intersection) should also be analyzed as part of the Applicant's traffic study. The Applicant's response to this request was that vehicles generated by the project through these two intersections would be less than approximately 30-40 vehicles during the highest peak hour, which represented less than 2% of the volumes at those intersections, which is less than the NYS DOT and ITE thresholds for analysis. The NYSDOT and Town's Consultant did not object. The Town's Consultant did consider impacts of the Proposed Action on the intersection of Underhill Avenue and Cardinal Court in terms of site distance and safety concerns.

The Route 118 and Underhill Avenue is a problematic intersection in Town that needs significant upgrades in its existing condition. There are issues with extensive queueing, that cause site distance issues for adjacent side streets as well as excessive speeds when queueing is not an issue. The State has no plans or funding to upgrade this intersection.

The applicant has proposed to mitigate the impact the proposed development, which equates to approximately 5% of the total traffic through the intersection, as well as remedy beyond project impacts by improving existing problem issues in order to make the intersection safe for pedestrians, vehicles, and adjacent neighborhoods to use (Alternate 1). The design will also unlock additional potential development in the Yorktown Heights hamlet that may also have had adverse impacts at the intersection. In addition, the design accommodates future expansion of lanes, should additional development in the hamlet warrant additional turning lanes at the intersection (Alternate 2).

The improvements to the intersection that will occur as part of this project (Alternate 1) include: a controlled right turn lane from Route 118 southbound approach, new left turning lanes from both Underhill Avenue approaches, removal of the slip lane from Underhill Avenue eastbound approach to Route 118 southbound, full ADA compliant pedestrian crosswalks and signalization, and realignment of the Underhill Avenue approaches. All new signal poles will be located to accommodate additional widening of the roadway to introduce a dedicated left turn lanes from both Route 118 approaches should this be warranted by proposed development in the future (Alternate 2). Installing "don't block the intersection" pavement markings will be added to: 1) Underhill Avenue at Cardinal Court, 2) at the project driveway, and 3) at Rochambeau Court and the new site access. Sidewalks along the south side of Underhill Avenue will be reconstructed to facilitate the realignment of the roadway and elimination of the slip lane. Sidewalks will be

reconstruction on the north side of Underhill Avenue opposite Town Hall to accommodate widening of the roadway for the new left turn lane.

Reduced speed along Underhill Avenue entering the hamlet has been recommended and the Town's public safety committee has already decided to lower the speed limit on Underhill Avenue from 40 mph to 30 mph from the vicinity of Overhill Street and Rochambeau Drive as drivers enter the Yorktown Heights hamlet and approach the reconfigured intersection.

### **Parking**

The Overlay Zone discourages parking in the front yard. This was included as a consideration in the Overlay Zone because it can be unsightly and hinder pedestrians from accessing businesses when there are rows of parking between the streetscape and the entrance to businesses. It is not always possible to remove parking from every front yard especially on corner lots with multiple frontages. In the case of the Underhill Farms property, parking was discouraged along the frontage on Underhill Avenue. As a result, only 6 parking spaces are proposed in the lawn area in front of the mansion. The existing driveway in front of the mansion continues around the side of the parcel to the frontage on Route 118 into an existing parking lot. While this would qualify as an undesirable condition and was identified by the Planning Board as an element of the plan they wanted to review, it conversely does not make sense to move the large apartment building closer to Route 118. This would result in a large building looming over Route 118, severely changing the look and feel of the existing site. This condition would only make the apartments closer to the roadway, and closer to a frontage the building would not have access to due to the NYS DOT's prohibition on connections to Route 118 between the signalized intersections. In addition, it cannot be forgotten that the Beaver Ridge property has an easement through the Underhill Farms property for emergency access so emergency vehicles can easily access the rear wings of the Beaver Ridge building. This emergency access, which was supposed to be maintained by Beaver Ridge, can be relocated by the owner of the Underhill Farms property. The new emergency access will be provided by extending the loop road around the mixed-use building to the northern property line with Beaver Ridge, where a connection can easily be made to the existing parking lot at Beaver Ridge, without removing any parking spaces on the Beaver Ridge site. Furthermore, the parking area along Route 118 can easily be screened due to the grade change and an added landscaping hedge placed at the edge of its perimeter.

