

Appendix A

CORRESPONDENCE &
SEQR DOCUMENTATION

Yorktown Farms Subdivision

State Environmental Quality Review NOTICE OF COMPLETION OF DRAFT EIS

AND

NOTICE OF PUBLIC HEARING ON ENVIRONMENTAL IMPACT STATEMENT PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) AND PRELIMINARY SUBDIVISION PLAN

date: March 30, 2005

This notice has been prepared in accordance with Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law and is issued pursuant to Part 617 of the regulations implementing such Article 8.

A Draft Environmental Impact Statement (DEIS) evaluating possible environmental impacts associated with the Yorktown Farms Subdivision in the Town of Yorktown, Westchester County, New York, has been completed and accepted by the Town of Yorktown Planning Board, as Lead Agency. A public hearing on the DEIS and the Preliminary Subdivision will be held on May 9, 2005 on or about 8:00 P.M. at the Yorktown Town Hall Board Room, 363 Underhill Avenue, Yorktown Heights, New York 10598.

Any written comments on the DEIS will be accepted by the Planning Board until not less than 10 days after the close of the public hearing.

Name of Action: Yorktown Farms Subdivision

Description of Action: The proposed action entails the subdivision of 43.168 acres of undeveloped land into 34 building lots, a 2.062-acre soccer field parcel with an associated parking lot, and two additional park parcels consisting of 5.034 acres and 2.471 acres. The project will include primary access from Route 6 and secondary access from Gay Ridge Road.

SEQR Classification: Type 1

Location: The Yorktown Farms project is located on the southern side of US Route 6 in the northeastern corner of the Town, four miles north of downtown Yorktown Heights, and two miles east of the Taconic State Parkway. The subject site has 900 feet of road frontage on US Route 6. Gay Ridge Road terminates at the site's western boundary, approximately 200 south of US Route 6. The Municipal border of the Town of Somers forms the site's eastern boundary. The southern boundary of the site is located 250 feet to the north of Jefferson Court. The project site is designated in tax map Section 6.17, Parcel 3 on the Town of Yorktown Tax Assessment Rolls.

Potential Environmental Impacts: Potential environmental impacts of proposed development include grading, land disturbance and removal of vegetation in association with the construction of proposed single family homes and installation of utilities and associated improvements.

Long term impacts include potential effects on traffic, local infrastructure, Town services, local wetlands and soils, ground water, storm water quality and quantity.

Lead Agency: Town of Yorktown Planning Board
Yorktown Town Hall
363 Underhill Avenue
Yorktown Heights, New York 10598

A Copy of the Draft EIS may be viewed by contacting:

Mr. John Tegeder, R.A., Director of Planning, Yorktown Planning Department

Address: Town of Yorktown Planning Department
Yorktown Town Hall
363 Underhill Avenue
Yorktown Heights, New York 10598

Telephone Number: (914) 962-6565

A Copy of this Notice and Draft EIS Shall be Sent to:

Involved and Interested Agencies

1. Town of Yorktown Planning Board, as Lead Agency, Yorktown Heights, NY
2. Westchester County Department of Health, New Rochelle, NY
3. Westchester County Planning Board, White Plains, NY
4. New York City Department of Environmental Protection, Valhalla, NY
5. New York State Department of Environmental Conservation, New Paltz, NY
6. New York State Department of Transportation Region 8, Poughkeepsie, NY
7. U. S. Army Corps of Engineers, Division of Regulatory Affairs, Eastern District
New York, NY
8. Town of Somers Planning Department, Somers, NY
9. New York State Office of Parks, Recreation and Historic Preservation, Waterford, NY

Copy of Notice only to: Environmental Notice Bulletin

RESOLUTION

**ADOPTING NEGATIVE DECLARATION AND APPROVAL FOR
FOR REZONING OF YORKTOWN FARMS SUBDIVISION**

WHEREAS, the V.S. Construction Corp. ("VS") is the owner in fee of certain real property located along Route 6 and at the end of Gay Ridge Road in the Town of Yorktown, State of New York, known and designated on the Town Tax Map as Section 6.17, Parcel 3 totaling approximately 43 acres (the "Property");

