

**Appendix A-2**  
**Zoning Petition**

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Town Clerk's Office

October 24, 2022

OCT 24 2022

Diana L. Quast, Town Clerk  
Town of Yorktown, New York

**By Hand Delivery**

Honorable Diana L. Quast, Town Clerk  
Town of Yorktown  
363 Underhill Avenue  
Yorktown Heights, New York 10598

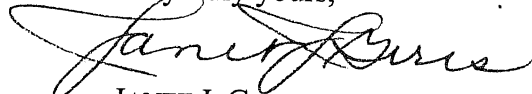
**Re: Petition of 800 E Main Yorktown Dev AMC LLC for Amendments to the Zoning Code of the Town of Yorktown Affecting the RSP-2 Senior Citizens District of the Town and an Amendment to the Zoning Map of the Town of Yorktown to re-zone property known as 800 East Main Street.**

Dear Ms. Quast:

On behalf of 800 E Main Yorktown Dev AMC LLC, we respectfully submit twelve (12) copies of a Petition to the Town Board for: (i) amendments to the Zoning Code of the Town of Yorktown affecting the RSP-2 Senior Citizens District of the Town (the "RSP-2" District"); and (ii) an amendment to the Zoning Map of the Town to rezone property located at as 800 East Main Street (also designated on the Tax Map of the Town of Yorktown as Tax ID: 5.19-1-15) from OB District to RSP-2 District, together with a check in the amount of \$3,500 made payable to the Town of Yorktown representing the application fee. We respectfully request that the Petition be distributed accordingly and placed on the next available agenda of the Town Board for commencement of review.

Thank you for your consideration.

Very truly yours,

  
JANET J. GIRIS

cc: Michael Mitnick, AMS  
Mark P. Weingarten, Esq.

TOWN BOARD: TOWN OF YORKTOWN  
COUNTY OF WESTCHESTER: STATE OF NEW YORK

-----X  
In the Matter of the Application of

**800 E MAIN YORKTOWN DEV AMS LLC**

**PETITION**

For (i) amendments to the Zoning Code of the Town of Yorktown generally affecting the RSP-2 Senior Citizens District of the Town; and (ii) an amendment to the Zoning Map of the Town of Yorktown to re-zone property known as 800 East Main Street and designated on the Tax Map of the Town of Yorktown as Tax ID: 5.19-1-15 from OB Research Laboratory and Office District to RSP-2 Senior Citizens District of the Town.

Town Clerk's Office

OCT 24 2022

Diana L. Quast, Town Clerk  
Town of Yorktown, New York

-----X  
800 E Main Yorktown Dev AMS LLC\_(the "Petitioner"), by and through its attorneys, DelBello Donnellan, Weingarten Wise & Wiederkehr, LLP, hereby petitions the Town Board of the Town of Yorktown (the "Town Board") pursuant to Section 300-206 of the Zoning Code of the Town of Yorktown (the "Zoning Code") and New York Town Law Section 265, as follows:

**THE PETITIONER**

1. Petitioner is a New York limited liability company, duly organized and existing under the laws of the State of New York, having a principal place of business at c/o AMS Acquisitions LLC, 1 Bridge Plaza North, Suite 840, Fort Lee, New Jersey. Petitioner is a related entity of AMS Acquisitions ("AMS"), a real estate investment firm that focuses on the acquisition and development of retail, residential and office properties. Founded in 2012, AMS has built a portfolio of more than 1 million square feet, with an aggregate transaction volume in excess of \$1 billion.

2. Petitioner is the contract vendee of the property located at 800 East Main Street in the Town of Yorktown (the "Town") which is also known and designated on the tax assessment

map of the Town as Tax Map ID: 5.19-1-15 (the “Property”). Attached as **Exhibit “A”** is a map depicting the Property and the surrounding area and a metes and bound description of the Property.

3. The Site is owned by Contractors Register, LLC (“Owner”). This Petition is made with the knowledge and consent of the Owner.

### **THE PROPERTY**

4. The Property consists of approximately 35.53 acres and is located at the north side of U.S. Route 6 at its intersection with the Taconic State Parkway. It is located in the OB Research Laboratory and Office District of the Town (the “OB District”). The Property is bordered on the east and north by the Donald J. Trump State Park and, although separated by the Taconic State Parkway, to its west are the Trump Park Residences, located in the RSP-2 Senior Citizens District of the Town (the “RSP-2 District”). In addition to the RSP-2 District to the west of the Property, other zoning districts in the vicinity of the Property include R1-160 One-Family Residential District (the “R1-160 District”) immediately to the east of the Property, and the R1-20 One-Family Residential District (the “R-20 District”) to the west of the Property, with commercial districts to the immediate south and east of the Property.

