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**Diana L. Quast, Town Clerk**  
dquast@yorktownny.org



**Registrar of Vital Statistics**  
Telephone: (914) 962-5722 x 208  
Fax: (914) 962 6591

**TOWN OF YORKTOWN**  
363 Underhill Avenue, P.O. Box 703  
Yorktown Heights, NY 10598

This is a resolution adopted by the Town Board of the Town of Yorktown at its regular meeting held on November 14, 2017.

WHEREAS, Steven Spiro & Michael Katz, now known as Kitchawan Barns, LLC (the "Applicants") as contract vendees, by their attorneys Cuddy & Feder LLP, applied to rezone the approximately 14.70 acre parcel located at 712 Kitchawan Road in the Town of Yorktown, also known as Section 70.06, Parcel 1, Lot 4 on the Tax Map of the Town of Yorktown (the "Property") into the transitional zoning district. The proposed transitional zone will allow the Property to be used and developed for a for-profit office, including for-profit office and flex space including use for a digital printing/cutting/laminating business; and

WHEREAS, the Property is currently zoned R1-200, however historically the Property has been used for several not-for-profit, and limited for-profit uses, including research, laboratories, office space, educational, and other related uses, the most recent being the Brooklyn Botanic Garden Corp. and The Kenneth S. Warren Institute, Inc., the current owner of the Property; and

WHEREAS, the Property is currently improved with an existing research laboratory building, including existing office space, laboratories, and conference rooms; and

WHEREAS, the Town Board held a duly noticed Public Hearing commencing on July 18, 2017 at the Town Hall, 363 Underhill Avenue in Yorktown Heights, New York, which was reconvened and closed on October 3, 2017; and

WHEREAS, the Applicants submitted as part of its application an Environmental Assessment Form dated April 21, 2017 evaluating the potential environmental impacts of the proposed action; and

WHEREAS, the Town Board circulated its intent to become lead agency; and

WHEREAS, receiving no objection or opposition to its intent to act as lead agency, the Town Board hereby declares itself lead agency for carrying out the procedural requirements of the SEQRA regulations; and

WHEREAS, the Town Board, using the information provided by the Applicants and comparing it with the thresholds set forth in Section 617.12 of SEQRA, classified the proposed action as unlisted; and

WHEREAS, the Town Board created the transitional zone designation specifically for residentially zoned properties that, have unique characteristics that make them difficult to develop under their zoning designation; and

WHEREAS, the transitional zoning designation considers the unique characteristics of the these specific parcels and establishes area and bulk requirements to assure compatibility with the surrounding uses and character of the immediate neighborhood; and

WHEREAS, the Property is surrounded by the Kitchawan Preserve, a 208-acre natural preserve owned by Westchester County, which was formerly part of the same site when the entirety of both properties were owned and used as a research facility by the Brooklyn Botanic Garden (the "Garden"); and

WHEREAS, when the Garden sold the 208-acre parcel to Westchester County, it retained its adjoining 14.70-acre parcel ("Retained Property") and granted the County a right of first refusal to purchase the Retained Property if the Garden entered into an agreement to sell the Retained Property to a third party; and

WHEREAS, at the same time, the County granted the Garden, its successors and assigns, a vehicular and pedestrian easement on, over and across the existing entrance road of the Kitchawan Preserve in order to provide access to and from the Retained Property and NYS Route 134, Kitchawan Road; and

WHEREAS, on Monday, June 5, 2017 Westchester County waived its Right of First Refusal and accepted a new Right of First Refusal with the Applicants; and

WHEREAS, the Applicant's parcel qualifies as a targeted property for a transitional zoning designation as defined in Article XVII of the Town Code in that:

1. The Property has a pre-existing non-conforming research and office use allowed by special permit in the residential zone that is now surrounded by a County owned park preserve and where access is by an access agreement with Westchester County over said park land and this arrangement therefore makes it impractical to redevelop the site in its current zoning designation. The Premises, which acts as a buffer between the Kitchawan Preserve and the NYS Route 134 (a major traffic route, used by heavy trucks and commercial vehicles), lies between properties zoned R1-80, County Commercial and in proximity to RSP-1, which are distinctly different zoning districts;
2. The Applicant has sufficiently demonstrated that the present residential zoning of the Property is not compatible with the surrounding uses. Under its current zoning designation, Westchester County may not waive its Right of First Refusal on a redevelopment of the property that complies with the zone because it would substantially change the existing use and operation of the site; and

WHEREAS, the Planning Board received the applicant's site plan submittal and recommended the approval of the transitional zone request by memorandum dated July 18, 2017; and

WHEREAS, pursuant to Article XVII, the Town Board hereby finds the following:

- i. The use of the subject Property is compatible with adjacent land uses and will not adversely affect the continued use of adjacent properties as presently zoned;
- ii. The use is compatible with the environmental constraints of the site;
- iii. The use of the subject site cannot be accommodated by the existing zoning or by an existing zoning classification; and
- iv. The subject site is not economically developable under the existing zoning designation; and therefore

BE IT HEREBY RESOLVED, that the Town Board pursuant to 6NYCRR §617.7 of the State Environmental Quality Review Act determines that there will be no adverse environmental impacts resulting from this action and therefore adopts a negative declaration pursuant thereto; and

BE IT FURTHER RESOLVED that the request for rezoning of the subject parcel to a transitional zone is hereby granted; and

The use, density, setback and area and bulk requirements for the subject site shall be as follows:

**PERMITTED MAIN USES:**

1. Office.
2. For-profit office and flex space including use for a digital printing/cutting/laminating business.

**MAIN USES BY SPECIAL PERMIT FROM TOWN BOARD:**

1. Main Uses Permitted by special permit from the Town Board in accordance with the provisions of §300-21(C)(1)(b) and in accordance with the provisions of Article VII.

**PERMITTED ACCESSORY USES:**

1. One dwelling unit or guest facility for the temporary accommodation of company employees and of visitors to the office provided that such unit is located in a main building and that the site is limited to one such dwelling unit or guest facility.
2. Permitted Accessory Uses in accordance with the provisions of § 300-21(C)(1)(c) and subject to the provisions of § 300-182.

