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September 20, 2018

BY HAND

Supervisor Ilan Gilbert and
Members of the Town of
Yorktown Town Board
Town of Yorktown
363 Underhill Avenue
Yorktown Heights, NY 10598

**Re: Celestial Route 6 Associates II, LLC Petition for
Amendment of Zoning Map for Property at
Route 6 and Mohegan Avenue, SBL 15.16-1-21**

Dear Supervisor Gilbert and Honorable Members of the Town Board:

This firm represents Celestial Route 6 Associates II, LLC (“Petitioner” or “Celestial”), the owner of the above-referenced property (“Property”). Celestial respectfully submits the enclosed Petition requesting the amendment of the Town of Yorktown (“Town”) Zoning Map to rezone an approximately one (1) acre lot in its previously approved subdivision to enable its development consistent with the prevailing character of the Route 6 corridor.

Petitioner seeks to rezone the Property because, despite its persistent efforts, it has been unable to find a viable user for the Property under its current Office Zoning. Petitioner is a real estate developer with over thirty (30) years’ experience in Westchester County, including Yorktown. It acquired the Property in 2006 as part of a larger parcel that was subdivided into four (4) lots. The Property was previously approved for a 4,000 square foot bank with two drive up lanes. While Petitioner successfully developed two (2) of the lots with the Learning Experience and Hudson River Teachers Credit Union, and donated another lot to the Town, Petitioner has been unable to successfully market the Property under the permitted uses in the Office Zoning District. Thus, while the Property is located at what should be the most attractive lot in Petitioner’s

development, with pedestrian-friendly frontage along Route 6 and Mohegan Avenue, it has remained vacant and underutilized for over ten (10) years.

Rezoning the Property to the C-2 Commercial Hamlet Zoning District will allow Petitioner greater flexibility in marketing the Property and enable the Property's development in a manner consistent with the commercial development in the area. Petitioner is confident that the Property can be developed under the C2 zoning because it has already has been forced to decline inquiries for the Property from various retail and food-service businesses because those uses are not currently permitted on the Property. The Property is one of the few parcels on Route 6 that is still under the Office Zoning designation. Route 6 is predominantly zoned for commercial uses, including Petitioner's strip mall across the street, which Petitioner has successfully leased to full capacity with a variety of popular commercial retail and food service uses. Rezoning will bring the Property into conformity with these surrounding uses.

The proposed rezoning will have a variety of other benefits, with limited attendant impacts. The rezoning of the Property will allow for a commercial use that will contribute to the Town's tax base and provide greater commercial options for area residents, while requiring few municipal services. The parking for any future use would share parking facilities with the adjacent Learning Experience and Credit Union, which parking was approved under the prior Site Plan and is located behind the Property, shielding it from public view.

Petitioner's proposal will also have benign traffic impacts. Petitioner's Traffic Study, prepared by JMC Planning Engineering Landscape Architecture & Land Surveying, PLLC, dated September 20, 2018, studied both a 7,200 square foot retail building and a 2,000 square foot fast-food restaurant use to analyze the traffic impacts of different potential development scenarios at the Property. Overall the proposed redevelopment of the Property will not have a significant impact on traffic operations compared to the previously approved bank. (Traffic Study, p. 15-16).

For the proposed retail use, the levels of service at the studied intersections are projected to remain at the same as the projected 2021 No-Build Volumes, except for six movements where the level of service are projected to *improve* from No-Build volumes. For the fast-food use, levels of service are projected to remain the same or improve compared to No-Build conditions for all studied movements, except for one (1) movement. Specifically, the US 6 westbound left turn movement at the intersection of US 6 and Mohegan Avenue and Lakeland Street in the peak weekday AM hour will decrease from a level of service A under no-build conditions to a level of service B under build conditions as a result of an incremental 1.3 second delay. In JMC's professional opinion, the 1.3 second delay is not significant. In any event, if the NYSDOT were to implement common signal phasing at the intersection, overall levels of service would improve, including the US 6 westbound left turn level of service during the peak weekday AM hour for the fast-food restaurant use, which would remain as a level of service A, the same level of service as under no-build conditions. (Traffic Study, p. 13-16).

In connection with Celestial's Petition, enclosed please find two (2) copies of:

- (i) Application for Zone Change

- (ii) Petition, dated September 20, 2018
- (iii) Affidavit of Eric S. Goldschmidt in Support, sworn to September 12, 2018
- (iv) Conceptual Site Layout Plan for 7,200 Square Foot Retail Use (Sheet SP-3A)
- (v) Full Environmental Assessment Form
- (vi) Traffic Study, prepared by JMC Planning Engineering Landscape Architecture & Land Surveying, PLLC, dated September 20, 2018
- (vii) Subdivision Map Prepared for Celestial Route 6 Associates II, LLC, approved February 9, 2009
- (viii) Site Layout Plan for 4,000 square foot branch bank (Sheet SP-3)
- (ix) Written Metes and Bounds Description of Property
- (x) Filing Fee

We look forward to appearing before the Town Board to commence the formal review process. If you have any questions or require further information, do not hesitate to contact us. Thank you for your attention to this matter.

Very truly yours,

ZARIN & STEINMETZ

By: 

Daniel M. Richmond, Esq.
Katelyn E. Ciolino, Esq.

Encls.

Cc: Celestial Route 6 Associates II, LLC
JMC Planning Engineering Landscape Architecture & Land Surveying, PLLC