

Section 1.0 Land Use, Zoning & Public Policy

1.1 Surrounding Land Uses & Neighborhood Character

Existing Land Use

Project Site

The Underhill Farm project site is located on Underhill Avenue. The site is bounded to the north by Beaver Ridge Housing, to the south by Underhill Avenue, to the east by NYS Route 118 and to the west by Glenrock Street. The site of the proposed Underhill Farm development is comprised of a single existing tax parcel identified on the Town Tax maps as Section 48.06-1-30 and shown in Figure 1-1.

The Underhill Farm project located on the campus of the former Soundview Preparatory School ("Project"), is a proposed mixed-use residential/ retail and office project with elements of revitalized green and open space incorporated into the overall design. There will also be improved infrastructure including newly established access for first responders, fully compliant parking, and proposed public access to the restored ice-pond and walking trails. One of the significant elements that bears attention is the Applicant's commitment to preserve the Underhill Mansion, locally significant, and use the structure as a key component to the final design.

The project site includes the Underhill Mansion, which is located in the southeast section of the property. The site is characterized by sloping topography that rises from NYS Route 118 to Glen Rock Street. Approximately one-half of the existing site is covered with impervious surfaces or maintained landscape, primarily in the eastern part of the site. The western part is undeveloped, with a mix of native and non-native tree and shrub species. There is a stream that traverses the site from west to east terminating in an on-site pond of about 0.5 acres. There is a grade change that parallels Glen Rock Street. The Underhill Mansion is east of the stream and pond, surrounded by a series of outbuildings and otherwise vacant land. The streetscape of the site is characterized by a prominent stone retaining wall along the Route 118 Underhill Avenue frontage which will remain intact except for a portion that will be moved and rebuilt to accommodate the intersection improvement work.

No New York State mapped wetlands exist on the site. The existing pond is mapped on the National Wetland Inventory as a "freshwater pond". During the site visits, three areas were identified that meet the delineation criteria of Chapter 178 of the Town of Yorktown Code.

Wetland A is made up of a watercourse corridor that flows from a culvert under Glen Rock Street in the southwest corner of the site. The main flow is from collected stormwater runoff, but there does appear to be a baseflow component from shallow groundwater discharge that results in the watercourse flowing for a significant part of the year. Wetlands B and C are two small pockets of saturated soils (about 2,000 and 5,000 square feet respectively) on the west side of the emergency access way. The main source of water entering these wetlands is from Glen Rock Street runoff that will be controlled and improved as part of the project's improvements.

Surrounding Land Use and Neighborhood Character

Figure 1-2 shows the existing land use within a one-half mile of the project site. The project site is situated in a developed mixed-use corridor in the Yorktown Heights Hamlet area. The project site is surrounded by areas of multifamily/commercial development on 3 sides. Multifamily residential developments exist to the north and south of the property. Single-family residences are to the west, and Town Hall, the Optum Medical facility and more business and office space exist to the east. Thus, the mixed-use residential/commercial development proposed for the site is completely consistent with the surrounding land uses. The proposed townhouses will serve as a transition between the higher-density condo/apartment area and the single-family neighborhood west of Glenrock Street.

The proposed development has an overall residential density of 10.7 units per acre. As illustrated in Figure 1-3, the adjoining commercial area to the east and northeast permits up to 20 units per acre. Beaver Ridge, also located to the north is built out at a density of 19.8 units per acre. The multifamily development across Underhill Avenue off Rochambeau Road is built out at a density of 8.7 units per acre. The Underhill Farm development has been thoughtfully laid out to put the apartments and condos closer to the commercial areas along Route 118 and to place the lower-density townhouses proximate to the neighborhood to the west of Glenrock Street. According to the applicable zoning, the development is entitled to a Floor Area Ratio (FAR) of 0.55, however as proposed the development has an FAR coverage of 0.48.

Figure 1-4 shows the current extent of the Yorktown Heights hamlet area and how the Hamlet transitions into the surrounding residential areas. During the past decades, the Yorktown Heights hamlet has grown. Initially, the center of the hamlet consisted of the Rexall drug store, which served as a Greyhound bus stop, plus the firehouse, located across the street and what was then the 6th grade school. Over the years commercial development filled in along Commerce Street. In the late 1960's the "Triangle Shopping Center" was constructed to serve the needs of a growing residential population. In the 1970's the "Caldor" shopping center was constructed, which later accommodated K-mart plus Food Emporium, the current home of the new "Uncle Giuseppe's". This shopping center, known as Yorktown Green, was ultimately built out with commercial development adjacent to the main anchor store followed by the construction of additional strip retail which faces Commerce Street. During the 1980's additional commercial development took place along Underhill Avenue and in the vicinity of Railroad Park. Collectively the continued development has all contributed to the growth of the Yorktown Heights Hamlet.