**PERMITTED ACCESSORY USES BY SPECIAL PERMIT FROM TOWN BOARD:**

1. Permitted accessory uses by special permit from Town Board in accordance with the provisions of § 300-21(C)(1)(d) and in accordance with the provisions of Article VII.

## SCHEDULE OF REGULATIONS

### TRANSITIONAL ZONE PROPOSED BULK REGULATIONS

Lot area	14.07 ac
Lot width at front yard	802.64 ft
Front yard	299.85 ft
Side yard	305.58 ft and 555.49 ft;
Rear yard	179.67 ft
Maximum height	35 ft main building 20 ft accessory building
Maximum coverage	13,987 sq ft (2%)
Off street parking	Office: 43 parking spaces existing to remain

FURTHER RESOLVED, that no development shall be permitted except in accordance with a plan of development approved by the Town Board pursuant to the State Environmental Quality Review Act and Article VIII of the Yorktown Town Code and all other relevant laws.



Diana L. Quast, RMC, Town Clerk

Date: November 15, 2017

To: Kitchawan Barns, LLC

cc: Yorktown Town Board  
Taylor Palmer, Esq., Cuddy & Feder  
Michael Grace, Town Supervisor  
Michael McDermott, Town Attorney  
Michael Quinn, Town Engineer  
John Landi, Building Inspector  
Gordon Fine, Zoning Board of Appeals  
John Tegeder, Director of Planning  
file

Town Clerk's Office

NOV 15 2017

Diana L. Quast, Town Clerk  
Town of Yorktown, New York

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**TOWN OF YORKTOWN**  
363 Underhill Avenue, P.O. Box 703  
Yorktown Heights, NY 10598

This is a resolution adopted by the Town Board of the Town of Yorktown at its regular meeting held on November 14, 2017.

WHEREAS, Steven Spiro and Michael Katz, now known as Kitchawan Barns LLC, (the “Applicants”) as contract vendees, by their attorneys, Cuddy & Feder LLP, applied to the Town Board of the Town of Yorktown for site plan approval under Article XVII of the Town Code of the Town of Yorktown; and

WHEREAS, the subject site is a 14.70 acre parcel located at 712 Kitchawan Road in the Ossining area of the Town of Yorktown and is transitionally zoned, and known as Section 70.06 Parcel 1 Lot 4 on the Tax Map of the Town of Yorktown (the “Property”); and

WHEREAS, the applicant submitted as part of his application the following site plan related drawings:

1. A drawing, titled "Site Plan," Sheet 1 of 3, prepared by Aryeh Siegel, Architect, dated July 14, 2017, last revised September 30, 2017;
2. A drawing, titled “Proposed Storage Building – Elevations,” Sheet 2 of 3, prepared by Aryeh Siegel, Architect, dated July 14, 2017, last revised September 30, 2017; and
3. A drawing, titled “Proposed Floor Plans,” Sheet 3 of 3, prepared by Aryeh Siegel, Architect, dated July 14, 2017, last revised September 30, 2017.

WHEREAS, access to the Property is shared access with the Kitchawan Preserve, a Westchester County owned park preserve and the County has determined the proposed use of the Property is in compliance with the Access Easement dated October 17, 1989; and

WHEREAS, Westchester County (the “County”) is authorized to enter into a revocable license agreement with the Applicants for the duration of their ownership of the Property pursuant to which the Applicants will, on occasion, have use of one parking space in the parking area in exchange for which the Applicants shall, undertake to improve and maintain the parking area and the driveway that make up the Access Easement to the satisfaction of the County; and

WHEREAS, said revocable license agreement with the County ensures the continued maintenance of the site entrance as it exists therefore preserving the existing character of the area; and

WHEREAS, the Applicants also submitted as part of its application an Environmental Assessment Form dated April 21, 2017 evaluating the potential environmental impacts of the proposed action; and

WHEREAS, the Town Board declared itself lead agency for carrying out the procedural requirements of the SEQRA regulations; and

WHEREAS, the Town Board, using the information provided by the applicant and comparing it with the thresholds set forth in Section 617.12 of SEQRA, classified the proposed action as unlisted; and

WHEREAS, the Town Board referred the application to the involved boards and agencies and received and considered the following memoranda:

Planning Board  
Conservation Board  
ABACA  
Town Engineer

and;

WHEREAS, the Town Board held a duly noticed Public Hearing commencing on July 18, 2017 at the Town Hall, 363 Underhill Avenue in Yorktown Heights, New York, which was reconvened and closed on October 3, 2017; and

WHEREAS, the Town Board, based on the Applicant's submissions, comments received by the involved boards and agencies and the testimony received at the public hearings, issued a negative declaration pursuant to SEQRA §617.7 finding the proposed action would not significantly affect the environment; and

WHEREAS, on October 17, 2017 the Town Board approved the Applicant's verified petition to rezone the Property from R1-200 to the transitional zone; be it hereby

RESOLVED, that site plan approval is hereby granted for a for-profit office, including a for-profit office and flex space including use for a digital printing/cutting/laminating business on the Property. The Property shall be improved as per the latest revised drawings listed above and pursuant to the following amendments and conditions:

1. The primary use of the subject Property shall be limited to the uses cited above and as listed in the resolution granting approval for rezone of 712 Kitchawan Road (the "Rezoning Resolution");
2. The following bulk regulations, as established by the Town Board at the rezoning stage, shall be met by the proposed development as shown on the site plan drawings enumerated herein and as listed below:



Lot area	14.07 ac
Lot width at front yard	802.64 ft
Front yard	299.85 ft
Side yard	305.58 ft and 555.49 ft;
Rear yard	179.67 ft
Maximum height	35 ft main building 20 ft accessory building
Maximum coverage	13,987 sq ft (2%)
Off street parking	Office: 43 parking spaces existing to remain

3. Requests to use the property for more than 30 employees shall require Town Board approval;
4. There are 43 pre-existing parking spaces on the Premises that will remain gravel and macadam as shown on the Site Plan. This does not limit repairs of the parking areas using the same or similar materials, or other pervious pavers;
5. The proposed enclosure of the existing greenhouse will be red wood barn siding;
6. Lighting shall be consistent with the lighting shown on the Site Plan;
7. 4" caliper Scotch Pine screening trees will be installed to be maintained by the owner of the Property;
8. Deliveries to the Property not between the hours of 9am and 5pm, shall be to the front entrance of the building; and
9. Entrance signage will be consistent in size and style with existing signage.

