

August 23, 2024

**Via Electronic Mail**

Hon. Ed Lachterman, Supervisor  
and the Members of the Yorktown Town Board  
Town of Yorktown  
363 Underhill Avenue  
Yorktown Heights, NY 10598

***Re: Toll Brothers, Inc. – Petition for Zoning Map Amendment  
2302 Catherine Street and 2448 Catherine Street  
Yorktown, New York (“Property”)***

Dear Supervisor Lachterman and Members of the Town Board:

This firm represents Toll Brothers, Inc. (“Toll” or “Petitioner”), the contract-vendee to purchase the Property located at 2302 Catherine Street and 2448 Catherine Street, owned by Field Home – Holy Comforter (“Property”). Toll is proposing to rezone the Property to the RSP-2 District (“Petition”) in furtherance of a 118-unit townhouse redevelopment on a portion of the Property targeting 55+ active adults (“Project”). This matter is next scheduled to be heard by your Board at the September 3rd Regular Meeting.

We are writing in advance of the September 3rd meeting to address a comment raised by the Office of New York City Watershed Inspector General (“WIG”) in an August 2024 letter related to development on steep slopes.<sup>1</sup> Specifically, the WIG requested a more detailed steep slope disturbance map showing three classifications of existing conditions on the Property: (i) 15-25% slopes, (ii) 25-35% slopes, and (iii) slopes greater than 35%. The WIG also opined in its August 2024 letter that an EIS is required, apparently to evaluate whether additional measures are necessary to mitigate a suspected “significant” adverse impact associated with steep slope disturbance.

Enclosed for the Town Board’s record is an updated Overall Existing Steep Slopes Disturbance Map, prepared by Site Design Consultants, showing the Project development footprint overlaid onto the existing slopes on the Property (“Slope Map”). The Slope Map establishes that the majority of the steepest slopes on the Property are associated with the soccer field sidelines and areas of prior disturbance close to Catherine Street. One can see from the aerial photo that the

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<sup>1</sup> We note that the WIG has withdrawn its original comment concerning SEQRA segmentation.

questioned slopes are not naturally occurring features, but rather, follow the outline of the soccer field and other cleared areas on the Property.

In addition, we are submitting herewith a Preliminary Erosion and Sediment Control Plan, prepared by Site Design Consultants (“E & S Control Plan”). The E & S Control Plan identifies the various measures Toll will implement during construction to ensure that sediment is not transported to watercourses or other sensitive areas on the Property. This includes various protections consistent with the design standards in the NYSDEC *Stormwater Management Design Manual* (July 2024) (“Stormwater Manual”) to stabilize slopes during construction.

This evidence is relevant to your Board as the Lead Agency as it carries out its duty under SEQRA to quantify the “magnitude” and classify the “importance” of a potential impact when determining significance. *See* NYSDEC *SEQR Handbook* (4th Ed., 2020), at 76 (“What is ‘significance?’”). Under SEQRA, the record must contain objective factual bases establishing it can be “reasonably expected” that a potential impact will be significant in order to support the issuance of a Positive Declaration, as the WIG suggests with respect to steep slope disturbance. 6 N.Y.C.R.R. § 617.7(c)(1). Factually unsubstantiated suppositions that “there *may* be” an impact are legally insufficient to sustain a lead agency’s decision making or meet the “hard look” SEQRA standard. *WEOK Broadcasting Corp. v. Planning Bd. of Town of Lloyd*, 79 N.Y.2d 373, 376 (1992) (emphasis original).

The WIG contends in its August 2024 letter that the Project may result in a potentially significant impact because the Project would not completely “avoid” steep slope disturbance. We respectfully submit that the empirical data and other objective evidence in the record fails to corroborate the WIG’s characterization of the alleged impact as potentially “significant.” The fact that there are slopes on the Property does not *a priori* support the conclusion that a significant environmental impact would occur if the land was further developed with quality age-restricted housing. Indeed, such a position would preclude development on almost *any* land in Northern Westchester, as much of the area consists of rolling hills and slopes. Here, the majority of the steep slopes in question are not pristine, visually significant or areas of environmental sensitivity. They were created to frame the sidelines of a practice soccer field.

