

# McCullough, Goldberger & Staudt, LLP

## MEMORANDUM

**Date:** October 14, 2011  
**To:** Mayor and Members of the Board of Trustees, Croton-on-Hudson  
**From:** James Staudt  
**Re:** Harmon/South Riverside Gateway Overlay District Proposed Zoning Amendment

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I am providing to you herewith a revised proposed Local Law together with an Addendum to the July 15, 2010 Environmental Assessment Form prepared in relation to the prior version of this Local Law ("EAF Addendum"), and an updated Coastal Assessment Form. As a result of public input and comments from other Boards, your Board has directed that certain modifications be made to the Local Law as summarized below and more fully discussed in the EAF Addendum. You also directed that VHB Saccardi and Schiff undertake additional review under SEQRA with respect to the modifications and to address other comments raised regarding the proposed Local Law. This review and discussion are contained in the EAF Addendum.

The modifications to the Local Law made in response to comments are as follows:

- Reinstatement of the requirement for a Special Permit of the Village Board of Trustees for "mixed use." This is not a change from the currently effective Zoning Code provisions, but is a change from the prior version of this proposed Local Law which eliminated the Special Permit requirement.
- As part of the Special Permit review, the Village Board now shall have the power to exercise discretion to modify side yard setbacks based upon specific criteria, a power previously provided to the Planning Board as part of its site plan review.
- In response to concerns about parking, the Local Law has been revised to provide that the stated parking requirements are a minimum, and to give the Village Board specific authority to increase the parking requirements upon review of specific applications based upon certain stated factors.
- As recommended by the Planning Board, provisions regarding shared access and access between parking lots on adjacent parcels have been added, permitting the Planning Board to require same as a mitigation measure.

- As also recommended by the Planning Board, third floor non-residential use is now permitted.
- As also recommended by the Planning Board, residential units are now limited to studio, 1 bedroom and 2 bedroom units, and the total number of 2 bedroom units is limited to no more than 50 percent of the total units.
- The prohibition of fast food restaurants has been eliminated, as it was agreed that fast food is difficult to define (and is not currently defined in the Code) and the Village's real concerns regarding fast food are addressed with the prohibition of drive through lanes.
- The Local Law has been amended to provide for the grandfathering of pending applications, as also recommended by the Planning Board.

The EAF Addendum also contains some technical corrections to the EAF, none of which are substantive so as to change the conclusions reached in the EAF.

Procedurally, the next step is to circulate the modified Local Law, EAF Addendum and CAF to the Planning Board, the WAC, and the Westchester County Planning Board.

Local Law Introductory No. 3 of the Year 2010 (October 2011 version)

A LOCAL LAW TO AMEND THE PROVISIONS OF THE VILLAGE OF CROTON-ON-HUDSON  
GATEWAY OVERLAY ZONING DISTRICT, AND CERTAIN ZONING LAW PROVISIONS  
RELATED THERETO, BY REPEALING LOCAL LAW NO. 4 OF THE YEAR 2009 AND  
ENACTING PROVISIONS TO EXPAND THE AREA OF, AND MODIFY THE ZONING  
REGULATIONS FOR AND RELATED TO, THE HARMON/SOUTH RIVERSIDE GATEWAY  
AREA

Be it enacted by the Board of Trustees of the Village of Croton-on-Hudson as follows:

Section 1. Local Law Number 4 of the year 2009, adopted by the Board of Trustees of the Village of Croton-on-Hudson on November 16, 2009, is hereby repealed in its entirety, and the provisions hereof are intended to supersede the provisions of Local Law Number 4 of the year 2009 in their entirety.

Section 2. Section 230-20.2.A.(1) of the Code of the Village of Croton-on-Hudson is hereby amended to read as follows:

(1) Harmon/South Riverside, consisting of certain lots located on Croton Point Avenue, South Riverside Avenue and Clinton Street. A list of the specific parcels included in the Harmon/South Riverside area is set forth in Attachment E of this Chapter and the Zoning Map is hereby amended to include the parcels described in the Attachment E of this Chaptr. This area is an important link to the train station via Croton Point Avenue and to the Harmon neighborhood. It also provides a connection with the historic Van Cortlandt Manor to the south.

Section 3. Section 230.20.2.B. of the Code of the Village of Croton-on-Hudson Hudson is hereby amended to read as follows:

B. The parcels comprising the gateway districts are indicated in Attachment E of this Chapter.

Section 4. Section 230-20.3 of the Code of the Village of Croton-on-Hudson is hereby amended to read as follows:

**Section 230-20.3. Use regulations for Gateway Areas.**

A. Permitted Uses. Unless otherwise specified in this Chapter, the uses permitted in the Gateway District areas shall be the same as those permitted in the underlying zoning district.

B. Special Permit Uses. The uses permitted in the Gateway District areas by Special Permit shall be the following:

(1) Unless otherwise specified in this Chapter, all special permit uses permitted in the underlying zoning district (subject to the underlying districts' requirements and criteria) shall be permitted in the Gateway District areas by special permit of the Village Board of Trustees.

(2) Farmers markets, greenmarkets or garden centers by special permit of the Village Board of Trustees, subject to the requirements and criteria set forth in Article X of this Chapter.

(3) In the Harmon / South Riverside Gateway District area, mixed use, by special permit of the Village Board of Trustees, subject to the following requirements and criteria and to the requirements / criteria contained in Article X of this Chapter:

a. Notwithstanding any other provision of this Chapter to the contrary, for the purposes of this Article (IVA), "mixed use" shall mean a combination in one building of residential dwelling units and other permitted and/or special permit uses provided, however,

i. At least 50 percent of the area of the first floor of any mixed use building must be used for non-residential use. Residential uses may not be located in the portion of a building's first floor which is immediately inside the building's front facade, it being the intention of this law that first floor front building facades, and the building areas immediately inside first floor front building facades, will be used for non-residential purposes. It is the further intention of this law that any first floor residential space will be located "behind" first floor non-residential space as viewed from the street/sidewalk adjacent to the building front. For the purpose of this subparagraph buildings located on street corners shall be deemed to have building fronts on each of the intersecting streets which form the street corner.

ii. There shall be no percentage restrictions on the amount of residential versus non-residential space on the second or third floor of a mixed use building.

iii. Residential dwelling units may be studios, one bedroom units and two bedroom units only. No more than fifty percent of the total number of dwelling units in a building may be two bedroom units.

b. Notwithstanding any provisions of Section 230-20.4 or any other provisions of this Chapter to the contrary, the following area and bulk regulations shall apply to mixed use buildings in the Harmon/South Riverside Gateway area. To the extent that contrary area/bulk regulations are not specified in this subsection, they shall be as otherwise provided in this Code:

i. Maximum floor area ratio (FAR) shall be .8.