FURTHER RESOLVED, the Applicant shall submit copies of the approved site plan for signature by the Town Supervisor.



Diana L. Quast, RMC, Town Clerk

Date: November 15, 2017

To: Kitchawan Barns, LLC

cc: Town Board  
Taylor Palmer, Esq., Cuddy & Feder  
Michael Grace, Town Supervisor  
Michael McDermott, Town Attorney  
Michael Quinn, Town Engineer  
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Town Clerk's Office

NOV 15 2017

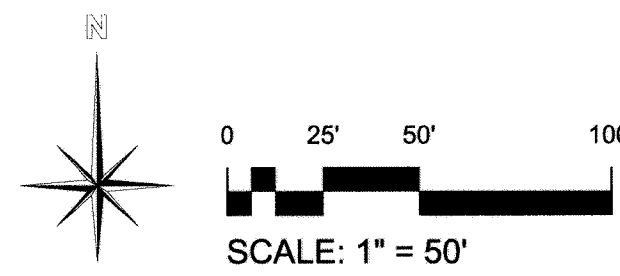
Diana L. Quast, Town Clerk  
Town of Yorktown, New York

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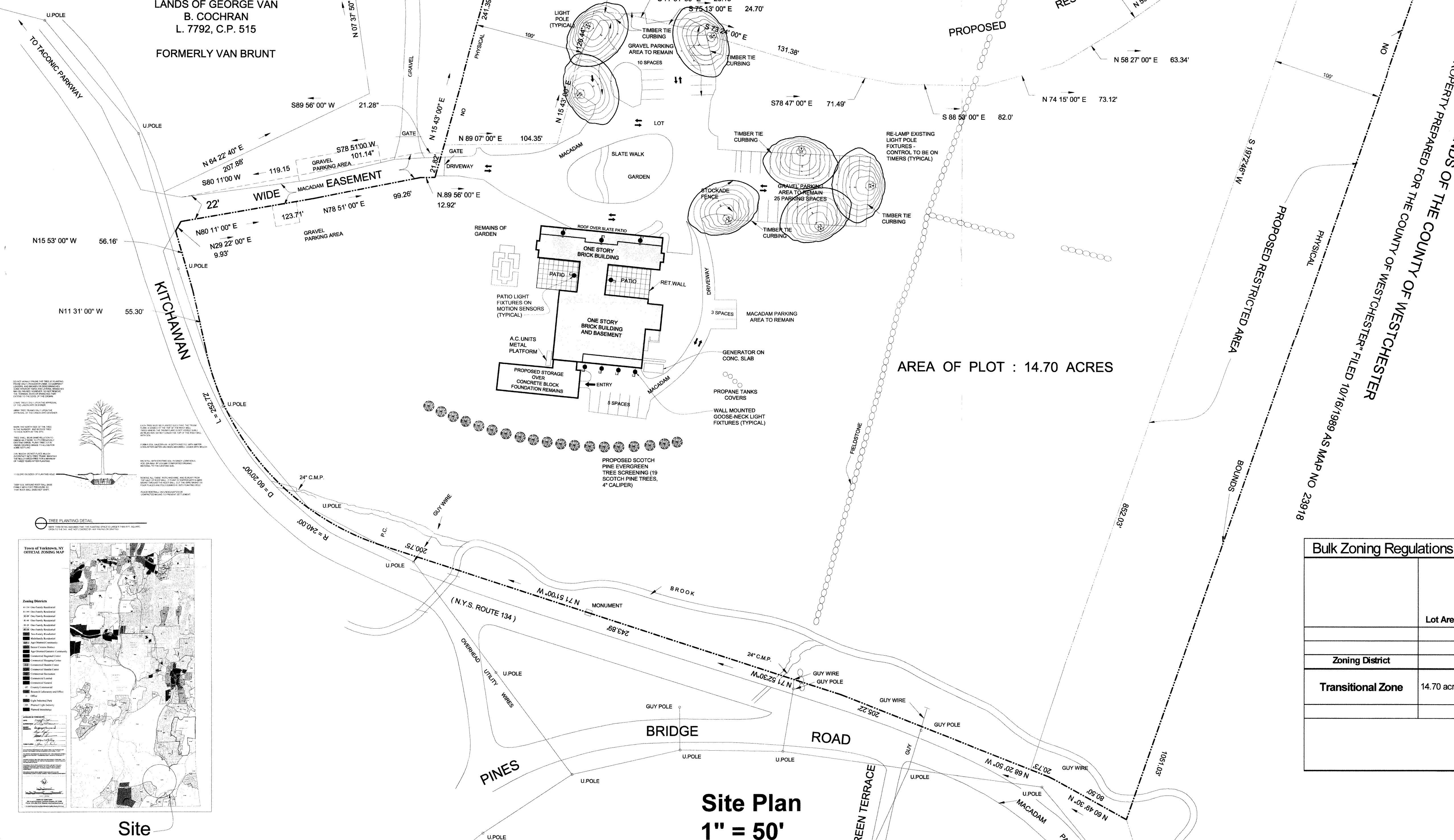
LANDS OF THE COUNTY OF WESTCHESTER

SEE "SURVEY OF PROPERTY PREPARED FOR THE COUNTY OF WESTCHESTER" FILED 10/16/1989 AS MAP NO. 23918

SITE PLAN BASED ON A PROPERTY SURVEY BY  
LINKVLAND SURVEYORS, P.C.  
21 CLARK PLACE, SUITE 1-B  
MAHOPAC N.Y. 10541  
PHONE 845-628-5857  
FAX 845-621-0013



NOW OR FORMERLY  
LANDS OF GEORGE VAN  
B. COCHRAN  
L. 7792, C.P. 515  
FORMERLY VAN BRUNT



AREA OF PLOT : 14.70 ACRES

712 Kitchawan Road - Transitional Zone - Use Table:

PERMITTED MAIN USES:

- 1) Office.
- 2) For-profit office and flex space including use for a digital printing/cutting/laminating business.

