

## TOWN OF YORKTOWN PLANNING DEPARTMENT

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Albert A. Capellini Community and Cultural Center, 1974 Commerce Street, Yorktown Heights, NY 10598, Phone 914-962-6565, Fax 914-962-3986

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### PLANNING BOARD RESOLUTION ROUTING TRANSMITTAL

**DATE:** April 23, 2025

**TO:**

- ☒ File
- ☒ Applicant (*via e-mail*)
- ☒ Town Clerk (*via e-mail and hard copy*)
- ☒ Building Inspector (*via e-mail*)
- ☒ Town Engineer (*via e-mail*)
- ☐ Fire Inspector (*via e-mail*)
- ☐ Highway Superintendent (*via e-mail*)
- ☐ Water Department (*via e-mail*)
- ☐ Town Assessor (*via e-mail*)

**FROM:** Planning Department

**SUBJECT:** Underhill Farms Subdivision Plat

**RESOLUTION:** #25-09

**SBL:** 48.06-1-30; 370 Underhill Avenue

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Attached please find a copy of Planning Board Resolution #25-09 approving subdivision plat titled Underhill Farms dated April 7, 2025.

Thank you,

John A. Tegeder, R.A.  
Director of Planning

/nc  
Attachment

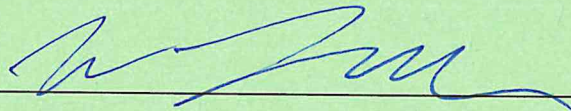
THIS IS TO CERTIFY that the attached copy is a true and correct copy of the Town of Yorktown Planning Board Resolution:

**PLANNING BOARD  
TOWN OF YORKTOWN**

**RESOLUTION APPROVING  
SUBDIVISION PLAT TITLED  
UNDERHILL FARMS**

**DATE OF RESOLUTION: April 21, 2025**

HEREBY signed by the secretary of the Planning Board:

A handwritten signature in blue ink, appearing to read 'W. LaScala', is written over a horizontal line.

William LaScala, Secretary

April 21, 2025

Date



**PLANNING BOARD  
TOWN OF YORKTOWN**

**RESOLUTION APPROVING  
SUBDIVISION PLAT TITLED  
UNDERHILL FARMS**

**RESOLUTION NUMBER: #25-09**

**DATE: April 7, 2025**

On motion of Robert Garrigan, seconded by Robert Waterhouse, and unanimously voted in favor by Fon, LaScala, Reardon, Garrigan, and Waterhouse, the following resolution was adopted:

WHEREAS, in accordance with the Planning Board's Land Development Regulations, Town of Yorktown Town Code Chapter 195, adopted February 4, 1969 and as amended, a formal application for the approval of a subdivision plat titled "Underhill Farms," prepared by Badey & Watson, Surveying & Engineering, D.P.C., and dated January 9, 2025, was submitted to the Planning Board on behalf of Underhill Soundview, LLC (hereinafter referred to as "the Applicant"); and

WHEREAS, the property owned by the Applicant is located at 370 Underhill Avenue, Yorktown Heights, also known as Section 48.06, Block 1, Lot 30 on the Town of Yorktown Tax Map (hereinafter referred to as "the Property"), and the applicant has represented to this Board that they are the lawful owners of the land within said subdivision; and

WHEREAS, an application fee of \$1,620.00 for a two-lot subdivision on 13.78 acres in the R1-40 zoning district has been received by this Board; and

WHEREAS, the Property was the subject of a Site Plan, Stormwater Pollution Prevention Plan, Wetland, and Tree Permit approval for the project known as Underhill Farms that consists of a mixed-use development with 80 condominium units including: 48 townhouses, a 32-unit 55+ senior restricted condominium building, and a mixed-use building consisting of 68 apartments and 15,600 square feet of retail/office space that includes 8,100 square foot of new retail space in addition to the reuse of the existing Underhill house (hereinafter referred to as "the Site Plan Approval"); and

