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Yorktown Conservation Board  
363 Underhill Ave.  
Yorktown Heights NY 10598

Via Email: [dquast@yorktownny.gov](mailto:dquast@yorktownny.gov)

**Re: Hidden Valleys; Navajo Road**

Dear Mr. Supervisor and Members of the Town Board:

We appreciate the Board leaving the hearing open for written public Public Comment and offer the following in response to certain Public Comments made at the live public hearing. We ask that it be made part of the public hearing record.

**ABACA Comment:** The Yorktown ABACA's comment memo states as its primary concern the following:

"The ABACA feels that additional improvements to roads and traffic for the proposed development should be considered. It is understood that the proposed project is conceptual however if incorporated into the overlay, the Board will be interested in seeing a plan that better integrates the retail, recreation, and housing in a creative way."

We agree, and upon site plan application, we look forward to the opportunity to satisfy the Board's interest in this regard. As the Town Board knows, the action presently under consideration is only as to whether to include the suite in the LO-PDDOZ.

**County Comment:** We commence consideration of the County comments by noting that the County concludes its referral letter with what may be the most critical observation for the Town Board's purposes, *to wit*: "[s]hould the zoning amendment be approved, *we await a future referral of the site plan application.*" This acknowledgement of the present action being only a first, and limited step in the process is critical to the Board's mandate in deciding whether to map this parcel into the overlay.

Following is our response to the specific County comments.

1. Affirmatively Furthering Fair Housing (AFFH).

This County comment does not speak to the action at hand for two reasons: first, because the action at hand is only whether to include the parcel in the overlay, and not to approve a specific residential housing program. Second, the comment is really directed at the Town's affordable housing policy in general, and neither the current action nor the later project site plan action can address that general concern.

2. Transportation demand management.

This County comment applauds "the addition of a mixed-use development with 242 residential units, which would add much needed housing to the region," while recognizing that the Jefferson Valley Hamlet is and will remain an automobile-dependent neighborhood. This concern is unavoidable, as the entire existing LO-PDDOZ overlay is similarly automobile - dependent. If this were a bar to inclusion of a site in the overlay, none of the parcels in the overlay would qualify.

3. NYS DOT review.

This County comment suggests that "should ... a site plan for this development be created, the town should forward a copy of the site plan application to NYS DOT to identify any required permits for the proposed project and to evaluate potential traffic impacts to Mahopac Street, as well as US Route 6, which while not directly adjacent to the site could also see traffic impacts via Navajo Street." We agree. When the actual project is under consideration, this issue will be addressed and mitigated.

4. Construction on steep slopes.

This County comment is not relevant to consideration of inclusion of the parcel in the overlay and will be adequately and appropriately addressed during site plan review.

5. Construction within a regulated stream/wetland buffer.

This County comment recommends that "[a]s the site plan process progresses, we recommend that the Town and the applicant work to ensure that wetland and buffer disturbance is minimized to the furthest extent possible, and any disturbance that does occur be properly mitigated." We agree. When the actual project is under consideration, this issue will be addressed and mitigated.

6. Sewage flows

This County comment is not responsive to the action at hand. It speaks to "[t]he proposed development," but there is no proposed development being reviewed in connection with this action. The general observation that development of the site "will increase sewage flows from this site into the existing infrastructure" is of course true, but as the County itself notes, employment of mitigation measures to prevent I&I can be utilized to minimize adverse impacts. During site plan review, such measures can be adequately and appropriately



considered. Further, the devastating ecological effect of lake contamination and hamlet-wide failure of septs will be remedied by the approval of a project which allows of sewer connections in the hamlet.

**Yorktown Planning Board Comment:** The Planning Board’s provided no comment relevant to the inclusion of this property in the LO-PDDOZ. Its comments on referral are entirely based upon concerns about a potential development project, which is not the action under consideration. In its introduction, it acknowledges that the

“...depth and breadth of pertinent environmental aspects [is limited]. This, as the Board understands, is due to the premise put forth by the petitioner and accepted by the Town Board as Lead Agency, that the SEQRA review is limited to the identified potential adverse impacts associated with the sole and distinct action of enacting a map change to the zoning map of the town. The action therefore does not study or identify impacts associated with the actual development and use of the property. This, as the Planning Board has been made to understand, permissibly bifurcates the required SEQRA review into two parts – the current map change and the subsequent site planning and land use review process. The Planning Board therefore expects a full SEQRA review during the site plan review.”

Likewise, by its own admission, the Planning Board’s memo is essentially a speculative critique of an action not yet before it. In its conclusion, the memo states: “Although many of the concerns noted above are site-specific and may be mitigated during the site plan review process...” It goes on to suggest that “others are specifically related to the consequences of the rezoning itself,” but that is not the case.

The criteria which are to be considered were established when the LO-PDDOZ was enacted. The present action to incorporate the site into the overlay is limited to a consideration of whether it meets the criteria of the LO-PDDOZ. These impacts were studied in an independent SEQRA review conducted at the time of the LO-PDDOZ’s adoption.

Thus, the entire memo is essentially an effort to signal the Planning Board’s skepticism about a development project not yet proposed, with an express disregard for the bifurcated process that the Town Board has established and the Courts have already deemed permissibly segmented. That being the case, its substantive concerns ought to be set aside as, at best, premature, and at worst, immaterial to the action at hand. By extension, its conclusions should be set aside.

We do note that to the extent the comments and concerns raised mirror those advanced by the County, the same reasons for which counter those concerns apply equally to the Yorktown Planning Board’s issues.

