

**Follow up written comments on September 3, 2024 Toll Brothers hearing
Submitted by Councilwoman Susan Siegel
September 4, 2024**

At the September 3, 2024 hearing, I read a statement (see attached) that questioned whether the Planning Board had done a thorough job of reviewing the FEAF. I specifically noted the failure to review three issues, all important components of a standard SEQRA review: steep slopes, sewer capacity and traffic. The accuracy of my comments was challenged; it was stated that the Planning Board had reviewed these issues.

What follows are copies of the official Planning Board meeting minutes for the five meetings that reviewed the Toll Brothers plan:

- 12/12/22
- 10/16/23
- 12/4/23
- 1/22/24
- 5/6/24

Using the keyword search function, the word “slope” shows up once, and not in the context of being reviewed. There is no mention of the word “steep.” There are two mentions of “traffic,” but not in the context of reviewing the plan’s traffic impact. There were several discussions about sewers, but none that showed that the Board had done an in depth review of the issue based on hard data. The keyword search also failed to bring up several environmental issues raised in the August 29, 2024 letter from the Watershed Inspector General’s office.

While some of these issues may have been discussed between Toll Brothers and town staff in the Planning Department, those discussions were not discussions by the Planning Board – and the Town Board’s referral was to the Planning Board, not the Planning Department.

It should also be noted that the Planning Board’s memo of August 30, 2024, clearly written in response to the August 29, 2024 WIG letter, notes that the steep slope maps provided by the application

“...should be closely scrutinized by the Board. Further review of the slope disturbance may be necessary to determine the potential impacts...As a result, the Planning Board suggests that the Town Board require the applicant to provide more thorough information regarding steep slopes as to achieve better understanding of these potential impacts.”

The Planning Board’s memo couldn’t be any clearer: the steep slope issue hasn’t been adequately studied – and needs to be studied.

The memo's second paragraph highlights the problem the Planning Board anticipates having when it reviews the site plan if the Town Board approves the rezoning before the Planning Board has had an opportunity to review that additional information.

Planning Board minutes regarding Toll Brothers. Taken from the town's website.

12/12/22

Town Board Referral - Toll Brothers at Catherine Street Location: 35.12-1-2 & 35.08-1-45; 2302 & 2448 Catherine Street

Contact: Zarin & Steinmetz

Description: Submitted petition requesting rezone of the parcels from RSP-3 & R1-40 to RSP-2 to facilitate Toll Brothers redevelopment proposal to construct a 118-unit townhouse community with clubhouse and pool for 55+ active adults.

Comments:

David Cooper, Esq.; and Joseph Riina, P.E. were present. Mr. Cooper stated that he is representing the petitioner Toll Brothers Inc. who is the contract vendee to purchase a portion of the Field Home-Holy Comforter property. The parcels to be purchased are located at 2302 Catherine Street and 2448 Catherine Street consisting of 50.51 acres. They are before the Planning Board this evening as a referral from the Town Board in connection with their petition to rezone this property to the RSP-2 district to facilitate Toll Brothers redevelopment proposal. The applicant is proposing a 118 unit townhouse community for 55+ active adults. The site is currently split zoned in the R1-40 and RSP-3 districts.

Neither of these districts permit the type of active adult townhouse use they are contemplating. The RSP-2 zone would allow this type of specialized residential development use. The RSP-3 current zoning allows multi-level nursing homes, assisted living facilities, hospices, and similar uses involving high intensity care which is not being proposed. He noted that several years ago there was an approval for this portion of the site for a 102-unit assisted living facility as well as 96 skilled nursing beds which is a different type of use. The applicant is proposing a townhouse development for seniors

and downsizers. They are seeking a positive recommendation to the Town Board for the rezoning petition in order to allow the project to move forward. If the rezoning is adopted, the site plan will follow. A conceptual development plan was put together for review. With respect to SEQRA, the Town Board has circulated its intent to serve as Lead Agency

and will review the rezoning and also a concept plan to understand the impacts of rezoning the site. Of the 50.51 acre property, they are proposing a subdivision to parcel out a 2.46 acre portion where the Field Home building is located and give it to the Town

