

TOWN BOARD OF THE TOWN OF YORKTOWN
WESTCHESTER COUNTY, STATE OF NEW YORK

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In the Application of :
 :
DP YORKTOWN, LLC : **VERIFIED PETITION**
 : **FOR ZONING**
 : **MAP AMENDMENTS**
For an Amendment to the Zoning Map of :
the Town of Yorktown. :
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Petitioner **DP YORKTOWN, LLC**, by its attorneys, Zarin & Steinmetz, located at 81 Main Street, Suite 415, White Plains, New York 10601, as and for its Verified Petition (the “Petition”) requesting an Amendment to the Town Zoning Map (the “Zoning Map”) to amend the zoning of 571 East Main Street, Yorktown, NY 10535, hereby states the following:

INTRODUCTION

1. DP Yorktown, LLC (“DP Yorktown” or “Petitioner”) is the contract purchaser of the property located at 571 East Main Street in the Town of Yorktown (the “Town”), County of Westchester, State of New York (the “Property”). The Property consists of two parcels, Section 17.08, Block 1, Lots 4 and 17.
2. Petitioner is an experienced developer of residential real estate projects throughout the northeast and, in particular, has designed and/or developed multi-family residential projects.
3. The Property, which measures ± 19.3 acres, is located on the north side of Route 6 in the Jefferson Valley Business District, opposite the Jefferson Valley Mall. Currently, the Property is zoned as R1-20 (One-Family Residential).
4. The Property is owned by Old Hill Farm, LLC. The Property historically operated as a dairy and vegetable farm until 1960 and was used for grazing cattle until 1987. There

is currently one occupied house with an associated garage on the Property, as well as an abandoned house. The Property is owned by Old Hill Farm, LLC. Kathryn L. Hoenig is the managing member of Old Hill Farm, LLC.

5. Immediately to the north of the Property is a residential neighborhood, split between R-3 (Multifamily Residential) and R1-20 zones. Immediately to the west of the Property is a commercial shopping area zoned C-1. This shopping area includes Club Fit, a bagel store, TD Bank, and, until recently, Toys”R”Us. Power lines owned by Con Edison are located to east of the Property. Jefferson Valley Mall is to the south of the Property.

6. Petitioner proposes redeveloping the Property with 150 two-story rental units, contained within 11 buildings. The Project will be a mix of 1- and 2-bedroom units. All 150 units will be housed within two-story buildings that have a townhouse-style aesthetic and that offer direct access to each unit, as well as a driveway and some garages. (Petitioner’s entire development is referred to hereafter as the “Project”). Petitioner also proposes connectivity to the Lee Boulevard/Bank Road shopping district to the east of the Property to allow residents to walk to this area. This would be accomplished by installing pedestrian walkways leading from the Project out to Bank Road. The Project would also contain a clubhouse with leasing and on-site management offices, a pool, and other amenities. A sketch plan for the Project, as well as other documentation submitted pursuant to Section 300-206 of the Town of Yorktown Zoning Ordinance (the “Zoning Ordinance”) are submitted herewith.

7. In order to facilitate the Project, Petitioner is seeking an amendment to the Zoning Map, to specifically zone the entirety of the Property R-3.

PROPOSED ZONING AMENDMENT

8. This Petition is submitted to the Town Board pursuant to Article XXIV, Section 300-206 of the Zoning Ordinance.

9. Petitioner seeks the following amendment to the Zoning Map:

a. An amendment to the Zoning Map to rezone the entire Property from the R1-20 district to the R-3 district (referred to hereafter as “Rezoning” or “Rezoning the Property”).

CONSISTENCY WITH TOWN COMPREHENSIVE PLAN

10. Rezoning the Property to allow for development of the Project will satisfy numerous goals and policies of the 2010 Town of Yorktown Comprehensive Plan (the “Comprehensive Plan”).

11. The Comprehensive Plan expressly recognizes that, although the Town consists largely of lower-density single-family homes, “Yorktown should also strive for housing diversity throughout the Town.” (Comprehensive Plan, Executive Summary, ES-10).

12. Petitioner seeks to add 150 rental units built in townhouse-style buildings, which will undoubtedly help Yorktown satisfy its objective to “[p]romote housing for people in all stages of life,” from millennials to active adults. (Comprehensive Plan, Chapter 2, p. 2-2).

