



Kenneth W. Jenkins  
Westchester County Executive

## Westchester County Planning Board Referral Review

Pursuant to Section 239 L, M and N of the General Municipal Law and  
Section 277.61 of the County Administrative Code

September 4, 2025

Diana L. Quast, Town Clerk  
Town of Yorktown  
363 Underhill Avenue  
Yorktown Heights, NY 10598

### **County Planning Board Referral File YTN 25-017 – Foothill Street Subdivision 3850 Foothill Road Zoning Map Amendment and Site Plan Approval**

Dear Ms. Quast:

The Westchester County Planning Board has received a proposed local law to amend the Yorktown Zoning Map to transfer the property at 3850 Foothill Road (SBL 15.07-1-7) from the R1-40 One-Family Residential district to the R3 Multi-Family Residence district. The 16.8-acre property is currently vacant with wooded, steep slopes, with the Mohegan Lake Outlet stream running through the southern portion of the site. The northern boundary of the site shares a border with the Town of Putnam Valley, to the east lies a single-family residential neighborhood, to the west across Foothill Street lies a solar farm that is under construction, and to the south lies Town lands holding the stream and associated wetlands.

Should the zoning amendment be approved, the applicant proposes to construct a new 20-unit townhouse-style rental complex on the north side of the property. Each unit would be two-stories and two-bedrooms, and two of the units would be listed as affordable housing. The proposed units would be split amongst four buildings, with a central driveway accessing Foothill Road. 45 parking spaces would be arrayed along the driveway for residents. An emergency access route would run from the end of the driveway to Foothill Road. Retaining walls would be constructed to manage the slope, and aboveground basins would be included to manage stormwater. Existing trees would be preserved to screen the site from the street and neighboring residents, and the buildings would be located away from the on-site wetlands and buffer area.

We have no objection to the Yorktown Town Board assuming Lead Agency status for this review.

We have reviewed this application under the provisions of Section 239 L, M and N of the General Municipal Law and Section 277.61 of the County Administrative Code and we offer the following comments:

#### **1. Consistency with County Planning Board policies.**

The County Planning Board's long-range planning policies set forth in *Westchester 2025—Context for County and Municipal Planning and Policies to Guide County Planning* and its recommended strategies set forth in *Patterns for Westchester: The Land and the People* call for the preservation of natural resources, protecting the interconnectedness of open space, the promotion of conservation practices, and the establishment of various models of housing. We agree that the utilization of the property as a clustered, townhouse-style development would allow for increased housing in a manner

that conserves more woodland and wetland open space than the seven single-family units that would be permitted under the existing zoning. However, due to the steep slopes and wetlands that would be affected, we advise that the Town carefully analyze the suitability of development in general being conducted on the site, in order to ensure the benefits of increased housing are not outweighed by negative environmental impacts. Further concerns regarding these potential impacts are discussed below.

## **2. Affordable Housing.**

We appreciate that the applicant proposes to include two affordable housing units within the proposed complex, which would abide by the County's recommendations to provide 10% of units as affordable housing within multifamily developments. However, the plans do not indicate if the proposal will follow County affordable housing guidelines, and we note that the provided units would be restricted to Yorktown residents. We continue to urge the Town to re-adopt the County's [Model Ordinance Provisions](#) in order to reconcile the Town's code with County guidelines. The County developed these Provisions to standardize the affordable housing programs across Westchester to make it easier for municipalities, residents, and developers to understand qualifications and requirements, and to provide fair housing throughout all municipalities.

## **3. Pedestrian and bicycle access.**

While we appreciate that the Town is considering the addition of additional residential units, which would add much needed housing to the region, we note that care should be taken when establishing increased density within a neighborhood that is currently automobile-oriented and distant from commercial centers. While the site lies within a mile of the Mohegan Lake commercial center along Route 6, the lack of safe and direct pedestrian or bicycle connections would require residents to drive to nearby stores, schools, and other amenities. We recommend that consideration be given to ensuring that safe pedestrian and bicycle pathways are established to connect residents to the hamlet center, including both street sidewalks and pathways. We note that Lakeland Street currently dead-ends at a Town-owned property, and beyond that lies mostly vacant land owned by the Lake Mohegan Mansion organization, which is also seeking to establish increased housing. We recommend the Town work with this and other nearby organizations to study the feasibility of a pathway connecting Lakeland Street north to Strawberry Road, in order to provide dedicated access through the neighborhood to the Hamlet Center.