ii. Maximum height shall be 35 feet/3 stories. Provided, however, the third story must be constructed within the roofline of the building.

iii. The minimum front yard setback shall be 15 feet. The maximum front yard setback shall be 20 feet. In accordance with the general provisions of this Chapter, corner lots shall be deemed to have front yards on each of the intersecting streets which form the corner.

iv. The Village Board shall have the authority in conducting Special Permit review to reduce or waive side yard setback requirement(s) of the underlying zone provided there is otherwise adequate access to parking areas, and provided one or more of the following criteria are met:

x. reducing the setback(s) will facilitate more parking to be provided in the rear of the building than would otherwise be the case.

xx. reducing the setback(s) will facilitate the interconnection of rear parking lots with those on adjoining property(ies).

xxx. reducing the setback(s) will contribute to the building forming a more unified, cohesive streetscape with adjoining buildings than would otherwise be the case.

v. With the exception described below, pre-existing buildings which do not meet the front yard setback required herein (15-20 feet) or any of the other area requirements of this Chapter (e.g. rear yard setback) shall not be permitted to have an FAR of .8 nor to add third story residential occupancy. They shall be governed by the FAR and story limitations of their underlying zone. Provided, however, pre-existing buildings which are otherwise area-compliant, but whose front yard setback is between ten and twenty feet (instead of the required fifteen to twenty feet) shall be permitted to have an FAR of .8 and third story residential occupancy.

c. Design Regulations. In addition to any other design regulations provided in this Code, the following design guidelines shall apply to mixed use buildings in the Harmon/South Riverside Gateway area:

i. The street level façade of the front of any building shall consist of at least sixty percent transparent glass to facilitate visibility into the building's first floor commercial premises and a retail streetscape look. For the purpose of this subparagraph buildings located on street corners shall be deemed to have building fronts on each of the intersecting streets which form the corner.

ii. Mixed use buildings in the Harmon/South Riverside Gateway area shall be subject to such additional design guidelines as may be adopted by resolution of the Board of Trustees from time to time.

d. Parking. Notwithstanding any other provision of this Code to the contrary, for mixed use buildings in the Harmon/South Riverside Gateway area there shall be provided at least the following amount of parking for each residential dwelling unit: one parking space plus one additional parking space for each bedroom in the unit in excess of one bedroom. (Examples: studio apartment – 1 space; 1 bedroom apartment – 1 space; 2 bedroom apartment – 2 spaces). The minimum parking for non-residential space shall be as otherwise required by this Chapter. The Village Board of Trustees, as part of its special permit determination, shall have the authority to increase these parking requirements. In the case of each application the Village Board of Trustees shall consider and make a

finding as to whether the above-stated parking requirements are adequate or will be increased based upon the following factors:

- i. The mix of uses proposed to be conducted in the various spaces in the building considering, among other things, the extent to which their parking demands are likely to overlap.
- ii. Whether the applicant is willing to limit areas of the building to only certain uses.
- iii. The square footage of each of the proposed residential and commercial units in the building.
- iv. The availability of nearby municipal parking.
- v. Such other factors as the Board may deem relevant on a case by case basis.

The Board shall have the authority to require applicant(s) to provide and/or pay for a professional parking study.

C. Prohibited uses. Notwithstanding uses otherwise permitted by the underlying zoning district, the following uses shall be prohibited in all the Gateway District areas:

- (1) Commercial parking lots.
- (2) Automobile storage lots.
- (3) Drive-through windows for commercial establishments.
- (4) Automobile or other vehicle dealerships.

Section 5. The introductory paragraph of Section 230-20.4.A. of the Code of the Village of Croton-on-Hudson is hereby amended to read as follows:

A. Maximum allowable floor area ratio. With the exception of mixed use development in the Harmon/South Riverside area, the maximum floor area ratio (FAR) standards that shall be adhered to for new development shall be the FAR listed for the underlying zone or the following, whichever is more restrictive:

Section 6. There is hereby added to Section 230-42.1 of the Code of the Village of Croton-on-Hudson a new Section G to read as follows:

G. The provisions of this Section 230-42.1 shall not apply to properties located in the Harmon/South Riverside Gateway Overlay area. Regulations governing Harmon/South Riverside Gateway Overlay area "mixed use" buildings (as defined in Section 230-20.3B(3)a.) are contained in Article IVA of this Chapter.

Section 7. Section 230-17A.(1) of the Code of the Village of Croton-on-Hudson is hereby amended to read as follows:

A. Permitted uses. No building or premises shall be used and no building or part of building shall be erected which is arranged, intended or designed to be used, in whole or in part, for any purpose, except the following:

(1) Any use permitted in a Commercial C-1 District, as set forth in Section 230-16A, and subject to the regulations therefore, but for properties not within the Harmon/South Riverside area of the Gateway Overlay District no retail stores shall be permitted except by special permit of the Village Board of Trustees. Such retail stores in all former C-1 Districts prior to the date of the adoption of this section shall be deemed to have special permits; however, any retail store with a current special permit requiring periodic renewal shall continue to require renewal in accordance with its terms.

Section 8. There is hereby added to Section 230-20.5 of the Code of the Village of Croton-on-Hudson a new Section G to read as follows:

G. Unified Parking Lot Design. Notwithstanding any other provision of this Chapter, in order to provide maximum efficiency, minimize curb cuts, and encourage safe and convenient traffic flow, the Planning Board shall have the authority in conducting site plan review to waive such open space, design guideline and parking lot buffer, screening and landscaping requirements as it deems advisable to encourage and foster the joint use of, and common access to, parking lots located on adjoining properties. The Planning Board may require as a condition of site plan approval the interconnection of parking facilities via circulation drives within and between adjacent lots, where necessary to mitigate impacts on traffic or parking resulting from a proposed plan that cannot be otherwise mitigated. In such cases, the Planning Board will require written easement agreements between the property owners to permit and maintain such interconnection of parking facilities.

Section 9. Section 230-51C of the Code of the Village of Croton-on-Hudson is hereby amended to read as follows:

C. Location and ownership of required accessory parking facilities. Required accessory parking spaces, open or enclosed, may be provided upon the same lot as the use to which they are accessory or elsewhere, provided that all spaces therein are located within 500 feet walking distance of such lot. In all cases, such parking spaces shall conform to all the regulations of the district in which they are located, and in no event shall such parking spaces be located in any residence district unless the uses to which they are accessory are permitted in such districts or by special permit of the Board of Appeals. Unless otherwise approved by the Planning Board, such spaces shall be in the same ownership as the use to which they are accessory and shall be subject to deed restriction, filed with the County

Clerk, binding the owner and his heirs and assigns to maintain the required number of spaces available either:

(1) Throughout the existence of such use to which they are accessory;  
or

(2) Until such spaces are provided elsewhere.