As the Expanded EAF describes, there are 2 parking spaces required for each townhouse unit, therefore 96 parking spaces are required for the 48 townhouse units. Each townhouse has a two-car garage therefore code-compliant 96 parking spaces are provided. In addition, each townhouse has a driveway that can accommodate at least 2 cars for additional occupants or visitors, therefore a total of 192 parking spaces are provided for the townhouse units and this is adequate for this use.

There are 1.5 parking spaces required on the site for each residential unit in the condominium building. There are 32 condominium units proposed therefore 48 parking spaces are required for these units. The applicant has proposed 36 parking spaces under the condominium building, with an additional 16 tandem parking spaces that will be available for units with multiple vehicles. In addition, there are 24 parking spaces proposed along the driveway immediately adjacent to the condominium building. Therefore, there is adequate parking for both the condominium and adjacent to the pond for visitors, even if the 16 tandem parking spaces are not counted, because as stated in the Expanded EAF Section 8.0, 12 of the 24 exterior surface parking spaces can be designated for the condominium. The remaining 12 exterior parking spaces would be available for visitors.

As stated in the Expanded EAF Section 8.0, there are 68 apartment units proposed in the mixed-use building, therefore 102 parking spaces are required for the apartment use. The proposed plan provides 61 parking spaces under the mixed-use building, 48 exterior parking spaces to the north of the building, and 47 exterior parking spaces to the east of the building, for a total of 156 parking spaces. Of the parking spaces to the north of the building, 30 parking spaces will be designated to share with the adjacent property for parking for a new Senior Center and Recreation Department office. As stated in Section §300-255(A)(4) Yorktown Heights Planned Design District Overlay Zone, the creation of off-street parking lots for shared parking between adjoining and neighboring principal uses should be encouraged. The parking demand for the Senior Center and Recreation Department office will be during the daytime, therefore sharing of 30 of the exterior parking spaces with the apartment use, which has a parking demand that peaks in the evening is complimentary and therefore the sharing of parking meets this objective of the Overlay Zone.

The mixed-use building will have 8,100 square feet of new office/retail space on the first floor, which requires 4 parking spaces per 1,000 square feet of space. The new office/retail space therefore requires 33 parking spaces, and these spaces are provided east of the building.

The applicant has approximated the re-use of the mansion by stating the first floor will be used for a restaurant with 1,500 sf patron space and 500 sf prep or ancillary space, and 5,500 sf office or retail space on the upper floors. This yields a parking requirement of 57 parking spaces. There are 10 parking spaces proposed to the west of the mansion, 6 to the south of the mansion, and 14 available parking spaces to the east of the apartment building, however all 47 parking spaces east of the apartment building could be used in the evening hours considering the mixed-use building commercial space would not be in high demand or would be closed during these hours. Therefore, these complimentary uses would benefit from shared parking and this meets an objective of the Overlay Zone.

The Expanded EAF also points out that there is available parking on other eligible sites within 500 feet of the Project Site, however this would be in addition and supplemental to what the Planning Board has determined is ample parking available on the site. The site plan does not show any banked or conservation parking spaces. The Proposed Action previous showed parking spaces along the driveway in front of the mansion, however these spaces were eliminated from the plan because it would be undesirable to have parking in the front yard of the mansion where no parking currently exists because it would detract from the existing look and feel of the Project Site from Underhill Avenue.

### **Recreation and Open Space**

The Town of Yorktown maintains 16 neighborhood and community Town parks, as well as 11 pocket parks. The Town also has over 450 acres of open space spread throughout the Town. The Town contains four Westchester County parks, and portions of the Westchester County North County Trailway, which is also part of, and known as, the Empire State Trail. Additionally, the Town has two New York State parks within its borders.

The Project Site is a mix of developed land and open space; however, this open space is not open to the public nor is currently used for passive or active recreational purposes. The pond is centrally located on the Project Site and does have maintained lawn areas and a passive seating area which at one time provided passive recreation to the private users of the site.