5. The Property is currently improved with an approximately 63,617 square foot office building, together with related parking and infrastructure. The office building is currently vacant.

### **THE PROPOSED PROJECT**

6. Petitioner seeks to demolish the existing improvements on the Property and to redevelop the Property with an active adult residential community available to adults aged 55 and over, consisting of 250 dwelling units including a mix of rental units and for-sale townhomes, together with amenities, 383 parking spaces and related infrastructure, generally in accordance with the Concept Plan attached hereto as **Exhibit “B”** (the “Project”).

7. As shown on the Concept Plan, the Project has been designed with a range of housing types promoting a sense of planned community. The proposed residential buildings include “apartment-style” buildings and “villa” buildings which are intended to be offered as rental units (proposed to be constructed in the southern portion of the Property), and town-home style buildings which are intended to be offered as for-sale (and proposed to be constructed to the north of the rental buildings).

8. A significant portion of the Property will be allocated to common areas for use by residents of the Project which will feature numerous passive and active recreational spaces, and social and fitness-oriented on-site amenities.

9. The Project has been thoughtfully designed not only to be constructed into the existing landscape, preserving and highlighting significant natural and aesthetic qualities, but also to preserve views from the Taconic State Parkway which is a New York State Scenic Byway. Petitioner intends to preserve and enhance the existing approximately 150-foot-wide vegetative buffer that provides a natural visual screen of the Property from the Taconic State Parkway, as shown in the drawing attached hereto as **Exhibit “C”**. In addition, approximately 6.25 acres of the Property adjacent to the Donald J. Trump State Park will be preserved as open space. A rendering of the proposed Project is attached hereto as **Exhibit “D.”** A viewshed analysis has been prepared for the Project and will be submitted under separate cover in due course.

#### **CURRENT ZONING**

10. As previously stated, the Property is currently located in an OB District of the Town. There are currently three areas of the Town located in the OB District which was tailored to allow specific uses which the economic climate once demanded. Review of the permitted uses

in the OB District as stated in Section 300-21(C)(14) of the Zoning Code further shows its highly specialized intent:

- (a) Permitted main uses shall be as follows:
  - [1] Research laboratories and offices...
  - [2] Living quarters within each main building for custodian and security personnel.
- (b) Main uses permitted by special permit shall be as follows:
  - [1] The same special uses as specified by Subsection C(1)(b) et al, and [14] in the R1 District.
  - [2] Day-care facilities and nursery schools...
  - [3] Colleges and seminaries.
- (c) Permitted accessory uses shall be as follows:
  - [1] Research laboratory and office accessory uses...
  - [2] Lodging house accessory to a laboratory-office use.
- (d) Accessory uses permitted by special permit (in accordance with provisions of Article VII) in OB Districts shall be as follows:
  - [1] Radio, television and other electronic transmission stations or towers, including wireless telecommunications facilities.
  - [2] Helistops.

11. It is evident that the current zoning of the Property was created for large-campus end-users which are becoming less predominant in an evolving real estate market and as the amount of available office space in the Town and in Westchester County has outpaced the needs of existing and potential office tenants.

### **PROPOSED ZONING AMENDMENTS**

12. The Project is not currently permitted in the OB District which restricts residential uses. The proposed Project which is intended to be an active adult community is classified under the Zoning Code as an “senior citizen development,” and is a permitted main use in the RSP-2 District, however, the Project does not comply with all of the RSP-2 dimensional regulations. Accordingly, the Petitioner seeks amendments to the Zoning Code and the Zoning Map of the

Town to: (i) reclassify and redesignate the Property from OB District to RSP-2 District; and (ii) amend the Schedule of Regulations for the RSP-2 District (300 Attachment 1, Appendix A, entitled “Residence Zone Standards”) to: (a) increase floor area ratio from 0.35 to 0.55 on sites greater than 25 acres; and (b) increase maximum height from 45 feet to 55 feet on sites greater than 25 acres to facilitate the development of the Project on the Property. The completed “Application for Change of Zone” is attached hereto as **Exhibit “E”** and the proposed amendments to the Zoning Code are attached hereto as **Exhibit “F.”**

13. The Petitioner respectfully submits that the Project is an appropriate transitional use between the one-family districts immediately adjacent to the Property and the commercial districts to the south of the Property and is more consistent with the surrounding environs than if further developed with the uses allowed in the current OB District, even if such a demand existed.