During all this growth, the character of the Town of Yorktown has continued to remain a residential community that is a great place for families to grow and has the goods and services to support a thriving residential community. Growth of the Hamlet area over the years has not changed the underlying residential character of the Town. The increase in commercial development has enhanced the desirability of the Town by providing easy access to a variety of goods and retail services utilized by the community.

1.2 Zoning and the Overlay Zone

The ("Yorktown Heights Overlay District"), among others, was created to provide flexibility in the Town's zoning regulations to encourage economic development and to permit an increase in housing diversity through the construction of multi-family housing. The creation of this overlay district was accomplished through the well-reasoned and fully vetted Town Comprehensive Plan adopted on June 15, 2010.

As stated in the Comprehensive Plan “Yorktown should have a vibrant economy that provides abundant job opportunities and contributes to an improved and fair local tax base. To better withstand market fluctuations, there should be a diverse range of businesses, with prosperous office and light industrial campuses and thriving, attractive commercial centers. The five hamlet business centers should be enhanced and improved, so that they not only provide shopping and services. They also should function as centers of community life, featuring civic uses, greening, and park features. As additional development occurs, infrastructure improvements must be provided.

Selected Goals and Policies as listed in the Comprehensive Plan which are addressed through the construction of the Underhill Farms Development include the following:

- Goal 4-A: Facilitate a positive business climate in Yorktown and provide opportunities for non-residential development and local employment where appropriate.
- Goal 4-B: Maintain diversity in the economic base and job base so that Yorktown can withstand the effects of changing business cycles and fluctuations in different industries.
- Goal 4-C: Strive for tax and fiscal stability for Yorktown residents by continuing to seek out stable, low-impact, high-quality rates.
- Goal 4-D: Bolster the long-term economic vitality of Yorktown's five hamlet business centers, building on their current strengths, and taking into account retail trends and competition.
- Goal 4-E: Promote the five hamlet business centers as hubs of civic life and community identity, and promote a mix of retail, professional office, park/civic uses, and compatible residential uses that create an atmosphere of vitality.
- Goal 4-F: Avoid sprawl along Yorktown's commercial corridors, and encourage a high standard of architectural design, landscaping, and maintenance for all development.
- Goal 4-H: Promote Yorktown Heights as Yorktown's "downtown," with a concentration of commercial, civic, and park uses that create a special sense of place.
- Goal 4-I: Improve access into and circulation throughout the five hamlet business centers through roadway and intersection improvements, but also promote walking and biking by creating safer and more comfortable environments for pedestrians and cyclists.

The Comprehensive Plan addresses the needs of the Hamlet Business Centers to encourage additional development to occur in the Hamlets, reducing isolated strip development along the commercial corridors throughout the Town. As stated above, The Town Developed Overlay Districts to provide flexibility in the Town's zoning regulations to encourage economic development and to permit an increase in housing diversity through the construction of multi-family housing.

The decision to implement the Overlay District had already been made by the Town. The proposed Underhill Farm development is an implementation of the overlay zone.

This is, however, the first application to be found to be eligible for review under the adopted standards relating to the Town's design overlay districts. In this instance, the Town of Yorktown Planning Board (“Planning Board”) will review the Project under the standards set forth in the Yorktown Heights Overlay Design District (“Yorktown Heights Overlay District”). As stated, land use in the Town of Yorktown is composed largely of suburban single-family residential housing. The goal of the Overlay district, as outlined in the recent Comprehensive Plan is to concentrate

economic development and diversity of housing choices in the Town's Hamlet Centers thereby supporting the existing pattern of rural residential development in the other areas throughout the Town. Figure 1-5 shows a map of the Yorktown Heights Overlay District.

Chapter 4 of the Town Comprehensive Plan is included in its entirety as Attachment A of this EAF. In addition to the goals listed above, the Plan also identifies policies. The policies that specifically apply to the proposed development are listed below:

- Policy 4-1: Promote a mix of retail shopping, professional offices, and housing in the hamlet business centers, and in specified locations, promote mixed-use "Main Street" or "Village Center" development. • Retail-only districts are most active on weekends, whereas office-only districts are active mornings and evenings. Mixing the two creates a district that is vital and busy every day, all week long. • Residential uses would add more evening and weekend activity to the hamlet business center. More importantly, housing units in hamlet business centers would tend to be smaller than single-family homes, providing much-needed housing diversity and greater affordability to Yorktown's housing supply (see Chapter 5.) Second-floor apartments over retail uses should be permitted where appropriate. • "Main Street" or "Village Center" development would have a mix of housing units, offices, and shops, all in a pedestrian-oriented setting. Such sites should generally have the following characteristics: – Sidewalk connections throughout and connecting to surrounding areas. – A Main Street or village green accessible to the general public. – Parks and abundant landscaping. – Requirement that a portion of housing units be set aside for seniors. – High-quality architectural design, effective traffic and parking schemes, wetland and slope protection, buffering (where appropriate), etc. – Coordinated signage.
- Policy 4-2: Based on the Comprehensive Plan, develop more detailed business center plans, and update the Town's zoning map to reflect the conceptual maps included in this Chapter. Also, update the Town's use regulations and bulk, landscaping, parking, and lighting standards as they relate to the hamlet business centers. • The business center plans should make recommendations for improving circulation and parking, include streetscape and gateway design plans, identify resource areas for protection, and provide action items for park expansion. • Significant revisions to the commercial zoning regulations are warranted, as discussed in Chapter 2. In particular, bulk standards (i.e., coverage, height, setbacks) need to be revised.

1.3 Purpose and Intent of the Yorktown Heights Planned Design District

- The Yorktown Heights Planned Design District consists of the parcels and rights-of-way within the boundary as shown in Figure 1-5, based upon the Land Use Map included in the Town's Comprehensive Plan.
- A. This area, which was once the center of commerce in the Town, was redeveloped during urban renewal to accommodate automobile-centered life with many large commercial buildings and large paved parking areas. Many of these buildings are now vacant as lifestyles and buying habits transition to digital consumerism making this area ripe for other types of redevelopment. The intent of this overlay zone is to encourage a walkable hamlet-style development that is both a commercial and community center that better serves the needs of its residents and surrounding neighborhoods. Further, the Town Board notes that the Yorktown Heights hamlet supports several developments such as the Underhill Apartments, the Kear Street Apartments and the Beaver Ridge Apartments, which were built with densities exceeding the multifamily R-3 zoning district regulations, and these developments do not

exhibit adverse impacts related to their density. The Yorktown Heights hamlet business center is able to support the appropriate density above that shown in the R-3 zone. It is the intent of this article to promote the development of appropriate densities that will support the downtown, promote economic development, and increase housing types within the Town, while also improving the walkability and quality of open spaces. Specifically, the following objectives are encouraged:

- Phase out of incompatible, non-conforming uses and signs.
 - Construction of attractive building facades along Commerce Street, Downing Drive, Veterans Road, Kear Street, and Underhill Avenue with off-street rear parking lots.
 - Transportation design that emphasizes Complete Street design methods and practices and that includes the pedestrian and bicycle experience to encourage users of the North County Trailway, connected Town Trailways, and the disabled to be able to move through the overlay zone safely.
 - Creation of off-street parking lots for shared parking between adjoining and neighboring principal uses.
 - Application of enhanced street access, building design, off-street parking, landscaping, and buffering controls by the Planning Board to enhance the physical appearance of properties in the Yorktown Heights Planned Design District Overlay Zone.
 - Development of multifamily residential uses not to exceed three stories, unless otherwise stated herein.
 - Creation of mixed-use space that includes live-work space or professional office use in a residence pursuant to § 300-76.
- B. Permitted main uses. (1) The same main uses permitted in the underlying zone in which the subject property lies. (2) Mixed-use development. (3) Multifamily and townhouse-style residential development. (4) Live-work unit developments. (5) Stores or shops for the conduct of retail business, bank, post office, restaurant and other places serving food and beverages, professional and business offices, and personal service establishments, including the grooming of house pets, except that no use shall be permitted where any part of the service is conducted outside the premises unless a special use permit has been issued by the Planning Board after due notice and public hearing. (6) Government buildings and uses. (7) Community-based uses for senior citizens.
 - C. Permitted uses by special permit. (1) The same special uses permitted by the underlying zone in which the subject property lies. (2) Boutique hotels in accordance with the regulations set forth in § 300-52.
 - D. Permitted accessory uses. (1) The same permitted accessory uses allowed in the underlying zone in which the subject property lies. (2) Signs as approved on the site plan. (3) Outdoor public gathering places.
 - E. Permitted accessory uses by special permit. (1) The same permitted accessory uses by special permit allowed in the underlying zone in which the subject property lies. (2) Outdoor dining and sidewalk cafes pursuant to § 300-80
 - F. Area and bulk requirements. The area and bulk regulations for the Yorktown Heights Planned Design District Overlay Zone shall comply as follows: (1) Any project within a planned

design district overlay zone and authorized by the Town Board to be considered under the regulations set forth herein shall remain subject to the discretion of the Planning Board set forth in §§ 300-253 and 300-254 to modify the requirements due to the special circumstances of a particular project. The discretion granted in § 300-253 and § 300-254 is § 300-255 § 300-255:2 subject to the following requirements: (a) Area and bulk requirements shall be as set forth in the underlying zone and subject to variations and limitations as set forth herein. For residential or mixed-use residential projects, the Planning Board may be guided by the area and bulk requirements of the R-3 multifamily zone and may apply variations to those requirements within the limitations set forth herein. (b) FAR shall be allowed up to, but may not exceed 0.55; (c) Maximum height of building shall be as set forth in the underlying zone subject to variation of up to 25% and may not exceed three stories. Enclosed space may be allowed at roof level which may not exceed 50% of the area of the roof. (d) Maximum height may be increased to 52 feet and a maximum of four stories, provided that the lot on which a project is proposed is a single contiguous lot that is a minimum of 10 acres in size. (2) (Reserved) (3) (Reserved) G.