Section 10. The introductory paragraph of Section 230-20.6 of the Code of the Village of Croton-on-Hudson is hereby amended to read as follows:

Each of the gateway areas should have a special character that should be preserved and enhanced. Accordingly, in addition to the design regulations set forth above in §230-20.5 of this article, design guidelines have been established in the 2003 Comprehensive Plan for each of the three gateway areas that build upon the individual features of each district.

Section 11. If any clause, sentence, paragraph, section, Article or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Local Law, nor the remainder of any clause, sentence, paragraph, section, Article or part hereof.

Section 12. The provisions of Sections 2 through 9 of this Local Law shall not apply to any proposed project for which a complete application has been submitted prior to the effective date hereof. The provisions of the Zoning Law in effect of November 15, 2009 shall apply to such proposed projects.

Section 13. This Local Law shall take effect immediately upon filing with the Secretary of State.

## 230 ATTACHMENT E

### Areas Comprising the Gateway Districts

The Municipal Place Gateway District is comprised of the following:

Tax Map Lots numbered -

78.12-3-4, 78.12-3-5, 78.12-3-6,  
78.12-3-7, 78.12-3-3, 78.12-3-2,  
78.12-3-8, 78.12-3-9, 78.12-3-10,  
79.9-1-30, 79.9-1-77, 79.9-1-66,  
79.9-1-67

The North End Gateway District is comprised of the following:

Tax Map Lots numbered –

67.10-2-11, 67.10-2-12, 67.10-2-13,  
67.10-2-14, 67.10-2-15, 67.10-2-16,  
67.10-2-17, 67.10-2-1

The Harmon/South Riverside Gateway District is comprised of the following:

Tax Map Lots numbered –

79.13-1-5, 79.13-1-6,  
79.13-1-7, 79.13-1-9, 79.13-1-60,  
79.13-1-61, 79.13-1-62, 79.13-1-63,  
79.13-1-64, 79.13-1-65, 79.13-1-66,  
79.13-1-68, 79.13-1-69, 79.13-1-70,  
79.13-1-71, 79.13-1-72, 79.13-1-73,  
79.13-1-74, 79.13-1-75, 79.13-1-85,  
79.13-1-86, 79.13-1-87, 79.13-1-88,  
79.13-1-89, 79.13-1-90, 79.13-2-5,  
79.13-2-6, 79.13-2-18, 79.13-2-19,  
79.13-2-20, 79.13-2-21, 79.13-2-22,  
79.13-2-22.1, 79.13-2-23, 79.13-2-  
24, 79.13-2-25, 79.13-2-26, 79.13-  
2-27, 79.13-2-28, 79.13-2-29,  
79.13-2-30, 79.13-2-31, 79.13-2-32,  
79.13-2-33



***Harmon/South Riverside Gateway Overlay District Proposed Zoning Amendments:  
Addendum to Environmental Assessment Form Part 3 Report***

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*Village of Croton-on-Hudson, NY*

*Date: October 12, 2011*

The following was prepared as an addendum to the Environmental Assessment Form Part 3 Report, dated July 15, 2010 (EAF Report) for the proposed Local Law Introductory No. --- of the Year 2011 (the "Local Law") to address potential environmental impacts on revisions to the proposed Local Law which have been made since the EAF Report was prepared, and to address certain comments made on the prior draft of that law.

**1. Modifications to Local Law**

The following outlines the modifications to the Local Law by topic, and describes the potential significant adverse environmental impacts (if any) resulting from those modifications, as relates to the EAF Part 3 Report.

**a. Special Permit Provisions**

The proposed Local Law has been modified to provide that "mixed use" in the Harmon/South Riverside Gateway Overlay District shall be permitted by Special Permit of the Village Board of Trustees rather than as a principal permitted use. This will allow the Village Board to review each proposed project to determine its appropriateness and to exercise discretion to modify certain parameters within the law. The authority to modify side yard setbacks will lie with the Village Board as part of its special permit review. The modification will not result in any potential significant adverse impacts, particularly since the current code provides for mixed use by special permit in gateway district. This modification actually makes no change from the existing.

The proposed Local Law has been modified to provide that the Village Board shall have the authority to increase the parking requirements in certain cases based upon specific stated factors. This modification was made in response to concerns stated regarding the adequacy of the parking standard. This modification will allow a case by case review and requirement for additional parking where deemed necessary by the Village Board. In no event will the required parking be less than the minimum stated. This modification is intended to avoid potential future impacts and therefore will not result in any potential significant environmental impacts.

b. 3<sup>rd</sup> Floor Residential

The Local Law has been modified to allow third floor non-residential use, based upon a recommendation by the Planning Board. As a result of this modification, a three-story mixed use building could, for example, have residential uses on the second floor, with commercial or office uses on the third floor. Presumably, the most common use of this configuration would be an apartment on the second floor with a studio, or a home office, related to that residence, located above it. This recommendation will not result in any significant adverse impacts, but would provide further flexibility to a property owner in configuring a mixed use building. Parking requirements, as well as open space, façade and FAR requirements, would apply, whether the uses were on the first, second or third floor.

With all the other regulations in place as applicable, no significant adverse impacts are anticipated by permitting non-residential use on the third floor. Any such use proposed in the overlay district would be reviewed at site plan level. It is not anticipated that there will be significant demand for non-residential use of the third floor. Assuming non-residential use will occur or may occur on the third floor in some limited instances, then the impacts would not constitute a significant change from that evaluated in the EAF Report.

c. Limitation on Number of Bedrooms

The Local Law has been amended to limit apartments to studio, 1-bedroom and 2-bedroom units and limit the number of 2-bedroom units to be no more than 50 percent of the total units. This amendment was made based upon a recommendation by the Planning Board. It is likely that the number of future residents and school age children would be lower with this limitation than if three-bedroom units were permitted and actually constructed. Given the small lots in the overlay district and space constraints for parking on most lots, the residential development would “naturally” be configured with smaller, one and two-bedroom units, since that is what would fit the site most efficiently. For example, if permitted, each 3-bedroom unit within a mixed use building would require 3 parking spaces on site, in addition to the parking spaces required for the commercial uses within the mixed use building. Two 3-bedroom units would require 6 parking spaces just for the residential units, and so on. In addition, the market for this type of development (mixed use with apartments over stores) is expected to be for one and two-bedroom units. Therefore, it is unlikely that 3-bedroom units would be proposed here and prohibiting them is appropriate. It should be noted that there are other zoning districts in the Village which allow larger units in multi-family dwellings, and in fact, such larger multi-family units currently exist in the Village.