WHEREAS, VS filed an application with the Yorktown Planning Board for approval of a residential subdivision on the Property known as the Yorktown Farms Subdivision; and

WHEREAS, at the time of the filing of the application, the Property was located within the Town's R1-20 Zoning District allowing the creation of ½ acre lots; and

WHEREAS, said application was originally filed for 37 lots, was reduced by VS to 34 lots, and then further reduced to 28 single-family lots as a result of the processing of the application pursuant to the New York State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, VS prepared and submitted to the Planning Board a Draft Environmental Impact Statement ("DEIS") pursuant to SEQRA which DEIS was accepted as complete by the Planning Board and a public hearing was conducted thereon and closed; and

WHEREAS, the subject Property was thereafter rezoned by the Town from the R1-20 District to the R1-80 District; and

WHEREAS, said rezoning places the Property within a zoning district allowing the creation of lots no smaller than 80,000 square feet; and

WHEREAS, residential lots within the Town in the immediate vicinity of the Property are generally 20,000 square foot lots; and

WHEREAS, on or about July 20, 2006, VS filed a Petition for the Rezoning of the subject Property from the R1-80 Zoning District to the R1-40 District (the "Rezoning Petition"); and

WHEREAS, in conjunction with said Rezoning Petition, VS has proposed a rezoning of the Property into the R1-40 zone, allowing for the creation of lots no smaller than 40,000 square feet in size; and

WHEREAS, VS has proposed to condition such rezoning on certain express limitations and the provision of certain specific benefits, namely:

- a) that no more than 22 single-family homes may be built on the Property,
- b) that VS will sponsor the establishment of a Town sewer district consisting of the Yorktown Farms Subdivision and 67 neighborhood properties all of which have been identified to the Town and are in the surrounding area (the "Neighborhood Properties", as identified on the attached Schedule A),
- c) that VS will install all necessary infrastructure and appurtenances to connect the Yorktown Farms Subdivision and the Neighborhood Properties to public sewers, including the installation of a sewage pump station associated with said sewer project,
- d) that VS will provide a stipend of \$3,000 to each of the owners of each of the Neighborhood Properties to defray the cost of making the necessary lateral connection to the sewer mains,
- e) that in lieu of constructing an on-site soccer/recreational field VS will contribute the requisite recreation fee to enable the Town to construct an appropriate recreational amenity elsewhere in the Town; and

WHEREAS, VS has met on several occasions with the Town and owners of the Neighborhood Properties to discuss the Yorktown Farms Subdivision, the Rezoning Petition and the proposed community benefit project set forth above; and

WHEREAS, on July 25, 2006, at a work session meeting of the Town Board, the Board reviewed the request for the rezoning and discussed the processing of this application under SEQRA as an action subject to a determination of significance; and

WHEREAS, VS has filed with the Town revised plans for the 22 lots pursuant to the R1-40 zoning, and a full SEQRA Environmental Assessment Form Parts 1, 2, and 3 and supplemental information addressing the revised layout and the sewer improvements and incorporating by reference the DEIS prepared for the Project (the "full EAF"); and

WHEREAS, pursuant to SEQRA, the Town Board identified the proposed Rezoning as a Type I action; and

WHEREAS, the Town Board assumed Lead Agency status ("Lead Agency") and conducted a coordinated review solely with respect to the Rezoning request in accordance with Article 8 of Environmental Conservation Law of the State of New York, and the regulations promulgated thereunder at 6 NYCRR Section 617.6(b); and

WHEREAS, the Town Board and its technical staff, Planning Board and Conservation Board have reviewed the full EAF and the Rezoning Petition; and

WHEREAS, the Town Board determined that the full EAF was complete and adequate for the purpose of public review of the proposed Petition; and