The open space and recreational features proposed on the Project Site are designed in size and program to serve the population who would reside on and visit the Property. The site will have two



pools and associated areas and would be for the private use of the residents, while the passive open space around the existing pond and along the Underhill House will be open to the public and will provide a walking trail and seating around the pond. This feature will serve shoppers and diners utilizing the commercial amenities of the site as well as residents of the 263 apartments on Rochambeau Drive, the 167 units of age-restricted apartments at Beaver Ridge apartments, shoppers and employees in the nearby commercial properties, and others. The open space feature will be accessible by proposed and existing pedestrian amenities or by automobile. Parking will be available for visitors to use the open space feature. All of the recreational features will be privately maintained by the Applicant, including the publicly accessible open space feature, and therefore would not adversely impact the Town of Yorktown Recreation and Parks Department budget. It is expected that the open space and recreational features to be provided on the Project Site would serve the on-site population to the extent that there would be negligible new use of existing public swimming facilities or passive open space facilities and therefore not result in any adverse impacts. There will be a small to moderate impact to other active recreation facilities such as ballfields, tennis courts, and child playgrounds. This is due to the expected population being varied across all age groups, and the expectation that demand for active recreation opportunities across all age groups has increased and will continue to trend upward. The Project sponsor is committed to a payment of \$225,000.00 towards recreation mitigation which is discussed further below.

The publicly accessible open space feature proposed on the Project Site is supported by the Town of Yorktown Comprehensive Plan's Chapter 9, "Parks and Recreation" with particular emphasis on the following Goals and Policies:

*"Goal 9-B: Provide a diverse range of park and recreational facilities that serve residents of all ages and physical abilities."*

This project will serve diverse on-site resident age groups, a senior population at its immediate neighbor Beaver Ridge Apartments, as well as the population at Rochambeau Drive Apartments. Additionally, other members of the public will access the feature from the nearby commercial and residential areas.

*"Goal 9-C: Provide plentiful opportunities for both active and passive recreation in Yorktown and continue to surpass national parkland standards."*

The project provides active recreation opportunities for the private use of the on-site residents as well as passive recreation opportunities for the public.

*"Goal 9-E: Provide a safe, accessible, and connected network for walking and biking throughout Yorktown, including both on-street and off-street paths, and continue to increase opportunities for walking, hiking, biking, roller-blading, and so on."*

The project will create and improve pedestrian connection and access to the immediate area largely by the significant intersection construction that will be constructed as part of the project. Further, this will provide safe efficient connection to the Town Hall and the adjacent Empire State Trail trailhead through Patriot Park. This connection then provides safe and efficient access to nearby Railroad Park.

*"Goal 9-G: Promote walking and biking to parks and recreational sites, while also maintaining adequate automobile access and parking."*

The project will provide walking opportunities to this site and will also provide automobile access and parking as well.

*“Goal 9-H: Ensure that parks and recreational facilities are expanded or improved over time to reflect changes in demographic trends, recreational interests, or facility use patterns.”*

The project sponsor’s mitigation measure in the form of payment of \$225,000.00 to the park trust fund will facilitate improvement to nearby recreational amenities such as Railroad Park, Patriot Park, or the Mohansic Trailway.

*“Goal 9-I: Coordinate park planning with initiatives for open space preservation and natural resources conservation.”*

The project passive recreation features will be enhanced with a significant wetland mitigation area, through which the proposed walking trail goes through. This will enhance the natural setting and enhance the experience of the diversity of its natural values to the users.

*“Goal 9-J: Partner with public and private entities to enhance recreational opportunities for Yorktown residents.”*

Consistent with the intent of the overlay district zoning, the project sponsor is providing recreational opportunities for all the residents of the Town.

*“Policy 9-4: Create a Townwide recreational greenway network that providing both walking and biking paths.”*

This passive park and walking trail will be connected to the pedestrian network in the adjacent commercial area and also to the Empire State Trail, Patriot Park, and Railroad Park.

Further the sub-paragraph of this policy recommends negotiating access to wetland buffers and streams, which this project achieves.

*“Policy 9-7: Acquire land along the North County Trailway in Yorktown Heights as parkland, and establish other small parks in the hamlet centers.*

- *These parks provide needed open space and recreational opportunities in the built-up areas of Yorktown.*
- *Located in the hamlet centers, such parks would also contribute to community pride and identity (see Chapter 4.)”*

This project will be connected to the Empire State Trail by a walk of approximately 350 feet and the project further establishes a small park within the Yorktown Heights hamlet as recommended.

