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March 2, 2021

VIA E-MAIL (m Slater@yorktownny.org)
AND FEDERAL EXPRESS

Hon. Supervisor Matthew Slater
and Members of the Town Board
Town of Yorktown
363 Underhill Avenue
Yorktown Heights, New York 10598

Re: Petition For Zoning Amendment to Existing Transitional Zone and Application For Amended Site Plan Approval for Minor Addition to Existing Office and Flex Space
Premises: 712 Kitchawan Road, Yorktown, New York 10562 (Transitional Zone)
Tax Parcel ID: (Section 70.06, Block 1, Lot 4)

Dear Supervisor Slater and Members of the Town Board:

On behalf of Kitchawan Barns, LLC (the "Petitioner"), the owner of the above-referenced Premises, we respectfully submit this letter in furtherance of the enclosed Petition (the "Petition") to amend the Town of Yorktown Zoning Code (Chapter 300, the "Zoning Code") by amending the Transitional Zone ("T District") Schedule of Regulations regarding the bulk and area regulations for the Premises in order to construct an addition to the existing office and flex space. The Petitioner also requests Amended Site Plan Approval from the Town Board for the proposed minor addition that will be located generally in the footprint of the prior storage building/greenhouse on the Premises. The proposed addition includes refinements to the proposed addition that was previously approved by the Town Board in 2017.

The Premises is approximately 14.7 acres in size and are presently classified in the T District. The Premises are accessed off of Kitchawan Road (N.Y.S. Route 134), and the Premises are improved by existing parking areas and one (1) existing building, including the first (main) floor, and a partial basement and that existing building is comprised of office space and flex space, conference rooms and storage in furtherance of Tracer's digital printing, cutting and laminating business.

ZONING PETITION & MINOR SITE PLAN AMENDMENT:

As this Board is aware, the Applicant recently appeared before the Town Board in 2017 in connection with its Verified Petition to rezone the former Brooklyn Botanic Garden Corporation property (also formerly known as the Kitchawan Institute) into the T District in order to utilize



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the existing property as a for-profit office and flex space use and bringing the property own the tax rolls. The Town Board approved the Applicant's Verified Petition to rezone the Premises on October 17, 2017 (the "Rezoning Approval") and granted site plan approval by Resolution dated November 15, 2017 (the "Site Plan Approval" and collectively referred to as the "2017 Approvals"). See **Exhibit A** to the enclosed Petition – Rezoning & Site Plan Approval Resolutions. Additionally, as the Petitioner discussed at the Town Board's Pre-submission Conference regarding this Petition and the Application for Amended Site Plan Approval on December 8, 2020, in furtherance of the 2017 Site Plan Approval the Petitioner made significant investments renovating and updating the existing office building. Additionally, the Petitioner improved the existing parking area that is utilized by the public accessing the recreational trails at the nearby Kitchawan Preserve. See **Exhibits B & C** to the Petition – Before & After Photos & Images of Premises.

As set forth more fully in the enclosed Petition, the proposed zoning amendment and minor site plan amendment are requested in order to accommodate the minor changes to the proposed addition that was previously approved pursuant to the 2017 Approvals. In preparing to construct the proposed minor addition pursuant to the 2017 Approvals, based on Tracer's operations on the Premises, the Petitioner determined that the size of the structure was insufficient to achieve Tracer's needs. Accordingly, the Petitioner's Architect, Aryeh Siegel Architect, refined the building addition to better serve Tracer's on-site needs and to maximize the efficiency of the space for the existing office and flex space. See **Exhibit G** to the Petition – Site Plans. As noted above, these improvements will be located generally in the footprint of the prior storage building/greenhouse foundation, which ruins are shown on the enclosed Site Plans (**Exhibit G**) and Survey (**Exhibit F**). In connection with the Amended Site Plan Approval Application, the Applicant's Engineering Consultant has also prepared a stormwater plan, a copy of which is enclosed as **Exhibit L** to the Petition.

In sum, as is more fully shown on the enclosed Site Plans and detailed in the Petition, the Petitioner respectfully requests that the Schedule of Regulations for the T District for the bulk and area requirements for the Premises be amended to include *de minimis* changes to one side yard setback and the rear setback, which results in a *de minimis* increase in the building footprint of the previously approved addition. The Petitioner is not proposing to change the permitted uses on the Premises.



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INDEX OF ENCLOSURES:

In support of this Petition and Application for Amended Site Plan Approval for the proposed minor addition, we respectfully submit this letter together with the enclosed Petition, which includes the following exhibits and materials referenced therein:¹

- Exhibit A:** Prior Town Board Approvals;
 - 1. Rezoning Approval Resolution;
 - 2. Site Plan Approval Resolution; and
 - 3. Approved Site Plan Set, Consisting of three (3) Sheets.
- Exhibit B:** Before & After Photographs of Building Renovation for Tracer Offices;
- Exhibit C:** Images of Premises;
- Exhibit D:** Copy of the Deed;
- Exhibit E:** Letter from Gerald K. Geist, Esq., of Stern Keiser Panken & Wohl LLP to Michael J. Grace, Esq., of Grace & Grace, dated June 24, 1998;
- Exhibit F:** Survey of the Premises;
- Exhibit G:** Site Plans Consisting of Five (5) Sheets Showing Proposed Refined Addition and Proposed Erosion and Sediment Control Measures;
- Exhibit H:** Metes and Bounds Description of Premises;
- Exhibit I:** Short Environmental Assessment Form in compliance with Article 8 of the New York State Environmental Conservation Law and the rules and regulations promulgated thereunder at 6 N.Y.C.R.R. Part 617 (collectively SEQRA”);
- Exhibit J:** Town of Yorktown Zoning Change Application Form;
- Exhibit K:** Town of Yorktown Site Plan Application Form; and
- Exhibit L:** Stormwater Pullulation and Prevention Plan Prepared by Hudson Land Design Professional Engineering, P.C..

¹ **Note:** The Petitioner is confirming the Application Fees for the instant Petition and Amended Site Plan Applications, which will be submitted under separate cover upon confirmation of same.



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Further, it is respectfully requested that the instant matter be placed on the Town Board's next available Work Session Agenda for discussion. Should the Town Board or Town Staff have any questions or comments with regard to the foregoing, please do not hesitate to contact me. Thank you in advance for your time and consideration in this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "T.M. Palmer", written over a horizontal line.

Taylor M. Palmer

Enclosures

cc: Adam Rodriguez, Esq., Town Attorney
Diana L. Quast, Town Clerk
John A. Tegeder, R.A., Director of Planning
Robyn A. Steinberg, AICP
Kitchawan Barns, LLC
Hudson Land Design
Aryeh Siegel Architect