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

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In the Application of

GUIDING EYES FOR THE BLIND : **VERIFIED PETITION FOR A ZONING**

For an Amendment to the Zoning Code of : <u>TEXT AMENDMENT</u>

the Town of Yorktown Pursuant to Section 300-206

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Petitioner **GUIDING EYES FOR THE BLIND** ("Petitioner"), by its attorneys, Zarin & Steinmetz, 81 Main Street, Suite 415, White Plains, New York 10601, as and for its Verified Petition requesting an Amendment (the "**Text Amendment**," **Exhibit "A"**) to the Town of Yorktown (the "**Town**") Zoning Code (the "**Zoning Code**"), respectfully alleges as follows:

I. <u>INTRODUCTION</u>

- 1. Guiding Eyes for the Blind ("Guiding Eyes") is a 501(C)(3) tax exempt charitable organization, founded in 1954, providing services to those in the community who suffer from vision loss. Guiding Eyes is an accredited member of the International Guide Dog Federation ("IGDF"), the organization that establishes worldwide standards for the breeding and training of guide dogs.
- 2. Guiding Eyes presently maintains its headquarters at 611 Granite Springs Road, Yorktown Heights, New York ("Headquarters"). Currently, Guiding Eyes has approximately 90 employees at Headquarters, all committed to the many ways Guiding Eyes provides assistance to the visually impaired community.
- 3. Due to the Covid-19 Pandemic, people are in greater need of guide dogs and the services provided by Guiding Eyes. To accomplish this, Guiding Eyes intends to keep its current Headquarters, and to relocate certain aspects of its operations to the subject Property (as defined, *supra*).

- 4. More specifically, Headquarters will remain the heart of the entity's operations and training venues, while the new location would be operated as a non-commercial kennel where the dogs will be housed, fed, exercised, cared for, and trained.
- 5. "Non-Commercial Kennel," however, is not presently an enumerated permitted principal or special permit use anywhere within the Town, much less in the Planned Interchange Zoning (the "IN District") in which the Property is located. Accordingly, the instant Petition seeks an amendment to the Town of Yorktown Zoning Code (the "Zoning Code") to permit the use as a Special Permit Use in the IN District.

II. THE PROPERTY

- 6. Petitioner is the contract vendee of 3241 Crompond Road, Yorktown, New York, also designated on the Town Tax Map as Section 68.06, Block 4, Lot 39.42 (the "Property"). (See Town Tax Map, Exhibit "B"). The Property is ±12.23 acres, and is of suitable size to accommodate the needs and functions of the program. A Site Drawing of the Property is annexed hereto for illustrative purposes as Exhibit "C."
- 7. Petitioner submits this Petition with the express consent of Temple Israel, the owner of the Property (the "Current Owner"). (See Letter of Authorization, Exhibit "D"). The Current Owner previously obtained the necessary approvals from the Town to develop a synagogue with a school, event space, and associated parking on the Property. The Property is not currently occupied and has a small, vacant structure.
- 8. As noted, *supra*, the Property is in the Town's IN District. (See Excerpt of Town Zoning Map, Exhibit "E"). The legislative intent of the IN District is to provide access to existing public streets and highways, while providing orderly development. See Zoning Code § 300-153(1-6).

III. THE PROPOSED USE

- 9. Petitioner is seeking to redevelop the Property to accommodate its program and provide the dogs with housing, feeding, private veterinary care, and dog training (the "Proposed Use").
- 10. The Petitioner plans to have kennels, offices and veterinary care capability for roughly 200 dogs.

IV. BENEFITS OF THE PROPOSED USE

- 11. Guiding Eyes is a nonprofit committed to improving the lives of those who are visually impaired and providing a social service to people in surrounding communities. Petitioner respectfully submits that the adoption of the Text Amendment would be beneficial to those both living and working in the Town, as well as the surrounding region.
- 12. Guiding Eyes currently operates its Headquarters in the Town. If this site is approved, there will be a significant reduction of dogs housed at the Granite Springs Road location.
- 13. The Proposed Use would result in a reduction of impacts compared to the use previously approved on the Property by the Town. As your Board will recall, Temple Israel previously secured approvals for a synagogue, school, and event space. Guiding Eyes maintains there will be less traffic, reduced water and sewer demand, and less site disturbance.
- 14. The Proposed Use would be consistent with the Comprehensive Plan and the legislative intent of the IN District by providing an easily accessible use and orderly development of the Property.
- 15. The Property will also be able to provide adequate parking for staff, volunteers, and individuals and will not result in a significant, let alone adverse, traffic increase in the area or at the Property.