The limit on the total number of two-bedroom units (maximum 50% of total) has the same general effect in that units with fewer bedrooms are likely to generate fewer school age children and require less parking. The Comprehensive Plan describes other benefits that would be accomplished by prohibiting 3-bedroom units and capping the number of 2-bedroom units, such as providing smaller apartments in commercial areas to provide a variety of housing types where existing residential development in the Village is primarily single family detached homes.

Overall, it appears that limiting the number of two-bedroom units and prohibiting 3-bedroom units is a valid way to address concerns of potential impacts of additional residents and school age children, without creating additional potential adverse impacts. In addition, this limitation would foster the goal of increasing the housing stock of smaller residential units.

It is noted that the EAF Report provided potential future development scenarios in order to have a basis for impact analysis. In these scenarios, no 3-bedroom units were envisioned. A mix of 50 percent one-bedroom and 50 percent two-bedroom units was assumed to be a reasonable condition for analysis. Therefore, the elimination of three-bedroom units and limiting two-bedroom units to 50% of total would not change the conclusions in the EAF Report and would not result in any potential significant adverse impacts.

d. Fast Food

The proposed Local Law has been amended to eliminate the prohibition of fast food restaurants. The Village Code currently prohibits drive-through lanes in the gateway overlay district, but does not have a clear definition of "fast food". However, "fast food" is difficult to define without also potentially eliminating some desired uses such as delicatessens, bakeries, sandwich shops and coffee shops. The primary planning issues with respect to fast food restaurants are generally related to drive-through windows. Therefore, if the issue is that the drive-through feature is the element that is not desired, the prohibition on drive-through lanes would be sufficient, and the reference to fast food restaurants can be deleted. This deletion will therefore not result in any potential significant adverse impacts.

e. Shared Access

The proposed Local Law has been amended to provide for shared access, and access between parking lots on adjacent parcels, and in cases where the Planning Board determines that ingress/egress to the proposed parking area would otherwise be unsafe, or cause negative traffic impact, the Planning Board may require the applicant to mitigate the negative impacts by connecting its proposed parking lot to an abutting parking lot. In such a case the Planning Board may, as a condition of approval, require cross easements between the applicant and the abutting owner to permit the operation of the interconnection. This modification, based upon a recommendation of the Planning Board, is intended to mitigate potential future impacts, and will not therefore result in any potential significant adverse impacts.

f. Grandfathering of Pending Applications

The Local Law has been amended to provide that pending applications not be subject to the proposed amendments to the zoning law. This modification is made based upon a recommendation by the Planning Board. Since one of the primary objectives of the proposed rezoning is to encourage economic development and minimize vacancies in the Harmon/South Riverside Gateway Overlay District, pending applications should be allowed to continue with their review and be grandfathered in this regard.

## 2. Other Comments

The following summarizes responses to other comments made by the Planning Board which do not result in any modifications to the Local Law, but are provided herein for purposes of clarification.

### a. Floor Area Ratio (FAR)

Comment was made that no explanation has been provided as to how increasing the FAR is now consistent with the Comprehensive Plan or the Gateway District. The EAF Report provides an analysis of the proposed revisions to the gateway law, including consistency with the Comprehensive Plan. The EAF Report discusses the Comprehensive Plan most specifically on pages 11-13 and page 34 in the section on Land Use and Zoning.

The Comprehensive Plan sets forth both Village-wide recommendations as well as specific recommendations for various areas. The proposed zoning amendments will help foster several of the Village wide goals including maintaining economic diversity (goal #3)—by encouraging lower cost, smaller sized dwellings; improving the visual quality of the Village (goal #6)—by expanding the requirements for streetscape improvements, open space, landscaping, buffers and reductions in curb cuts into the expanded gateway area as well as by encouraging first floor commercial activity and the elimination of parking in the front of buildings; creating additional appropriately scaled office space (goal #10)—by encouraging redevelopment of some underutilized parcels and improving the aesthetics of the area to encourage the development of such office space; enhancing the pedestrian connections with the Village (goal #11)—by requiring streetscape improvements including improved sidewalks and a reduction in curb cuts and encouraging parking in the rear.

These goals, as applied to the commercial districts, including the Harmon/South Riverside area, focus on the need to improve the quality, function and appearance of these areas. The proposed Local Law will do so.

Some of the comments regarding the consistency with the Comprehensive Plan specifically raised the issue of the increase in the FAR for mixed use buildings to 0.8. This is an increase from the existing C-2 FAR of 0.5 for the expansion area and an increase from 0.4 for the area already part of the Gateway Overlay. The concern is that the Comprehensive Plan contains several general statements regarding maintaining the existing mass and scale of development. Many of these references are in fact contained in the sections of the Comprehensive Plan relating to the residential neighborhoods, not the commercial areas. It is noted that there are existing buildings on lots in the Gateway District that already have a FAR in excess of 0.4 to 0.5, with some even significantly greater than that.

Despite the increased FAR, the proposed amendments will not have a negative impact on the mass and scale of development within Harmon/South Riverside area for several reasons. The maximum permitted building height is not being increased. Buildings can be 35 feet under current zoning and this will not change. This is a significant factor in considering scale of the buildings. The primary change which will be permitted will be to allow additional floor area to be developed within the

existing height by permitting uses to be contained within what now would be attic floors—space which can exist under current zoning but cannot be fully utilized. Since this space would not currently count towards FAR as unimproved attic space, the FAR is being increased to permit and encourage such use of the attic space.

Also a significant factor in reviewing the impact of these changes is the required open space, landscaping, buffer and parking requirements. Each of these will significantly restrict the scale and massing of a building which will be permitted on a particular lot. In fact, in taking all of these requirements into consideration, it is likely that most properties will not actually be able to be developed to an FAR even close to the 0.8 maximum. This is discussed in the Land Use and Zoning section of the EAF Report as part of the Potential Impacts section and also referenced in the Potential Impacts discussion in the Aesthetic and Historic Resources section. The design guidelines and zoning requirements of the gateway regulations are in fact specifically designed to encourage the small scale commercial development which makes up the character of the area while also satisfying other goals of the Comprehensive Plan and the gateway districts. By expanding these regulations into the existing C-2 zoned area, it will actually have the likely effect of reducing the apparent scale of the buildings and improving the aesthetics. The increase in permitted FAR cannot be looked at alone, but must be considered in context of the other applicable restrictions.

b. Editorial Comments on EAF Report

Comments were made regarding inconsistencies in some of the figures and calculations provided in the EAF Report.