WHEREAS, the Rezoning Petition was referred for review and comment to other boards and agencies within the Town; and

WHEREAS, the Town Board held a Public Hearing on the Rezoning Petition and the proposed limitations and community benefits on January 16, 2007, at which time the public was given a full and fair opportunity to speak on this matter and the Public Hearing was closed; and

WHEREAS, the Town Board finds that the Yorktown Farms Subdivision with no more than 22 homes and municipal sewer for the Yorktown Farms Subdivision and the Neighborhood

Properties mitigates the environmental impacts associated with 28 homes as proposed in the DEIS; and

WHEREAS, the Town Board finds that the proposed density is not greater than that of the existing surrounding neighborhood within the Town of Yorktown; and

WHEREAS, the Town Board finds that community concerns regarding traffic outweigh the benefit of a proposed on-site soccer field and associated parking, and that the payment by VS of a recreation fee in lieu of the dedication of parkland is therefore more appropriate to satisfy recreational requirements of the Town Code; and

WHEREAS, the Town Board finds that the location of access from Route 6 for emergency access only (to and from the Yorktown Farms Subdivision) is most appropriate on the eastern side of the Route 6 frontage of the Property in the location originally proposed in the DEIS; and

WHEREAS, the Town Board finds that formation of the Yorktown Farms Sewer District pursuant to the VS proposal would yield environmental benefits by decommissioning aging septic systems and thereby reducing or eliminating the flow of septic effluent from entering surface and subsurface watercourses; and

WHEREAS, the Town Board finds that formation of the Yorktown Farms Sewer District pursuant to the VS proposal would also yield economic benefits by providing actual sewer service to residents in return for County sewer tax payments at a cost dramatically lower than the cost for this entire sewer system to the individual owners of the Neighborhood Properties the Town were to itself provide such service; and

WHEREAS, VS has stated that it will not be financially feasible to construct the above-described sewer project unless VS is able to develop 22 homes in the Yorktown Farms Subdivision, and

WHEREAS, The Town finds that the proposed sewer improvements will significantly benefit existing area households and the community at large, as well as the environment; and

WHEREAS, the Yorktown Farms Subdivision still requires further review and approval by the Planning Board for environmental and planning issues even if its Rezoning Petition is granted; and

WHEREAS, at its January 23, 2007 meeting the Town Board conducted further review and discussion of this Project.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Yorktown adopts a Negative Declaration consistent with Article 8 of Environmental Conservation Law based on the information presented in the full EAF for the Yorktown Farms Subdivision Rezoning Petition; and be it

FURTHER RESOLVED that the Town Board hereby grants the Rezoning Petition subject to the following terms and conditions:

- a) The Yorktown Farms Subdivision is hereby rezoned from R1-80 and is now included in the R1-40 Zoning District and the Town's zoning map shall be so amended.
- b) The maximum number of single-family residential lots permitted within the Yorktown Farms Subdivision shall be no greater than 22.
- c) VS shall construct all of the sewer improvements including the sewer pump station to service the Yorktown Farms Subdivision and the Neighborhood Properties, as more particularly described in the Proposed Sewer District Plan proposed for Yorktown Farms, prepared by Ralph G. Mastromonaco, P.E., P.C., dated June 16, 2006 (the "Sewer Improvements"), irrespective of the number of lots ultimately approved by the Planning Board unless VS shall decide not to proceed with construction of any subdivision pursuant to this rezoning approval. If the Planning Board approves a subdivision with fewer than 22 lots, VS shall have the right to decide not to proceed with construction of any subdivision and will have no obligation to build the Sewer Improvements.
- d) Before the first certificate of occupancy is issued for any lot within the Yorktown Farms Subdivision: (i) all off-site Sewer Improvements must be constructed and completed (unless the completion of all construction cannot occur through no fault of the Applicant and despite its best efforts); (ii) VS shall pay a stipend of \$3,000 to the owners of each of the Neighborhood Properties to defray the cost of sewer lateral construction and hookup costs for each of the respective houses; (iii) for property owners who are required to give an easement to permit installation of

sewer mains necessary to complete the Sewer Improvements VS shall bear all the cost of sewer lateral construction and hookup for each of the respective houses; and (iv) prior to the issuance of any building permits, VS shall post security in the form of a letter of credit in an amount sufficient to cover the cost of all off-site Sewer Improvements and related obligations as set forth in this sub-paragraph "d".