13. The Project will offer unique rental units that appeal to Town residents in varying stages of life. Notably, the percentage of the Town’s population in the 55-64 and 65+ age groups has increased 18.75 percent and 8.2 percent, respectively, between 2000 and 2006-2008, (Comprehensive Plan, Ch. 5, p. 5-17). Yorktown expects that trend to continue, “reflect[ing] the aging of the baby-boom generation and the desire of some seniors to remain in Yorktown after their kids have moved away.” (Comprehensive Plan, Ch. 5, p. 5-17). The Comprehensive Plan

further notes that “[e]mpty-nesters want to downsize, but have limited options for housing in Town,” as “[t]he supply of townhouse units, condos, apartments, and senior housing is limited [and] [s]ome of the demand goes unmet.” (Comprehensive Plan, Ch. 5, p. 5-17). The Project will add to Yorktown’s housing diversity and will assist in meeting the demand for rental apartments in Town.

14. The Project will also offer increased housing options to younger Yorktown residents. Over one quarter of the Town’s residents are between the ages of 20 – 44. In 2006-2008, young adults between the ages of 20 – 34 years made up 10.7% of Yorktown’s Population, and adults between 35-44 made up 16.4%. (Comprehensive Plan, Ch. 5, p. 5-18). Further, the Town predicts continued “in-migration” of people under the age of 45 going forward. (Comprehensive Plan, Ch. 5, p. 5-19). Rezoning the Property to allow for development of the Project will increase the number of rental units available and help provide more affordable alternatives to home ownership for the Town’s young adults. The Project will be a mix of 1- and 2-bedroom units. Based on its experience with other very similar developments, Petitioner anticipates very few school-age children residing at the Project and believes this Project will be fiscally beneficial to the Town.

Jefferson Valley Hamlet Center

15. Rezoning the Property will also satisfy several of the Town’s goals for its hamlet business centers. The Property is located in the Jefferson Valley hamlet business center, one of five such areas in the Town. The Comprehensive Plan states that “the five hamlet business centers should be vital centers of community life, with a mix of retail, office, civic and a diversity of residential uses.” (Comprehensive Plan, Chapter 2, p. 2-1).

16. Further, additional residential uses in these hamlet areas would have the salient effect of “add[ing] 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.” (Comprehensive Plan, Chapter 4, p. 4-4).

17. Thus, rezoning the Property to allow for development of the Project would align perfectly with the Town’s long-term goals for the Jefferson Valley hamlet center, since the purpose of the R-3 District (Townhouses & Multi-family) is to “promote housing diversity in Yorktown by providing areas of townhouses and other multi-family development in and around the hamlet centers.” (Comprehensive Plan, Chapter 2, p. 2-9).

18. Petitioner proposes to include connectivity from the Project to the commercial shopping district on the west side of the Property via a connector pedestrian walkway. This would enable the Property’s residents to walk to and quickly access nearby establishments like Club Fit, the Post Office, and other restaurant and retail offerings along Lee Boulevard. This will help meet the Town’s goals to “promote pedestrian connections and amenities” in the Jefferson Valley hamlet business center and improving walkability in the Lee Boulevard shopping area. (Comprehensive Plan, Chapter 2, p. 2-9).

19. Rezoning the Property for development of the Project will help make the Jefferson Valley hamlet center a vibrant center of community life and will add to the area’s “diversity of residential uses.”

20. The Project will also advance another Town goal for the Jefferson Valley hamlet area: transforming Hill Boulevard, which is located only several hundred feet to the east of the Property, “into a walkable ‘Main Street’ that includes residential and retail uses with

connections to the lakefront.” (Comprehensive Plan, Chapter 4, p. 4-1). Future residents on the Property will be able to quickly access all the retail and restaurant offerings along Hill Boulevard. This would have the mutually beneficial effect of providing residents with a wide variety of nearby retail and restaurant offerings, as well as bringing increased business to these Hill Boulevard establishments. The Property’s future residents would also be able to walk from the Property to Hill Boulevard if sidewalks were ever to be constructed along East Main Street. The Property’s future residents will also be able to easily access Club Fit, as well as the Jefferson Valley Mall, offering shopping convenience to them and a wider customer base for the stores there.