## **4. Transportation demand management.**

As the Town reviews the site plan for this development, the implementation of Transportation Demand Management policies should be included in order to better facilitate the needs of residents living within a higher-density site. We note that the applicant is proposing 45 parking spaces for 20 residential units. The County's *Transportation Demand Management Toolkits* provide strategies for municipalities, employers, and developers to reduce the need for single-occupancy vehicle commutes, which could help the applicant avoid the economic and environmental costs of including excessive parking on the site. These strategies also establish a means to lessen the impact of development on vehicular traffic and the street network within the area. We recommend that the Town and applicant review these *Toolkits*, which can be provided by the Planning Department, to determine policies and practices that would reduce the

site's dependency on single-trip automobiles. The County's Smart Commute Program can also assist employers to implement TDM strategies.

## **5. Construction on steep slopes.**

We note that the proposed plan includes construction within an area of steep slopes. County Planning policy promotes the preservation of steep slopes and recommends against the excessive removal of rock from our ridgelines. Intense regrading practices not only alters the character of a neighborhood, but also increases the risks of flooding, erosion, and ground destabilization. The Town should ensure that potential environmental impacts, for instance an increase in downhill stormwater runoff, the potential for landslides, and the reduction of vegetation, are remediated as the plan progresses.

## **6. Construction within a regulated stream/wetland buffer.**

The proposed development would involve the disturbance of wetlands and wetland buffer areas, including the driveway and stormwater management basins. The County Planning Board consistently recommends that construction and alteration of land within regulated wetlands and stream/wetland buffers should be avoided. This recommendation extends to the siting of stormwater management facilities. As 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 that sufficient measures are included within the landscaping plan to mitigate any disturbance.

We note the regulations for stream and wetland permitting through the NYS DEC have recently been updated. The applicant should submit a Parcel Jurisdiction Determination application to NYS DEC to identify any required permits for the proposed project. More information can be found at the NYS DEC website: <https://dec.ny.gov/nature/waterbodies/wetlands/freshwater-wetlands-program/freshwater-wetland-jurisdictional-determination>

## **7. Sewage flows**

The proposed development will increase sewage flows from this site into the existing sewage infrastructure. This increased flow will add to the volume of sewage flow requiring treatment at a Water Resource Recovery Facility operated by Westchester County. Since 2010, it has been the policy of the County Planning Board that municipal governments should require applicants to identify mitigation measures that offset projected increase in flow, in order to comply with the *County Environmental Facilities Sewer Act*. The best means to do so is through reductions in inflow/infiltration (I&I) at a ratio of three for one for market rate units and a ratio of one for one for affordable units.

The County Planning Board further recommends that the Town implement a program that requires inspection of sewer laterals from private homes for leaks and illegal connections to the sewer system, such as from sump pumps. These private connections to the system have been found to be a significant source of avoidable flows. At a minimum, we encourage the Town to enact a requirement that a sewer lateral inspection be conducted at the time property ownership is transferred and any necessary corrective action be enforceable by the municipal building inspector.

**8. Tree removal remediation.**

While we appreciate that a portion of the property would be maintained as woodland due to the clustered multifamily land use pattern, a large number of trees would be removed from the heavily wooded site. The applicant and the Town should work to ensure that the greatest possible number of existing trees are protected, and a list of removed trees should be provided. Locations of new trees to be planted should be included in the landscaping plan, or if to be provided offsite, in an explanation in the narrative.

**9. Universal Design.**

We encourage the Town to consider the principles of universal design in this development, in addition to any building standards required by ADA regulations. Universal Design standards allow all residents and visitors to fully engage in our public and residential spaces. Universal Design is also an important means of enabling household residents to age in place, as well as to provide accessible pedestrian access and parking for persons with mobility issues.

Please inform us of the Town's decision so that we can make it a part of the record.

Thank you for calling this matter to our attention.

Respectfully,  
WESTCHESTER COUNTY PLANNING BOARD



Bernard Thombs  
Chair, Westchester County Planning Board

BT/mv

cc: Blanca Lopez, Commissioner, Westchester County Department of Planning  
Vincent Kopicki, Commissioner, Westchester County Department of Environmental Facilities  
Steve Elie-Pierre, Director of Maintenance, Westchester County Department of Environmental Facilities  
Craig Lader, Director of Transportation Planning, Westchester County Department of Planning  
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