Compliance with the Yorktown Heights Overlay Standards of Review

On Tuesday, February 22, 2022, The Town of Yorktown Town Board (“Town Board”) passed a resolution finding that the Underhill Farm development meets all the requirements of Article XXXI § 300-251B and is thus eligible for referral to the Planning Board for site plan review under those guidelines. Specifically, the Town Board adopted findings that the Project met the following criteria:

1. The project is consistent with the goals of the Comprehensive Plan,
2. The project will not be detrimental to the character of its immediate neighboring properties, or the district and town at large,
3. The scope of the project will not cause operational difficulties that have the potential to negatively impact the health, safety, and welfare of the public,
4. The town’s infrastructure is capable of servicing the project,
5. The project will eliminate blight within the district,
6. The project shall be consistent with the goals and intent of the overlay district,
7. The project is consistent with the requirements of the overlay district and will not exceed the limitations or requirements; and,
8. The project is likely to contribute to the economic development of the district & Town.

1.4 Multi-Modal Connection to the Hamlet

Complete Streets is an approach to planning, designing, building, operating, and maintaining streets that enable safe access for all people who need to use them, including pedestrians, bicyclists, motorists, and transit riders of all ages and abilities.

Benefits of a Complete Street

A complete street is a street where multiple modes of transportation, such as bicycles, transit, cars, and pedestrians are accommodated. The development of complete streets can create a variety of different benefits and opportunities for communities, such as:

- Increased investment into local businesses
- Improved community health through new opportunities for physical activity
- A better sense of community
- Increased property values
- Universally accessibility and more equitable spaces for public participation
- Sharing culture (public art, monuments, history, music)
- A reduction in vehicle traffic and carbon emissions

The design of the circulation for the Underhill Farm development will encourage connectivity to the Yorktown Heights Hamlet area through the following measures;

- Improve operations of the Underhill Avenue Route 118 intersection.
- Install a pedestrian phase to the traffic signal at the Underhill Avenue / Route 118 intersection.
- Provide sidewalks internal to the site.
- Create a pedestrian promenade at the Underhill Avenue Route 118 intersection.
- Provide on-site bicycle racks to facilitate bike travel.
- Provide a connection to the Beaver Ridge Development.

1.5 Affordable Housing

This section is prepared in response to public comments regarding the need for an affordable housing component to be incorporated into this development proposal.

The Town of Yorktown Town Code does not require a set-aside of affordable housing units to be included within the unit count of newly constructed multi-family projects such as the Underhill Farms project. When addressing the subject, the Code seeks “to provide guidelines and regulations for existing affordable housing.” See, *Town of Yorktown Town code at § 300-39. Affordable Housing (2023)*. With the absence of the code requirement, there is no requirement under SEQRA for an analysis of an affordable housing adverse impact. This EAF analyzes the fiscal impact on the community and municipal services and therefore fully complies with the obligation for the Planning Board to take a hard-look at the full impact of the Project.

Regarding the possibility that the Project might have a requirement under State and County regulations, there are no such State or County regulations to require affordable housing set-asides for the Project. Members of the public have suggested that the approval process be paused

to wait for the result of a “rapidly evolving discussion” in the State legislature regarding the State’s housing needs. In the applicant’s opinion, this suggestion is impractical and not required under SEQRA.