Nor would the proposed slope disturbance result in a significant risk of transporting sediment to wetlands or streams in the NYC Watershed. Consistent with the Stormwater Manual, Toll will use various features to control slope erosion, and capture sediment before it reaches any watercourse or other feature connected to the NYC Watershed. This includes silt fencing and haybales to control and contain sediment within disturbed areas; sediment fencing around temporary soil stockpiles to prevent movement of soil; temporary vegetative cover applied in accordance with NYS Erosion and Sediment standards; permeable barriers around drainage inlets to reduce sediment in runoff; erosion blankets and seeding to stabilize slopes 3:1 or greater; hydroseed and mulch; and a sediment basin to collect sediment from runoff to be removed once the site is stabilized. *See* E & S Control Plan.

Moreover, the Project incorporates various other measures identified in the Stormwater Manual as proper approaches for stormwater management and water quality protection. This

includes, for example, using a “cluster” design so that approximately 14.3 acres of the eastern portion of the Property (including various streams and wetlands) will be preserved in perpetuity as undisturbed conservation area. Avoiding development in this environmentally sensitive area fulfills the Manual’s guidance to “steer[] development to areas of the site that are less sensitive to land disturbance or have a lower value in terms of hydrologic function. . . . sensitive areas can be set aside as natural open space areas.” See Stormwater Manual, at 5.1.5 (“Open Space Design”). It also allows Toll to limit much of its development footprint to previously disturbed areas and create a large conservation area, which is consistent with the Stormwater Manual’s guidance to “delineate and define natural conservation areas” in order to preserve “natural terrain,” wetland and other sensitive areas on the Property. *Id.*, at 5.1.1. (“Preservation of Undisturbed Areas”).

This record demonstrates that the Project would not result in slope disturbance that is unique to the area or otherwise could be quantified as significant with respect to “magnitude” or “importance” such that an EIS would be appropriate to further evaluate mitigation measures. Toll’s incorporation of various measures identified in the Stormwater Manual addresses the WIG’s comment concerning minimizing the risk of erosion and other impacts to surface water during construction, and is wholly consistent with development practices deemed appropriate throughout New York State. Accordingly, the record continues to support your Board concluding that the Petition and Rezoning would not result in any significant adverse environmental impacts.

We look forward to continuing the public hearing on the proposed Zoning Map Amendment at the Board’s September 3rd meeting, and we thank the Board for its continued attention to this matter. If you have any questions or require any additional information, please do not hesitate to contact us.

Respectfully Submitted,

ZARIN & STEINMETZ LLP

By: 

David J. Cooper  
Jaclyn V. Cohen

Encls.

cc: (via email):  
Diana L. Quast, Town Clerk  
John A. Tegeder, R.A.  
Robyn A. Steinberg, AICP, CPESC  
Adam Rodriguez, Esq., Town Attorney  
Town of Yorktown Planning Board  
Philip Bein, Esq., WIG  
Toll Brothers, Inc.  
Joseph C. Riina, P.E.





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78  
85

SEDIMENT BASIN (TYP.)  
SOIL STOCKPILE AREA (TYP.)

INLET PROTECTION AT ALL DRAINAGE INLETS (TYP.)  
SILT FENCE (TYP.)

EROSION BLANKETS OR HYDROSEED/MULCH WHERE SLOPES EXCEED 3H:1V (TYP.)

STABILIZED CONSTRUCTION ENTRANCE (TYP.)

LIMIT OF DISTURBANCE

SILT FENCE (TYP.)

SILT FENCE DOWNGRADE OF DISTURBANCE (TYP.)

100' BUFFER

100' BUFFER

100' BUFFER

100' BUFFER

100' BUFFER

100' BUFFER

100' BUFFER

100' BUFFER

100' BUFFER

100' BUFFER

100' BUFFER

100' BUFFER

100' BUFFER

100' BUFFER

100' BUFFER

100' BUFFER

100' BUFFER

100' BUFFER

100' BUFFER

DISTURBANCE AREA	PROJECT DISTURBANCE		TOTALS
	IMPERVIOUS	NON-IMPERVIOUS	
NON-BUFFER	20.45 AC	7.18 AC	27.63 AC
BUFFER	0	1.93 AC	1.93 AC
WETLAND	0	0.07 AC	0.07 AC
<b>TOTALS</b>	<b>20.45 AC</b>	<b>9.18 AC</b>	<b>29.63 AC</b>

**EROSION CONTROL PRACTICES TO BE IMPLEMENTED:**

**STABILIZED CONSTRUCTION ENTRANCE:**  
THIS HAS BEEN SPECIFIED FOR THE ENTRANCE OF THE PROJECT. THE INSTALLATION WILL OCCUR AT THE BEGINNING OF THE PROJECT. IT WILL BE MAINTAINED TO PREVENT THE TRACKING OF SEDIMENT OFF-SITE.