14. The Petitioner further respectfully submits that: (a) there is a need for the Project in the Town and the surrounding community as “empty-nesters” or those seeking to downsize from their single-family homes wish to remain in the community in which they have lived and raised their families; (b) adequate utilities and services, including roads, exist or can be reasonably expect to be created to serve the needs of the Project; and (c) the Project and the proposed amendments to the Zoning Code and the Zoning Map are consistent with the land use objectives of the Town.

15. The Project and the Proposed amendments would allow for the development of a well-planned, intentional, sustainable community utilizing modern standards and responsive to the unique needs of an older population which is still active and seeking environments that promote long-term wellness.

16. If the Town Board grants this Petition and adopts the proposed amendments, the Project will also require site plan and special permit approvals from the Planning Board of the Town in accordance with Article VIII of the Zoning Code.

**COMPLIANCE WITH THE STATE ENVIRONMENTAL QUALITY REVIEW ACT**

17. Under the requirements of the State Environmental Quality Review Act (“SEQRA”) the actions directly and indirectly proposed by this Petition are classified as “Type I” under Section 617.4(b)(2) of the SEQRA regulations. Accordingly, Petitioner will comply with the requirements of SEQRA as regards a Type I Action. A completed full environmental assessment form Part 1 will be submitted shortly under separate cover. Petitioner respectfully submits that the actions directly and indirectly proposed by this Petition are not reasonably expected to result in any significant adverse environmental impacts.

**WHEREFORE**, Petitioner respectfully requests that the Town Board grant this Petition and amend the Zoning Code and the Zoning Map as set forth herein.

