

TOWN OF YORKTOWN PLANNING BOARD

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

To: Town Board
From: Planning Department
Date: July 25, 2025
Subject: Town Board Referral
Hidden Valleys
6.14-1-2; 3000 Navajo Road

The Planning Board has been reviewing materials submitted by Hidden Valleys in support of their request to the Town Board to include their parcel in the existing Lake Osceola Planned Development Overlay District in furtherance of their ultimate project proposal over the course of the review process. The comments herein are specific to the latest expanded EAF.

The Board notes that the expanded EAF is limited in its depth and breadth of pertinent environmental aspects normally associated with projects of this scope. 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.

The Planning Board notes that notwithstanding the above, the Town Board must evaluate the potential development impacts that the map change would allow and the comments herein are directed at this premise. The petitioner has submitted conceptual plans of a project for this purpose that the petitioner maintains is representative of its intended project. The Board notes that this is a Type 1 action under SEQRA.

The EAF contains chapters on community benefits; land use and expansion of the boundary of the planned design district overlay zone; visual and community character; geology, soils and topography; ecological resources; socioeconomic and fiscal impacts; community facilities; waste and wastewater; stormwater management; traffic

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and transportation; cumulative impact analysis; and mitigation of potential adverse impacts.

The Board believes that the following aspects of the proposal should be considered and evaluated by the Town Board:

Primary planning issues

Primary planning issues concern whether this project is in furtherance of both the comprehensive plan and the original intent of the Lake Osceola Overlay district. Including the project in the overlay zone in effect re-zones the property to a more intensive, higher density use which has significant environmental and planning impacts.

The 2010 Comprehensive Plan

The 2010 Comprehensive Plan contains the following policy goals for the Jefferson Valley Hamlet:

1. Focus is on orienting commercial uses to Hill, Lee and Bank Streets while maintaining residential uses along the northern side of East Main Street *Policy 4-60*.
2. Extend the "Main Street area" east from Hill Blvd. onto East Main Street, on the north side of Osceola Lake. *Policy 4-53*
3. This would not entail new development, but the improvement of existing structures and façade improvements. A mix of retail and service uses could be on both the north and south sides of the street. In addition to retail uses, bed-and-breakfast uses could be allowed; this should strengthen other hamlet uses.
4. Plan envisions a walkable main street area along East Main Street in the hamlet.

Inclusion of the subject property does not advance or accomplish these goals:

1. It does not directly foster the economic growth of the hamlet.
2. It is not connected to the existing overlay parcels.
3. It does not advance a walkable main street along East Main Street.

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4. It does not advance streetscapes along the lake.

The Lake Osceola Overlay District

The Lake Osceola Overlay District (§300-256) largely repeats the goals set forth in the Comprehensive Plan but makes it clear that they apply to the area immediately surrounding Lake Osceola.

1. In addition to emphasizing the fiscal health of the JV Mall, the law also states the goal of "...enhancing the recreational and tourism activities and opportunities provided by the lakefront."
2. This would be accomplished by transforming Hill Boulevard "into a walkable main-street attraction by expanding public transportation options and opening increased access to the recreational and tourism opportunities offered by the lakefront." §300-256(A).
3. These goals are limited to the Lake area.
4. Every effort shall be made to maintain and encourage designs and layouts that enhance the pedestrian experience and experience of Lake Osceola, including enhancing views, providing public gathering spaces, and public use of the lake. §300-256(G)(3)

Other than the potential benefit of sewers to a limited number of parcels along East Main Street, the project does not meet any of the foregoing criteria.

Project-Specific Analysis

The applicant claims considerable benefit from its project for the Lake Osceola hamlet. A closer look at their claims shows that they are speculative and not supported by any actual evidence, leading to the conclusion that the only entity benefiting from including the project in the Overlay Zone is the project itself.