V. THE PROPOSED TEXT AMENDMENT

- 16. Presently, the Zoning Code permits "dog kennels" as a Permitted Special Use under Section 300-56. The current Zoning Code does not define "dog kennels." Also, the Zoning Code does not permit "dog kennels" in the IN District.
- 17. Petitioner is seeking the instant Zoning Text Amendment to provide a Permitted Special Use for "Non-Commercial Dog Kennels" in the IN District to facilitate and allow Guiding Eyes to conduct the Proposed Use.
- 18. Accordingly, to facilitate the establishment of the Proposed Use on the Property, the Petitioner's proposed Text Amendment would:
 - a. Define "Non-Commercial Dog Kennels";
 - b. Include in the Schedule of Regulations in the IN District, "Non-Commercial Dog Kennels" as a use permitted by a special use permit to be reviewed and issued by the Planning Board; and
 - c. Amend Section 300-56 to include "Non-Commercial Dog Kennels" as a special use permit in the IN District, along with specific special permit criteria.

VI. SEQRA

- 19. In accordance with the New York State Environmental Quality Review Act ("SEQRA"), the proposed action is a Type I Action. See 6 N.Y.C.R.R. § 617.4(b)(1); Town Code § 92-6(A)(8). Accordingly, Petitioner submits herewith a Short Environmental Assessment Form ("EAF") (See Exhibit "F").
- 20. Petitioner submits that all relevant areas of environmental concern will be identified, analyzed, and where appropriate, mitigated.

VII. REQUESTED RELIEF

- 21. In order to accommodate the Project, Petitioner respectfully requests that the Town Board:
 - (i) Accept this Petition and refer this matter to the to the Town of Yorktown Planning Board for a report and recommendation pursuant to Section 300-206(C) of the Zoning Ordinance and determine which Board shall serve as Lead Agency;
 - (ii) Schedule, notice, and conduct a public hearing on the Petition at the earliest possible date;
 - (iii) Resolve to adopt the Text Amendment annexed hereto as Exhibit A.

WHEREFORE, it is respectfully requested the instant matter be placed on the next

possible agenda of the Town Board of Yorktown, and that the relief sought herein be, in all

respects, granted.

Dated: June 10, 2022

White Plains, New York

Respectfully submitted,

ZARIN & STEINMETZ

David S. Steinmetz (DGA)

David S. Steinmetz Dominique G. Albano

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EXHIBIT A

PROPOSED TEXT AMENDMENT

§ 300-3(b) – Terms Defined

NON-COMMERCIAL DOG KENNEL - Any use on a lot, whether such use is primary or otherwise, wherein fifty (50) or more dogs are kept or maintained for a purpose other than compensation of any kind. This use may supply a private veterinary clinic, as well as training for those dogs on site only.

§ 300-21 Schedule of Regulations

- (C) Use regulations.
- ***
- (18) IN Planned Interchange District
 - ***
 - (b) Main uses permitted by special permit shall be as follows:

[2] Non-Commercial Dog Kennels

Part II General Legislation; § 300 Zoning; Article VII Permitted Special Uses

§ 300-56 Private stables; dog kennels

- B. The Board of Appeals may permit, as an accessory to a residence use on a site at least one acre in area, a private dog kennel for five or more dogs, but not including boarding or training kennels operated for business purposes. Kennels shall be located in the rear yard at least 75 feet from all property lines and shall be suitably fenced and landscaped. Use of the kennel shall be limited to one dog for every 5,000 square feet of lot area. No special permit is required for keeping fewer than five dogs.
- C. The Planning Board may permit Non-Commercial Dog Kennels on a site of at least 12 acres in the Planned Interchange District for the sole purpose of raising dogs to be trained as guide dogs for the visually impaired and not for sale, boarding, breeding, grooming, letting for hire or any other purpose involving compensation, whether monetary or otherwise.
- (1) Non-Commercial Dog Kennels will be permitted to hold classes and training sessions with future dog owners.
- (2) Veterinary services shall be permitted on the property strictly for the care of the dogs affiliated with the non-commercial use. These services will not be open to the public.
 - (3) The facility shall be operated so as to cause no disruption to neighboring properties.
- (4) The facility shall have the necessary and proper screening to reduce noise and protect nearby properties from any sound increases.
- (5) The facility shall have the requisite parking, lodging and drop-off areas suitable for all staff, volunteers and students on site.