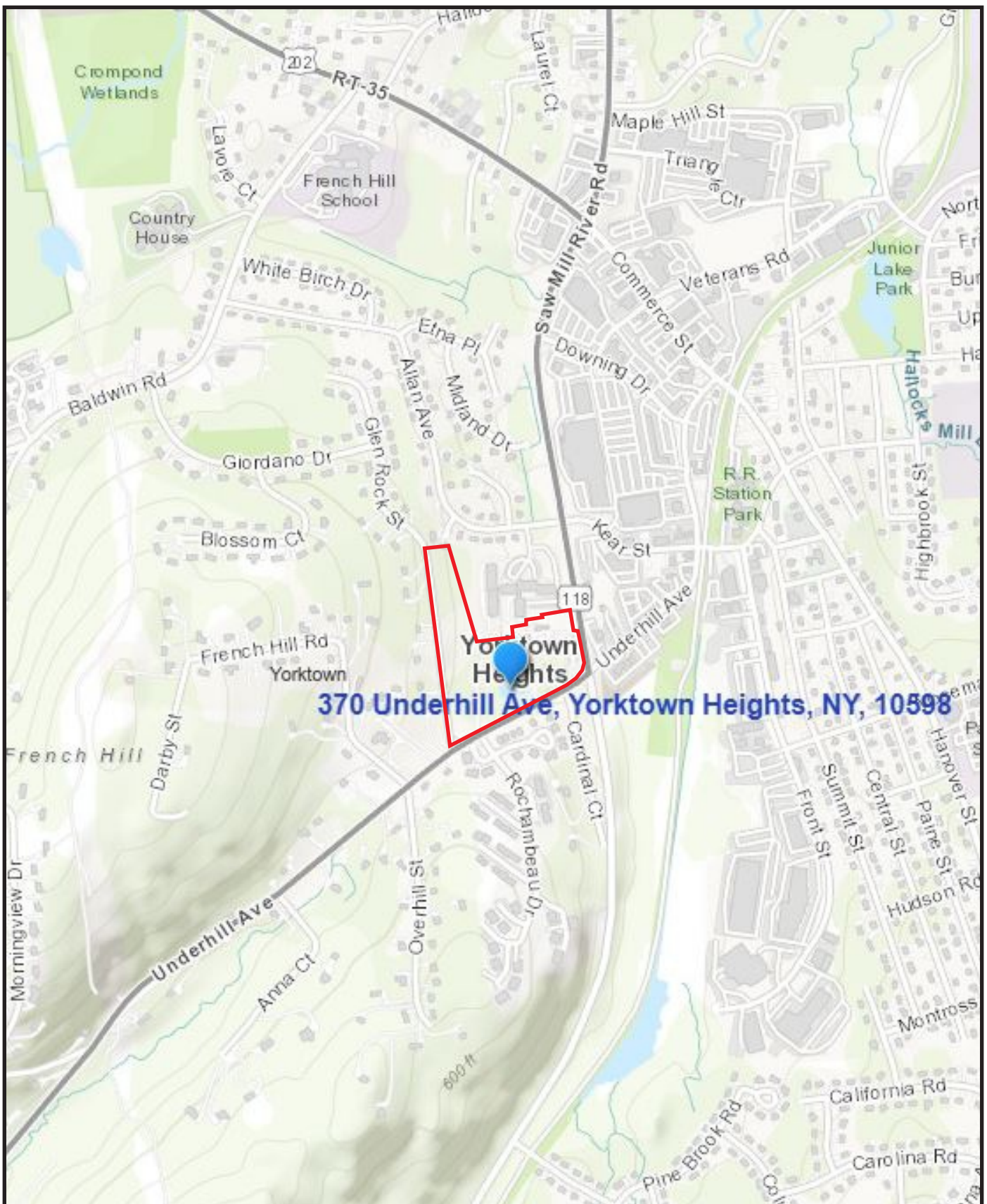
Any concerns regarding the definition of “affordable housing” in the existing code do not impact the ongoing review under SEQRA. Such a review and proposed amendments, if any, fall outside of the scope of the Project’s impacts and would be properly undertaken as a separate, stand-alone issue.

The Project fully complies with the requirements of SEQRA review and has undertaken the correct analysis of fiscal and housing impacts.

1.6 Summary

Overall, the proposed Underhill Farm would be compatible with surrounding land use patterns in the vicinity of the project site. The construction of the proposed development would increase the diversity of housing options in the Town of Yorktown and would serve to expand the Town’s tax base with additional ratables. A diversity of housing is necessary to provide both entry-level housing opportunities and housing for seniors who wish to remain in their community and age in place without the demands of a single-family home. No significant adverse impacts are expected from the proposed action on adjacent land uses.

No significant land use impacts are anticipated. In addition, the project is consistent with the goals of the Town Comprehensive Plans. All necessary permits and approvals from The Town, Westchester County, and other agencies will be secured ***prior to final site plan approval.***