**SILT / SEDIMENT FENCE AND HAYBALES:**  
SILT FENCE AND HAYBALES HAVE BEEN SPECIFIED TO CONTROL AND CONTAIN SEDIMENT FROM LEAVING AREAS UNDER DISTURBANCE TO UNDISTURBED AREAS. THE FENCE SHALL BE INSTALLED AS BEST AS POSSIBLE FOLLOWING THE CONTOURS AND WILL BE SPACED IN ACCORDANCE WITH THE NYSSESC. THE FENCE WILL BE INSPECTED DAILY, REPAIRED, AND SEDIMENT REMOVED AS NECESSARY.

**SOIL STOCKPILE:**  
AREAS ARE PROVIDED FOR TEMPORARY STOCKPILING OF DELIVERED SOIL MATERIAL FOR THE CONSTRUCTION. THESE AREAS WILL BE CONTAINED WITH SEDIMENT FENCE TO PREVENT THE MOVEMENT OF SEDIMENT. THE STOCKPILES, IF NOT ACTIVE FOR MORE THAN SEVEN (7) DAYS, WILL BE SEEDED AND MULCHED. THE STOCKPILE AREAS ARE PLACED TO BEST SUIT THE PROPOSED CONSTRUCTION ACTIVITY.

**TEMPORARY AND PERMANENT VEGETATIVE COVER:**  
THIS STABILIZATION MEASURE MAY BE TEMPORARY AND IN OTHER CASES PERMANENT VEGETATIVE COVER IS USED. THE VEGETATIVE COVER SPECIFICATIONS ARE BASED ON THE NYS ESC MANUAL ON THE CONSTRUCTIONS PLANS ARE NOTES, LOCATIONS, AND SPECIFICATIONS AS TO THE VEGETATIVE COVER REQUIREMENTS. IN THE NOTES, THERE ARE SPECIFIC SITUATIONS AND TIME CONSTRAINTS RELATED TO STABILIZATION OF DISTURBED AREAS. THE SPECIFICATIONS GIVE SEED AND FERTILIZER MIXES AS WELL AS PLACEMENT. ANY DISTURBED AREA EXPECTED TO REMAIN EXPOSED FOR MORE THAN SEVEN (7) DAYS SHALL RECEIVE TEMPORARY VEGETATIVE COVER.

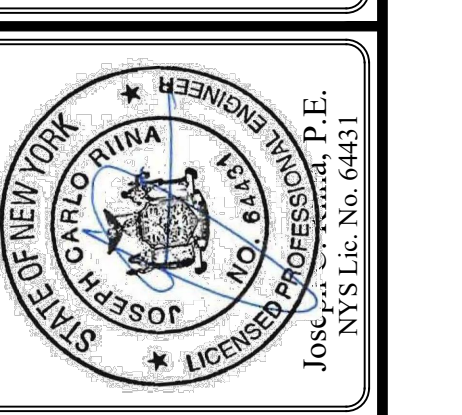
**STORM DRAIN INLET PROTECTION:**  
THE INLET PROTECTION IS SPECIFIED TO PROVIDE A PERMEABLE BARRIER AROUND DRAINAGE INLETS TO REDUCE SEDIMENT CONTENT IN RUNOFF BEFORE ENTERING THE STORM DRAIN SYSTEM.