Lastly, the Planning Board’s comments suggesting that the economic development goals of the overlay are not met by this proposal are patently and demonstrably false. The Planning Board suggests that the provision of sewer for the entire hamlet is a sort of “passing” and speculative



benefit, and highlights the hoped for development of a walkable Main Street as a primary goal. But in doing so it ignore the fact that without sewers, none of the goals of the overlay can or will ever be met, and no development parcel currently in the overlay can possibly support the necessary density to provide sewers. The Planning Board's memo thus represents an effort to thwart the entire purpose of the overlay, which is in the legislative prerogative.

**Conservation Board Comment:** The Conservation Board provided no comment relevant to the inclusion of this property in the LO-PDDOZ. Its comments on referral are entirely based upon concerns about a potential development project, which is not the action under consideration. It should thus be disregarded except to confirm that any site plan application will be referred to them in the ordinary course if, as, and when one is made.

**Public Comment: 3000 Navajo Street is not a part of the Jefferson Valley Hamlet**  
This is not true. The Town of Yorktown is made up of five Hamlets. 3000 Navajo Street is included in Figure 4-5 of the Comprehensive Plan as part of the Jefferson Valley Hamlet.

**Public Comment: Hidden Valleys Applicant seeks an amendment to the LO-PDDOZ law**  
In this instance, a large off-lake property that can provide the requisite density of 3 story apartment housing to pay for the infrastructure (sewer) for the lake properties to be converted into commercial recreation properties that will bring people into Jefferson Valley to support its businesses.

The Applicant seeks no zone text amendments nor are they arguing for new or reinterpreted criteria for being in the overlay. What is proposed is that the property in question meets all those existing criteria.

**Public Comment: Traffic has not been adequately studied**  
Hidden Valleys has prepared two traffic studies at the Planning Director's direction, one diverting all residential traffic to 6N and the other equally diverting Hidden Valley traffic to both route 6 and Route 6N. At the Board's direction Hidden Valleys has studied the cumulative traffic that the AMS (former Bluebook) project may generate, the traffic that a proposed transfer station may generate, the traffic a Berger Street project may generate and potential cumulative traffic from an out of area proposed development in Somers.

The Town has hired its own traffic consultant who has confirmed the Hidden Valleys numbers and its conclusion that the traffic impact is minimal. The Town Board and its Planning Department have relied upon / used the Hidden Valley traffic study numbers to approve the AMS re-zone. The level of traffic study provided to date far outstrips the traffic analysis required for the action now before the Board, which is limited to putting the parcel in the overlay. If and when a site plan is proposed, the existing traffic studies will be analyzed in light of the detailed proposed plan and any new conditions which may have arisen between the time of the studies and the site plan review. Prior to that, further traffic studies are unnecessary and unduly burdensome, and without probative value to the action.



**Public Comment: Wetland & Wetland Buffer will be adversely affect Jefferson Village**

The DEC and Hidden Valley s have already agreed upon and implemented the environmental mitigation for the site as proposed, and the remediation was approved in October 2024. We anticipate no further intrusion will be required, and even if it was, any such modification would be subject to approval and permitting and would be appropriately vetted during site plan. The issue has no bearing on the simple question of whether the parcel should be in the overlay.

**Public Comment: There are environmental “issues” on the site**

This is an inflammatory statement meant to arouse public ire without justification in the record. The truth is that a DEC consent order was entered into on the site and all remediation confirmed by DEC as having been complete and satisfactory. If the Public Comment is raised again, we would appreciate it not being entertained by the Board.

**Public Comment: Segmentation**

The Courts have established that the PDDOZ law as promulgated and executed I practice is SEQRA compliant and is not improperly segmented. This is a closed question.

**Public Comment: This is spot zoning**

This is an opposition “buzz-word” meant to have a chilling effect on any innovative zoning. But in truth, the implementation of a well-reasoned zoning overlay with criteria fashioned to serve the public welfare and duly adopted, is the antithesis of spot-zoning. Spot zoning is a term often misapplied to any action which implements new zoning for a single parcel. But even when that is the case, it is not spot zoning where the planning purposes of the rezoning serve the public good at large and are not adopted merely for the benefit of the landowner seeking the relief. Moreover, that is not the case here; the Applicant is not so much seeking a rezoning to unlock otherwise illegitimate development goals, but, rather, is seeking to unlock the purposes of an existing zoning designation by proposing development consistent with the goals of the overlay. If such mapping was spot-zoning, the entire concept of overlay districts as a planning tool would be rendered meaningless.

**Public Comment: Emergency Services will be adversely affected by the addition of this density**

Traffic information provided shows Route 6 is a 35,000 car per day highway and Hidden Valleys would add only 5 cars at peak hour and is therefore has de minimus impact on traffic. Furthermore, at site plan review, specific mitigation of any identified emergency services issues can be addressed with much more clarity.

**Public Comment: Parks & Rec Needs Resources**

The Public Comment is premature at this juncture, where we are not even proposing a site plan yet. The present action is only with respect to putting the parcel in the overlay. The specific public amenities and benefits including impacts on recreational opportunities in Town, are not before you now. Having said that we note that we propose to continue to provide current and expanded



recreational and open space opportunities for Yorktown residents at a level which exceeds the other recreational amenities in Town combined.

We look forward to appearing before your Board and respectfully request that the Board vote to authorize the preparation of a Negative Declaration under SEQRA and adopt a local law amending the map of the Jefferson Valley Overlay District (LO-PDDOZ).

Very truly yours,

*Joseph P. Eriole*

Joseph P. Eriole, Esq.