WHEREAS, the Site Plan Approval was approved pursuant to the Yorktown Heights Planned Design District Overlay Zone regulations, Town Code §300-255, in which the Planning Board may vary area and bulk regulations for the purpose of achieving the goals of the overlay zone; and

WHEREAS, the Site Plan Approval has set the bulk requirements for the two lots being created as follows:



| <b><i>DIMENSIONAL REGULATIONS:</i></b>                           | <b><i>LOT 48.06-1-30.1</i></b>      | <b><i>LOT 48.06-1-30.2</i></b>     |
|--|-------------------------------------|------------------------------------|
| <i>MINIMUM SIZE OF LOT:</i>                                      | <i>6431,254 SF / 9.90<br/>ACRES</i> | <i>169,111 SF /<br/>3.88 ACRES</i> |
| <i>MINIMUM LOT DEPTH:</i>  | <i>472 FT</i>                       | <i>510 FT</i>                      |
| <i>MINIMUM YARD DIMENSIONS:</i>                                  |                                     |                                    |
| <i>PRINCIPAL BUILDING:</i>                                       |                                     |                                    |
| <i>FRONT YARD SETBACK:</i>                                       | <i>50 FT.</i>                       | <i>50 FT.</i>                      |
| <i>REAR YARD SETBACK:</i>  | <i>20.2 FT.</i>                     | <i>20 FT.</i>                      |
| <i>ONE SIDE YARD SETBACK:</i>                                    | <i>69.8 FT.</i>                     | <i>35.1 FT.</i>                    |
| <i>COMBINED SIDE YARD SETBACK:</i>                               | <i>69.8 FT.</i>                     | <i>96.2 FT.</i>                    |
| <i>MAXIMUM HEIGHT:</i>   |                                     |                                    |
| <i>PRINCIPAL BUILDING – FEET:</i>                                | <i>40 FT. MAX</i>                   | <i>40 FT. MAX</i>                  |
| <i>MAXIMUM FLOOR AREA RATIO:</i>                                 | <i>0.44</i>                         | <i>0.54</i>                        |
| <i>MAXIMUM % OF LOT TO BE OCCUPIED:</i>                          |                                     |                                    |
| <i>BUILDING COVERAGE:</i>  | <i>17.8%</i>                        | <i>20.8%</i>                       |
| <i>DISTANCE BETWEEN MAIN WALLS OF<br/>BUILDINGS:</i>             | <i>64.1 FT.</i>                     | <i>86.41 FT.</i>                   |
| <i>DISTANCE BETWEEN END WALLS OF<br/>BUILDINGS WITH WINDOWS:</i> | <i>30 FT. MIN.</i>                  | <i>30 FT. MIN</i>                  |
| <i>MAXIMUM LENGTH OF ANY BUILDING:</i>                           | <i>200 FT.</i>                      | <i>250 FT.</i>                     |
| <i>DISTANCE OF PARKING TO PROPERTY LINE:</i>                     | <i>5 FT.</i>                        | <i>5 FT.</i>                       |

WHEREAS, pursuant to SEQRA:

1. The action has been identified as an Unlisted action.
2. The Planning Board has been declared lead agency on April 7, 2025.
3. A negative declaration has been adopted on April 7, 2025 on the basis of a Short Environmental Assessment Form dated December 12, 2024.