**EROSION BLANKETS:**  
EROSION BLANKETS AND SEEDING SHALL BE USED FOR THE STABILIZATION OF SLOPES 3:1 OR GREATER OR AS OTHERWISE SPECIFIED. THE BLANKETS SHALL BE INSTALLED AS PER THE PLANS AND DETAILS, AND THE MANUFACTURER'S SPECIFICATIONS. THEY SHALL BE STAPLED OR STAKED IN PLACE AS PER THE MANUFACTURER'S SPECIFICATIONS. THE BLANKETS MAY BE INSTALLED AT LOCATIONS OTHER THAN THOSE SHOWN ON THE PLANS AS DIRECTED BY THE TOWN ENGINEER, PROJECT ENGINEER, OR OTHER PERSONS INSPECTING THE SITE UNDER THE DIRECTION OF THE AFOREMENTIONED.

**HYDROSEED & MULCH:**  
HYDROSEEDING IS A BROADCAST SEEDING METHOD USUALLY INVOLVING A TRUCK, OR TRAILER-MOUNTED TANK, WITH AN AGITATION SYSTEM AND HYDRAULIC PUMP FOR MIXING SEED, WATER AND FERTILIZER AND SPRAYING THE MIX ONTO THE PREPARED SEEDBED. MULCH SHALL NOT BE INCLUDED IN THE TANK WITH SEED. SHORT FIBERED MULCH MAY BE APPLIED WITH A HYDROSEEDER FOLLOWING SEEDING.

**SEDIMENT BASIN:**  
THE SEDIMENT BASINS LOCATION IS THE POINT OF CONCENTRATION OF RUNOFF AND THEREFORE THE LOGICAL PLACE TO COLLECT SEDIMENT. WITHIN THE EROSION CONTROL NOTES AND CONSTRUCTION SEQUENCE, THERE ARE SPECIFIC REQUIREMENTS FOR THE INSTALLATION AND MAINTENANCE DURING CONSTRUCTION. UPON STABILIZATION OF THE SITE, THE SEDIMENT WILL BE REMOVED. THE SIZE OF THE SEDIMENT BASIN AS PER THE NYS ESC MANUAL IS BASED ON 3600 CUBIC FEET PER ACRE OF DRAINAGE AREA.

**Site Design Consultants**  
Civil Engineers & Land Planners  
251-F Unadilla, Yorkville, NY 10596  
(914) 962-4488, Fax: (914) 962-7876  
www.sitedesignconsultants.com



NO.	DATE	BY	CHKD.
1	11/15/23	J. Unadilla	TK
2	11/15/23	J. Unadilla	TK
3	11/15/23	J. Unadilla	TK
4	11/15/23	J. Unadilla	TK

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**PRELIMINARY EROSION & SEDIMENT CONTROL PLAN**

**FIELDHOME AT CATHERINE STREET**

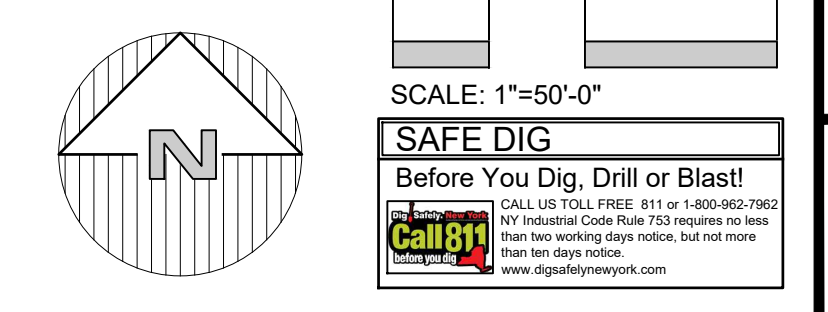
CATHERINE STREET  
Town of Yorktown  
Westchester County