MAIN USES BY SPECIAL PERMIT FROM TOWN BOARD:

- 1) Main Uses Permitted by special permit from the Town Board in accordance with the provisions of §300-21(C)(1)(b) and in accordance with the provisions of Article VII.

PERMITTED ACCESSORY USES:

- 1) One dwelling unit or guest facility for the temporary accommodation of company employees and of visitors to the office provided that such unit is located in a main building and that the site is limited to one such dwelling unit or guest facility.
- 2) Permitted Accessory Uses in accordance with the provisions of § 300-21(C)(1)(c) and subject to the provisions of § 300-182.

PERMITTED ACCESSORY USES BY SPECIAL PERMIT FROM TOWN BOARD:

- 1) Permitted accessory uses by special permit from Town Board in accordance with the provisions of § 300-21(C)(1)(d) and in accordance with the provisions of Article VII.

Zoning Summary

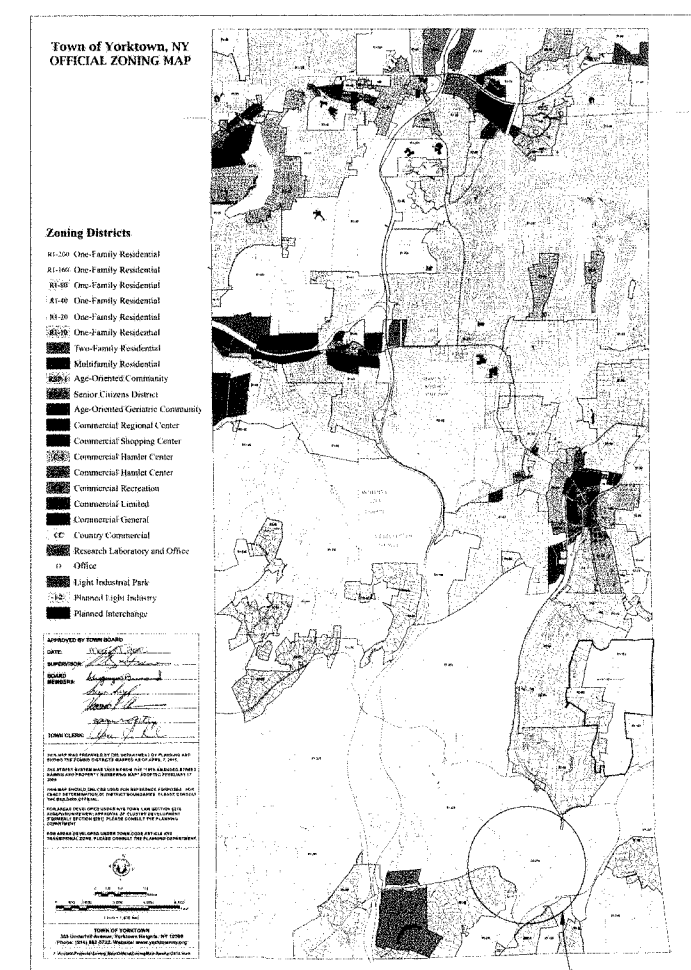
Existing Zoning District:	R1-200
Proposed Zoning District:	Transitional Zone
Tax Map No.:	Section 70.06 Block 1 Lot 4
Lot Area:	14.70 acres
Building Footprint:	13,987 square feet
Existing Use:	Vacant Office Building
Proposed Use:	For-Profit Office and flex space, including use for a digital printing /cutting / laminating business

Notes:

1. There are 43 pre-existing parking spaces on the premises that will remain.
2. Requests to use of the property for more than 30 employees shall require Town Board approval.
3. Deliveries to the premises not between the hours of 9am and 5pm, shall be to the front entrance of the building.
4. Entrance signage will be consistent in size and style with existing signage.

Bulk Zoning Regulations Table

Zoning District	Lot Area	Proposed Setbacks			Lot Width at Front Line of Main Building	Allowable Building Height	Proposed Building Height	Proposed Building Coverage	Proposed Parking
		Front	Side	Rear					
Transitional Zone	14.70 acres	299.85'	305.58' 555.49'	179.67'	802.64'	35' Main Building 20' Accessory Building	35' Main Building 20' Accessory Building	13,987 sf (2% of lot area)	43 Spaces



Site

Site Plan  
1" = 50'

SITE PLANS OF  
Title: 712 Kitchawan Road  
Dated: 10/13/2017  
APPROVED  
on the 14th day of October 2017  
by the Town Board, Town of Yorktown, NY  
Town Supervisor

RECEIVED  
PLANNING DEPARTMENT  
OCT 6 2017  
TOWN OF YORKTOWN

Site Plan  
Sheet 1 of 3

712 Kitchawan Road

Yorktown, New York  
Scale: 1" = 50'