(6) Non-Commercial kennels may permit up to 20 dogs per acre, provided the facilities are designed, arranged and operated in such fashion as to safety and appropriately accommodate that capacity.

EXHIBIT B

TOWN TAX MAP

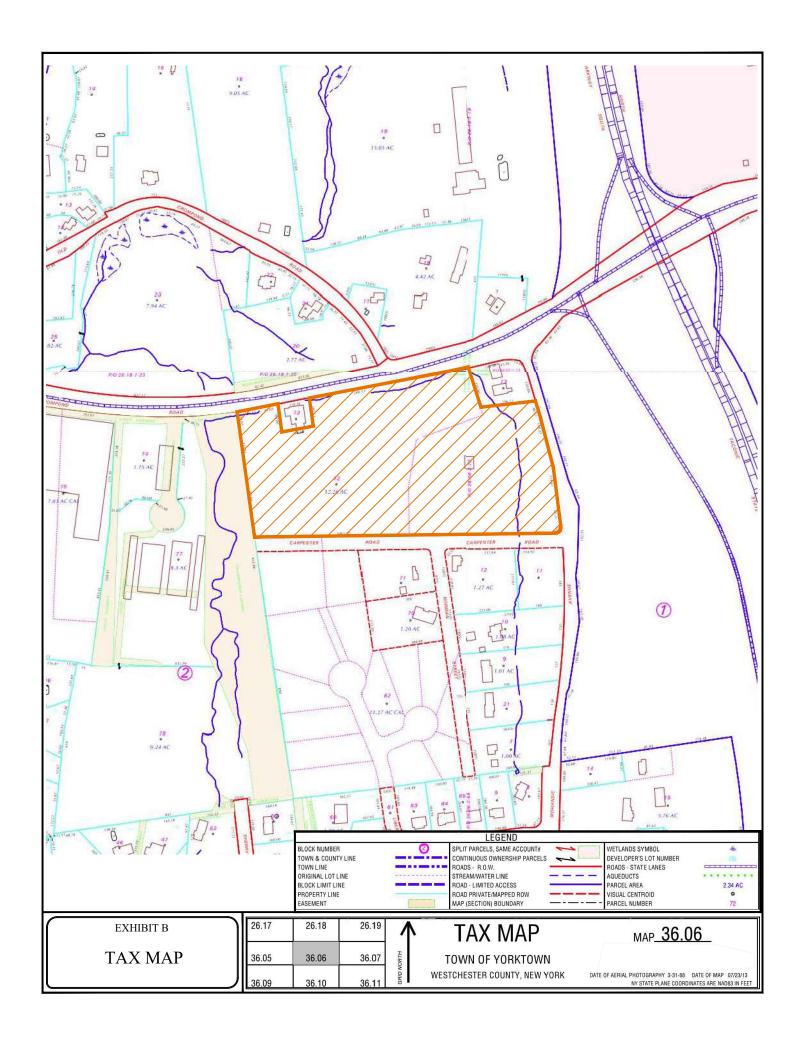


EXHIBIT C

SITE DRAWING



TEMPLE OF ISRAEL
3241 CROMPOND ROAD
YORKTOWN HEIGHTS, NY 10598
GUIDING EYES FOR THE BLIND
611 GRANITE SPRINGS ROAD

YORKTOWN HEIGHTS, NY 10598 3241 CROMPOND ROAD YORKTOWN HEIGHTS, NY 10598 IN, PLANNED INTERCHANGE DISTRICT IN, PLANNED INTERCHANGE DISTRICT SECTION 36.06, BLOCK 2, LOT 72 12.2 ACRES (532,231 SF) PUBLIC SEWERS PUBLIC WATER FACILITIES