- e) Access to Route 6 shall be for emergency access only, and such emergency access shall be located near the easterly portion of the Property in the approximate location of the access shown in the DEIS for the proposed action.
- f) There shall be no soccer field or other similar on-site recreational facility constructed within the Yorktown Farms Subdivision. Instead, VS shall pay the requisite recreation fee to enable the Town to construct an appropriate recreational amenity elsewhere in the Town.
- g) There shall be no "paper road" or right-of-way for a future street or road connecting the Yorktown Farms subdivision with lands to the south, as has been shown on the drawing entitled "Figure No. 1, Proposed Plan prepared for Yorktown Farms, Town of Yorktown, Westchester Co., N.Y." dated August 1, 2006.
- h) Upon completion of construction of the Sewer Improvements, VS shall completely repave (not just patch) Gay Ridge Road.

Adopted at a meeting of the Yorktown Town Board on February 27, 2007.

YORKTOWN TOWN BOARD

Name of Official	Aye	Nay
Linda Cooper, Supervisor	_____	_____
James Martarano, Councilman	_____	_____
Matthew Metz, Councilman	_____	_____
Louis Campisi, Councilman	_____	_____
Nicholas Bianco, Councilman	_____	_____

I hereby Certify the Votes as set forth and recorded above:

Alice Roker, Town Clerk

ATTACHMENT 1

SEQR
NEGATIVE DECLARATION
Notice of Determination of Non-Significance

Lead Agency: Town of Yorktown Town Board
363 Underhill Avenue
Yorktown Heights, New York 10598

Date: February 27, 2007

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review) of the Environmental Conservation Law. The lead agency has determined that the proposed action described below will not have a significant effect on the environment.

Title of Action: Yorktown Farms Subdivision Rezoning

SEQR Status: Type 1

Description of Action: Rezoning of a 43.168-acre project site from R1-80 to R1-40. This action will facilitate subdivision of the site into 22 residential lots and open space parcels, which is the subject of a Draft Environmental Impact Statement (DEIS) originally for 34 lots that was accepted by the Yorktown Planning Board in December 2004. While the proposed 22-lot subdivision would include approximately 10 more homes than would otherwise be possible in the R1-80 Zoning District, the rezoning will result in reduced environmental impacts from the site development in comparison to those described in the DEIS. In addition to reducing the number of proposed homes in comparison to the previously proposed layout, the project would include the benefits of establishment of a sewer district consisting of the Yorktown Farms Subdivision and 67 additional properties in the surrounding area, with all costs associated with the public sewers and sewage pump station paid by the Applicant. With Town Board approval, the 22-lot layout may use the flexibility standards of the Yorktown Town Code to allow for narrower lot widths and smaller lots than would otherwise be permitted in the R1-40 District. Access would be from Gay Ridge Road, with an emergency access connection to Route 6.

Location: South of Route 6 and west of the Town of Yorktown border with the Town of Somers. Curry Street intersects US Route 6 at a point located 1,000 feet to the west of the site's western boundary, and Gay Ridge Road terminates at the site's western boundary, approximately 200 south of US Route 6.

Reasons Supporting This Determination: No significant adverse environmental effects specifically associated with the proposed Rezoning are anticipated based on a review of a SEQRA full EAF, Parts 1, 2, and 3, and supplemental information provided by the Applicant. Potential adverse environmental impacts associated with Subdivision and associated approvals, and proposed mitigation measures to address those impacts, will be described in a Final Environmental Impact Statement for the project.