Yorktown Heights
370 Underhill Ave, Yorktown Heights, NY, 10598

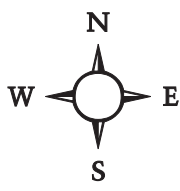
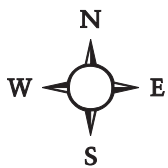
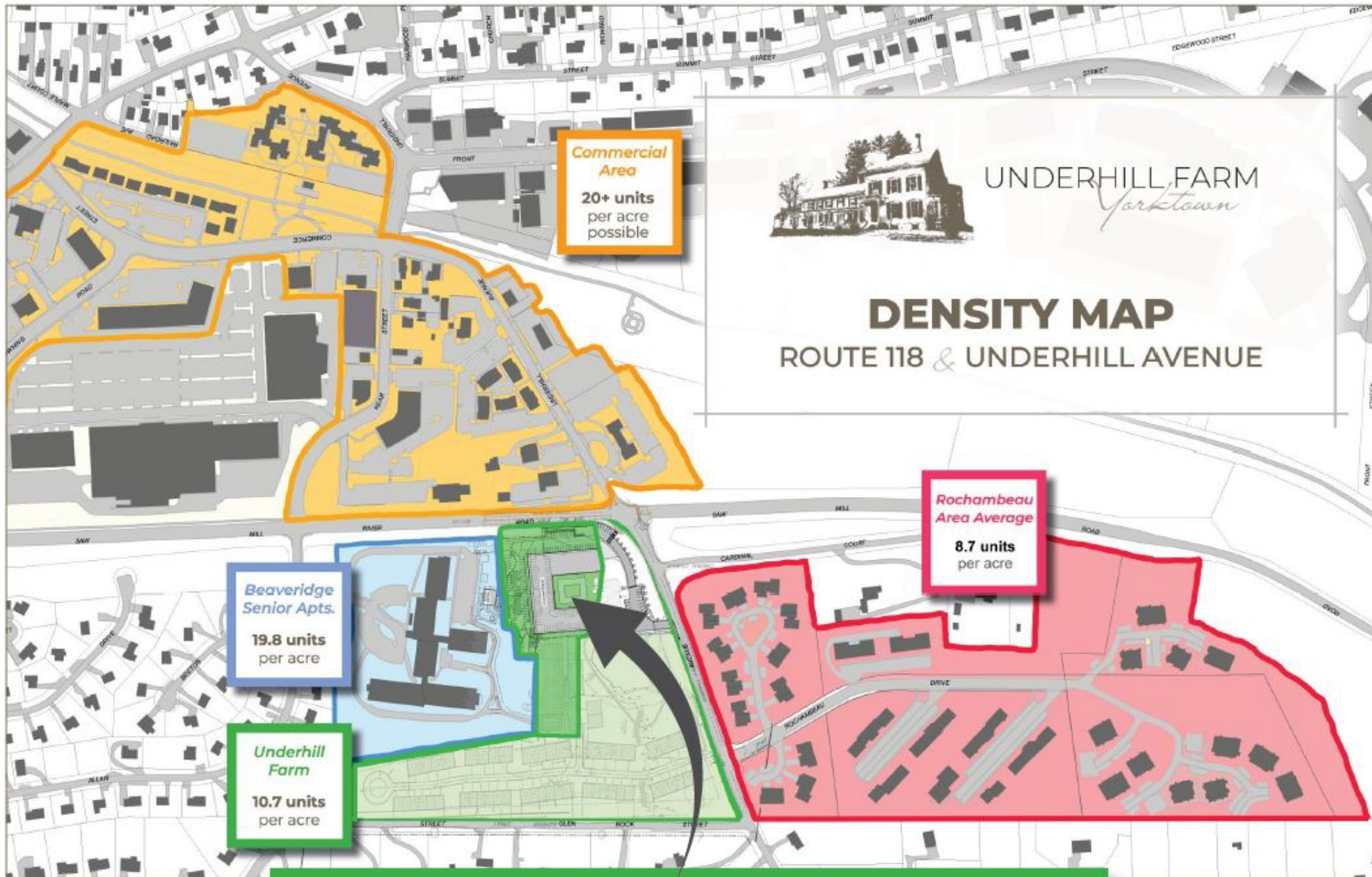


Figure 1-1: Site Location Map
 Underhill Farms
 Town of Yorktown, Westchester County, New York
 Base Map: Westchester GIS Mapping



Figure 1-2: Existing Land Use within 1/2 Mile of the Site
 Underhill Farms
 Town of Yorktown, Westchester County, New York
 Source: Westchester County GIS





Underhill Farm strategically has located its higher density areas (in dark green), adjacent to neighboring high-density areas. These include the Beaver Ridge Apartments to the north (in light blue), the Caremount/Optum medical building and business district to the east (orange).