Dated: October 21, 2022  
White Plains, New York

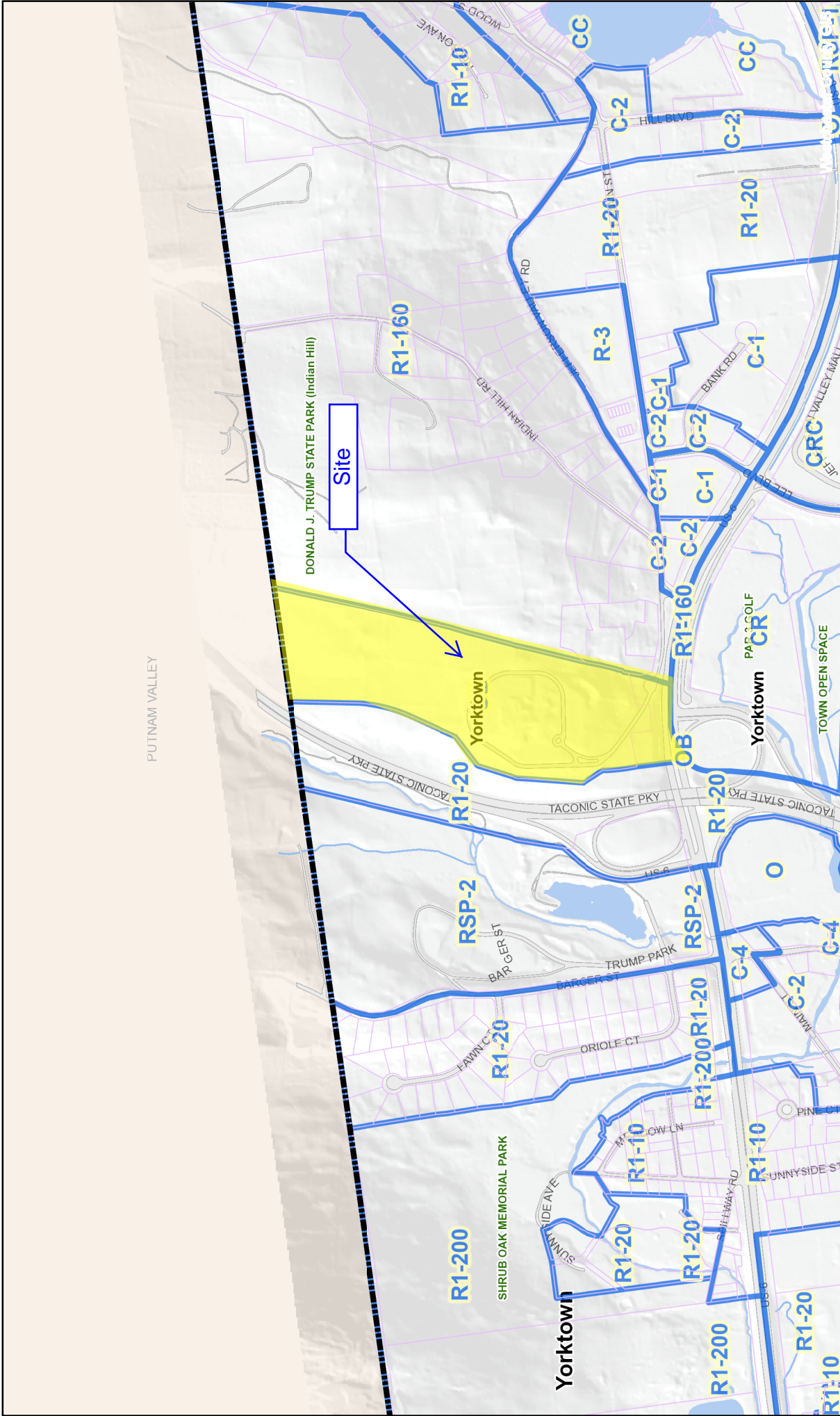
Respectfully submitted,

**DELBELLO DONNELLAN WEINGARTEN  
WISE & WIEDERKEHR, LLP**  
Attorneys for Petitioner  
One North Lexington Avenue, 11<sup>th</sup> floor  
White Plains, New York 10601



**Exhibit "A"**  
**Area Map and Metes and Bounds Description**

# (Yorktown )



October 21, 2022

1:10,000



Tax parcel data was provided by local municipality. This map is generated as a public service to Westchester County residents for general information and planning purposes only, and should not be relied upon as a sole informational source. The County of Westchester hereby disclaims any liability from the use of this GIS mapping system by any person or entity. Tax parcel boundaries represent approximate property line location and should NOT be interpreted as or used in lieu of a survey or property boundary description. Property descriptions must be obtained from surveys or deeds. For more information please contact local municipality assessor's office.

**Westchester County GIS**  
GIS  
<http://giswww.westchester.gov.com>  
Michaelian Office Building  
148 Maritime Avenue Rm 214  
White Plains, New York 10601

# Old Republic National Title Insurance Company

Title No.: MTANY-176456

## SCHEDULE A CONTINUED

### LEGAL DESCRIPTION

ALL that certain plot, piece or parcel of land, situate, lying and being in the Town of Yorktown, County of Westchester and State of New York, and being on the northerly line of public highway leading from Peekskill to Lake Mahopac, known as U.S. Route No. 6, also known as Jefferson Valley Road; and lying easterly of the easterly boundary line of the lands of the People of the State of New York described as the Bronx Parkway Extension, which said parcel of land is bounded and described as follows:

BEGINNING at a point on the said northerly line of State Highway No. 1309, Route 6, where it is intersected by the easterly line of said Bronx Parkway Extension as shown on map entitled, "State of New York acting by Westchester County Park Commission, Map of land to be acquired for Bronx Parkway Extension Sheet No. 56", filed in the office of the Clerk of the County of Westchester, Division of Land Records, on September 12, 1930 as Map No. 3692;

RUNNING THENCE along the easterly side of the Bronx Parkway Extension, the following 6 courses and distances:

1. On a curve to the right having a radius of 1300.18 feet a distance of 212.96 feet;
2. North 32 degrees 52 minutes 40 seconds west 140.80 feet;
3. North 4 degrees 21 minutes 50 seconds east 429.87 feet;
4. North 17 degrees 35 minutes 40 seconds east 250.52 feet;
5. North 52 degrees 55 minutes 50 seconds east 231.01 feet;
6. North 25 degrees 22 minutes 00 seconds east 323.60 feet;

THENCE on a curve to the left having a radius of 771.94 feet, a distance of 321.22 feet;

THENCE north 01 degree 31 minutes 30 seconds east 430.03 feet to the dividing line between the counties of Putnam and Westchester;

THENCE easterly along said dividing line the following 3 courses and distances:

1. North 83 degrees 44 minutes 00 seconds east 198.11 feet;
2. North 82 degrees 13 minutes 00 seconds east 272.53 feet;
3. North 84 degrees 25 minutes 00 seconds east 240.57 feet to the land now or formerly of Samuel Smith:

Issued by:

**Madison Title Agency, LLC**  
**1125 Ocean Avenue, Lakewood, NJ 08701**  
**Telephone: 732-905-9400 Fax: 732-905-9420**

THENCE southerly along land now or formerly of Samuel Smith the following 2 courses and distances:

1. South 11 degrees 46 minutes 00 seconds west 312.80 feet; and
2. South 12 degrees 35 minutes 00 seconds west 368.48 feet;

THENCE continuing southerly and along land now or formerly of Sarah D. Onderdonk the following 8 courses and distances:

1. South 14 degrees 14 minutes 00 seconds west 426.47 feet;
2. South 17 degrees 15 minutes 00 seconds west 122.04 feet;
3. South 13 degrees 47 minutes 00 seconds west 78.05 feet;
4. South 16 degrees 18 minutes 00 seconds west 125.17 feet;
5. South 14 degrees 56 minutes 00 seconds west 126.90 feet;
6. South 13 degrees 18 minutes 00 seconds west 214.64 feet;
7. South 14 degrees 24 minutes 00 seconds west 404.00 feet;
8. South 15 degrees 38 minutes 00 seconds west 93.82 feet to the northerly side of State Highway No. 1309, Route 6;

THENCE along the same the following 5 courses and distances:

1. South 76 degrees 29 minutes 10 seconds west 197.04 feet;
2. Due south 81.22 feet;
3. South 85 degrees 02 minutes 10 seconds west 167.60 feet;
4. Along a stone wall north 03 degrees 22 minutes 40 seconds west 136.74 feet; and
5. South 79 degrees 04 minutes 44 seconds west 214.399 feet to the point or place of BEGINNING.

NOTE: Being Section 5.19, Block(s) 1, Lot(s) 15, Tax Map of the Town of Yorktown, County of Westchester.

NOTE: Lot and Block shown for informational purposes only.

Issued by:  
**Madison Title Agency, LLC**  
**1125 Ocean Avenue, Lakewood, NJ 08701**  
**Telephone: 732-905-9400 Fax: 732-905-9420**

**Exhibit “B”**  
**Concept Plan**

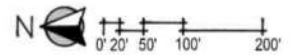


# SITE PLAN



	Building Type	Units			Estimated Parking Count	
		Quantity of Building Type	No. Floors per Bldg	Total Units	Resident Parking Spaces	Staff Parking Spaces
Rental	Villa	4	4	96	144	0
	Flats	7	2	32	50	0
	Building	1	4	72	108	5
	Clubhouse				0	0
	<b>SUBTOTAL</b>	<b>12</b>		<b>200</b>	<b>302</b>	<b>5</b>
For Sale	Townhomes	12	2	50	76	0
	Clubhouse				0	0
	<b>SUBTOTAL</b>	<b>12</b>		<b>50</b>	<b>76</b>	<b>0</b>
<b>GRANDTOTAL</b>		<b>24</b>		<b>250</b>	<b>378</b>	<b>5</b>

1.5 Ratio



**Exhibit “C”**  
**Buffer**



# SITE PLAN / EXISTING TO REMAIN GREEN BUFFER





**Exhibit “D”**  
**Rendering**

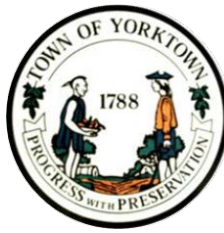




**AMS YORKTOWN | ACTIVE ADULT COMMUNITY**  
CONCEPTUAL RENDERING



**Exhibit “E”**  
**Application for Change of Zone**



Application No. \_\_\_\_\_

Fee Received \$ \_\_\_\_\_

**APPLICATION FOR  
CHANGE OF ZONE**

**TOWN BOARD OF THE TOWN OF YORKTOWN**

**363 Underhill Avenue**

**Yorktown Heights, NY 10598**

**1. Name and Address of Applicant:** \_\_\_\_\_

\_\_\_\_\_ **Daytime Phone:** \_\_\_\_\_

**2. Name and Address of Contact Person (if different from above):** \_\_\_\_\_

\_\_\_\_\_ **Daytime Phone:** \_\_\_\_\_

**3. Location of Property:** \_\_\_\_\_

**4. Description of Property to be rezoned:** \_\_\_\_\_

\_\_\_\_\_

**5. Acres:** \_\_\_\_\_

**6. Tax Map Section** \_\_\_\_\_ **Parcel** \_\_\_\_\_ **Lot** \_\_\_\_\_

**7. Present zoning:** \_\_\_\_\_

**8. Proposed zoning:** \_\_\_\_\_

**9. Applicant's signature:** 800 E Main Yorktown Dev AMS LLC  
by its attorneys, DelBello Donnellan Weingarten Wise & Wiederkehr, LLP

by: Janet J. Giris, Esq.