ZONING DISTRICT:	IN, PLANNED INTERCHANGE DISTRICT (1)		
DIMENSIONAL REGULATIONS:	REQUIRED	PROVIDED	VARIANCE REQUIRE
MINIMUM SIZE OF LOT:			
MINIMUM LOT AREA:	10 ACRES	12.2 ACRES	NONE
MINIMUM LOT FRONTAGE:	100 FT.	462 FT.	NONE
MINIMUM YARD DIMENSIONS:			
PRINCIPAL BUILDING:			
FRONT YARD SETBACK:	100 FT.	274 FT.	NONE
REAR YARD SETBACK:	100 FT.	609 FT.	NONE
ONE SIDE YARD SETBACK:	100 FT.	110 FT.	NONE
COMBINED SIDE YARD SETBACK:	100 FT.	447 FT.	NONE
ACCESSORY BUILDINGS:			
FRONT YARD SETBACK:	100 FT.	N/A	NONE
REAR YARD SETBACK:	100 FT.	N/A	NONE
ONE SIDE YARD SETBACK:	100 FT.	N/A	NONE
COMBINED SIDE YARD SETBACK:	100 FT.	N/A	NONE
MAXIMUM % OF LOT TO BE OCCUPIED:			
PRINCIPAL BUILDING COVERAGE:	15% OF LOT AREA	3.8 % OF LOT AREA	NONE
ACCESSORY BUILDING COVERAGE:	15% OF LOT AREA	N/A	NONE
MAXIMUM FLOOR RATIO:	0.4	0.04 FT.	NONE
MAXIMUM HEIGHT:			
PRINCIPAL BUILDING - FEET:	35 FEET	35 FEET	NONE
ACCESSORY BUILDING - FEET:	35 FEET	35 FEET	NONE

ZONING REGULATION NOTES:

1. REGULATIONS AS STATED IN § 300-154 OF THE TOWN CODE OF THE TOWN OF TORKTOWN.

REQUIRED PARKING: 2 PARKING SPACES PER 3 EMPLOYEES TRAINING SCHOOL KENNEL: 89 EMPLOYEES = 89 EMPLOYEES (2 SPACES/ 3 EMPLOYEES) = 59 SPACE PROVIDED PARKING: 70 STANDARD 2 HANDICAP TOTAL PROVIDED PARKING: 72 SPACES PARKING VARIANCE REQUIRED: 0 SPACES		
= 89 EMPLOYEES (2 SPACES/ 3 EMPLOYEES) = 59 SPACE PROVIDED PARKING: 70 STANDARD 2 HANDICAP TOTAL PROVIDED PARKING: 72 SPACES	REQUIRED PARKING:	2 PARKING SPACES PER 3 EMPLOYEES
PROVIDED PARKING: 70 STANDARD 2 HANDICAP TOTAL PROVIDED PARKING: 72 SPACES	TRAINING SCHOOL KENNEL:	89 EMPLOYEES
2 HANDICAP TOTAL PROVIDED PARKING: 72 SPACES		= 89 EMPLOYEES (2 SPACES/ 3 EMPLOYEES) = 59 SPACES
TOTAL PROVIDED PARKING: 72 SPACES	PROVIDED PARKING:	70 STANDARD
		<u>2 HANDICAP</u>
PARKING VARIANCE REQUIRED: 0 SPACES	TOTAL PROVIDED PARKING:	72 SPACES
	PARKING VARIANCE REQUIRED:	0 SPACES

SCALE: 1"=40'-0"

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CALL US TOLL FREE 811 or 1-800-962-7962
NY Industrial Code Rule 753 requires no less than two working days notice, but not more than ten days notice.

www.digsafelynewyork.com

EYES

THIS IS NOT A SURVEY. ALL SURVEY INFORMATION SHOWN ON THIS PLAN HAS BEEN TAKEN FROM SURVEY MAP PREPARED BY NAME OF SURVEYOR, DATED XX/XX/XX, LAST REVISED XX/XX/XX. THE ENGINEER ASSUMES NO RESPONSIBILITY FOR ITS ACCURACY.

EXHIBIT D

LETTER OF AUTHORIZATION

OWNER AUTHORIZATION

Temple Israel of Northern Westchester is the owner of the property located at 3241 Crompond Road, Section 68.06, Block 4, Lot 39.42 in the Town of Yorktown, New York. I, Lisabeth G. Dashman, am the President of Temple Israel of Northern Westchester. By signing below, I authorize Guiding Eyes for the Blind to apply for a rezoning and to process such Zoning Petition with the Town of Yorktown.