There were some inconsistencies in the EAF report, as noted, but these were clerical or mathematical errors that do not change the conclusions. For instance, on page 21 of the EAF Report, the number of parcels in one scenario was misstated, and there was a mathematical error in the parking total in Table 3. However, these editorial corrections do not change the conclusions of the EAF Report. Revised pages 21 and 30, with corrections and clarifications shown in “redline/strikeout”, are attached to this EAF Addendum to provide the corrected information.

c. Long Term Objectives

Comment was made that it was not clear what the long term objectives of the Local Law are. The long term objectives of the proposed zoning amendments are described in the EAF Report (see pages 5-7) as well as in the report prepared by the Harmon Business Development Committee which was provided as part of the EAF Report (see Appendix B). Existing infrastructure and potential impacts are discussed in some detail the EAF Report (see pages 49-50). The information provided is based on a review of existing information and discussions with the Village Engineer. The Engineer has confirmed this information. The EAF Report concludes there would not be significant impacts on the existing infrastructure. The EAF Report discussion points out there are certain improvements to the water system which are proposed even without any additional proposed development. As mentioned in the EAF Report, each proposed project in the Overlay District will be reviewed individually for site plan approval and SEQRA, and infrastructure will be part of that review. If improvements are necessary due to a particular project, based upon the

information provided, it is anticipated that the cost would likely be borne by that project applicant and not by the Village.

d. Affordable Housing

Comments were made stating that the EAF Report fails to discuss both the likelihood of affordable housing development in this area and the effect of affordable housing development on taxes and school enrollment. As a part of the EAF Report on the first draft of the Harmon rezoning law (2009), a draft affordable housing law for Westchester County communities, which was before the Governor of New York at the time, was reviewed and described, as requested by the Village Board. This law was vetoed, which made the discussion irrelevant, and it was taken out of the EAF Report.

The potential development scenarios described in the EAF Report are envisioned to include market rate housing as a supplement to commercial, retail or office uses which could be proposed in a mixed use building in this commercial district. Even if the new residential units are not "affordable" by any County or Federal guideline or definition, they are still likely to serve the goal set forth in Section 3.5(b) of the Comprehensive Plan to encourage lower cost, smaller sized dwelling units in the Village, in particular for aging residents and young couples without children. These units will provide a housing type which does not exist in any quantity in the Village today. They will be smaller apartments in a commercial area with easy access to shopping and the train station. This type of housing is likely to be "more affordable" or less costly than other housing existing in the Village.

In any case, if a portion of the residential units proposed in any given mixed use building were to rent for "affordable" vs. market rates, the potential number of school children could be different, as well as the taxes generated. However, it is not anticipated that these impacts would be significantly different relative to those already analyzed in the EAF Report.

For example, in the EAF Report (see pages 46-47 and Table 8), for a one-bedroom market rate, rental apartment (more than \$1,000/month), the multiplier for school age children is 0.08 children/unit. If the rent used in this calculation is changed to the lower priced category of \$500 - \$1000/month to account for a more "affordable" rent category, the multiplier would be 0.30 children/unit. For a two-bedroom market rate apartment (more than \$1,100/month), multiplier used is 0.23 children/unit. If the rent were changed to the lower priced category of \$750 - \$1,100/month (to account for a more "affordable" rent category), the multiplier would be 0.51 children/unit. In each instance, the multipliers are relatively low, and the number of units, particularly the affordable units, will be small. Therefore, any increase in school children due to the more affordable rents will be minimal. The table below illustrates this, using Scenario #1, with a 10%<sup>1</sup> mix of affordable units (using the lower price category for the multipliers) and 90% market rate (using standard multipliers), and showing a case with all 1-bedroom units as well as a case with a 50/50 mix of 1-bedroom and 2-bedroom units.

As shown in the table, including 10% affordable units within every potential mixed use

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<sup>1</sup> 10% has been utilized as this is the amount of affordable units which would be required by the County of Westchester Model Ordinance provisions for developments with 10 or more units.

development in this scenario, there would be only 2 additional schoolchildren from the affordable units compared to all market rate units.

**Table 1**  
**Number of School Children-Scenario #1**  
**10% affordable units**

|                                                                                                 | # units                                                                                                                     | Multiplier<br>(Schoolchildren/Unit) <sup>1</sup>                                                                                     | Total school<br>children<br>(w/10%<br>affordable) | Total school<br>children<br>(all market<br>rate) |
|-------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|--------------------------------------------------|
| Scenario #1 Likely Level of<br>Development:<br><br>(all 1 BR; 10% affordable)                   | 41 market rate (90%)<br><u>5</u> affordable (10%)<br><b>46 units (100%)</b>                                                 | $X .08^2 = 3.28$ (use 4)<br>$X .30^3 = 1.5$ (use 2)<br><b>6 children</b>                                                             | <b>6</b>                                          | <b>4</b>                                         |
| Scenario #1 Likely Level of<br>Development:<br><br>(50/50 mix 1 BR and 2 BR;<br>10% affordable) | 20 market rate -1 BR<br>2 affordable – 1 BR<br>21 market rate -2 BR<br><u>3</u> affordable – 2 BR<br><b>46 units (100%)</b> | $X 0.08^2 = 1.6$ (use 2)<br>$X 0.30^3 = 0.6$ (use 1)<br>$X 0.23^4 = 4.83$ (use 5)<br>$X 0.51^5 = 1.53$ (use 2)<br><b>10 children</b> | <b>10</b>                                         | <b>8</b>                                         |

<sup>1</sup> Source for all multipliers used: Rutgers University, Center for Urban Policy Research, Residential Demographic Multipliers (June 2006)

<sup>2</sup> One bedroom rental apartment units, more than \$1,000/month

<sup>3</sup> One bedroom rental apartment units, \$500-1,000/month

<sup>4</sup> Two bedroom rental apartment units, over \$1,100/month

<sup>5</sup> Two bedroom rental apartment units, \$750-1,100/month

The designation of ten percent (10%) of the residential units as affordable housing would not significantly reduce the taxes generated by the potential redevelopment of the Gateway under the proposed zoning and would not change the conclusions in the EAF Report, particularly with respect to the surplus in school taxes generated versus cost per student from property taxes. The taxes attributable to the commercial portion of the mixed use buildings, which generates school taxes with no demand, will remain the same. The assessed value, and thereby taxes generated, for the residential portion of the mixed use development might be slightly reduced, based upon the premise that the market value and thereby assessed value, would be affected in part by the reduction in gross rental income.

The rental income for the 10% of the units designated as affordable would be less than for the 90% of the units which would continue to lease at market rents. Based upon the 4<sup>th</sup> Quarter 2010 Westchester Residential Opportunities survey of advertised rents, the average rent of a one-bedroom unit in Croton was \$1165, and the average for a two-bedroom unit was \$1470. Conservatively, affordable rents for the same units are likely to be \$900 for a one-bedroom and \$1100 for a two-bedroom (roughly based upon HUD Home Program 2010 rent limits). These figures represent rent reductions of approximately 20%, which would apply to only 10% of the units.