July 14, 2017

Revised September 30, 2017

Applicant:  
Kitchawan Barns, LLC

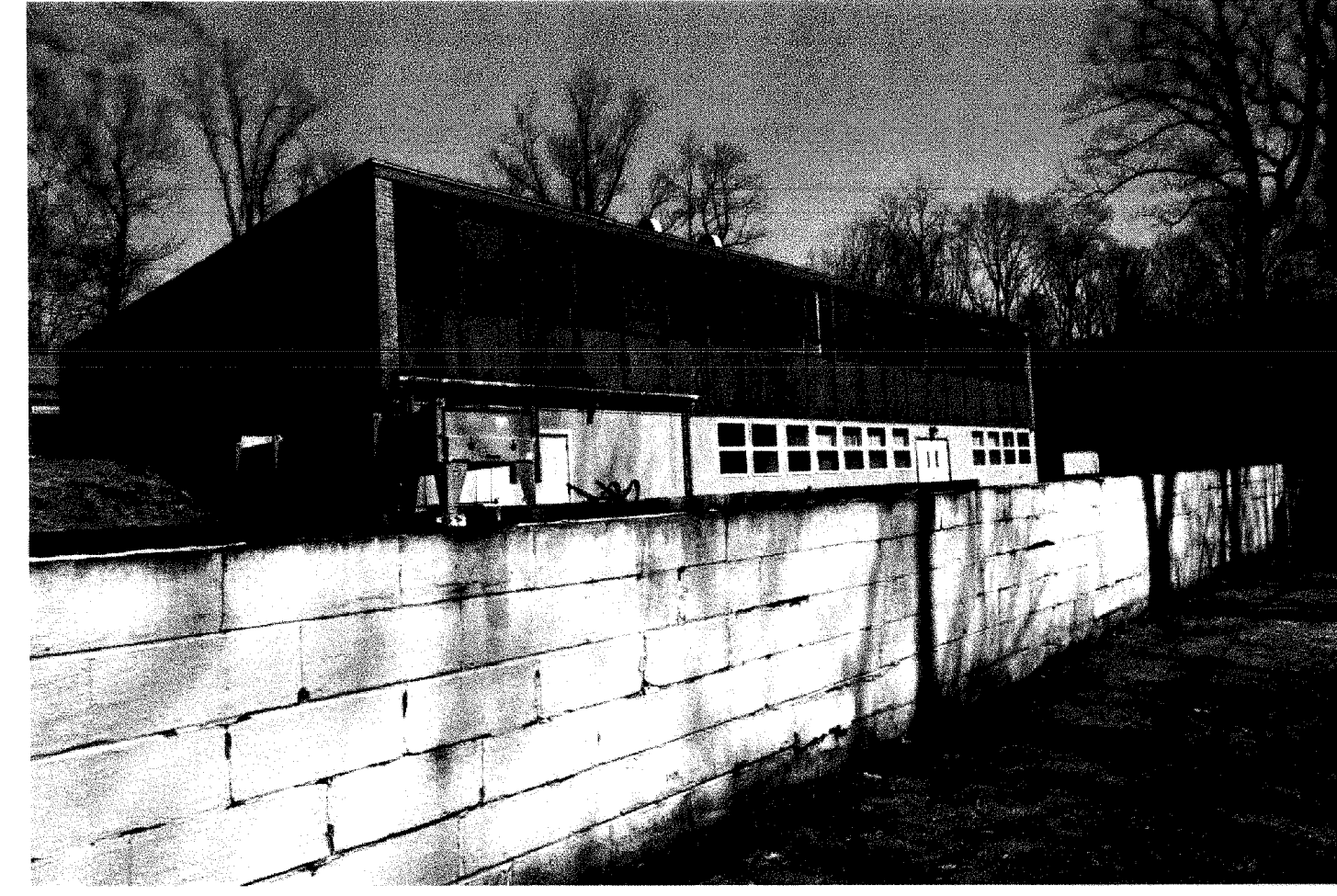
Architect:  
Aryeh Siegel, Architect  
84 Mason Circle  
Beacon, New York 12508



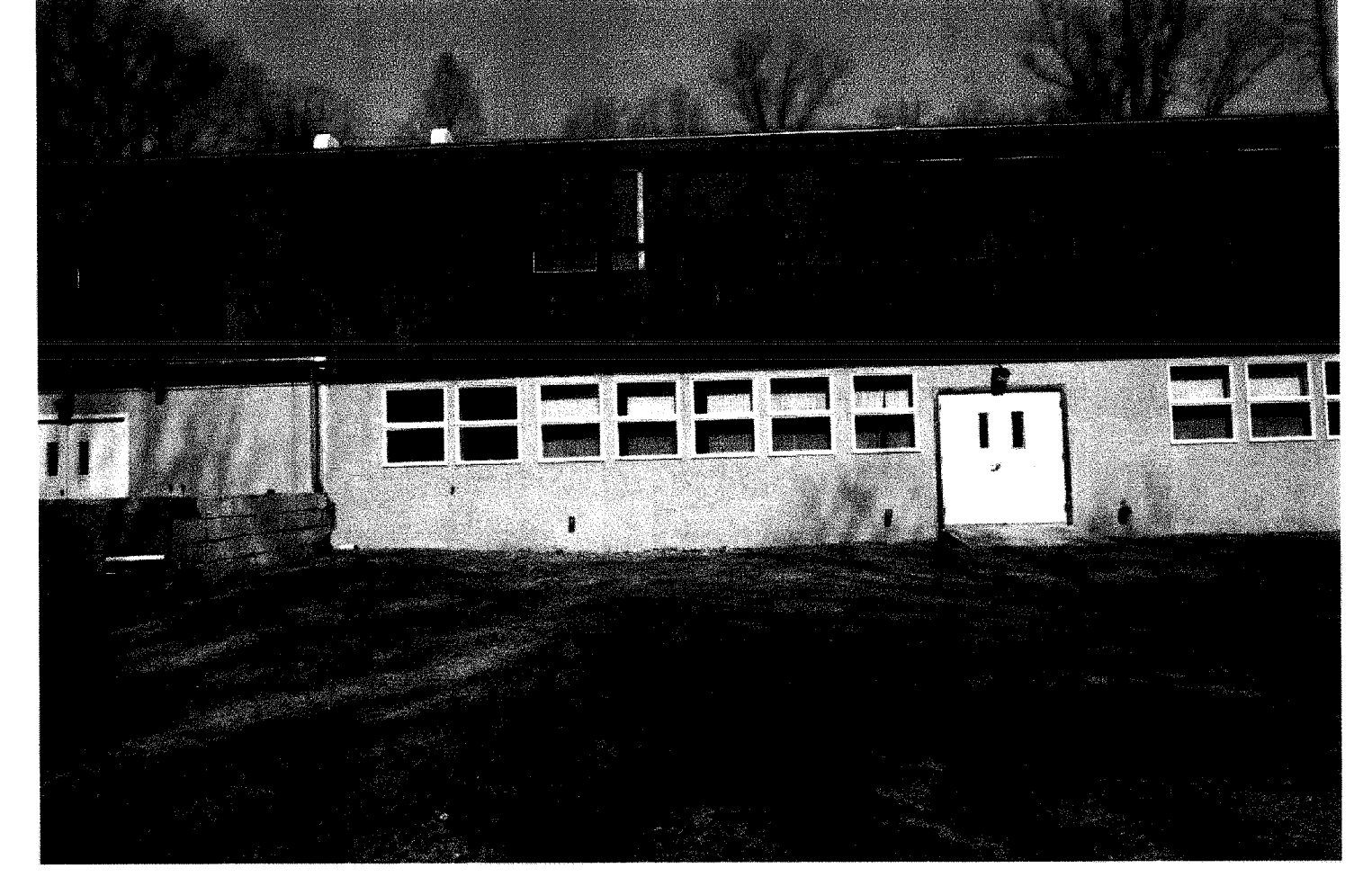
Existing Ruins Facing East  
Not to Scale