1. Improvement in Lake Osceola.

Critical infrastructure improvements primarily include the sewer line to enable the project itself to be built. It is claimed that the Lake is failing due to septic contamination without any evidence to support this claim. One member of the Planning Board has lived in Jefferson Valley for over 40 years, and for about 30 years during that time, the member's community association owned beachfront

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property on Lake Osceola. The community association had the unique opportunity to observe the health of the lake over time, both from shore and in and on the lake itself. For years, Lake Osceola was clean enough to swim in safely, both from the community's beach and the public beach which operated nearby, with water quality being monitored by Westchester County. Problems with septic systems occur not on a continuing basis, as implied by the applicant, but only during heavy rain events. At those times, the volume of water draining into the lake from the North and East, (See drainage map) exceeds the outflow capacity causing the lake level to rise, flooding adjacent properties and their septic fields. We have experienced this on our beach property, which has, on occasion of heavy rains, flooded almost all the way to East Main Street.

2. **Commercial Growth.**

It is claimed that the sewer line will enable properties to hook up thereby fostering commercial growth along the lake. It is unclear how many, if any, properties will hook up to the sewer and what benefit they will obtain. The applicant does not specify how much money, if any, it will contribute to help finance the expense of hookups. A review of the tax map along East Main Street shows very few parcels which might develop commercially from sewers. Most of the parcels along the lakeshore are residential. There is no analysis of the development potential of any of the commercial properties. It appears that the only underutilized property in the area is the applicant's property.

Once the sewer is built it becomes a municipal service, maintained and operated by the district. Many years ago, most of the properties surrounding Lake Osceola, were removed from the Peekskill Sewer District due to the remote possibility of sewers ever arriving. It is not clear which properties remain in the district, nor what properties may now hook up if sewers are provided.

3. **Economic Benefit.**

It is claimed that the additional residents of the site, together with those drawn to the site for its commercial recreation, will economically benefit Lake Osceola

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and the JV Mall. There are no specific numbers in the application in support of this assertion.

4. **Stormwater Management**

Stormwater Management is a critical issue for this property which drains into Lake Osceola.

Lake Osceola at its inlet has grown significantly shallower over many years due to sediment loading of the waters feeding into the lake, which then gets deposited at the inlet, a phenomenon which has been observed by the community association members and other users of the Lake. The sizeable wetlands located on the project site play a critical role in managing the overall drainage basin which feeds the Lake. The function of the wetlands and buffers on site will be reduced by the project's addition of impervious surfaces and other incursions into the wetland buffers. In addition, construction in the northeast part of the site will entail building on steep slopes, some between 35% and vertical, immediately adjacent to the wetlands and buffers.

Degrading the wetland buffers will not help protect the future viability of Lake Osceola. The addition of additional impervious surfaces will only result in more channeled runoff resulting in additional siltation of the lake.

5. **Access to Homes in the Northeast quadrant.**

115 units, almost one-half of the total proposed for the site, are located in the northeast corner of the site which consists of steep slopes. They are accessed by a single, long, sinuous road which first passes through the rest of the development and much of it is lined on both sides by parking. This area is isolated from the rest of the site and presents problems with emergency access. It has not been evaluated by emergency services.

6. **Traffic.**

The Applicant claims that there will be no impact on traffic and submits an extensive traffic study in support of its conclusion. Inexplicably, this study includes information on a project located in Mt. Kisco, which has no relevance

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to the current project. Its continued inclusion suggests that the entire traffic report is unreliable.

While including information on Mt. Kisco, the study excludes critical information on actual driving and traffic patterns in and around Jefferson Valley. During morning and evening rush hours, East Main Street is used as a thoroughfare between Carmel, Mahopac, Somers and points east, to the Taconic Parkway. Traffic flows are often continuous, with few gaps to allow for local traffic. This is readily apparent by traffic queues at either end of East Main Street.

The study, Mt. Kisco excluded, dismisses a cumulative analysis. The traffic study needs to include the entire potential build out, not only of the project, but also of the additional growth and development in the entire hamlet which it is claimed that the project will permit. Those are the true traffic impacts of the zoning decision presently before the Town Board, and those impacts are not addressed in the applicant's submission which almost exclusively emphasizes the claimed benefits of the sewers, without analyzing their impacts.