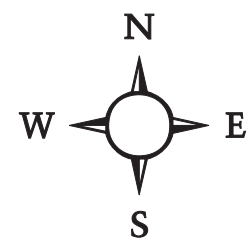
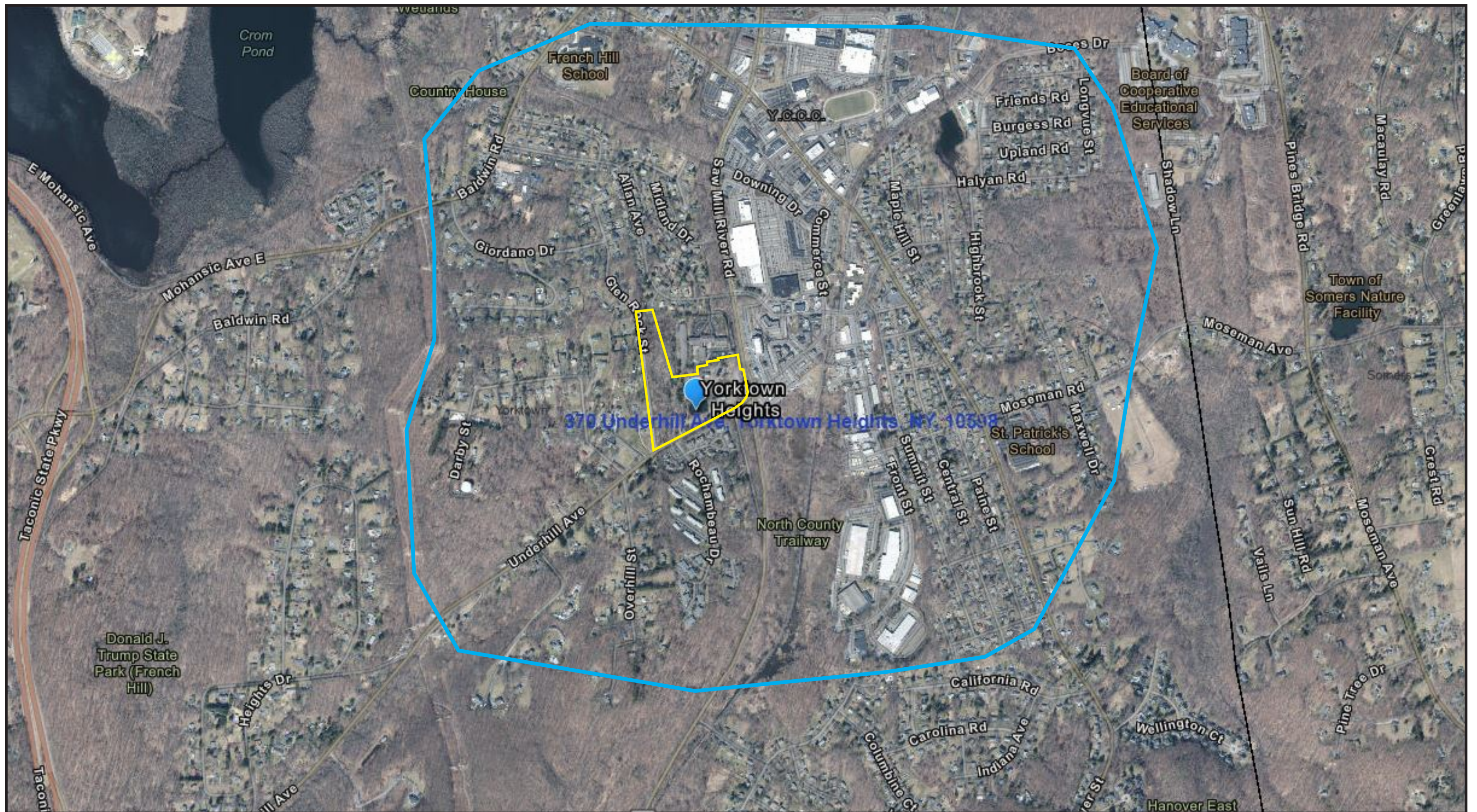


Figure 1-4: Yorktown Heights Existing Hamlet
 Underhill Farms
 Town of Yorktown, Westchester County, New York
 Source: Westchester County GIS