21. Overall, the Project will produce 150 rental units with high-quality architectural design that fits with the character and scale of the surrounding Jefferson Valley hamlet neighborhood. The Project will also add to the diversity of residential uses in the Town and complement the Town’s goals for the Jefferson Valley hamlet business district, which include fostering a vibrant mix of retail, office, civic and diversity of residential uses in the area and facilitating increased walkability and connectivity with the Lee Boulevard and Hill Boulevard commercial areas. Accordingly, we submit that the Rezoning will benefit the Town as well as the Petitioner.

SEQRA

22. In accordance with the New York State Environmental Quality Review Act (“SEQRA”), the proposed action is an Unlisted Action. Petitioner has elected to submit a Long Environmental Assessment Form to evaluate the proposed amendments to the Zoning Ordinance and the Conceptual Site Plan. A Full Environmental Assessment Form, dated September 17, 2018, accompanies this Petition.

23. Petitioner acknowledges that the proposed map amendments will be referred for review to other agencies, including the Town Planning Board.

24. Petitioner submits that all relevant areas of environmental concern will be identified, analyzed, and where appropriate, mitigated to the extent requested by any reviewing agency.

25. Petitioner respectfully requests that the Town Board determine whether it wishes to declare itself Lead Agency and conduct a coordinated SEQRA review of the proposed zoning map amendments, or to defer that review to the Planning Board.

REQUESTED RELIEF

26. **WHEREFORE**, Petitioner respectfully requests that the Town Board of the Town of Yorktown:

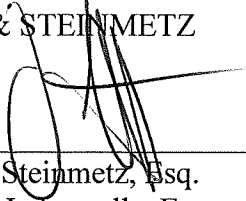
- i. Determine the appropriate agency to serve as Lead Agency under SEQRA;
- ii. Refer this Petition to the Planning Board for its report and recommendation pursuant to Zoning Ordinance Section 300-206C;
- iii. Refer this Petition to the Westchester County Department of Planning pursuant to New York State General Municipal Law Section 239-m;
- iv. Schedule, notice and conduct a Public Hearing on the Petition at the earliest possible date; and
- v. Amend the Yorktown Zoning Map as contained herein.

Dated: September 17, 2018
White Plains, New York

Respectfully submitted,

ZARIN & STEINMETZ

By: _____



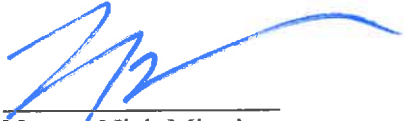
David S. Steinmetz, Esq.
Matthew J. Acocella, Esq.
Attorneys for Petitioner
81 Main Street, Suite 415
White Plains, New York 10601
(914) 682-7800

VERIFICATION

STATE OF NEW JERSEY)
)
COUNTY OF MORRIS) s.s.:

Nick Minoia, hereby deposes and says that he is an Authorized Signatory of **DP YORKTOWN, LLC**, the Petitioner, and says that he has reviewed the foregoing Verified Petition and that the foregoing Verified Petition is true to his own knowledge and authorizes Zarin & Steinmetz to submit the foregoing Verified Petition to the Town Board of the Town of Yorktown on Petitioner's behalf.

DP YORKTOWN, LLC

By: 
Name: Nick Minoia
Title: Authorized Signatory

Sworn to before me this
17th day of September, 2018

Michelle Paranzine
Notary Public
MICHELLE PARANZINE
NOTARY PUBLIC
STATE OF NEW JERSEY
ID # 50049260
MY COMMISSION EXPIRES NOV. 17, 2021

Exhibit A

OWNER'S AFFIDAVIT

STATE OF NEW YORK)
)
COUNTY OF WESTCHESTER) s.s.:

Kathryn L. Hoenig _____, hereby deposes and says that she is the Managing Member of Old Hill Farm, LLC, the owner of certain real property located at 571 East Main Street in the Town of Yorktown ("Site"), and that Old Hill Farm, LLC has granted DP Yorktown, LLC, the Petitioner in this proceeding, the authority to prepare, submit and process all necessary and appropriate land use applications, including but not limited to, the instant Petition, in connection with its proposal to develop the Site with a residential development.

Kathryn L. Hoenig
Name: Kathryn L. Hoenig
Title: Managing Member

Sworn to before me this
10 th day September 2018

David C Sloan

Notary Public