The overall amount of open space (existing wooded and meadow areas) on the Project Site would decrease by approximately 6 acres, while the open space area around and including the pond, approximately 2.4 acres or 105,000 square feet would remain as open space, passive recreation. This represents over 16% of the total area of the Project Site well in excess of the 10% required under Yorktown zoning code requirements. Adding in the area of the pools and pool courtyards the total area of open space and recreational areas totals 114,850 square feet or approximately 18% of the Project Site dedicated to recreational uses. Additionally, the project provides 400 square feet of usable outdoor space for each unit in areas behind each townhouse unit, in the area between the rental building and the Underhill house, and in areas within the open space around the pond, satisfying the requirements found in Yorktown zoning code. As cited earlier, while satisfying the area requirements, the project will have a small to moderate impact on the active recreational facilities in town due to the lack of child playgrounds, ballfields, and racket, sports. The project sponsor is therefore providing a payment of \$225,000 to mitigate this potential impact.

The natural areas and the designed and landscaped plazas and greens will be improved and over 2

acres opened to the public. Natural and open areas will be preserved and restored to create useful and functional wildlife habitat, passive recreation, and wetland enhancements. Publicly accessible walking paths, totaling approximately one-fifth mile, will take site users and the public through the restored and enhanced pond edge and created wetland areas. Benches will be provided for resting and opportunities to enjoy the natural environment and a small pedestrian bridge will provide access across the created wetland area. Interpretive signage will provide education for on-site ecological issues and historical background of the site. Walking paths and the portions of the proposed plazas and greens would open these currently inaccessible areas to the public, adding new open space opportunities to the Town.

Designed open space elements of the project are as follows:

- Walking trail and Pond – The Walking trail and Pond are designed to function as an aesthetic feature, recreational space, to provide stormwater treatment and attenuation, and wetland mitigation. The total area of this feature is slightly less than 2 ½ acres. A portion of the pond would have a pedestrian trail at its perimeter to allow for access and other portions will soft landscaped perimeter or enhanced wetland functional enhancements. A small plaza, overlooking the pond will provide activity and gathering space. Benches would be provided throughout to provide opportunities for rest and enjoyment and a pedestrian bridge would allow connectivity across the created wetland area and stream.
- Entry Plazas (approx.1,900 SF) - An entry plaza composed of two plazas connected by an entry promenade the connect directly through the historic gates to the street intersection of Underhill Road and NYS route 118 would serve as a gateway feature to the Project Site. The prominent façade of the Underhill House and the proposed façade of the south wing of the rental building shape the space and provide a lively backdrop to the space. The plaza will feature pavers, and historically compatible design and materials.
- South Plaza (approx.1,925 SF) - A plaza located at the south end of the rental building adjacent to the Entry Plazas will provide a paved area that can be utilized for outdoor dining or functions associated with the commercial space. Seating, lighting, landscaping, will be featured the space will exist against the backdrop of the Underhill House façade.
- South Green (approx.10,250 SF) - the green space that exists between the south façade of the Underhill House, the drive and the Underhill Avenue will remain with its lawn and towering trees, leaving intact the setting that has existed for many decades. The historic cut stone wall will remain in place.
- Center Green (approx. 7,500 SF) - Another green space would be provided between the Underhill House and the rental building. The space will be adjunct to both the house and the pool courtyard in the center of the rental building and will include landscaping and lawn areas with seating.
- Courtyard –the rental building’s layout in a “U” shaped plan creates a courtyard in which the pool and other outdoor areas will be established and will face the Underhill House, link with the open space passive recreation area and also link to the Entry and South Plazas and provide a campus feeling to portions of the Site.

The Approval Agency has determined that the Project, in consideration of the foregoing, will not result in any significant adverse impacts related to the recreational opportunities in the Town.

### **Stormwater**

The Project Site currently drains in two directions. Runoff is either collected in the existing pond on the site, or it is directed towards Route 118. The surface runoff pattern is a combination of sheet flow and concentrated flow. The majority of the site is lawn or woods with slight slope. There are no stormwater practices associated with the existing development. Under the Proposed Action the general direction of the surface runoff will not be changed. The proposed improvements will result in an increase in the impervious area within the drainage areas. Therefore, there will be an increase in the volume of runoff as well as the pollutant loads generated by the site.