WHEREAS, the applicant has submitted as part of his application the following maps and documents:

**Plat**

1. A survey, titled “Underhill Farms,” prepared by Badey & Watson, Surveying & Engineering, D.P.C., and dated January 9, 2025;

**Additional Documents**

2. An executed restrictive covenant agreement with the Town of Yorktown, titled “Restrictive Covenant Agreement Town of Yorktown & Underhill Soundview, LLC,” dated February 20, 2024; and
3. A filed easement agreement with the Town of Yorktown, titled “Open Space Easement Agreement,” dated January 6, 2025, and filed in the Westchester County Clerk’s Office



on March 17, 2025 under Control Number: 650433133; and

4. A filed utility easement with the Town of Yorktown, titled "Utility Easement," dated January 6, 2025, and filed in the Westchester County Clerk's Office on March 17, 2025 under Control Number: 650433123; and
5. An executed new emergency access easement agreement with Beaverridge Housing Associates, LLC, titled "Emergency Access Easement Agreement," dated December 10, 2024; and
6. A draft Property Owner's Association document, titled "Underhill Farms Property Owners Association, Inc. Declaration of Covenants, Restrictions, Easements, Charges and Liens"; and

WHEREAS, the Planning Board has reviewed the recreation needs created by the subject development as part of the Site Plan Approval; and

WHEREAS, the Planning Board has referred this application to the following boards and agencies and has received and considered reports of the following:

| <b>Boards &amp; Agencies</b>      | <b>Report Date</b> |
|-----------------------------------|--------------------|
| Westchester County Planning Board | 02/10/2025         |

WHEREAS, the requirements of this Board's Land Development Regulations, *inter alia* Town Code Chapter 195, have been met; and

WHEREAS, a Public Hearing was held in accordance with Yorktown Town Code §195-22E on the said subdivision application and plat at the Town Hall in Yorktown Heights, New York commencing on January 27, 2025 and closing on February 24, 2025; and

BE IT THEREFORE NOW RESOLVED that the application of Underhill Soundview, LLC for approval of a subdivision plat titled "Underhill Farms," prepared by Badey & Watson, Surveying & Engineering, D.P.C., and dated January 9, 2025, be approved subject to the following modifications and conditions and that the Chairman and Secretary of this board be and hereby are authorized to endorse this board's approval on said plat upon compliance by the applicant with such modification and additional requirements as noted. If such modifications are not made and such conditions are not fulfilled within 180 days from the date of this resolution the plat shall be deemed disapproved.

BE IT FURTHER RESOLVED, this Subdivision Approval in no way changes the Site Plan Approval or its requirements as set forth in Planning Board Resolutions #23-13, #24-12, #24-



13, and the appurtenant site plans endorsed by the Planning Board Chairperson, and any other subsequent approvals or amendments pursuant to the Site Plan Approval that governs the use of the entire 13.78 acre site that is being divided into two lots to be known as Lot 48.06-1-30.1 and Lot 48.06-1-30.2; and

RESOLVED, both newly created lots to be known as Lot 48.06-1-30.1 and Lot 48.06-1-30.2 are subject to and must comply with the resolutions and approved endorsed site plans, and;

RESOLVED the Site Plan Approval remains in full force and effect and both of these newly created lots must maintain and effectuate, inter alia, the operational characteristics, traffic patterns, pedestrian patterns, landscape components as represented by the Site Plan Approval, and;

RESOLVED, the Site Plan Approval shall take precedence over any conflict in the provisions, conditions, or requirements between the Site Plan Approval and this subdivision approval, and;

RESOLVED, the plat shall be modified to show:

1. Add a note stating, "This subdivision and the two lots it creates are subject to the site plan approvals and requirements as set forth in Planning Board Resolutions #23-13, #24-12, #24-13 and endorsed plans pursuant to those approving resolutions and any subsequent amended site plans for the 13.78 acre Site as shown hereon."
2. Enumerate the recreation land in the Bulk Zone Requirements table.