Signature of Authorized Representative

Print Name

President, Temple Israel of Northern Westchester

Sworn to before me this 8/

day of JUNE

JAMES D. RICE

NOTARY PUBLIC, STATE OF NEW YORK NO. 02RI6108104 QUALIFIED IN WESTCHESTER COUNTY

Notary Signature

EXHIBIT E

TOWN ZONING MAP

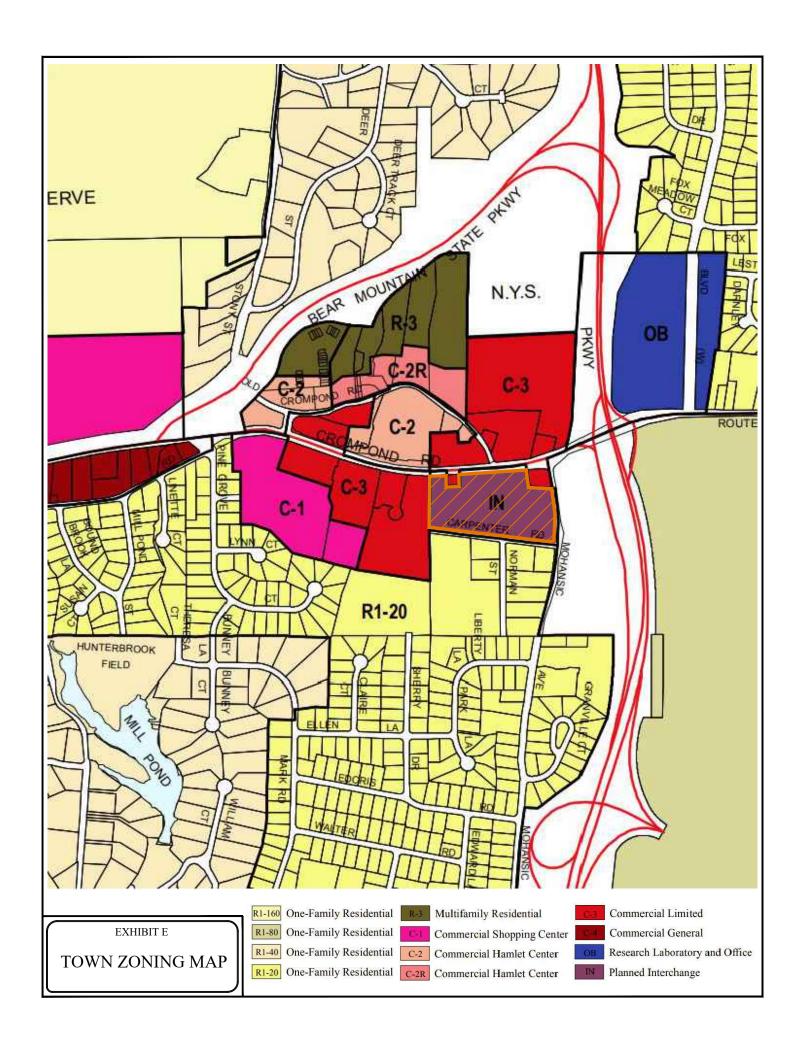


EXHIBIT F

SHORT ENVIRONMENTAL ASSESSMENT FORM

Short Environmental Assessment Form Part 1 - Project Information

Instructions for Completing

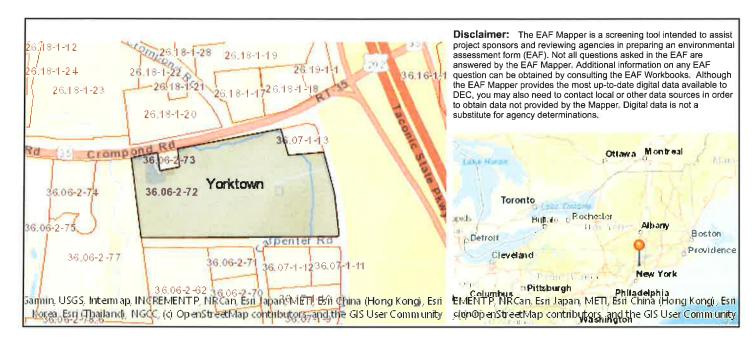
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project:			
Guiding Eyes For The Blind - Dog Training Kennel Facility			
Project Location (describe, and attach a location map):			
3241 Crompond Road Town of Yorktown, Westchester County, NY			
Brief Description of Proposed Action:			
The proposed action is to request an amendment to the Town zoning requirements for this site	e to permit Dog Kennels as ar	n allowed use.	
Name of Annilland and Green and			
Name of Applicant or Sponsor:	Telephone: 914-243-2257	7	
Guiding Eyes for the Blind - Thomas Panek, President and CEO	E-Mail: tpanek@guidingeyes.org		
Address:			
611 Granite Springs Road			
City/PO:	State:	Zip Code:	
Yorktown Heights	NY	10598	
 Does the proposed action only involve the legislative adoption of a plan, loca administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the entire that the proposed action are the proposed action and the entire that the proposed action are the proposed action and the entire that the proposed action are the proposed action and the entire that the proposed action are the proposed action and the proposed action are the proposed acti	nvironmental resources the	at NO YES	
may be affected in the municipality and proceed to Part 2. If no, continue to quest 2. Does the proposed action require a permit, approval or funding from any other		NO VEC	
2. Does the proposed action require a permit, approval or funding from any other If Yes, list agency(s) name and permit or approval: Town Board Town of Yorktown - zo		NO YES	
3. a. Total acreage of the site of the proposed action? b. Total acreage to be physically disturbed? c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?	12.2 +/- acres 6 +/- acres 12.2 +/- acres	1	
 4. Check all land uses that occur on, are adjoining or near the proposed action: 5. ☐ Urban		ban)	

5.	Is the proposed action,	NO	YES	N/A
	a. A permitted use under the zoning regulations?	V		
	b. Consistent with the adopted comprehensive plan?		V	
			NO	YES
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?			V	
7.	Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental A	rea?	NO	YES
If Y	es, identify:	- -	V	П
				ш
8.	a. Will the proposed action result in a substantial increase in traffic above present levels?		NO	YES
	b. Are public transportation services available at or near the site of the proposed action?		H	븕
	c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposaction?	sed		V