Runoff from Glen Rock Street currently enters the site uncontrolled at a number of locations, an undesirable existing condition. This runoff will be controlled and captured then conveyed through a stormwater practice before entering the pond then eventually to the Town's drainage system downstream of the property, alleviating an existing issue.

The Project Site is required to meet the conditions of the New York State Department of Environmental Conservation SPDES permit GP-0-020-001 and be designed by the standards set forth in the NYS DEC Stormwater Management Design Manual. The site is located in a New York City Department of Environment Protection Designated Main Street Area and therefore the project will require obtaining a stormwater permit from the NYC DEP. In addition, the Project Site is also located in the Croton Watershed which requires enhanced phosphorus capture and treatment standards. Further, the Proposed Action must comply with Town Code Chapter 248: Stormwater management and Erosion and Sediment. The Applicant has designed the stormwater system for the Project site to comply with all of these regulations and requirements.

The Proposed Action includes approved stormwater practices including infiltration through a pocket wetland, subsurface infiltration chambers, and rain gardens to control and treat the runoff from the site prior to its release. The design of the water quality component will treat runoff from the project as well as runoff that is currently not treated, thereby improving the existing conditions. A Stormwater Maintenance Agreement will be executed with the Town to ensure the proper maintenance of the stormwater practices.

### **Utilities**

The Proposed Action will be served by municipal sewer and water.

The Project Site is located in the Hallocks Mill Sewer District. The existing buildings on the site are connected to the public sewers. The Proposed Action will be served by extending public sewers into the site from the sewer main in Underhill Avenue. The proposed increase in flow will not have a significant impact on the capacity of the Hallocks Mill Treatment Plant.

The Project Site is located in the Yorktown Consolidated Water District. Several of the existing buildings on the site are connected to public water, however the Applicant will install a new looped public water main system which will connect both to Glen Rock Street and Underhill Avenue. This will eliminate any dead ends and maintain a continuous flow and adequate pressure for the project. There is adequate pressure and supply for the project as confirmed by recent flow data and watermain testing. Fire hydrants will be installed throughout the Project Site to provide the required coverage for fire protection.

### **Green Infrastructure**

The applicant is planning to install electric vehicle charging stations, solar panels on the roof of the apartment building, and will specify electric heat pumps for the HVAC systems. Also as part of the stormwater management several green infrastructure techniques will be implemented.

### **Alternatives**

Three alternatives were reviewed and analyzed in addition to the Proposed Action. The alternatives included:

#### **1. No Action Alternative**

This alternative was not analyzed in the Expanded EAF but was discussed during the review of the project pursuant to questions from the Planning Board and comments from the public and interested agencies. It assumes the Project Site would remain in its existing condition, with no new site development, and would either be reused by an unnamed user similarly to its past uses as a private school or a religious retreat or preserved as a farm museum similar to Muscoot Farm in Somers, which is owned and operated by Westchester County. In either case, the buildings and grounds would require significant investment to stabilize and improve all of the buildings. Some of the buildings are either unsalvageable or would require significant alteration to repair and stabilize. A portion of Building I's roof is collapsed and is currently not safe to enter. Building E, known as the carriage barn/carpenters shop has structural members that have experienced rot and decay and is currently unsafe. It also has a dry stack stone foundation that would need stabilizing. Building H known as the chapel also has a stone foundation that needs stabilization. Building E, known as the horse barn, has been recently and significantly altered and possibly has a modern addition. While structurally sound it offers little historic quality as the material, windows foundations and all interior materials are of modern and in some cases very recent origin. Significant expense to renovate it to a historic context would be required. Significantly it was not identified as being originally constructed during the period of significance identified by NYS SHPO and was likely rebuilt on the area of an earlier barn, but not as a barn. Its construction period has been cited as 20<sup>th</sup> century and likely during the period the Project Site was used as a religious retreat. Building C is sound but is also cited as later construction and bears little architectural or historical context or quality. Building B is from the period of significance, but it has also experienced significant modifications required for the modern uses as a private school and religious retreat. Building A known as the main house, mansion, or Underhill House, is of the period of significance, exhibits pleasing, historic architecture and sits prominently and conspicuously on the property. This structure, however, is at a point in its lifecycle that requires significant investment in order to be stabilized and preserved, according to the project sponsor in the area of one million dollars. The site itself, while exhibiting an historic feel, nonetheless has modern infrastructure. An asphalt paved parking lot exists near the Route 118 frontage and was constructed decades ago to serve the religious retreat and subsequently the private school. Asphalt paved driveways serve nearly all of the site and its buildings. This alternative would eliminate many potential adverse impacts of the Proposed Action, but it would not yield any beneficial effects expected to result from the construction of the development, such as increased tax revenue; increased job and career opportunities; improved Route 118/Underhill Avenue intersection improvements and connectivity;