for their use. Additionally, a \$150,000 payment for maintenance of the building would be provided to the town. Toll Brothers initially thought about reusing this building potentially for a clubhouse or some other amenity for the proposed development but from a design and construction perspective it was determined that the building won't work with their proposal. As a result of the proposed subdivision, they would then be developing a 48.05 acre

portion of the property. Mr. Riina showed the aerial view of the existing site to the Board with the boundary lines. The Field Home building is located to the south, and the practice soccer field is located off of Catherine Street. The site as it exists today is mostly

wooded with some open areas. The original septic fields for the site were shown but have since been abandoned as they are now on public sewers. There is a perennial watercourse on the eastern portion of the site. The surrounding wetland areas have been flagged and verified by the Town's consultant. They will be asking them to return to take another look

at the area. The proposed conceptual plan is for a 118 unit townhouse development. The main entry point is north of the Field Hall with a divided entryway and planted median down the middle. The proposal includes a clubhouse, swimming pool and small parklike setting upon entry to the site. There is another two way entrance to the north to Catherine Street. A stormwater management facility is proposed with two pocket wetlands. They met with the DEP and have already performed their testing. The site slopes toward the north so a few retaining walls are proposed. Mr. Bock noted that they received a letter from the Westchester County Planning Department today which talks about the rezoning decision with respect to a wider range of housing. They are suggesting that a non-restricted multi-family zone be considered and have cited studies with respect to housing needs. He thinks that the Board may want to consider this and is not sure if it would change anything on the site but may enable the County's objectives. Mr. Cooper responded that he had not received the letter and stated that the proposal is targeted for the 55+ active adult market and will have ground floor master bedrooms. He added that another benefit of a 55+ community is that there won't be any impacts to the school community. Mr. Bock stated that the decision for the Town Board is whether or not this type of zone is appropriate and consistent with the objectives of the comprehensive plan. Mr. Cooper stated that he will review the letter and comment back. He added that there is an RSP-2 district for a reason. The Town Board felt that they want to attract this type of housing into the community as well as diversifying housing stock. He would submit to the County that this type of project would still further the goal of diversifying the type of housing available and noted that in their petition they did go through the comprehensive plan.

Chairman Fon asked the Board if there were any comments. Mr. Tegeder stated that with respect to the zoning question, the Planning Department will gather information from the comprehensive plan and other sources for an evaluation and noted that this site has quite a bit of history with an existing approval. He added that there seems to be much emphasis

on a concept plan and noted that when they are looking at a site specific rezone request from an applicant there should be a site review to prove out the requested use. Given the complexity of this proposal, he would recommend that the Planning Board requests

to be involved in the concept site plan during the rezoning process in a manner that is a little more detailed than they would expect from other proposed rezones. Mr. Cooper responded that they are aware that the Board is used to looking at more detailed plans but before Toll Brothers can go through the process, the zoning needs to be in place. He added that they expect a full blown review of the proposed development as well as the zoning. With their submission, they provided a long EAF, extended Part 3; fiscal impact analysis; and a traffic analysis for 118 units that are not age restricted which would be more impactful than what is proposed. Additional reports will be provided as requested by the Planning Board or Town Board. Mr. Bock questioned if there were any reports on the types of housing in various zones for the town. Chairman Fon asked if they could get a copy of the reports cited by the County. Mr. Phelan noted that the existing practice ballfield is not shown in the proposal and questioned if the applicant was proposing to create a ballfield on or offsite. Mr. Cooper responded that there isn't room on site to provide a practice ballfield and noted that initially Toll Brothers proposed \$75,000 to the Parks and Recreation Commission but has since increased the offer to \$100,000 for use towards their programs. He added that the ballfield is rented from the owner with the lease set to expire in two years. There is no formal parking lot at the site. Councilman Esposito responded that he appreciated that the applicant is willing to work on a compromise for the practice ballfield but questioned if there was a way to still provide the amenity for the kids in conjunction with the project. Mr. Tegeder stated that the Board could request a report on the state of the recreational needs for the town and to the extent that the fields are being used or not in order to make a recommendation to the Town Board. This could then assist them on settling on a mitigation for the loss of the field. Mr. LaScala noted that when the lease is over, the town will have no right to the property. Mr. Cooper responded that this was true; the applicant recognizes that the practice ballfield will eventually fall out of use and is proposing to mitigate that impact in terms of compensation. Chairman Fon advised the applicant that they will need to review the information provided by the Planning Department before making any recommendations.