For Further Information:

Supervisor Linda Cooper
Town of Yorktown
363 Underhill Avenue
PO Box 703
Yorktown Heights, N.Y. 10598
(914) 962-5722

Copies of this Notice Sent to:

Planning Board Chairman
Applicant



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
4 BURNETT BOULEVARD
POUGHKEEPSIE, NY 12603
<http://www.dot.state.ny.us>

ROBERT A. DENNISON III, P.E.
REGIONAL DIRECTOR

THOMAS J. MADISON, JR.
ACTING COMMISSIONER

June 27, 2005

Josh Moreinis
Tim Miller Associates, Inc.
10 North Street
Cold Springs, New York 10516

Re: Yorktown Farms Subdivision
Route 6
Town of Yorktown

Dear Mr. Moreinis:

The Department has completed its review of the proposed subdivision layout alternatives you submitted.

Each of the layout alternatives included access to Gay Ridge Road, which accesses Route 6 via an existing signalized intersection. This signalized intersection includes turn lanes on Route 6 and has ample excess capacity to handle the Yorktown Farms proposed traffic.

Given the fact that the existing road network can accommodate the proposed increase in traffic, the Department's access management principles dictate that no new access drive be permitted. Therefore, the Department favors Sketch Plans R5 and R6 which depict no new access to Route 6.

If you have any questions, please feel free to contact me at (845) 575-6040.

Very truly yours,

Glenn Boucher
Regional Highway Work Permit Coordinator

GTB:lm1

cc M. McBride, Res 8-8
A. Shareef, Planning, Region 8
Town of Yorktown Planning Board



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
REGION EIGHT
4 BURNETT BOULEVARD
POUGHKEEPSIE, NEW YORK 12603
www.dot.state.ny.us

ROBERT A. DENNISON III, P.E.
REGIONAL DIRECTOR

THOMAS J. MADISON, JR.
COMMISSIONER

November 22, 2006

Mr. James A. Garofalo AICP, Director
Transportation Division
Tim Miller Associates
10 North St.
Cold Spring N.Y. 10516

**RE: Yorktown Farms Subdivision
Town of Yorktown**

Dear Mr. Garofalo:

This is in response to your September 28 letter to Resident Engineer Michael McBride. We have reviewed the letter and the accompanying traffic analysis which considered the projected traffic from Yorktown Farms and Zat Construction in an integrated manner. The discussion in your letter, along with the analysis, was very useful in clarifying the issues. Based on this information and on subsequent discussions, we have reached the following conclusions:

1. A traffic signal is not warranted at this location, even with two developments.
2. Without a signal, the intersections, if they were to be permitted, should not be placed opposite each other.
3. The safest alternative is to require all traffic from Yorktown Farms to use Gay Ridge Road to exit at the existing Curry Street signal. This is in conformance with the Department's access management objectives and the Town of Yorktown Comprehensive Plan.

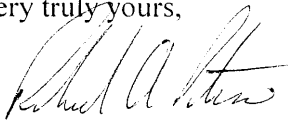
Therefore, we reaffirm the conclusion made by Glenn Boucher in his letter of June 24, 2006 that no new access should be permitted to Route 6 at this location.

November 22, 2006

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If you have any questions, please contact me or John Helmer at (845)431-5785.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Richard A. Peters". The signature is fluid and cursive, with the first name "Richard" being more prominent.

