

George Latimer
County Executive

September 3, 2024

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

**County Planning Board Referral File YTN 24-008 – 800 East Main Street
Site Plan Approval; Zoning Map and Zoning Text Amendments
Draft Environmental Impact Statement**

Dear Ms. Quast:

The Westchester County Planning Board has received a Draft Environmental Impact Statement (DEIS) for an application to amend the Yorktown Zoning Map to rezone a 35.5-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) near the Jefferson Valley hamlet center, between the Taconic State Parkway and Donald Trump State Park. The northern boundary of the site is the Town and County municipal border. The site currently hosts two vacant office buildings and associated parking lots, which would be demolished.

Should the rezoning be approved, the applicant proposes to construct 250 age-restricted (55+) housing units (96 one-bedroom and 154 two-bedroom) contained within 24 buildings. Twelve townhouse buildings of two stories would host a total of 50 units for sale. The remaining 200 residences would be rental units, split amongst 12 buildings. 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, a pool, and recreational facilities. Walking and biking paths would also be provided within the property. 6.25 acres of the northern portion of the site would remain undeveloped, and 9.4 acres of the site would remain open space for resident usage. 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. New traffic signalization would be provided at the corners of East Main Street and Route 6, and East Main Street and Old Route 6.

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 and the EIS Draft Scope 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 letters dated November 28, 2022 and April 14, 2023. We have now reviewed the DEIS and offer the following comments:

1. Consistency with County Planning Board policies.

The County Planning Board’s long-range planning policies are 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 are set forth in *Patterns for Westchester: The Land and the People*, adopted December 5, 1995. We appreciate that the proposed development would align with aspects of these policies, as it would redevelop a vacant office site with new multi-family housing that is within walking distance to public amenities and the Jefferson Valley commercial center.

However, while the petition discusses a number of different housing types proposed for this site, the requested zoning map amendment would only permit housing for seniors. We note that the Jefferson Village development, across the Sprain Brook Parkway from the site, is also currently age restricted. As is mentioned in the DEIS, a critical need for housing for all ages has been documented in the County’s *Housing Needs Assessment*. We appreciate that an alternative in the DEIS analyzes a development that is not age restricted. We recommend the Town consider this alternative where the site is rezoned to a multi-family district that would permit residency for all household types, including seniors, to ensure that sufficient housing is being provided within the town for all potential resident needs.

2. Affirmatively furthering fair housing (AFFH).

We note that the DEIS includes a discussion of the acute shortage of affordable housing in Westchester County that has been documented in the County’s *Housing Needs Assessment*. 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. Due to this County-wide need, the EIS should also include a discussion regarding Westchester County’s affordable housing policies, and 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 to ensure that any development on this site and elsewhere in Yorktown contributes towards meeting the need for affordable AFFH as documented in the *Housing Needs Assessment*. Approving this development 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 infrastructure.

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, the DEIS states that sidewalk and bicycle connections are not proposed due to the slope of the access driveway.

While terrain may be a factor in the usability of sidewalks and bike paths, we note that providing multiple means of transportation is an important factor in balancing the needs of residents, employees, and visitors. By requiring all persons to access the site via an automobile, those who do not own a car or cannot drive are denied safe access or are excluded. As the site is to be age-restricted, providing multiple means of access is of great importance, as many elderly residents either cannot or choose not to drive. We recommend that the applicant considers alternative means of transportation, including the utilization of a shuttle to access the Jefferson Valley hamlet center and mall, and perhaps including a means for electric bicycle rental or storage, as these vehicles have become a popular mode of transportation for older residents.

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 multifamily residential development to the hamlet center 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. Transportation demand management.

Ensuring that the transportation needs of new residents are accommodated through means other than private automobiles is an important factor in reducing the dependency on cars and encouraging dense residential growth without overburdening the street network and existing parking supply. Furthermore, the cost of constructing and maintaining parking in residential developments can add to housing costs, resulting in fewer housing options that are affordable to people who live and work in Westchester. The County’s *Transportation Demand Management Toolkits* provide strategies for municipalities, employers, and developers to reduce the need for single-occupancy vehicle travel, which could help future tenants avoid the need to park private vehicles.

We further encourage the Town to consider the *TDM Toolkits* in an effort to reduce the environmental impacts of parking, which can include excessive land disturbance as well as increased stormwater runoff and flooding. We encourage the Town to consider these impacts and implement TDM practices that would help avoid the impacts of excessive parking. Such practices could include landbanking, setting parking maximums (instead of minimums), unbundling the cost of parking from housing costs (except for any affordable units), and other strategies included in the *Toolkits*.

5. NYS DOT review.

We note that the applicant intends to add a traffic signal to the intersections of Route 6 and East Main Street, and Old Route 6 and East Main Street. As Route 6 is a State Highway, the Town and applicant will need to coordinate with NYS DOT on design and permitting, as well as to evaluate potential traffic impacts to Route 6. Due to the limited length of the connection between Route 6 and East Main Street, the design and timing of these traffic signals is of great importance to ensure vehicles do not back up onto Route 6.

6. 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 the EIS, 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?

7. Stormwater Management.

We note that the DEIS include a discussion regarding the use of aboveground stormwater management solutions that treat runoff on-site, such as using pervious paving, green roofs, or rainwater harvesting. We recommend that the EIS also include a discussion of vegetative rain gardens within the landscaped areas. In regards to underground stormwater management systems, we point out that subsurface methods of stormwater management can be of diminishing effectiveness over time if not properly cleaned and maintained. To ensure the continued operability of underground stormwater management systems, the applicant should include an enforceable maintenance program to prevent the system from being clogged with sediment, and in turn force a higher amount of stormwater runoff offsite.

8. Recycling provisions.

We note that the DEIS indicates that private carting companies would collect solid waste from the property. The Town should require the applicant to verify that there is sufficient space to accommodate the storage needs for recyclables under the County's recycling program. County regulations for recycling may be found at: <https://environment.westchestergov.com/recycling>.

9. Green building technology.

We appreciate the applicant for proposing a mix of green building technologies throughout the development, including electric vehicle charging stations, sustainable construction practices, and the consideration of solar arrays. We encourage the applicant to include as much additional sustainable building technology as possible within the proposed development.

10. Tree removal remediation.

While we appreciate that a portion of the property would be maintained as woodland under the proposed plan, 1,320 trees would be removed from the heavily wooded site. The DEIS discusses the Town's requirements for tree removal mitigation. The applicant and the Town should work to ensure that the greatest number of trees as possible are protected, and that new landscaping include a variety of native plantings.

11. Universal Design.

As the proposed residences would be age-restricted, we encourage the applicant to review the principles of universal design in this development. Universal Design standards allow all residents and visitors to fully engage in our public and residential spaces. Universal Design is also an important means of allowing household residents to age in place as well as to provide access for persons with mobility issues.

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

Respectfully,

WESTCHESTER COUNTY PLANNING BOARD

A handwritten signature in cursive script, appearing to read "Richard Hyman".

Richard Hyman

Chair, Westchester County Planning Board

RH/mv

cc: Blanca Lopez, Commissioner, Westchester County Department of Planning
Anne Darelus, NYS Department of Transportation, Region 8
Christopher Lee, NYS Department of Transportation, Region 8