10/16/23

Town Board Referral - Toll Brothers at Catherine Street

Location: 35.12-1-2 & 35.08-1-45; 2302 Catherine Street & 2448 Catherine Street

Contact: Zarin & Steinmetz, Site Design Consultants

Description: Discussion of an amended layout and supporting studies for the proposed rezone of the site to construct a 118-unit townhouse community with clubhouse and pool for 55+ active adults.

Comments:

David Cooper, Esq.; Kevney Moses of Toll Brothers; and Joseph Riina, P.E. of Site Design Consultants were present.

Mr. Cooper stated that the proposal is to redevelop a portion of the Field Home-Holy Comforter property with a 118-unit townhouse community targeting the 55-plus active adult community. The property will require a zoning map amendment to the RSP-2 district by the Town Board. The Town Board, as Lead Agency, referred them to the Planning

Board as part of SEQRA for review and recommendation on the proposed rezoning. They have been working through the issues that were brought up through their discussions with the Planning Department and town staff. The layout has changed since the Planning Board has last seen the plan however the density remains the same. They are hoping that

the Planning Board are at a place where they could provide a recommendation back to the Town Board and/or let them know if more information is required. Mr. Moses stated that the site is located at 2300 Catherine Street. He gave a presentation on the history of the project

and how it has evolved. In 2021, the road network was different than what is currently proposed. The limits of disturbance was greater as it proceeded closer to the wetland areas, the watercourses; and to the eastern portions of the site. In 2022, they revised the 2021 conceptual site plan, condensing the development and providing some environmental enhancements, however during the wetland verification process, the town's wetland consultant found an additional watercourse on-site. After working with the Planning Department, the 2022 conceptual site plan was revised further condensing the development to avoid adverse environmental impacts and reduce the limits of disturbance; it still maintains the 112-unit density and relocates the amenity complex to the bottom of the site which is shown this evening as the 2023 conceptual site plan. The proposal is for a 55-plus age restricted development with clusters of 3 and 4 townhomes. Some of the benefits of the project include no school children; it identifies a critical need with respect to senior housing and housing variety as noted in the town's comprehensive plan; and will produce over \$1M of annual net tax surplus. Additionally, they anticipate a \$472K recreation fee to be associated with this development and are willing

to make a voluntary \$100K contribution toward the recreation fee. He noted that there is also a robust on-site amenity complex that includes a pool, clubhouse, gym, pickleball courts, etc. that will further reduce the demand on the town's facilities. At the request of the town staff, the following information was provided for review - conceptual site plan, site plan drawings, Recreation Impact Analysis, Historic Analysis, Stormwater Analysis, Environmental Impact Analysis, Tree Inventory data, updated EAF, and INI (in-flow and infiltration) Analysis. The town staff requested additional information on the potential in-flow and infiltration on-site related to the town's sewer capacity issues. With respect to the recreation analysis, there is an existing practice field presently on-site which came about from the Glassbury project. The field is currently leased from the town and is set to expire in January 2026. They have been told

by the Fieldhome owners that they will not be seeking renewal. They looked at the conditions, quality, and usage of the field and identified potential mitigation opportunities for the field loss. This was done through conversations with the Parks & Recreation Superintendent and Town Board. He noted that they are willing to increase the voluntary contribution to \$150K for the benefit of the community.