new public open spaces; enhanced wetlands; new retail amenities and others. Further, the significant investment required to upgrade and operate as a historic farm museum or similar obviates a for-profit ownership and would likely require public funding. Such endeavors are often fraught with extreme difficulty, financial difficulty and uncertainty. Yorktown's experience with the Holland Sporting Club and the Bernstein House, are instructive, as both ended in poor outcomes as it related to preserving and saving structures of historical quality, largely due to the lack of funding and the poor condition of structures. This is the case here. This alternative therefore puts the Underhill House at risk, and does not offer a readily available investment and reuse that would stabilize and preserve the Underhill House.

This alternative therefore does not meet the goals or objectives of the project sponsor or of the Town of Yorktown.

## **2. Alternative Plan Under the Existing Underlying Zoning**

This alternative includes redeveloping the Project Site as permitted under the existing underlying zoning district. This alternative assumes the 13-acre parcel would be developed according to the R1-40 One-Family Residential District. This existing zoning districts would yield development of 11 single-family homes. This alternative may result in less soil disturbance, less tree removal, and less traffic generation. However, this alternative would not produce the positive enhancement of the wetlands while still resulting in the loss of wetland A and B, nor would it realize the benefits that would be provided with the Proposed Action, such as job and career opportunities, wetlands restoration, economic growth, improvement of the Route 118 intersection, and new public open spaces. Further, the Underhill House would remain at risk, and would not have the benefit of a site plan approval promoting its maintenance and preservation, and the public would not be able to interact and experience the historic house from a close first-hand perspective.

This alternative would be inconsistent with the purpose and intent of the Overlay Zone and would not meet the goals or development objectives of either the project sponsor or the Town.

## **3. Alternative for Adaptive Reuse**

This alternative would include development of a new mixed-use multi-family community that incorporates the existing buildings as living units as part of the overall development scheme. As cited in the No Action alternative above, the renovation of the existing buildings suitable and viable as residential units would be cost prohibitive. Further the position of the buildings on site would limit the flexibility of design of the proposed new mixed-use development restricting the safe and orderly use of the site. These impediments would restrict the level of investment to preserve the main house, to improve the intersection, and to render public open space. Under this Alternative, although some layout and uses would differ from the Proposed Action, points of access, building placement, and building footprints would remain of the same magnitude, therefore, impacts associated with geology and soils, wetlands, topography and slopes, visual resources and community character, vegetation and wildlife, stormwater management, historic resources, hazardous materials, noise, air quality, greenhouse gas emissions, and construction would remain the same as the Proposed Action.

This Alternative would result in similar trip generation as the Proposed Action, but would likely not realize the level of improvement to the intersection or road network.

#### **4. Alternative Plan for 165 Unit development**

This alternative examines a scenario where 165 units of multifamily mixed-use development is developed on the Project Site as opposed to the 148 units proposed under the proposed action. This alternative requires the rental building to be larger with the eastern wing longer, which partially obscures the historic Underhill house. It also requires several more townhouse units which caused their location closer to Underhill Avenue which is less desirable and more challenging to manage viewshed impacts. While the site plan layout is only moderately different and the impacts to wetlands, flora and fauna, soil disturbance, and viewsheds are similar to the proposed action, there would be a slightly greater impact to traffic, school enrollment, density and population.

This Alternative is not considered desirable because it would carry slightly greater impacts as cited above, would result in more neighborhood traffic, and is less conducive to managing the viewshed impacts, the impact to the historic Underhill House and the historic setting and feel extant from the fronting roadways.