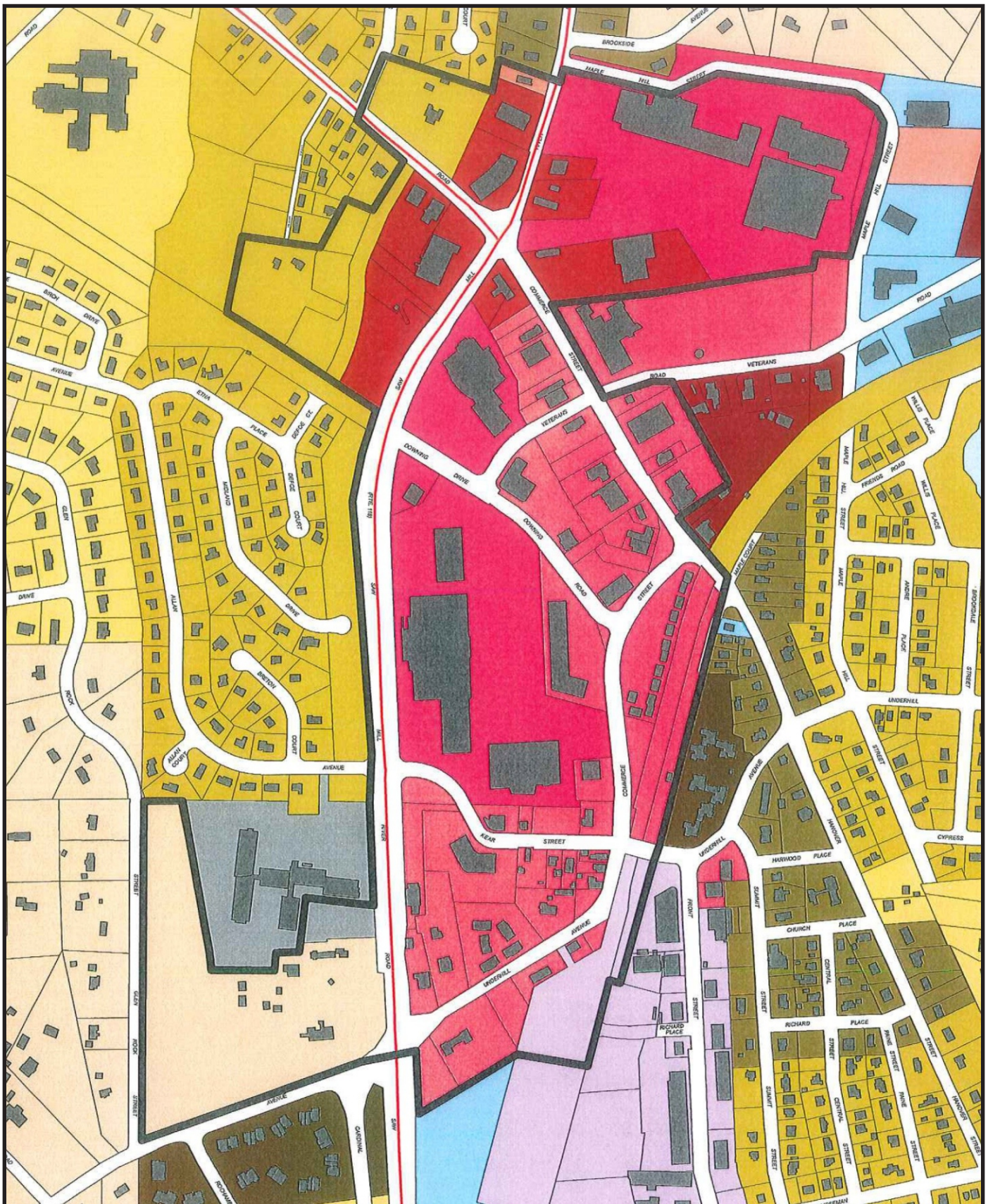
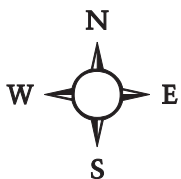


Figure 1-5: Yorktown Overlay District
 Underhill Farm
 Town of Yorktown, Putnam County, New York
 Base Map: Comprehensive Plan, Appendix E



FAR CALCULATION - 4/28/2023

Site Area:	13.78	AC
	600,460.00	SF
**Max. FAR:	0.55	FAR
Max. Floor Area:	330,253.0	GFA

Product Type	Number of Units	Building Floor Area	Areas excluded from FAR	Total Area included in FAR	FAR Total
Apartments	68				
Residential		87,581	0	87,581	
Indoor Amenities		2,955	0	2,955	
Garage		20,262	20,262	0	
Retail/Commercial Space		8,162	8,162	0	
Total Apartment Building Area		118,960	28,424	90,536	0.15
Condos	32				
Residential		53,198	0	53,198	
Indoor Amenities		3,481	0	3,481	
Garage		15,856	15,856	0	
Total Condo Building Area		72,535	15,856	56,679	0.09
Townhomes					
28' x 40' Uphill T.H. (30 units @ 2,850 GSF)	30	85,500	0	85,500	
37x46' Downhill T.H. (18 units @ 2,995 GSF)	18	53,910	0	53,910	
			(TH SF already excludes garages & Unusable Attic Spaces)		
Total Townhomes Area		139,410	0	139,410	0.23
Historic Building	N/A	N/A	N/A	N/A	N/A
Total	148	330,905	44,280	286,625	0.48

NOTES

- ** FAR measurement is based on gross building areas and gross site area
- ** Areas Excluded from FAR are:
 - Garages
 - Unusable Attic Spaces
 - Commercial Spaces
 - Historic Buildings
- ** TH's basement included in FAR if finished and gross area is measured to interior face of walls