With respect to the historical analysis, the existing Field Home building is not incorporated into their plan; they are proposing to donate it to the town or possibly find a third party vendor for a future adaptive reuse. They believe that there may be an opportunity for some type of continued senior use as it is already in the RSP-3 district. A preliminary SWPPP and stormwater plan was submitted for review. With respect to the environmental analysis, they were made aware of some anecdotally historical dumping activity at the site. They performed a phase 1 and 2 environmental investigation of the area. A supplemental environmental review memo dated 10/5/23 was recently submitted by their consultant (SESI Consulting Engineers) which concludes that no justification exists to further investigate the site or seek involvement of the NYSDEC or any other regulatory agency. SESI has followed the applicable guidance and regulations for all appropriate inquiries and investigations. The material that was present and investigated by SESI was found to be entirely organic (landscape materials) which can be reused on site; no action is necessary locally or at the state level. A tree survey was completed showing all trees over 8 inches in caliber throughout the site's limit of disturbance, and all trees over 6 inches in caliber within the buffer areas. There are approximately 1,500 protected trees to be removed (46% red maple, 13% sweet birch, 8% beech, 8% tulip trees) Mitigation measures include trees and native plantings to meet the town's requirements. The INI analysis was performed to determine if there was any improper in-flows into the sewer system emanating from either their site or the neighboring site that could be contributing to some of the issues at the Hunterbrook pump station. A plan was shown with the flow monitoring locations and sewer flow. The study showed existing minor issues related to the INI. They feel that those present issues would likely be solved once the site is redeveloped with new infrastructure. The town staff has indicated that they would like additional studies conducted and he noted that they are open to this but would need direction on how and where this should be performed. Mr. Moses asked if there were any questions. Chairman Fon asked the Board if there were any comments. Mr. Waterhouse asked if any calculation was done on the increase in capacity to the Hunterbrook pump station. Mr. Moses responded that they have an understanding of what the development would produce but what is still unknown is what is contributing to the present issues. Mr. Waterhouse was under the impression that Hunterbrook was almost at its capacity. Mr. Tegeder stated that he was correct and noted the indication from the Town Engineer is that there are capacity problems emerging at Hunterbrook in particular during rain events so the INI was of particular interest and needs to be worked through. Mr. Cooper responded that it is an issue and they have been doing a little more research in the town's studies for the entire system as a result of the DEC for their consent. From an analysis point of view it seems that the issue doesn't seem to be from this site or proposed development, it looks like it may be somewhere else on the line. However, they would need to sit down with the Town Engineer and are ready to move forward if this is an issue. Mr. Tegeder noted that in the current state there is a problem in heavy rainfall events and felt it would be difficult to add this number of units without having some remediation so that the pump station

functions properly if and when this project comes on line. Mr. Ciarcia, Town Engineer, stated that the town has an on-going consent and part of what they are doing includes a closed circuit tv investigation to identify where the problems are. They are also evaluating the actual pump station to make sure it is functioning properly as the facility gets stressed when it rains. He feels they can address these problems and thinks they will find that there are leaks that will be identified. There is a leak they are aware of currently that is 20-

ft down and are trying to figure out how to get to it. On the west side of Hunterbrook Road is the newer system that was largely built by the Field Home. On the east side of Hunterbrook Road are old developments dating back to the 1960s with transite pipe which they think is a contributing factor. They need to identify the leaks and work with the applicant for participation in the remediation. Discussion followed with respect to the pipes and existing aging infrastructure. Chairman Fon asked about the timeframe. Mr. Ciarcia stated that they should have a list of what needs to be fixed by the Garden Lane project would impact the the same sewer line. Mr. Ciarcia responded that it would. Mr. Cooper stated that waiting until Spring to identify the mitigation for this project is a concern. The applicant is not responsible for the entire issue; the question is calculating the INI mitigation attributable to the project and quantifying it in monetary terms and noted that this is how the County does it. He thinks they have all the information they need and if the Town Engineer knows they will need to line a certain amount of pipe, etc. they can take the added capacity and calculate the appropriate mitigation. From a timing perspective, the town would know in advance what needs to be done

before this project would come on line. He noted that they are at the rezoning part of the process and still have to go through the site plan review with the Planning Board.