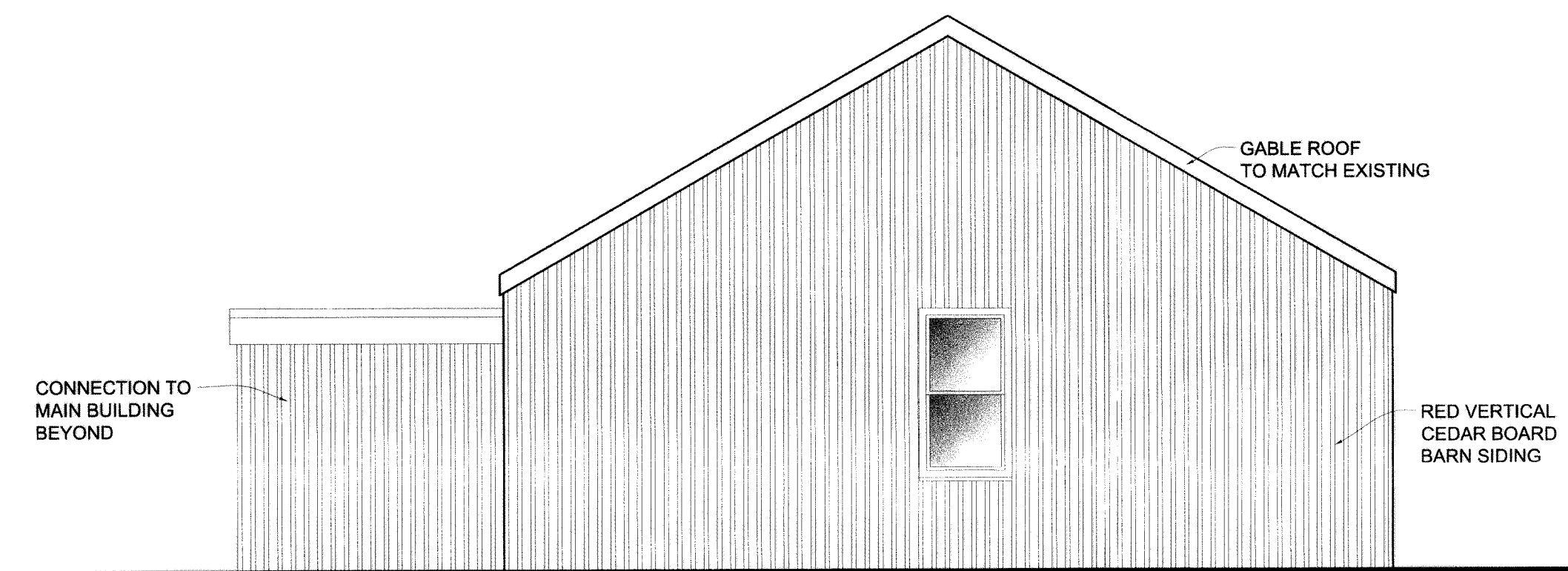
Existing Ruins Facing North-East  
Not to Scale



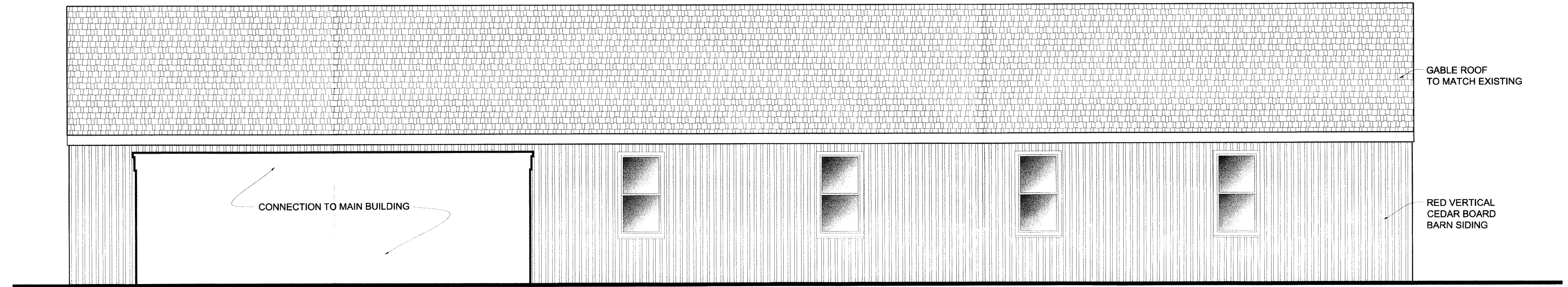
Existing Ruins Facing North-East  
Not to Scale



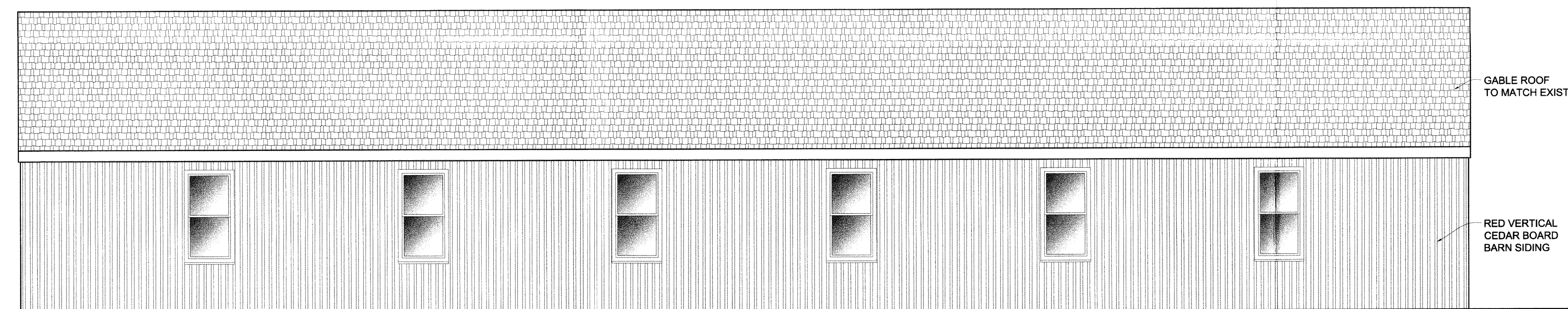
Existing Ruins Facing North  
Not to Scale



