



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 Tuesday, February 22, 2022.

WHEREAS, Underhill Soundview LLC (hereinafter the "Applicant") is owner of property located at 370 Underhill Avenue (hereinafter the "property"), Yorktown Heights, formerly Soundview Preparatory School, Beaver Conference Farm, and the Abraham and Edward Underhill Estate; and

WHEREAS, the Applicant has by letter dated January 11, 2022, requested authorization from the Town Board to apply the standards set forth in Article XXXI of the Yorktown Zoning Code in furtherance of a project to construct multi-family residential units and commercial space on the property; and

WHEREAS, the Town Board's consideration of the requested authorization to apply standards pursuant to Article XXXI is based on its intent to promote and encourage economic development, to stimulate growth and provide for revitalization, while utilizing smart-growth techniques capable of creating smarter, less wasteful, and more economically efficient development patterns that engender flexibility in land uses by providing a diverse array of mixed-use residential and commercial parcels; and

WHEREAS, the proposed project which is the basis of this request calls for the construction of 148 residential units of varying size and design distributed among 12 structures, and eleven thousand (11,000) square feet of commercial space in one of the 12 structures and the renovation and restoration and adaptive reuse of the existing historic mansion, accessed by two (2) proposed driveways from Underhill Avenue ("Proposed Project"); and

WHEREAS, applying the standards set forth in Article XXXI affords the project flexibility in the application of the zoning code's bulk requirements with respect to building height, lot frontage, lot coverage, lot area, and minimum floor area, floor area ratio, open space requirements, side yard requirements, front and rear yard requirements, maximum allowable coverage, parking regulations, unit density per acre, and off-street parking and loading spaces; and

WHEREAS, the applicant's request is a required step in obtaining the ability to apply Article XXXI as outlined in Section §300-251B of said Article which sets forth the procedure to request such authorization and the criteria by which the Town Board must consider the request; and

WHEREAS, Section §300-251B requires the Town Board consider the following factors when considering authorizing a project to apply the standards set forth in Article XXXI :

- (a) Whether the project is consistent with the general goals of the Comprehensive Plan;
- (b) Whether the project will likely be detrimental to the character of its immediate neighboring properties, or the district and Town at large;
- (c) Whether the scope of the project will likely cause operational difficulties on the site that have potential to negatively affect the health, safety, and welfare of the public;
- (d) Whether the Town's infrastructure is capable of servicing the project or that the impacts or deficiencies of the infrastructure can be appropriately mitigated;
- (e) Whether the project will eliminate a blight or potential blight within the district;
- (f) Whether the project is consistent with the goals and intent of the overlay district;
- (g) Whether the project is consistent with the requirements of the overlay district and does not exceed the limitations or requirements set forth therein;
- (h) Whether the project is likely to contribute to the economic development of the district and the Town at large.

WHEREAS, the Town Board considered the request at its meeting of January 25, 2022, at which time the applicant presented information in favor of authorizing the use of Article XXXI; and

WHEREAS, the Town Board under Section §300-251B is empowered, in its discretion, to hold a public hearing and determined a public hearing was not necessary as the Board has publicly discussed the adoption of Article XXXI, the inclusion of the project in the boundaries of the district in which the ARTICLE may be applied, and the merits of the project at various meeting throughout 2021, and heard comments from the public, its professional staff, advisory boards, and other interested parties; and

WHEREAS, the Town Board considered all the factors as above enumerated and notes the following :

- a) The Yorktown Comprehensive Plan in Chapter 2, Land Use, recommends the use of overlay zones to protect resources and to help implement various land uses or mixes of land uses, and Chapter 4, Economic Development and Hamlet Business Centers recommends actions that strengthen economic viability of Yorktown and maintain economic strength by addressing trends in the market place and the development industry, and recommends promoting a mix of uses in the hamlets as set forth, inter alia, in Goals 4-B, 4-D, and 4-E and in Policies 4-1 and 4-7; and
- b) The project is located on State Route 118 and Underhill Avenue, main arterial and collector roads, abutting and across a road from

existing multi-family residential developments of similar density, across a road from commercial development and across a road from single family residential development at which the project proposes low-rise town house style units and further that the projects proposes retention of the historic mansion and proposes complementary, historically inspired architecture of all new structures; and

- c) The project proposes a mix of development and open space that includes recreational areas, internal driveways, parking areas, a connection to a neighboring multi-family residential development, and two main driveway connections to Underhill Avenue; and
- d) The Town's professional staff has stated that water and sewer capacity are available to handle the scope of the project, and the applicant has submitted plans and data that indicated that the road infrastructure can be appropriately mitigated to accept the traffic impacts of the project; and
- e) The property contains the main mansion building and several other ancillary buildings, of varying quality and state of function and maintenance, any of which could fall to disrepair without sufficient attention and resources available to be applied to each.
- f) The goals of the Overlay district, Article XXXI, as stated herein seek to promote mixed uses, promote residential development within and near the hamlets, promote economic development, and preserve unique and historic structures, and further that the project is preserving and reusing the historic mansion, creating mixed use with residential dwelling units of varying design and type, creating small scale commercial space, creating open space and recreational amenities available to the public, and creating pedestrian amenities and connections that promote walkability, health, and economic viability; and
- g) The bulk requirements cited in Article XXXI support the project scope and physical characteristics and none have been shown to be exceeded; and
- h) The project will locate 148 units of residential which places consumers within walking distance of the hamlet and further proposes the creation of eleven thousand square feet of additional commercial space, proposes pedestrian connections and recreational amenities that attract users to the local hamlet area; and

WHEREAS, the application was referred to the Westchester County Planning Board under General Municipal Law § 239-m;

WHEREAS, the Westchester County Planning Board responded to the referral, and noted that it was supportive of the Town Board authorizing the application to proceed to the Yorktown Planning Board for consideration under Article XXXI; and

WHEREAS, pursuant to the New York State Environmental Quality Review Act ("S.E.Q.R.A."), this action is considered a Type II action under N.Y.C.R.R. Title 6, section 617.5(c)(33), and (c)(34); and

WHEREAS, based on the entire record before the Town Board, the Town Board finds that the request to apply the standards of the Yorktown Heights Overlay District pursuant to Chapter 300, Article XXXI, Section §300-250 through Section §300-255 of the code of the Town of Yorktown to the Underhill Soundview, LLC property will achieve the Town's objectives of the Comprehensive Plan and the preservation and enhancement of hamlet of Yorktown Heights, promote economic development, pedestrian connections and complete street initiatives, open space, recreation, and high architectural design standards, and other areas economic and social value; now therefore be it

RESOLVED, that the Underhill Soundview LLC request for authorization to apply the standards pursuant to Chapter 300, Article XXXI, Section § 300.250 through Section § 300.255, to the Proposed Project, is granted; and

BE IT FURTHER RESOLVD, that the Proposed Project will require site plan approval by the Planning Board, and must comply with all applicable laws, including but not limited to the S.E.Q.R.A.; and

BE IT FURTHER RESOLVED, that the permission herein granted is subject to and contingent on the site plan being in substantial conformance with the Proposed Project as presented to the Town Board on the instant application.



Diana L. Quast, Town Clerk
Certified Municipal Clerk
Town of Yorktown

Date: February 23, 2022

To: Richard Fon, Planning Board Chairperson
John Tegeder, Director of Planning

cc: Matthew J. Slater, Town Attorney
Mark W. Blanchard, Esq.
Adam Rodriguez, Town Attorney
file