Mr. Bock asked what the as-of-right situation was for the property without the rezoning.

Mr. Cooper stated that as of now the townhomes would not be permitted under the current zoning. The RSP-3 zoning permits multi-level nursing homes, assisted living facilities, hospices, and similar uses involving high intensity care which is more of an intense

use. The proposed use would be less intense than what is permitted under the zoning. Even with the split zoning, the RSP-3 allows uses that have more traffic, more density, and more demand. Nursing homes and hospices are different types of uses. Mr. Phelan stated that the proposed recreation fee and contribution assumes that there will be a fee in lieu of the land. He questioned how they came to this conclusion as this is determined by the town and not the applicant. Mr. Moses responded that it was based on the condition and use of the field. Per the Parks & Recreation Superintendent, the field is more of a practice quality field and not a game play field. The town's comprehensive plan notes that game play fields

are needed. They tried to pinpoint a like for like mitigation strategy. This is a field of practice quality with a lease that would not seek renewal in less than 2 and half years. The comprehensive plan also notes that Yorktown has an abundant supply of parkland exceeding national standards for park acreage, etc. The mitigation effort based on the comprehensive plan in collaboration with the Parks & Recreation Superintendent was the Hunterbrook facility. The Hunterbrook facility has an upper field which could be improved. Mr. Phelan stated that his concern was that they reached a conclusion before

the Planning Board has gone through their site plan approval. Mr. Cooper stated that the recreation fee proposed is associated with the per unit amount and not the practice field itself and agreed that it is the town's decision ultimately. He noted that the current field is a rental and is not guaranteed, but the upgrade to the Hunterbrook field is forever as it is town owned and would be a better mitigation approach. He noted that the discussion was advanced through conversations with the Town Board and town staff. Their understanding is that rather than trying to lease the field, a contribution towards the upgrade of a permanent field seemed to be a better solution from a mitigation perspective. Chairman Fon asked Mr. Ciarcia if mapping was available with respect to the sewer. Mr. Ciarcia responded that there was and would share the link with the Board members. Mr. Ciarcia informed the Board that the Garden Lane project is not in the county district and that they would have to buy in. He noted that the county sewer district change takes a least a year. Mr. Cooper again stated that they would prefer not to wait until the Spring time; all of the monetary amounts may not be available. He agrees with the Town Engineer with the 2 to 1 mitigation to identify the costs for this development. The INI report shows that there is nothing that can be do on site as it is not contributing to the issue. Discussion followed. Chairman Fon advised the applicant to meet with the Town Engineer for further discussion. Mr. Ciarcia informed the Board that a letter has to be provided to the Westchester County Department of Health stating that we have adequate capacity and are willing to serve them as part of their approval; as of now they don't have the capacity. They will work together with the applicant, but as of now they don't have all the answers. Chairman Fon noted that this is a Town Board referral on the rezoning but they may need to speak to Counsel as the project moves forward. Mr. Tegeder noted that their recommendation should follow the Town Board's review process. The project rises or falls as to whether or not this issue gets solved properly in an appropriate time regardless of what their mitigation requirements will be pursuant to it. The Planning Board needs to advise the Town Board what to look at. He noted that the recreation component is determined and accepted by the Planning Board during their site plan review; knowing all the information beforehand is helpful but it will need to be discussed again in greater detail. They need to see where they are in the process and what information is needed. Mr. Cooper stated that the Town Board is the Lead Agency and some of the determinations will have to happen at the town level by virtue of this. Mr. Bock asked if this was formally referred. Mr. Cooper responded that it was formally referred by the Town Board on the rezoning. Mr. Tegeder continued that another issue is the historic aspect of the Field Home mansion and its final disposition. In terms of the landfill, he read the report and thinks as a matter of course that the DEC will make the final conclusion. Mr. Cooper responded that it is 1,000CY of lawn material. The question was whether or not this material is potentially regulated; DEC regulations don't start regulating this type of material until it reaches 10,000CY and this is way under the threshold. Mr. Tegeder continued that the stormwater is important and is guided by regulations. With respect to the recommendations and timeline, it has to follow the steps that the Town Board is taking. He noted that the Planning Department hasn't reviewed the full submission in depth as yet. Councilman Esposito clarified that the Town Board hasn't