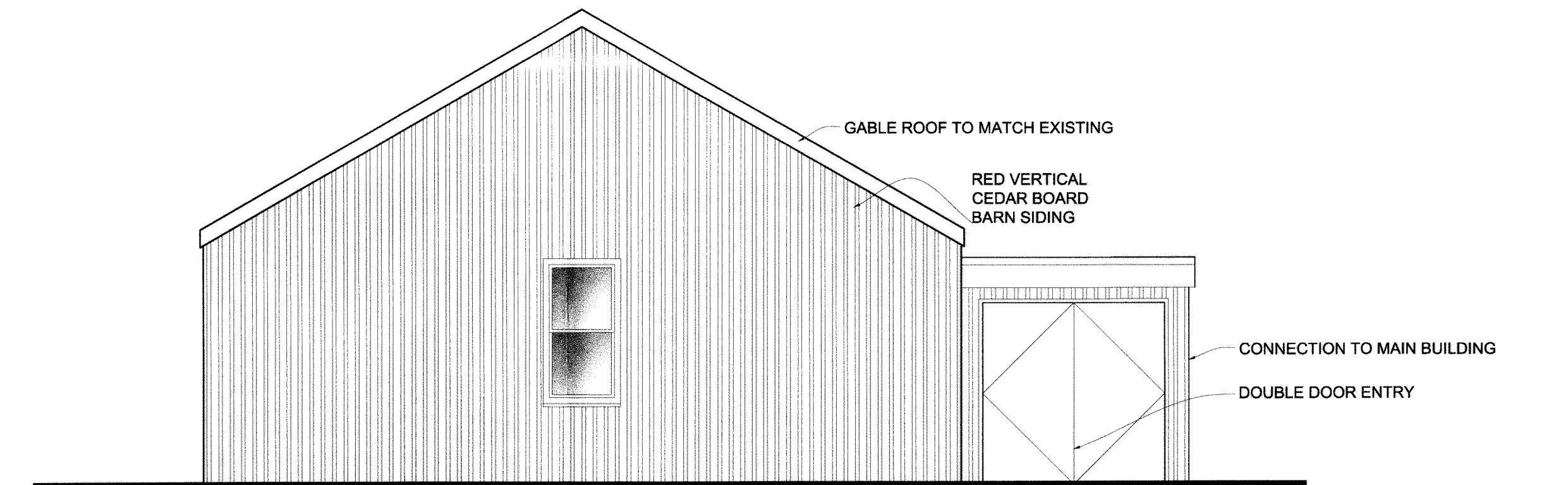
West Elevation  
 $\frac{1}{4}'' = 1'-0''$



North Elevation  
 $\frac{1}{4}'' = 1'-0''$



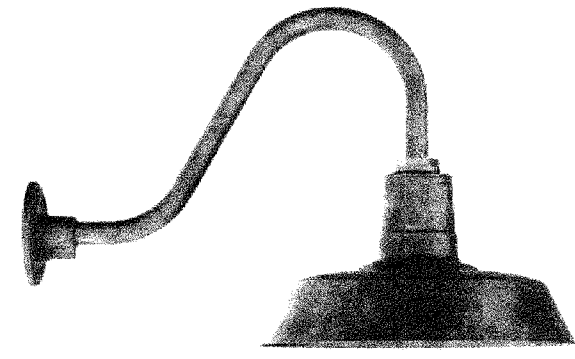
South Elevation  
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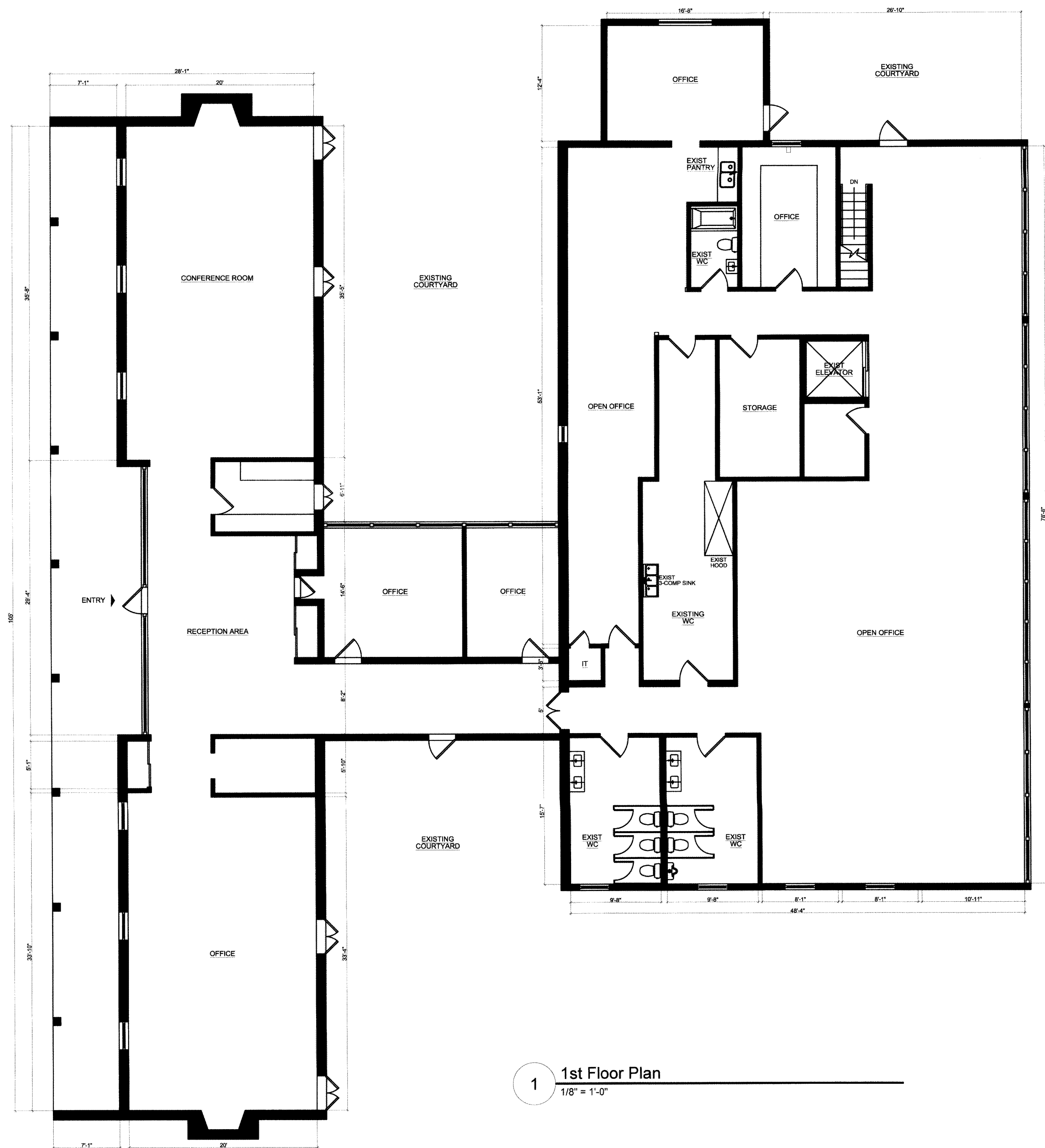
East Elevation  
 $\frac{1}{4}'' = 1'-0''$