**10. Date of this application:** 10/24/2022

**This application shall be considered official when the following items are submitted to the Town Clerk, 363 Underhill Avenue, Yorktown Heights, NY 10598:**

- 1. Application**
- 2. Filing fee: One hundred dollars per acre to be rezoned but not less than \$500 and not more than \$3,500.**
- 3. One (1) set of paper plans; one (1) set of plans sent electronically to the Town Clerk, Diana L. Quast, at dquast@yorktownny.org**
- 4. One (1) set of the written metes and bounds description; one (1) set sent electronically to the Town Clerk, Diana L. Quast, at dquast@yorktownny.org**

**FOR OFFICIAL USE**

**Date Received:** \_\_\_\_\_

**By:** \_\_\_\_\_

**Town Clerk's Office**

**Exhibit “F”**  
**Proposed Zoning Amendments**

Exhibit “F”

**300 Attachment 1 (Appendix A) of the Zoning Code (shown in abbreviated form below) is hereby amended as follows (text in strike-through is deleted; underlined text is added):**

*300 Attachment 1*

**Town of Yorktown  
Appendix A**

**RESIDENCE ZONE STANDARDS<sup>3</sup>**

(Standards shown are minimum requirements unless otherwise indicated)

[Amended 2-1-1977 by L.L. No. 1-1977; 8-15-1982 by L.L. No. 6-1982; 3-3-1987 by L.L. No. 5-1987; 9-1-1987 by L.L. No. 24-1987; 9-16-1987 by L.L. No. 25-1987; 11-4-1987 by L.L. No. 32-1987; 7-5-1994 by L.L. No. 21-1994; 12-19-2000 by L.L. No. 21-2000; 11-15-2011 by L.L. No. 18-2011]

	<b>RSP-2</b>
Lot area (square feet)	Up to 3-room living unit (2-bedroom apts.) – 2,400; over 2-bedroom or over 4-room living units – 10,000
Floor area ratio, usable (with public sewers) (square feet) <sup>10</sup>	<u>0.35<sup>11</sup></u>
Minimum site area (acres)	5
Lot width at main building line (feet)	150
Lot depth (feet)	150
Front yard (feet) <sup>1</sup>	50
Side yard (feet)	
Main or accessory building, minimum either side	50
Two combined	100
Rear yard (feet)	Same as side yards
Main building	
Accessory building <sup>4</sup>	
Maximum height (feet)	
Main Building	<u>45<sup>12</sup></u>
Accessory building or structure	<u>15<sup>12</sup></u>
Minimum usable floor area of dwelling unit (square feet)	Studio – 350 1-bedroom – 450 2 bedrooms or more – 550
Maximum building coverage of actual lot area (all buildings)	-
Required off-street parking spaces per dwelling unit	0.5, plus a minimum of 10 additional for staff
Road frontage (feet)	-

**NOTES:**

- <sup>1</sup> On streets with less than a 50-foot right-of-way, the front yard setback shall be measured from the center line of the existing roadway and 25 feet shall be added to the required front yard setback.
- <sup>2</sup>
- <sup>3</sup> All multifamily or apartment developments shall be as specified on a site plan approved in accordance with the provisions of §§300-82 through 300-85.
- <sup>4</sup> The required rear and side yard setbacks for an accessory building in an R1-40, R1-20, R1-10 or R-2 Zone shall be no less than 20 feet where the accessory building is (a) located wholly or partly in a rear yard and (b) has a footprint 50% or greater than that of the main building.
- <sup>10</sup> In all multifamily districts, including R-3, R-2A, RSP-1, RSP-2 and R-3A, the floor area ratio, usable and the lot area (square feet) shall be calculated on the basis of net area, which shall be determined by subtracting from the gross area of the site all wetlands and controlled area as defined in Chapter 178, Freshwater Wetlands.
- <sup>11</sup> **On sites greater than 25 acres, Floor area ratio, usable (with public sewer) may be increased up to 0.55.**
- <sup>12</sup> **On sites greater than 25 acres, Maximum height (feet) may be increased to 55 feet for main buildings and to 45 feet for accessory buildings.**