PRELIMINARY SITE PLAN  
PREPARED FOR

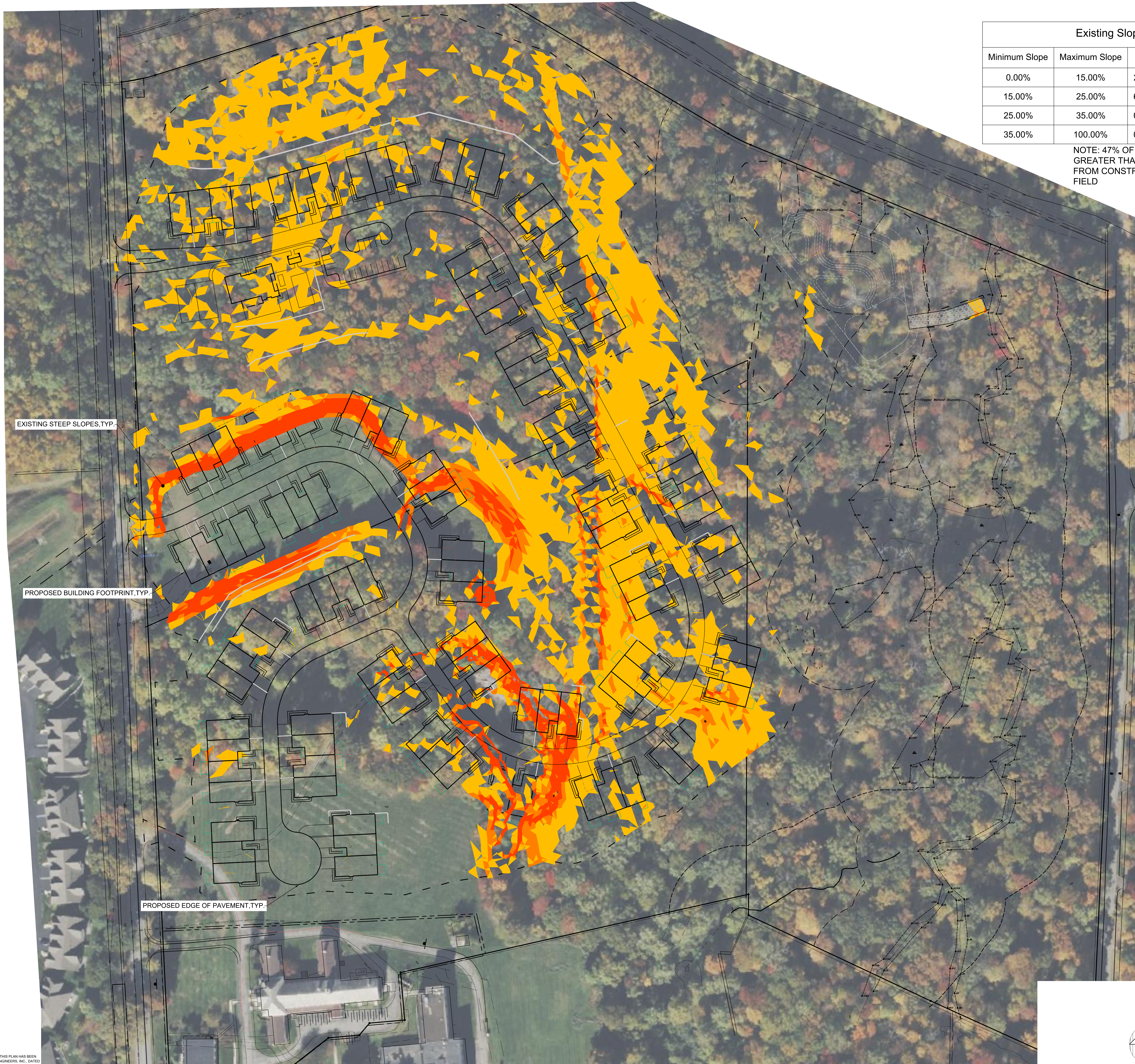
Sheet of 13

NOTE: THIS IS NOT A SURVEY. ALL SURVEY INFORMATION SHOWN ON THIS PLAN HAS BEEN TAKEN FROM SURVEYS MADE PREPARED BY WARD CARPENTER ENGINEERS, INC. LICENSE NO. 13112. THE ENGINEER ASSUMES NO RESPONSIBILITY FOR ITS ACCURACY.

NOTE: UNAUTHORIZED ALTERATIONS OR ADDITIONS TO THIS DRAWING IS A VIOLATION OF SECTION 2205 (1) OF THE NEW YORK STATE EDUCATION LAW.







EXISTING STEEP SLOPES, TYP.

