



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 May 9, 2023.

Whereas, in November of 2020, by the adoption of Local Law 13-2020, the Town of Yorktown (“Town Board”) amended Chapter 300, Zoning, of the Yorktown Town Code when it added Article XXXI, Planned Design District Overlay Zones; and,

Whereas, the Legislative Purpose and Intent of Article XXXI was stated clearly when the Town Board “found and determined that there is a need throughout the Town of Yorktown to encourage and establish further economic development. To stimulate that growth and provide for revitalization, the Town requires the use of smart-growth techniques capable of creating smarter, less wasteful, and more economically efficient development patterns. Specifically, the Town needs flexibility in land uses which bolster economic development by providing not only a diverse array of commercial businesses, but mixed-use residential and commercial parcels to both provide abundant job opportunities and contribute to the local tax base,” and duly adopted the amendment; and,

Whereas, in furtherance of the purpose and intent of Article XXXI, in January of 2022, the Town Board further amended Chapter 300, Zoning, Article XXXI Planned Design District Overlay Zones, when it added Section 300-255, Yorktown Heights Planned Design District Overlay Zone; and,

Whereas, project sponsor Underhill Farms, LLC (“Underhill Farms”), sought authorization from the Town Board to have its proposed multi-family, mixed use commercial project located at the former site of the Soundview Preparatory School at 370 Underhill Avenue, in the Town of Yorktown (“Project”) considered under the Overlay regulations; and,

Whereas, the Town Board found that the Project complied with the requirements of Article XXXI and deemed Project eligible to apply for site-plan under the auspices of the overlay district; and,

Whereas, Underhill Farms made application to the Town of Yorktown Planning Board (“Planning Board”) for site plan review and review under the State Environmental Quality Review Act (“SEQRA” and collectively both referred to as “Site Plan Review”) and that review is currently underway; and,

Whereas, during the course of the Site Plan Review, certain impacts were identified, and corresponding mitigation measures have been proposed for each impact, one such impact being the existing undesirable service level of the intersection at State Route 118 and Underhill Avenue; and,

Whereas, Underhill Farms has proposed to finance and undertake a full reconstruction of the intersection, including the installation of certain improvements that will improve service of the intersection beyond the potential impacts imposed by the Project; and,

Whereas, Underhill Farms has requested the Town Board’s support in certain real-property tax abatements for eligible portions of the improvements to the intersection, through an application made to the Westchester County Industrial Development Agency (“WCIDA”); and,

Whereas, having recognized the greater community benefits offered by the Project, and in particular the proposed Intersection Improvements (attached hereto), the Town Board has agreed to support the Project's abatement proposal; and

Whereas, the N.Y.S. D.O.T. has requested confirmation that the Town and Underhill Farms have come to an understanding about the financing of the Intersection Improvements; and

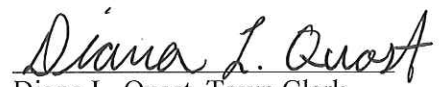
Whereas, the Project is contingent upon all necessary approvals, including Site Plan Review;

Whereas, Underhill Farms has committed to contributing two hundred and twenty-five thousand dollars (\$225,000) toward Town parks and recreation purposes, in addition to the Intersection Contribution (defined below); now

Therefore be it Resolved, the Town Board supports Underhill Farms' application to the WCIDA for real-property tax abatement of eligible portions of the Project; and,

Resolved, the abatement shall adhere to the following parameters:

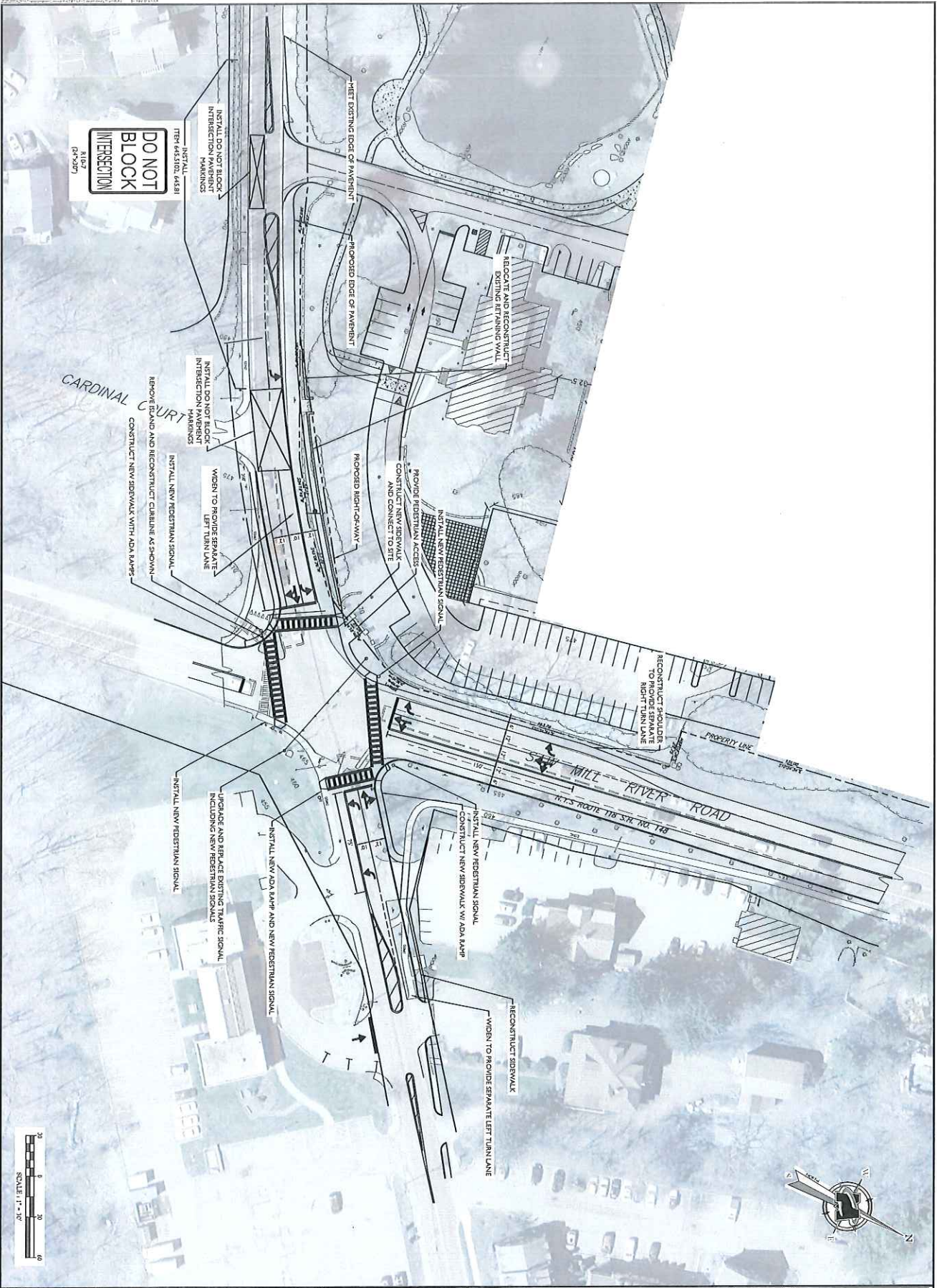
- 1) The period of tax abatement shall coincide with the amount of time required for Underhill Farms to recapture Eligible Expenditures (as defined below),
- 2) Underhill Farms shall contribute thusly: payments not to exceed six-hundred and twenty-seven thousand nine hundred and eighteen dollars and eighty-eight cents (\$627,918.88) ("Intersection Contribution") toward the cost of the Intersection Improvements,
- 3) The cost of construction of the Intersection Improvements beyond the Intersection Contribution ("Eligible Expenditures," which are anticipated to be \$610,148.81) shall be eligible for the real-property tax abatement for the necessary term to recapture that amount.
- 4) The abatement shall be limited to the retail/rental-unit building of the Project ("Commercial Portion"), and only regarding applicable county, town and school taxes over the current taxes of \$43,378.74 (which payment shall continue during the term of abatement and be split as follows: county \$4,407.26, town \$5,444.18 and school \$33,527.25).
- 5) The abatement on the Commercial Portion shall begin: (1) after the Intersection Improvements have been completed, i.e., after all necessary signoffs have been issued (including a certificate of completion/occupancy); and (2) after a reassessment based on the construction of the Commercial Portion of the Project has occurred.
- 6) The abatement is contingent upon all necessary approvals, including Site Plan approval.


Diana L. Quast, Town Clerk
Master Municipal Clerk

Date: May 10, 2023

To: Paul Guillaro, Underhill Farms, LLC

cc: Town Board
Patricia Caporale, Town Comptroller
Lance MacMillan, Regional Director, NYS Department of Transportation Region 8
Norma V. Drummond, Commissioner, Westchester County Planning Board
Mark Blanchard, Esq., Blanchard & Wilson
Rich Fon, Planning Board Chairperson
John Tegeder, Director of Planning
James Martorano, Jr., Parks and Recreation Superintendent
Barbara Korsak, Receiver of Taxes
Kim Adams Penner, Sole Assessor
Matthew Talbert, Parks and Recreation Commissioner
Adam Rodriguez, Town Attorney
file



<p>PRELIMINARY</p>	<p>DATE</p> <p>REV 1</p>	<p>DRAWN BY</p> <p>REV 1</p>	<p>DESCRIPTION</p> <p>REVISED FOR PLAN & E&P FOR PRELIMINARY CONSTRUCTION</p>
	<p>1</p>	<p>1</p>	<p></p>
<p>811 THE CITY OF NEW YORK DEPARTMENT OF PUBLIC WORKS FOR THE PRELIMINARY DESIGN AND CONSTRUCTION OF THE PROJECT</p>			
<p>MASER CONSULTANTS 100 WEST 30th STREET NEW YORK, NY 10001 WWW.MASERCONSULTANTS.COM</p>			
<p>NEW YORK NEW JERSEY PENNSYLVANIA MARYLAND VIRGINIA NORTH CAROLINA SOUTH CAROLINA FLORIDA ALABAMA MISSISSIPPI ARIZONA CALIFORNIA TEXAS OKLAHOMA GEORGIA</p>			
<p>NY STATE ROUTE 118 & UNDERHILL AVENUE TOWN OF YORKTOWN WESTCHESTER COUNTY NEW YORK</p>			
<p>ALTERNATE INTERSECTION IMPROVEMENT PLAN</p> <p>1 of 2</p>			

NOTE: DO NOT SCALE DRAWINGS FOR CONSTRUCTION