made any decisions or agreements and are waiting to hear back from the Planning Board. Mr. Tegeder noted that the project is proceeding through the normal process. Mr. Cooper asked the Board if they needed anything further to make their determination and noted that they have answered all the questions put before them. The Board had concerns with respect to the open issue of the sewer capacity and advised the applicant to meet with the Town Engineer. The Board agreed to have the Planning Department draft a memo to the Town Board with their comments.

12/4/23

Town Board Referral - Toll Brothers at Catherine Street

Location: 35.12-1-2 & 35.08-1-45; 2302 Catherine Street & 2448 Catherine Street

Contact: Zarin & Steinmetz, Site Design Consultants

Description: Discussion of an amended layout and supporting studies for the proposed rezone from RSP-3/R1-40 to RSP-2 of the site to construct a 118-unit townhouse community with clubhouse and pool for 55+ active adults.

Comments:

David Cooper, Esq.; Kevney Moses of Toll Brothers; and Joseph Riina, P.E. of Site Design Consultants were present.

Mr. Cooper stated that they are present as a follow up to the 10/16/2023 meeting. The application was referred to the Planning Board for a SEQRA recommendation as the Town Board is serving as Lead Agency for the entire action which includes the rezoning and a recommendation on the rezoning. With respect to SEQRA, they have been working with

the Planning Department/Board to identify a list of items to work through and subsequently received the Planning Department memo dated 12/01/2023 summarizing those issues. They will update the EAF and analyses submitted and provide some additional information concerning impact assessments. They are hoping on the SEQRA end that the

Planning Board will direct the Planning Department to submit a memo to the Town Board so the items can be addressed. Mr. Cooper added that he would like to address the zoning comment that was listed in the memo. The Planning Department recommended altering the lot line on the eastern rear of the site to remain R1-40 and rezone the front to

RSP-2. He noted that the current application is proposing to rezone the entire site to RSP-2. He pointed out that the proposed line drawn goes through five townhome units and would render those units non-conforming. Another issue is that it would essentially reduce the lot area of the RSP-2 zone that would facilitate this type of development; the density would then be reduced and the project would not be feasible. If the purpose is to prevent development of the rear portion as it's environmentally sensitive, they can discuss this in the form of a conservation easement or other restriction; removing the entire RSP-2 rezoning of the site won't work for this proposal. Mr. Bock asked what the

Town Board referral for the SEQRA review was in connection with. Mr. Cooper responded

that it was for the rezoning and the site plan since the rezoning is facilitating the site plan. Mr. Bock asked if the Town Board was responsible for approving the site plan. Mr. Cooper responded that they were not and added that there will also be a subdivision application as they will be merging lots that will also be before the Planning Board. Mr. Tegeder informed the Board that with respect to the rezoning of the rear, they are not proposing a lot line adjustment, the comment was more about the zoning district line. He thought that it would be a necessary discussion to have about the proper application and extent of the zoning and area to help the Town Board with their decisions. However, to Mr. Cooper's point they could take in tandem the comment about the conservation easement and noted that the earlier approval did have a conservation easement on that portion of the property. The question is whether or not they want to

leave the rear portion as R1-40 with the potential for future development notwithstanding the fact that there is a wetland area or is it appropriate given the discussion to do it as proposed with a conservation easement. Mr. Bock noted that it's not a lot line adjustment but rather a definition of the zoning line and asked Mr. Cooper his thoughts on this. Mr. Cooper responded that it would depend on where the line is but noted that it's not in the zoning code and could affect the development from a legal standpoint. They would prefer the approach of removing the development rights off of that parcel such as a restrictive covenant with a full rezoning to RSP-2 or conservation easement. He noted that he has seen other municipalities in connection with rezoning and restrictive covenants still