9.	Does the proposed action meet or exceed the state energy code requirements?		NO	YES
If th	ne proposed action will exceed requirements, describe design features and technologies:			
The	project will meet or exceed local and state energy codes			V
10.	Will the proposed action connect to an existing public/private water supply?		NO	YES
	If No, describe method for providing potable water:			
	The state of the s			
=				
11.	Will the proposed action connect to existing wastewater utilities?		NO	YES
	If No, describe method for providing wastewater treatment:		_	
		_	Ш	\checkmark
12.	a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or	district	NO	YES
which is listed on the National or State Register of Historic Places, or that has been determined by the			V	
	nmissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing e Register of Historic Places?	on the	W.	ш
arch	b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for aeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?		✓	
	a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, controlled or other waterhoodies regulated by a federal state or legal agency?		NO	YES
wetlands or other waterbodies regulated by a federal, state or local agency? There are wetlands and waterbodies on the site which will not be affected.				
	b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody	?	V	
IfY	es, identify the wetland or waterbody and extent of alterations in square feet or acres:			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
☐Shoreline ☑ Forest ☐ Agricultural/grasslands ☐ Early mid-successional		
☐ Wetland ☐ Urban ☑ Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or	NO	YES
Federal government as threatened or endangered?	✓	
16. Is the project site located in the 100-year flood plan?	NO	YES
	\checkmark	
17. Will the proposed action create storm water discharge, either from point or non-point sources?	NO	YES
If Yes,		\checkmark
a. Will storm water discharges flow to adjacent properties?		V
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:		V
——————————————————————————————————————		
The project will have a built in Stormwater Management System		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?	NO	YES
If Yes, explain the purpose and size of the impoundment:		
		Ш
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste	NO	YES
management facility?	7,0	
If Yes, describe:	П	
The property has been identified by the NYS DEC to contain a landfill area which is being investigated for any contamination potential.	ш	
20.Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or	NO	YES
completed) for hazardous waste?	NO	TES
If Yes, describe:		
		يكاء
A CERTIFICATION AT THE ANGENING PROPERTY OF THE ANGENING THE TO THE RE	ICT OF	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BE MY KNOWLEDGE	.51 OF	
	١	
Applicant/sponsor/name: Joseph G. 121NA, P.E. Date: U/3/2		
Signature:	JEE	L



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	No
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No