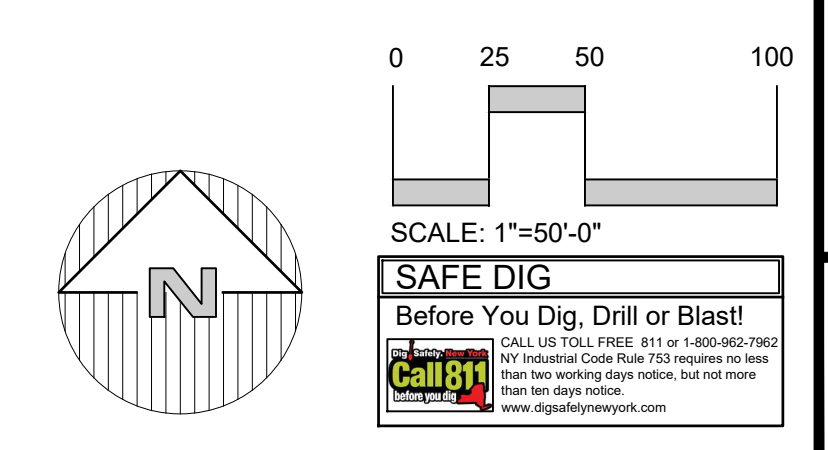
PROPOSED BUILDING FOOTPRINT, TYP.

PROPOSED EDGE OF PAVEMENT, TYP.

Minimum Slope	Maximum Slope	Acres	Color	Manmade ac.
0.00%	15.00%	21.29 ac.	--	--
15.00%	25.00%	6.68 ac.	Yellow	--
25.00%	35.00%	0.82 ac.	Orange	0.30
35.00%	100.00%	0.82 ac.	Red	0.47

NOTE: 47% OF STEEP SLOPES GREATER THAN 25% ARE MANMADE FROM CONSTRUCTION OF SOCCER FIELD

NOTE:  
 1. THIS IS NOT A SURVEY. ALL SURVEY INFORMATION SHOWN ON THIS PLAN HAS BEEN TAKEN FROM SURVEY MAP PREPARED BY WARD CARPENTER ENGINEERS, INC. DATED 10/12/22. THE ENGINEER ASSUMES NO RESPONSIBILITY FOR ITS ACCURACY.  
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Professional Engineer  
 Joseph C. Rima, P.E.  
 License No. 13122