RESOLVED, should the site ever be redeveloped or resubdivided, new approvals must be obtained and a new plat filed in the Westchester County Clerk's Office to annul the note on this subdivision that ties the Properties to the site plan approval; and

BE IT FURTHER RESOLVED, said plat map shall not be endorsed by the Planning Board until:

1. Submission of the final Property Owner's Association (POA) document to the satisfaction of the Planning Board and Town Attorney, which document must, at a minimum: (1) be subject to and incorporate all conditions and requirements of all municipal approvals granted by the Town concerning the Property, including all site plan and subdivision approvals, maps and plats (including any notes therein) ("Town Approvals"); (2) be subject to and incorporate all easements and property interests held by the Town concerning the Property, including the Open Space Easement and any other documents recorded in the Division of Land Records at the Office of the



Westchester County Clerk ("Town Interests"); (3) acknowledge that the POA cannot modify the Towns Approvals or Town Interests, including the applicants obligations to the Town thereunder; and (4) include the Town as a third party beneficiary of the POA with an express right for the Town to enforce the provisions of the POA that relate to the Town Approvals and Town Interests, including a provision for the recovery of costs associated with any enforcement action.

2. Payment of all attorney and consultant fees.
3. Submission of the plat signed by the Westchester County Health Department.
4. Submission of a statement signed by the Town's Tax Collector that all taxes due on this parcel have been paid.
5. Provision of \$10,000 to be placed in escrow for any attorney and consultant fees associated with reviewing the POA and other matters related to the Property.

BE IT FURTHER RESOLVED, the following additional requirements shall be met:

1. Applicant must submit final plat in AutoCAD DWG readable format.
2. Provide monuments at all points of curvature and points of tangency as directed by the Town Engineer at right-of-way/property line, for all lots.
3. The applicant is required to fund the intersection improvements as per a separate payment agreement with the Town that shall be entered into as a condition of this approval.

BE IT FURTHER RESOLVED, that the approved plat shall be recorded and filed in the County Clerk's office within 30 days from the signature on the plat, otherwise said approval shall become null and void.

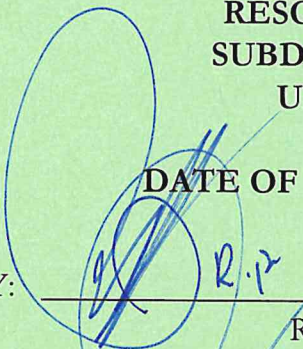


PLANNING BOARD  
TOWN OF YORKTOWN

RESOLUTION APPROVING  
SUBDIVISION PLAT TITLED  
UNDERHILL FARMS

DATE OF RESOLUTION: April 21, 2025

SIGNED BY:



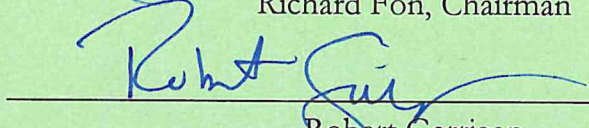
Richard Fon, Chairman

ROLL CALL:

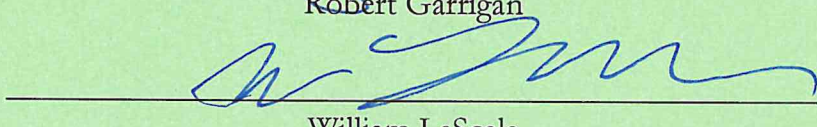
AYES:



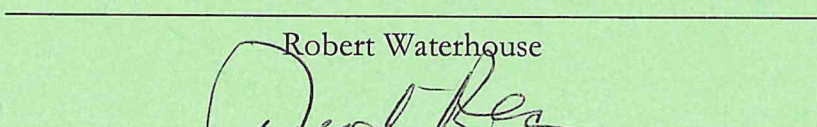
Richard Fon, Chairman



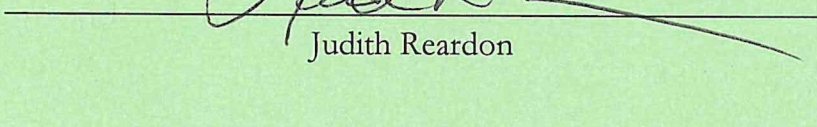
Robert Garrigan



William LaScala



Robert Waterhouse



Judith Reardon

NAYES:

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