7. Future Health of Lake Osceola.

Unlike Lake Mohegan, which has a robust community that cares for the lake, there is no municipal or other oversight to monitor and manage Lake Osceola. There is no monitoring of water quality, invasive species, sedimentation or impacts from activities along the lakeshore. The Town should consider the creation of a Lake Osceola Management District, similar to what has been done in Lake Mohegan, either as part of its review of this project, modifications to the Lake Osceola Overlay Law, or as an independent municipal action to protect the lake.

8. Other Environmental Factors must be addressed.

a. Wetlands and Steep Slopes.

The current plan shows disturbance of the wetland and wetland buffer. This site layout should be reviewed in greater detail for potential alternatives as to protect the health of the wetland.

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Two buildings are located within the 100-year floodplain. The narrative states that the mapped floodplain is not consistent with the onsite topography but has not submitted any reports to confirm this. A floodplain analysis will be necessary.

The buildings located on the eastern side of the site are located on steep slopes. One building is on slopes over 35%. The access drive for these buildings runs through the wetland buffer. These buildings appear to have several major environmental constraints and their siting should be carefully considered and evaluated.

A conservation easement should be considered for the eastern portion of the site as it consists of wetlands and steep slopes.

There has been no tree inventory, removal plan, or mitigation provided. These are necessary to understand the extent of the proposed disturbance.

b. Infrastructure

The proposed sewer should be discussed in more detail as they are crucial to a development of this scale. Any proposed development of this scale on this site will rely on sewers, therefore they are imperative to the rezoning.

c. Recreation

Recreation impacts should be reviewed. Any proposed amenities for the site apart from the existing fields should be discussed.

d. Emergency Services

Chapter 7 of the Full EAF states that the demand on police, fire, and EMS will be minimal and not result in a significant adverse impact. No proposed mitigation measures mentioned. No correspondence from emergency service agencies have been provided. provided. The Town Board should evaluate how this conclusion was reached.

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e. Traffic Study

The traffic study stated several improvements that can mitigate traffic on Route 6N. These should be shown on a plan. As stated earlier, the traffic section of the Full EAF contains a traffic study located in Mount Kisco. This study should be removed from the EAF as it is unrelated to the subject project.

f. Fiscal Study

The Fiscal study states the following; "There is one (1) Known Development Site in the Lake Osceola Overlay District, and it is located at 3000 Navajo Street, Town of Yorktown ... " The subject parcel is not currently in the overlay.

The Fiscal study used 27 single family homes to calculate the incremental change of the site. Environmental limitations such as wetlands, flood plains, steep slopes, etc., should be considered when calculating the potential number of single-family homes.

g. Community Character

Community Character is in regard to the identity, aesthetics, impressions of a neighborhood. The argument regarding the overlay goals and comprehensive plan does make sense, however, a project consisting of 242 rental apartments, in an area that was established as a small, lakeside, summer home community, is a variation from the current community character.

h. Correspondence

Correspondence from the DEC, Town of Somers, Town of Carmel, Fire, Police, and DOT should be requested, if not already received.

Conclusion

The claim of no adverse environmental impacts from the rezoning must be evaluated based upon the foregoing considerations. Although many of the concerns noted above

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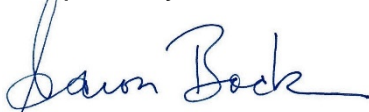
are site-specific and may be mitigated during the site plan review process, others are specifically related to the consequences of the rezoning itself. They have not been satisfactorily addressed and have the potential for significant adverse environmental impacts.

From a SEQRA point of view, if the Town Board wishes to continue to pursue this application, the Planning Board believes this project merits a positive declaration and full EIS, scoped to include all of Jefferson Valley and Lake Osceola and the issues identified in this memo.

From a policy perspective, the real question is whether adding this property advances the goals of the Comprehensive Plan and the existing Lake Osceola Overlay district.

Based upon the current record, the Board does not conclude that it does.

Respectfully submitted,



Aaron Bock

Planning Board Member

For and on behalf of the Yorktown Planning Board