Revisions	No.	Date	Comments

Scale	Drawn By	Date
1" = 50'	TK	11.22

PRELIMINARY SITE PLAN  
 PREPARED FOR

**OVERALL EXISTING  
 SLOPE DISTURBANCE  
 AND PROPOSED GRADING  
 PLAN**

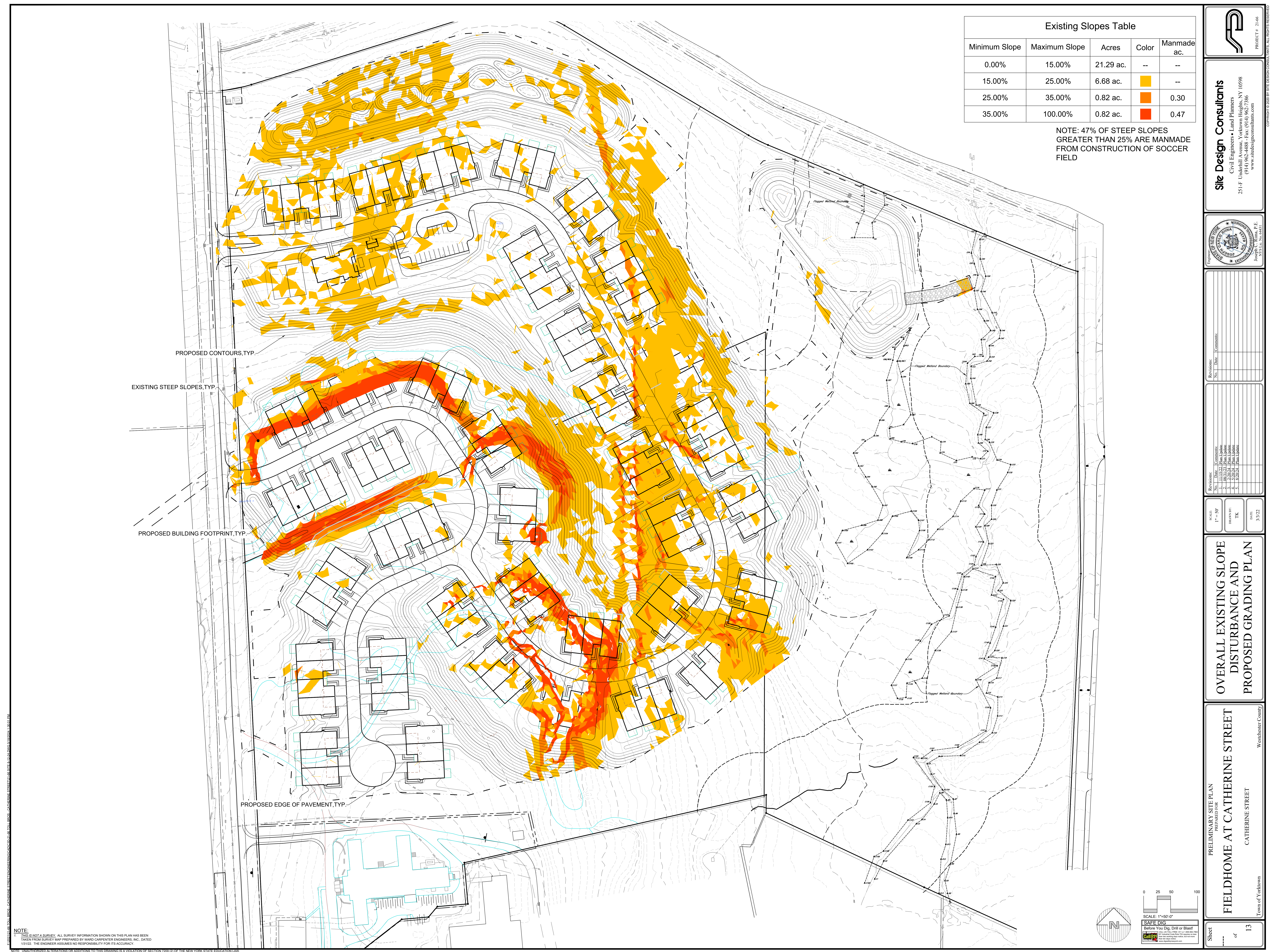
FIELDHOME AT CATHERINE STREET  
 CATHERINE STREET

Westchester County  
 Town of Yorktown

Sheet

of 13



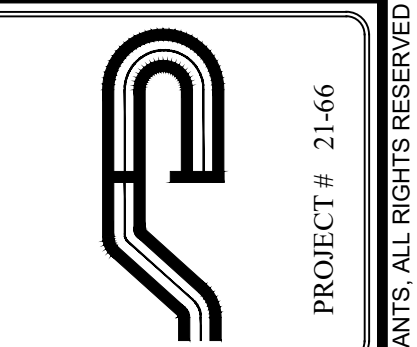


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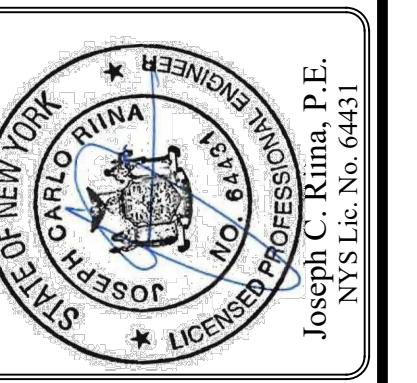
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NOTE:  
 1. THIS IS A PRELIMINARY SURVEY. ALL SURVEY INFORMATION SHOWN ON THIS PLAN HAS BEEN TAKEN FROM SURVEY MAPS PREPARED BY WARD CARPENTER ENGINEERS, INC., DATED 1/31/22. THE ENGINEER ASSUMES NO RESPONSIBILITY FOR ITS ACCURACY.