## Proposed Storage Building - Elevations

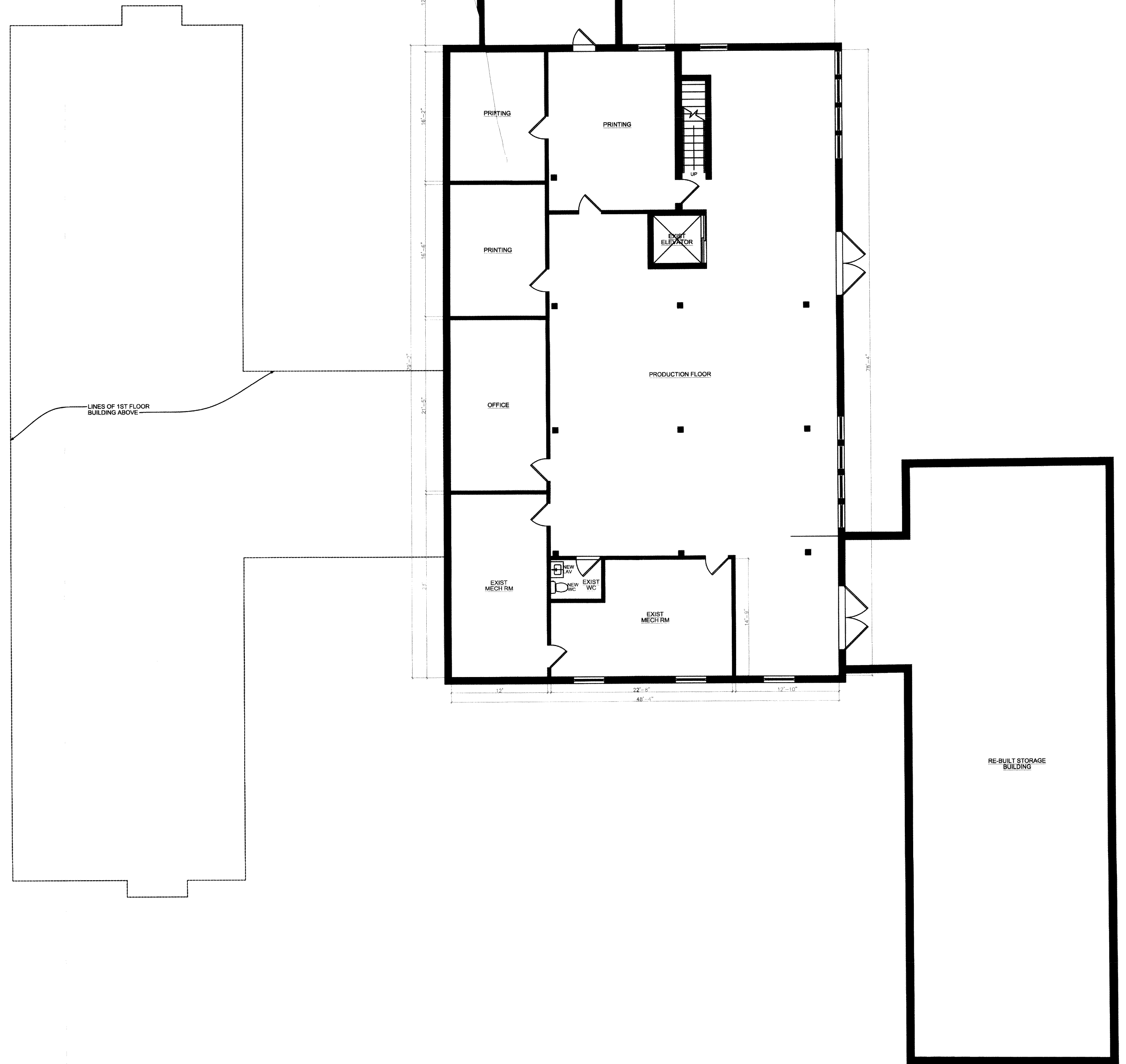
Sheet 2 of 3



**L2 Wall Mounted Light Fixture**  
The Original Warehouse Gooseneck Light - Barnlight Electric 100W Lamp



1 1st Floor Plan  
1/8" = 1'-0"



1 Lower Level Plan  
1/8" = 1'-0"

# Proposed Floor Plans

Sheet 3 of 3

**712 Kitchawan Road**

Yorktown, New York

Scale: 1/8" = 1'-0"

July 14, 2017

Revised September 30, 2017