

George Latimer  
County Executive

April 14, 2023

Diana L. Quast, Town Clerk  
Town of Yorktown  
363 Underhill Avenue  
Yorktown Heights, NY 10598

**County Planning Board Referral File YTN 23-004 – 800 East Main Street  
Site Plan Approval; Zoning Map and Zoning Text Amendments  
Draft Scoping for Draft Environmental Impact Statement**

Dear Ms. Quast:

The Westchester County Planning Board has received a draft scoping document for the preparation of a draft Environmental Impact Statement (EIS) for an application to amend the Yorktown Zoning Map to rezone a 35.53-acre site located at 800 East Main Street (SBL 5.19-1-15) in the OB – Research Laboratory and Office zone to the RSP-2 – Senior Citizens Development district. The site is located on the north side of East Main Street (US Route 6) between the Taconic State Parkway and Donald Trump State Park. The northern boundary of the site is the Town and County municipal border. If rezoned, the petitioner seeks to demolish two office buildings and associated parking lots and construct a residential community intended for seniors 55 years of age and older.

The applicant then proposes to construct 250 senior-restricted housing units contained within 24 buildings. Twelve townhouse buildings of two stories would host a total of 50 units for sale. Four four-story buildings of villa-style residences would host 96 units. Seven two-story buildings of flat-style residences would host 32 units. One four-story building would host 72 apartment units. A clubhouse building would provide amenities for the community, and various auxiliary structures would be placed around the site, such as a gazebo, an amphitheater, and recreational facilities. 383 parking spaces would be provided on the site, spread amongst various parking lots around the site and within private garages. An interior street network would connect the various parking lots and buildings, and lead to East Main Street following the existing entrance drive to the site. Internal pedestrian walking trails would be installed throughout the site, to provide connections between the buildings and recreational opportunities.

In addition to rezoning the site, the petitioner is also requesting amendments to the RSP-2 district regulations to permit the development as proposed. Specifically, amendments are requested to increase the permitted floor area ratio from 0.35 to 0.55 on sites greater than 25 acres, and to increase the maximum building height from 45 feet to 55 feet on sites greater than 25 acres.

We have previously reviewed a preliminary petition under the provisions of Section 239 L, M and N of the General Municipal Law and Section 277.61 of the County Administrative Code and responded in a letter dated November 28, 2022. We have reviewed the draft scoping document for the EIS and offer the following comments:

### **1. Consistency with County Planning Board policies.**

The proposed development is generally consistent with the County Planning Board's long-range planning policies set forth in *Westchester 2025—Context for County and Municipal Planning and Policies to Guide County Planning*, adopted by the Board on May 6, 2008, amended January 5, 2010, and its recommended *strategies* set forth in *Patterns for Westchester: The Land and the People*, adopted December 5, 1995 because it would re-develop a former office site with new housing that is within walking distance to public amenities and the Jefferson Valley commercial center.

However, while we note the petition discusses a number of different housing types proposed for this site, the requested zoning map amendment would only permit housing for seniors. As a critical need for housing for all ages has been documented in the County's *Housing Needs Assessment*, the Town should consider an approach where the site is rezoned to a multi-family district that could permit residency for all household types, including seniors. We also note that this site is very close to Jefferson Village, an older, but very large housing complex specifically for seniors, and question whether there is already enough senior housing in this area. We recommend that an additional alternative study in *Chapter 17: Alternatives* be added to provide analysis for an unrestricted multifamily use.

### **2. Affirmatively furthering fair housing (AFFH).**

The acute shortage of affordable housing in Westchester County has been documented in the County's *Housing Needs Assessment* and it is critical for all of Westchester's municipalities to play a role in meeting this need, particularly since the economic and social impacts of this affordable housing shortage are spread throughout the county. Because of the County's public policies and support for affirmatively furthering fair housing throughout Westchester, *Chapter 7: Socioeconomic and Fiscal Impacts* should include a discussion regarding Westchester County's affordable housing policies. Specifically the EIS should discuss the Model Ordinance Provision requiring:

*Within all residential developments of 10 or more units created by subdivision or site plan approval, no less than 10% of the total number of units must be created as affordable AFFH units. In residential developments of five to nine units, at least one affordable AFFH unit shall be created.*

We continue to urge the Town to re-adopt this portion of the *Model Ordinance Provisions* to ensure that any development on the site and elsewhere in Yorktown contributes towards meeting the need for affordable AFFH as documented in the *Housing Needs Assessment*. Approving the subdivision and site plan without including a provision for a minimum set-aside of 10% for affordable affirmatively furthering fair housing would run contrary to County affordable housing policies.

### **3. Pedestrian and bicycle connections.**

We appreciate that the applicant has proposed an internal pedestrian pathway system within the site to connect the various residential buildings to each other and to the amenity areas. However, we recommend that the Town require any residential development proposed for this site to add additional sidewalks and pedestrian connections to help facilitate walking and cycling between the development and both the Jefferson Valley hamlet and Donald Trump State Park. This site is located within easy

walking distance of both of these areas and it is likely that residents of this development will want to walk both to the park and to stores and services within the hamlet.

The *Town of Yorktown Comprehensive Plan* discusses the Jefferson Valley hamlet in detail, and notes its “eclectic mix of retail, office (and) recreational” uses that are surrounded by residential areas. As part of that discussion, *Policy 5-47* states specifically: “provide sidewalk connections along East Main Street to the shopping areas with crosswalks at Hill Boulevard and Lee Boulevard.” Since the redevelopment of this site with residential uses would be the closest residential development to the hamlet center to be constructed since the Comprehensive Plan was adopted in 2010, the EIS should include a discussion on contributions the petitioner can include towards implementing the Town’s goal of making the Jefferson Valley hamlet more walkable.

#### 4. County sewer impacts.

Since 2010, it has been the policy of the County Department of Environmental Facilities (WCDEF) that municipal governments require development applicants to identify mitigation measures that will offset the projected increase in sewer flows to County operated wastewater facilities. The best means to do so is through the reduction of inflow and infiltration (I&I) at a ratio of three for one for market rate housing units and at a ratio of one for one for affordable affirmatively furthering fair housing (AFFH) units.

We recommend this mitigation policy be discussed in *Chapter 9 – Water and Wastewater* with specific details on how the implementation of I&I mitigation is to be accomplished in response to the development. For example, will the applicant be required to place funds into a dedicated account for I&I work based on a per gallon cost of removal of flow through I&I? How will I&I projects be identified? Who will conduct the work and in what timeframe?

#### 5. Stormwater Management.

We recommend that *Chapter 10 – Stormwater Management, Mitigation Measures* include a discussion regarding the use of aboveground stormwater management solutions that treat runoff on-site wherever possible, such as using pervious paving for parking areas, or the use of vegetative rain gardens. While underground stormwater management systems can be effective, that effectiveness can diminish over time if the system is not properly cleaned and maintained.

Thank you for calling this matter to our attention. The County Planning Board looks forward to continuing our review of this matter if it moves forward.

Please inform us of the Town’s decision so that we can make it a part of the record.

Respectfully,  
WESTCHESTER COUNTY PLANNING BOARD

By:



Norma V. Drummond  
Commissioner