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Rev. No.	Date	Comments
1.	11/15/24	John Liodis
2.	2/28/24	John Liodis
3.	5/23/24	John Liodis
4.	8/23/24	John Liodis

Rev. No.	Date	Comments
1.	11/15/24	John Liodis
2.	2/28/24	John Liodis
3.	5/23/24	John Liodis
4.	8/23/24	John Liodis

SCALE: 1" = 50'  
 DRAWN BY: TK  
 DATE: 11/22

**OVERALL EXISTING SLOPE DISTURBANCE AND PROPOSED GRADING PLAN**

PRELIMINARY SITE PLAN  
 PREPARED FOR  
**FIELDHOME AT CATHERINE STREET**  
 CATHERINE STREET  
 Town of Yorktown  
 Westchester County





**SITE DATA:**  
 OWNER / DEVELOPER: TOLL BROTHERS  
 42 OLD RIDGEBURY ROAD  
 DANBURY, CONNECTICUT, 06810  
 2448 CATHERINE STREET  
 YORKTOWN, NY, 10598  
 PROJECT LOCATION: RSP-3, AGE ORIENTED GERIATRIC COMMUNITY, R1-40 RESIDENTIAL  
 PROPOSED USE: RSP-2, SENIOR CITIZENS DISTRICT  
 EXISTING TOWN ZONING: RSP-3, AGE ORIENTED GERIATRIC COMMUNITY, R1-40 RESIDENTIAL  
 TOWN TAX MAP DATA: SECTION 35.12, BLOCK 1, LOT 2, SECTION 35.08, BLOCK 1, LOT 45  
 SITE AREA: 32.8 ACRES (1,429,304 SF)  
 SEWAGE FACILITIES: PUBLIC SEWERS  
 WATER FACILITIES: PUBLIC WATER FACILITIES

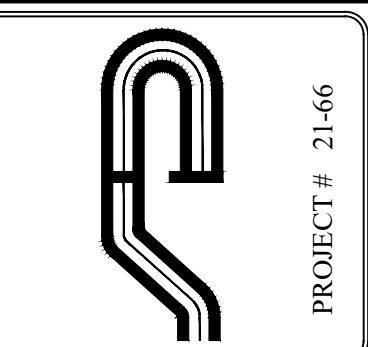
**ZONING SCHEDULE:**

DIMENSIONAL REGULATIONS:	RSP-2 SENIOR CITIZEN DISTRICT		
	REQUIRED	PROVIDED	VARIANCE REQUIRED
MINIMUM SIZE OF LOT:			
MINIMUM LOT AREA:	217,800 SF.	1,429,304 SF.	NONE
MINIMUM LOT WIDTH:	150 FT.	1,362 FT.	NONE
MINIMUM LOT DEPTH:	150 FT.	1,566 FT.	NONE
MINIMUM YARD DIMENSIONS:			
FRONT YARD SETBACK:	50 FT.	55.0 FT.	NONE
REAR YARD SETBACK:	50 FT.	450 FT.	NONE
ONE SIDE YARD SETBACK:	50 FT.	75.0 FT.	NONE
COMBINED SIDE YARD SETBACK:	100 FT.	174.6 FT.	NONE
MAXIMUM HEIGHT:			
PRINCIPAL BUILDING - FEET:	45 FEET	38 FT MAX	NONE
F.A.R. (FLOOR AREA RATIO):	0.35	0.15	NONE

**PARKING SCHEDULE**

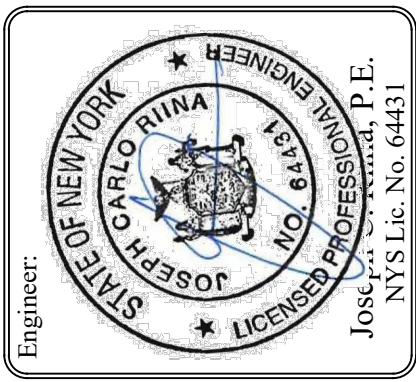
REQUIRED PARKING:	0.5 SPACES PER DWELLING UNIT
PROVIDED PARKING:	118 UNITS @ 0.5 SPACES/UNIT = 59 SPACES
PARKING VARIANCE REQUIRED:	0 SPACES

**NOTE:**  
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PROJECT # 21-66

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**PRELIMINARY SITE PLAN**

**FIELDHOME AT CATHERINE STREET**  
 Westchester County  
 Town of Yorktown

PRELIMINARY SITE PLAN  
 PREPARED FOR  
 CATHERINE STREET

SCALE: 1"=50'-0"  
 DRAWN BY: TK  
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Sheet of 13