allow the restricted area to be counted as part of the density even though it can't be built on. However, his concern is that it would need to be memorialized for the future. Mr. Phelan asked about the line that they are being asked to consider. The zoning map was shared with the Board. Mr. Tegeder noted that the line is a suggestion as a result of viewing the zoning map. Mr. Phelan stated that it was more of an idea and not a given. Mr. Bock stated that the issue presented to them is whether the Board is interested in recommending a conservation easement and complete rezone or split the property into two zones and go from there. He asked the applicant if the zoning change would affect their lot count. Mr. Cooper responded that it would depend on where the line was drawn but was concerned about the interpretation of the zoning lots. Mr. Bock stated that it would be in the code if it were enacted by the Town Board. Mr. Cooper felt that there needs to be clarity in the law and added that they are measuring

density based on the entire property. Mr. Bock asked Mr. Tegeder if it would affect the density of the project. Mr. Tegeder responded that Mr. Cooper was correct as it's not explicit and there is no guidance in the code. His thought is that if it's a single lot regardless of the number of zones, you can avail yourself to all of the square footage that is contained on the lot to do the calculations, however, from a legal standpoint he doesn't know how this would work. Mr. Garrigan thought that if they were to take this approach, they could request that the site plan show the zoning line so that all of the structures sit within the envelope as part of the memorialization. Mr. Tegeder agreed

and added that if it were to move forward in this manner, it would be memorialized in all plans going forward as well as the approving resolution. Mr. Phelan asked if the area in question were to be rezoned to R1-40 would it result in the possibility of additional units. Mr. Cooper responded that it would not but hypothetically they could build in that area. He noted that the applicant is not looking to develop this area. Their concern is that it decreases the overall calculation and would need to be made clear in the rezoning process. Discussion followed. Mr. Bock asked Mr. Cooper if they were agreeable to placing a conservation easement on the property in question as it would prevent it from further development. Mr. Cooper responded that they were. Mr. Bock stated that he would recommend the conservation easement with full rezoning of the property to RSP-2 and obliterate the issue of the two zones and the Board agreed. The Board had no issues with the use for the property. Mr. Waterhouse stated that the sewer capacity issue should also be noted in their memo to the Town Board. The Board requested for the Planning Department to draft a memo to the Town Board for review prior to releasing.

1/22/24

Town Board Referral - Toll Brothers at Catherine Street

Location: 35.12-1-2 & 35.08-1-45; 2302 Catherine Street & 2448 Catherine Street

Contact: Zarin & Steinmetz, Site Design Consultants

Description: Discussion of an amended layout and supporting studies for the proposed rezone of the site to construct a 118-unit townhouse community with clubhouse and pool for 55+ active adults.

Comments:

David Cooper, Esq. was present. Mr. Cooper stated that he is here this evening pursuant to the discussion at the 12/18/23 meeting with respect to approving the draft response memo for release to the Town Board. Chairman Fon asked the Board and Counsel if there were any comments with respect to the draft memo. Mr. Waterhouse noted his original concern with respect to the sewer. There were no other comments. The Board agreed to release the memo to the Town Board as final.

5/6/24

Town Board Referral - Toll Brothers at Catherine Street

Location: 35.12-1-2 & 35.08-1-45; 2302 Catherine Street & 2448 Catherine Street

Contact: Zarin & Steinmetz, Site Design Consultants

Description: Discussion of an amended layout and supporting studies for the proposed rezone of the site to construct a 118-unit townhouse community with clubhouse and pool for 55+ active adults.

Comments:

Jaclyn Cohen, Esq. of Zarin & Steinmetz; Kevney Moses of Toll Brothers; and Joseph Riina of Site Design Consultants was present. Ms. Cohen stated that Toll Brothers is seeking a rezoning of the Field Home / Holy Comforter property that is located on Catherine Street from the split RSP-3 and R1-40 districts to the RSP-2 district to facilitate their proposed 55 and older active adults townhouse development. This project is currently before the Planning Board on a Town Board referral as they are reviewing the rezoning and seeking a recommendation from the Planning Board as it pertains to SEQRA and the rezoning. They have been working with the Planning Department and Board over the past several months. A submission was made in February to the Planning Department that included additional information and reports in response to their January 23rd comment memo to the Town Board. They recently received a new memo from the Planning Department dated May 3rd of which they are in the process of responding. Toll Brothers is eager to advance the review process and believes that they have provided sufficient information for the record and SEQRA review. They are hoping that tonight the Planning Board will finalize their comments and authorize the Planning Department staff to send their memo to the Town Board so that the Town Board can pick up their review of the application. Chairman Fon asked about the existing zoning. Ms. Cohen responded that the property is currently split zoned in the RSP-3 and R1-40 districts. The property is the site of the Field Home building and adjoining parcel to the north and is located next to an assisted living facility. Across from Catherine Street is another townhome development; Jacob Road is to the south and Old Crompond Road is to the north. Chairman Fon asked if the existing townhome development was similar to the current proposal and Ms. Cohen responded that it was. Mr. Phelan asked about the light green area shown on the plan. Ms. Cohen responded that the entire property is proposed to be rezoned to RSP-2 but are setting aside 14 acres as a conservation easement which is shaded green on the plan. Mr. Phelan asked if any development was proposed for the shaded green area and Ms. Cohen responded that there wasn't. Mr. Lascala asked about the sewer capacity. Kevney Moses stated that Toll Brothers has decided to help participate in investigating I&I within the basins where their project lies and noted that the work will be commencing this week by their team Weston & Sampson. Dan Ciarcia, Town Engineer, informed the Board that they are currently working with the applicant's consultants and provided mapping and GIS data so they can find out if there are areas in need of repair. Basically the formulation they came up with is that Toll Brothers would provide a mitigation at a 1 to 1.5 ratio towards the repair. Chairman Fon asked how old the system was that they are proposing to tie into. Mr. Ciarcia responded that the Hunterbrook pump station has two basins; everything to the west are relatively new systems as some of it was constructed as part of the new Field Home expansions; other connections were made afterwards so it is a fairly new system. To the east is the older system and noted that when they performed the INI study it didn't show as an in-flow infiltration anomaly. This system was built in the 1960s and went to a treatment plant on the site of the pump stations which has since been decommissioned. This system is older and they will be looking at it as they are under an order of consent with the DEC. They are collaborating on this and the town will perform the television inspection on the system on the east side and eventually move to the west side and whatever leakage they identify will be quantified and then Toll Brothers would implement the repairs that would

be credited toward their mitigation. Mr. Phelan asked if they had an expectation of what may be found. Mr. Ciarcia noted that they just repaired two big ones and noted that the older system is transite pipe and know that they have to make repairs as there is a response at the pump station during big rain events. Mr. Garrigan asked what the status of the Field Home was relative to this application. Mr. Tegeder responded that they produced a report within their submission that evaluates the structure, soundness, and potential for different types of reuse. The Planning Department is scheduled to meet the historic consultant at the site tomorrow. As part of the application, Toll Brothers is seeking to subdivide it off and donate it to the Town or another entity that could possibly reuse it. Mr. Garrigan asked with respect to the 55 and older community if there would there be a chance of families with children living there and possible school bus service. Mr. Moses responded that there would be no school children generated by this project and added that it would be deed restricted and clearly laid out within the offering documents. Chairman Fon asked the Board if there were any issues with the draft memo being released to the Town Board and there were none. Mr. Tegeder informed the Board that the recreation requirement should be determined by the Planning Board during the site plan review process and just wanted the Board to be aware of what was proposed to the Town Board. Mr. Moses responded that they are not being presumptuous in saying that what was proposed is the end result as they know this will be adjudicated during the site plan review process and added that it is noted purely as an offer. Ms. Cohen asked for clarity purposes if the Board was finalizing the memo for distribution to the Town Board. Chairman Fon responded that this was correct. Mr. Tegeder stated that the memo was ready to go. Mr. Moses stated that they are working to address the Board's comments and asked about the next steps. Mr. Tegeder responded that a meeting should be scheduled with the Town Supervisor.