The reduction in assessed value and thereby taxes generated from the properties with 10% of the residential units being designated as affordable housing units would be minimal and would not significantly change the conclusions in the EAF Report.

e. Economic Study

Comment was made regarding the Danth retail study<sup>2</sup> being outdated given the economic changes in the last few years. Although the nationwide and local economy has changed significantly since the Danth study in 2008, the impetus of that study was that the Harmon area was already in need of revitalization to address the many vacancies. This condition (prior to 2008) spurred the formation of the Harmon Business Development Committee to search out solutions to address this condition. In the current economic condition, it might be argued that there is even more demand for small office space, as workers who were laid off may have started their own small businesses. We do not believe that the overall assumptions -- that Harmon is in need of economic encouragement and growth to maintain the vitality of this area -- have changed due to the economic downturn.

f. Existing Uses

Comment was made indicating that the existing uses of the parcels in the district were not identified, and that data provided is not reliable. Existing uses of all of the parcels in the overlay district and proposed expansion area of the district are described in Tables 1 and 2, and Exhibits 2 (Aerial Photograph), 4 (Existing Land Use), 5 (Parcel Identification with Photographs) and 6 (Vacant and Underutilized Parcels) in the EAF Report. Each parcel is indicated as to whether it is vacant, and if not, what its current use is. This data was gathered using standard planning techniques, including a combination of: field surveys conducted by the planning consultant, review of previous village studies and records, review of aerial photos, and communications with the Village Engineer/Building Inspector. The preparer of the EAF Report did use appropriate methods to get as much data as possible within reason, and within the limits of private properties involved. As an example, the number of public school children in the overlay district was obtained from the school district transportation department, who provided the number of children that use public school buses.

**3. Update Due to Changes That Have Occurred in Existing Conditions**

Since the EAF Report was published in July 2010, it has come to our attention that some parcels in the study area that were indicated as either partially "vacant" or "underutilized" have since either had vacancies filled, tenants changed, or are undergoing renovations or some sort of modifications as of October 2011. Existing utilization for some of the parcels was described in the description of Scenario #1 on page 21 of the EAF Report. These changes include (but are not limited to):

Parcel 28: EAF Report states this parcel is underutilized ("now inactive Oil City"); this site is now in operation as a CITGO station.

Parcels 30-31: EAF Report describes this as "vacant underutilized office buildings/garage/apartment"; these buildings are now being renovated.

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<sup>2</sup> The Croton-on-Hudson Harmon Commercial District Retail Study, Danth, Inc. (July 2008)

- Parcel 12: EAF Report lists this as an “underutilized/partially vacant building”; the vacancy on the first floor has been filled (The Green Growler).
- Parcel 19: EAF Report states this parcel is now a “vacant commercial lot, formerly Westchester Coach”; the vacancy has been filled with a retail store in the same structure (Feed the Birds).

These changes are noted as positive toward the goal of relieving vacancies in the Gateway district. However, none of the changes described above are significantly more intense or different than the previous uses on those parcels, so these changes do not change the conclusions of the EAF Report and Addendum, including the development of Scenario #1. These parcels continue to be generally underutilized.

Enclosure: revised EAF pages

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before the Village Planning Board by private parties/land owners (no publicly-owned properties are involved). This scenario assumes that ~~44~~9 of the parcels (all vacant or underutilized) will be redeveloped as mixed-use buildings using the maximum potential development under the proposed amendments to the gateway overlay zoning. In some cases, it assumes combination of parcels that are directly adjacent to each other. The one exception to this assumption of complete redevelopment is parcel 12, which is an existing, partly vacant building and is assumed not to be re-constructed, but for the existing vacancies to be filled within that structure. (Total of 10 parcels to be redeveloped in this scenario).

This scenario includes redevelopment of the following underutilized lots on the east side of South Riverside Avenue:

- Former Croton Dodge and adjacent parking (combined parcels 8, 9)
- Former Nappy Auto (parcel 29)
- Vacant underutilized office buildings/garage/apartment (parcels 30-31)

On the west side of South Riverside Avenue:

- Now inactive Oil City gas station (parcel 28)
- Vacant lots (combined parcels 27, 26) - former auto storage.
- Underutilized/partially vacant building (parcel 12) north of convenience store (no new construction - keep existing structure, fill vacancies)
- Now vacant commercial lot, formerly Westchester Coach (parcel 19)

The parcels described above are identified on Exhibit 7, Scenario #1, and a summary of the build-out under this scenario (using proposed law and described assumptions) is included in Table 3 below:

**Table 3**  
**Scenario #1- Likely Anticipated Level of Development**

| Parcel #                         | Lot Area (sf)  | Non-Residential space (sf) <sup>1</sup> | Non-Residential parking <sup>1</sup> | Residential Units <sup>1</sup> | Residential Parking | Total parking required |
|----------------------------------|----------------|-----------------------------------------|--------------------------------------|--------------------------------|---------------------|------------------------|
| 8-9 (former Croton Dodge)        | 24,005         | 2,304                                   | 9                                    | 10                             | 15                  | 24                     |
| 29 (former Nappy)                | 12,436         | 1,399                                   | 5                                    | 6                              | 9                   | 14                     |
| 30-31 (vacant office/garage/apt) | 14,020         | 1,785                                   | 6                                    | 8                              | 12                  | 18                     |
| 26-27 (auto storage lots)        | 16,516         | 1,797                                   | 7                                    | 8                              | 12                  | 19                     |
| 28 (vacant Oil City)             | 18,286         | 1,512                                   | 5                                    | 7                              | 11                  | 16                     |
| 12 <sup>3</sup> (Ex. bldg)       | 5,981          | ±840                                    | 3 <sup>3</sup>                       | 4                              | 6                   | 9                      |
| 19 (former Westch. Coach)        | 11,342         | 686                                     | 2                                    | 3                              | 6                   | 9                      |
| <b>Totals</b>                    | <b>102,586</b> | <b>10,323 sf</b>                        | <b>53 37</b>                         | <b>46</b>                      | <b>71</b>           | <b>109 108</b>         |

<sup>1</sup> Taken from Table 2 in property utilization study prepared by Saccardi & Schiff, Inc. in July 2008, except for data for parcel 12. Assumes 50% one-bedroom and 50% two-bedroom units for parking calculations.

<sup>2</sup> As per proposed zoning amendments; 1 parking space for each unit, 1 additional parking space for each additional bedroom

**Summary:**

Summary comparison of the estimated build-out figures for development scenarios #1, 2, 3 is presented below.