Richard A. Peters

Regional Planning & Program Manager

cc: Linda Cooper, Supervisor, Town of Yorktown
John Tegeder, Director of Planning, Town of Yorktown
Michael McBride, Resident Engineer 8-8
Glenn Boucher, Region 8 Traffic & Safety
James Rapoli, Region 8 PPM Group



REPLY TO
ATTENTION OF:

Regulatory Branch

DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278-0090
May 8, 2006

VAL Santucci
D. Sternmutter 0326
D. Carraz
Josh
file

SUBJECT: Application Number 2004-01324-YW by Val Santucci
(Yorktown Farms)

James A. Bates
Tim Miller Associates, Inc.
10 North Street
Cold Spring, New York 10516

Dear Mr. Bates:

The New York District of the U.S. Army Corps of Engineers received a request for a Department of the Army jurisdictional determination for the above referenced project. This request was made by Tim Miller Associates, Inc., as consultant for Val Santucci. The site consists of approximately 43.2 acres, in the HUDSON RIVER - YONKERS TO POUGHKEEPSIE watershed, in the Town of Yorktown, Westchester County, New York. The project would involve a residential housing development.

In the letter your office submitted a proposed delineation of the extent of waters of the United States within the project boundary. A site inspection was conducted by representatives of this office on December 2, 2005.

Based on the material submitted and the observations of the representatives of this office during the site visit, this site has been determined to contain jurisdictional waters of the United States based on: the presence of wetlands determined by the occurrence of hydrophytic vegetation, hydric soils and wetland hydrology according to criteria established in the 1987 "Corps of Engineers Wetlands Delineation Manual," Technical Report Y-87-1 that are either adjacent to or part of a tributary system; the presence of a defined water body (e.g. stream channel, lake, pond, river, etc.) which is part of a tributary system; and the fact that the location includes property below the ordinary high water mark, high tide line or mean high water mark of a water body as determined by known gage data or by the presence of physical markings including, but not limited to, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter or debris or other characteristics of the surrounding area.

These jurisdictional waters of the United States are shown on the drawing entitled "Topographical Map-ACOE Wetlands Located at Yorktown Farms prepared by Donnelly Land Surveying, PC, dated 23 October 2003". This drawing indicates that there are four (4)

principal wetland area(s) on the project site which are part of a tributary system, and are considered to be waters of the United States. The first wetland is approximately 1.78 acres within the project boundary. The second wetland is approximately 0.98 acres within the project boundary. The third wetland is approximately 0.08 acres within the project boundary. The fourth wetland is approximately 2.27 acres within the project boundary. These wetlands are considered to be above the headwaters.

This determination regarding the delineation shall be considered valid for a period of five years from the date of this letter unless new information warrants revision of the determination before the expiration date.

This letter contains an approved jurisdictional determination for your subject site. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. Enclosed is a combined Notification of Appeal Process (NAP) and Request For Appeal (RFA) form. If you request to appeal this determination you must submit a completed RFA form to the North Atlantic Division Office at the following address:

James W. Haggerty, Regulatory Appeals Review Officer
North Atlantic Division, U.S. Army Engineer Division
Fort Hamilton Military Community
General Lee Avenue, Building 301
Brooklyn, New York 11252-6700

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by July 7, 2006. It is not necessary to submit an RFA form to the Division Office if you do not object to the determination in this letter.

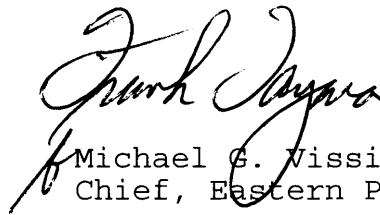
This delineation/determination has been conducted to identify the limits of the Corps Clean Water Act jurisdiction for the particular site identified in this request. This delineation/determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985, as amended. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service prior to starting work.

It is strongly recommended that the development of the site be carried out in such a manner as to avoid as much as possible the discharge of dredged or fill material into the delineated waters of the United States. If the activities proposed for the

site involve such discharges, authorization from this office may be necessary prior to the initiation of the proposed work. The extent of such discharge of fill will determine the level of authorization that would be required.

If any questions should arise concerning this matter, please contact Frank Tangorra, of my staff, at (917) 790-8521.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael G. Vissichelli". The signature is fluid and cursive, with a large initial "M" and "V".

Michael G. Vissichelli
Chief, Eastern Permits Section

Enclosures