**Table 6**  
**Summary Comparison**  
**of Scenarios #1, 2, 3**

|                                                                                          | # Residential units | Commercial/retail (SF) | Total parking      |
|------------------------------------------------------------------------------------------|---------------------|------------------------|--------------------|
| <b>Scenario #1</b><br>(likely scenario-redevelopment of underutilized or vacant parcels) | 46                  | 10,323 sf              | <del>409</del> 108 |
| <b>Scenario #2</b><br>(Theoretical Maximum-full build-out: all individual lots)          | 145                 | 39,604 sf              | 336                |
| <b>Scenario #3</b><br>(Theoretical Maximum-full build-out: combination of some parcels)  | 146                 | 38,723 sf              | 419                |

**Alternative Scenario Not Analyzed**

(with assumptions of common ownership and common parking lots)  
(208 residential units/43,726 sf commercial)

This unrealistic scenario was discussed in the Saccardi & Schiff, Inc. study (dated July 2008; Table 1 of that report). It assumes assemblage of private lands into larger parcels. This 2008 report states that this scenario is theoretical and not really achievable, and describes the assumptions that would be required for this level of development to occur. As described in that study, this scenario is not considered in any way a viable alternative or development scenario, based on the characteristics and assumptions made to arrive at these development numbers (it is a theoretical mathematical maximum). For instance, in order for this scenario to occur, the following would have to take place:

- All parcels developed to the maximum FAR, with several assumed combined parcels. (Due to configuration of lots, maximum FAR is not achievable on all parcels, since on-site parking is a requirement).
- In addition, 23 on-street parking spaces on South Riverside would have to be available to contribute to the parking requirements of the new mixed use buildings. (On-site parking could not be accommodated on many of these parcels when utilizing the maximum FAR).

Therefore, this scenario was not analyzed further for impacts. This extreme build-out would require the village to waive many key land use requirements that this zoning amendment seeks to enforce, including: parking requirements, open space requirements, and setbacks.

## Village of Croton-on-Hudson

### COASTAL ASSESSMENT FORM

#### A. INSTRUCTIONS (Please print or type all answers)

1. Applicants, or in the case of direct actions (city, town, village) agencies, shall complete this CAF for proposed actions which are subject to the consistency review law. This assessment is intended to supplement other information used by a (city, town, village) agency in making a determination of consistency.
2. Before answering the questions in Section C, the preparer of this form should review the policies and explanations of policy contained in the Local Waterfront Revitalization Program (LWRP), a copy of which is on file in the (city, town, village) clerk's office. A proposed action should be evaluated as to its significant beneficial and adverse effects upon the coastal area.
3. If any question in Section C on this form is answered "yes", then the proposed action may affect the achievement of the LWRP policy standards and conditions contained in the consistency review law. Thus, the action should be analyzed in more detail and, if necessary, modified prior to making a determination that it is consistent to the maximum extent practicable with the LWRP policy standards and conditions. If an action cannot be certified as consistent with the LWRP policy standards and conditions, it shall not be undertaken.

#### B. DESCRIPTION OF SITE AND PROPOSED ACTION:

1. Type of (city, town, village) agency action (check appropriate response):
  - a) Directly undertaken (e.g. capital construction, planning activity, agency regulation, land transaction) Zoning amendments
  - b) Financial assistance (e.g. grant, loan, subsidy) \_\_\_\_\_
  - c) Permit, approval, license, certification \_\_\_\_\_
  - d) Agency undertaking action Croton-on-Hudson Village Board of Trustees
2. Describe nature and extent of action: Adoption of amendments to the South Riverside/Harmon Gateway Overlay District portion of the Village Code (Section 230-20.2.A.(1), Section 230-20.3, Section 230-20.4, and Section 230-42.1). Intent of the proposed amendments is to encourage commercial redevelopment and facilitate market rate mixed use development.
3. Location of actions: Lots on the east and west sides of South Riverside Avenue between Croton Point Avenue and a point 200 feet north of Oneida Ave, Village of Croton-on-Hudson, County of Westchester  
(street or site description)
4. Size of site: ±11 acres

5. Present land use: Office, auto-related uses, retail, service businesses, restaurants, residential

6. Present zoning classification: C-2 (General Commercial) and South Riverside/Harmon Gateway District (partial overlay)

7. List and describe any unique or unusual land forms within or contiguous to the project site (i.e. bluffs, dunes, swales, ground depressions, other geological formations):

None

8. Percent of site which contains slopes of 15% or greater: ±5%

9. List and describe streams, lakes, ponds or wetlands existing within or contiguous to the project area. Give name and size of each if available:

a) Name: None

b) Size (in acres): N/A

10. If an application for the proposed action has been filed with the (city, town, village) agency, the following information shall be provided:

a) Name of applicant: N/A

b) Mailing address: \_\_\_\_\_

c) Telephone number: (area code) (\_\_\_\_\_) \_\_\_\_\_

d) Application number, if any: \_\_\_\_\_

11. Will the action be directly undertaken, require funding or approval by a state or federal agency? NO X YES \_\_\_\_\_

If yes, which state or federal agency? \_\_\_\_\_

### C. COASTAL ASSESSMENT:

(Check either "yes" or "no" for each of the following questions)

|                                                                                                                                                                      | <u>YES</u> | <u>NO</u> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|-----------|
| 1. Will the proposed action be located in, or contiguous to, or have a potentially adverse effect upon any of the resource areas identified on the coastal area map: | _____      | <u>X</u>  |
| a) Significant fish or wildlife habitats?                                                                                                                            | _____      | <u>X</u>  |
| b) Scenic resources of local or statewide significance?                                                                                                              | _____      | <u>X</u>  |
| c) Important agricultural lands?                                                                                                                                     | _____      | <u>X</u>  |
| d) Natural protective features in an erosion hazard area?                                                                                                            | _____      | <u>X</u>  |

If the answer to any question above is "yes", please explain in Section D any measures which will be undertaken to mitigate any adverse effects.

|                                                                                                                                      | <u>YES</u> | <u>NO</u>      |
|--------------------------------------------------------------------------------------------------------------------------------------|------------|----------------|
| 2. Will the proposed action have a significant effect upon:                                                                          |            |                |
| a) Commercial or recreational use of fish and wildlife resources?                                                                    | _____      | <u>X</u> _____ |
| b) Scenic quality of the coastal environment?                                                                                        | _____      | <u>X</u> _____ |
| c) Development of future or existing water dependent uses?                                                                           | _____      | <u>X</u> _____ |
| d) Operation of the State's major ports?                                                                                             | _____      | <u>X</u> _____ |
| e) Land or water uses within a small harbor area?                                                                                    | _____      | <u>X</u> _____ |
| f) Stability of the shoreline?                                                                                                       | _____      | <u>X</u> _____ |
| g) Surface or groundwater quality?                                                                                                   | _____      | <u>X</u> _____ |
| h) Existing or potential public recreation opportunities?                                                                            | _____      | <u>X</u> _____ |
| i) Structures, sites or districts of historic, archeological or cultural significance to the (city, town, village), State or nation? | _____      | <u>X</u> _____ |
| 3. Will the proposed action involve or result in any of the following:                                                               |            |                |
| a) Physical alteration of land along the shoreline, land under water or coastal waters?                                              | _____      | <u>X</u> _____ |
| b) Physical alteration of two (2) acres or more of land located elsewhere in the coastal area?                                       | _____      | <u>X</u> _____ |
| c) Expansion of existing public services or infrastructure in undeveloped or low density areas of the coastal area?                  | _____      | <u>X</u> _____ |
| d) Energy facility not subject to Article VII or VIII of the Public Service Law?                                                     | _____      | <u>X</u> _____ |
| e) Mining, excavation, filling or dredging in coastal waters?                                                                        | _____      | <u>X</u> _____ |
| f) Reduction of existing or potential public access to or along the shore?                                                           | _____      | <u>X</u> _____ |
| g) Sale or change in use of publicly-owned lands located on shoreline or under water?                                                | _____      | <u>X</u> _____ |
| h) Development within a designated flood or erosion hazard area?                                                                     | _____      | <u>X</u> _____ |
| i) Development on a beach, dune, barrier island or other natural feature that provides protection against flooding or erosion?       | _____      | <u>X</u> _____ |
| j) Construction or reconstruction of erosion protective structures?                                                                  | _____      | <u>X</u> _____ |
| k) Diminished surface or groundwater quality?                                                                                        | _____      | <u>X</u> _____ |
| l) Removal of ground cover from the site?                                                                                            | _____      | <u>X</u> _____ |

|                                                                                                                                                  | <u>YES</u> | <u>NO</u> |
|--------------------------------------------------------------------------------------------------------------------------------------------------|------------|-----------|
| 4. Project ( <i>N/A-zoning amendment, not project</i> )                                                                                          |            |           |
| a) If project is to be located adjacent to shore: ( <i>N/A-not adjacent to shore</i> )                                                           |            |           |
| 1. Will water-related recreation be provided?                                                                                                    | _____      | _____     |
| 2. Will public access to the foreshore be provided?                                                                                              | _____      | _____     |
| 3. Does the project require a waterfront site?                                                                                                   | _____      | _____     |
| 4. Does it supplant a recreational or maritime use?                                                                                              | _____      | _____     |
| 5. Do essential public services and facilities presently exist at or near the site?                                                              | _____      | _____     |
| 6. Is it located in a flood prone area?                                                                                                          | _____      | _____     |
| 7. Is it located in an area of high erosion?                                                                                                     | _____      | _____     |
| b) If the project site is publicly owned: ( <i>N/A-all privately owned</i> )                                                                     |            |           |
| 1. Will the project protect, maintain and/or increase the level and types of public access to water-related recreation resources and facilities? | _____      | _____     |
| 2. If located in the foreshore, will access to those and adjacent lands be provided?                                                             | _____      | _____     |
| 3. Will it involve the siting and construction of major energy facilities?                                                                       | _____      | _____     |
| 4. Will it involve the discharge of effluent from major steam electric generating and industrial facilities into coastal facilities?             | _____      | _____     |
| c) Is the project site presently used by the community neighborhood an open space or recreation area?                                            | _____      | <u>X</u>  |
| d) Does the present site offer or include scenic views or vistas known to be important to the community?                                         | _____      | <u>X</u>  |
| e) Is the project site presently used for commercial fishing or fish processing?                                                                 | _____      | <u>X</u>  |
| f) Will the surface area of any waterways or wetland area be increased or decreased by the proposals?                                            | _____      | <u>X</u>  |
| g) Does any mature forest (over 100 years old) or other locally important vegetation exist on this site which will be removed by the project?    | _____      | <u>X</u>  |
| h) Will the project involve any waste discharges into coastal waters?                                                                            | _____      | <u>X</u>  |
| i) Does the project involve surface or subsurface liquid waste disposal?                                                                         | _____      | <u>X</u>  |
| j) Does the project involve transport, storage, treatment or disposal of solid waste or hazardous materials?                                     | _____      | <u>X</u>  |

|                                                                                                                                                  | <u>YES</u>    | <u>NO</u>    |
|--------------------------------------------------------------------------------------------------------------------------------------------------|---------------|--------------|
| k) Does the project involve shipment or storage of petroleum products?                                                                           | <u>      </u> | <u>  X  </u> |
| l) Does the project involve discharge of toxic hazardous substances or other pollutants into coastal waters?                                     | <u>      </u> | <u>  X  </u> |
| m) Does the project involve or change existing ice management practices?                                                                         | <u>      </u> | <u>  X  </u> |
| n) Will the project affect any area designated as a tidal or freshwater wetland?                                                                 | <u>      </u> | <u>  X  </u> |
| o) Will the project alter drainage flow, patterns or surface water runoff on or from the site?                                                   | <u>      </u> | <u>  X  </u> |
| p) Will best management practices be utilized to control storm water runoff into coastal waters?                                                 | <u>      </u> | <u>  X  </u> |
| q) Will the project utilize or affect the quality or quantity of sole source or surface water supplies?                                          | <u>      </u> | <u>  X  </u> |
| r) Will the project cause emissions which exceed federal or state air quality standards or generate significant amounts of nitrates or sulfates? | <u>      </u> | <u>  X  </u> |

**D. REMARKS OR ADDITIONAL INFORMATION.**

For questions answered “yes” in Section C, explain methods you will undertake to reduce adverse effects. Review the LWRP to see if the project is consistent with each policy. List policies the project is not consistent with and explain all mitigating actions.

(Add any additional sheets necessary to complete this form)

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## E. SUBMISSION REQUIREMENTS.

The final version of this form shall be sent to the Department of State (*New York State Dept. of State, Coastal Management Program, 162 Washington Avenue, Albany, NY 12231*) if any question in Section C is answered "yes" and either of the following conditions is met.

- Section B.1 (a) or B.1 (b) is checked    **OR**
- Section B.1 (c) and B.11 is answered "yes"

=====

If assistance or further information is needed to complete this form, please contact the Village Engineer at (914) 271-4783.

Preparer's Name: Bonnie Von Ohlsen

Title: Senior Project Manager

Agency: VHB, Planning Consultants for Village of Croton-on-Hudson

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Date: October 12, 2011