

ATTACHMENT TO AND FORMING A PART OF NEGATIVE DECLARATION:

1 Croton Point – WBP Development LLC

1 Croton Point Avenue, Croton-on-Hudson, NY

December 18, 2024

Description of the Action:

The Applicant, WBP Development, LLC, is seeking special use permit approval from the Village of Croton-on-Hudson (the "Village") Board of Trustees (the "Proposed Action") in order to construct a proposed 5-story, 100-unit affordable homeownership project with amenity space and on-site parking (the "Proposed Project") on the north side of the intersection of Croton Point Avenue and Veterans Plaza (aka 1 Croton Point Avenue) within the Village's Light Industrial (LI) zoning district. The Proposed Project involves an assemblage of three existing tax parcels totaling approximately 1.76 acres (the "Project Site"): 79-17-1-3 (aka Lot 3), 79-17-1-4 (aka Lot 4) and 79-17-1-5 (aka Lot 5). Village-owned Lot 5, fronting on Croton Point Avenue, was most recently utilized as a parking lot for the Metro-North Railroad (MNR) Croton-Harmon station (commonly referred to as the "Parking Lot A"). Lot 4 is currently owned by Croton Point Realty, Inc., has frontage along Croton Point Avenue and contains portions of a two-story commercial building currently occupied by a law office, distillery, and other professional tenants. Village-owned Lot 3 is located to the rear of Lot 4 and contains portions of the two-story commercial building noted above, and a parking lot. The owner of Lot 4, Croton Point Realty, Inc. has had a long-term land lease with the Village for the uses on Village-owned Lot 3.

The Proposed Action also includes the Village's sale of Lot 3 and Lot 5. Parking Lot A, Lot 3, currently provides approximately 122 parking spaces of overflow parking for MNR Croton-Harmon station. In 2020 the Village added 165 parking spaces to the main parking lot (to the south of Parking Lot A) after the relocation of the Department of Public Works. Based upon the combination of the added spaces in the main parking lot and the reduced demand since the pandemic, the Board of Trustees has determined that Parking Lot A is no longer necessary as an overflow parking lot or for any other municipal use, and that it would be beneficial to sell the lot and allow transit-oriented development on Parking Lot A and thereby also have it added to the Village tax rolls. Lot 5 is currently leased under a long-term lease to the owner of Lot 4 and is therefore not used for municipal purposes.

In November 2022, the Village adopted Local Law No. 14 of 2022 to amend the provisions of the Zoning Code to allow for transit-oriented development (TOD), specifically mixed-use and multifamily residential buildings, in a specific portion of the LI zoning district, including the Project Site. Local Law No. 14 of 2022 permits the Project Site to be redeveloped (through issuance of a Special Permit from the Village Board of Trustees and then Site Plan approval from the Planning Board) with transit-oriented multifamily housing or multifamily housing over ground floor commercial uses at a maximum Floor Area Ratio (FAR) of 1.2, a maximum height of up to 5-stories, and a parking ratio of 1 space per residential unit and 1 space per 400 square feet of commercial floor area. Following the adoption of Local Law 14 of 2022, the Village released a Request for Proposals (RFP) for Village-owned portions of the Project Site. The Applicant has been selected by the Village as the purchaser of Lots 3 and 5 currently owned by the Village, and is in contract to purchase Lot 4 from Croton Point Realty, Inc.

The Proposed Project will rise to a height of five stories, approximately 58 feet to the proposed roof deck. The building's rooftop elevator bulkhead (approximately 28'x36' and proposed on the south end of the roof) will rise to a height of approximately 70 feet. The five stories of residential use are proposed over a cellar level for parking below grade. A total of 100 residential units consisting of 46 one-bedroom and 54 two-bedroom units are proposed. The proposed FAR is 1.10, where 1.20 is the maximum allowed. The design also includes 105 parking spaces (approx. 1 space per unit), provided via a combination of surface and below-building parking. No ground floor commercial space is proposed. Amenities within the building include a community room, fitness center, coworking lounge, bike storage room, and a rooftop deck. According to the Applicant, sustainable building design features include full electrification, solar readiness, high efficiency heating, ventilation, and air conditioning (HVAC) equipment (cold climate air

source heat pumps) and appliances (Energy Star Multifamily New Construction Program), Level 2 EV charging stations (1 per 20 parking spaces) and low-flow water fixtures.

Primary vehicular ingress and egress for the Proposed Project will be provided by a two-way access driveway at the existing signalized intersection at Croton Point Avenue and Veterans Plaza. Plans for secondary, one-way access for use by delivery trucks, school buses, taxis, etc. will be finalized with the Planning Board during Site Plan review.

The Proposed Project's 100 residential units are envisioned to be 100 percent affordable homeownership condominiums, and the Applicant would be seeking affordable housing subsidy through New York State Homes and Community Renewal's Affordable Homeownership Opportunities Program (AHOP).

In addition to approval of the Special Permit from the Village Board of Trustees, other local approvals and reviews for the Proposed Project include Site Plan approval from the Village Planning Board, Local Waterfront Revitalization Program (LWRP) consistency review by the Village Waterfront Advisory Committee with a determination of consistency to be approved by the Board of Trustees, and visual/aesthetics review and comment by the Village Advisory Board on Visual Environment (following a referral by the Planning Board). On September 30, 2024, the Village Waterfront Advisory Committee provided the Village Board of Trustees with a recommendation of consistency with the Village's LWRP.

Location: Croton Point Avenue and Veterans Plaza (aka 1 Croton Point Avenue)

Tax Parcel IDs: 79-17-1-3 (aka Lot 3), 79-17-1-4 (aka Lot 4) and 79-17-1-5 (aka Lot 5)

Information Reviewed by the Lead Agency:

The below determinations of the Lead Agency are based on a review of the Full Environmental Assessment Form (FEAF) Part 1 completed by the Applicant and last revised September 27, 2024, along with the following supplemental information, plans, and studies reviewed by the Lead Agency to accompany FEAF Part 1 and inform the Lead Agency's findings in FEAF Parts 2 and 3 (starting with the most recent):

- Memorandum to the Village Board of Trustees from the Village Manager dated November 6, 2024 summarizing the October 2, 2024 meeting with the Village Fire Chief.
- Preliminary Water Engineering Report prepared by Insite Engineering, Surveying, and Landscape Architecture, P.C., last revised October 30, 2024.
- Visual Analysis (Site Cross Sections) prepared by Insite Engineering, Surveying, and Landscape Architecture, P.C., last revised October 30, 2024.
- Traffic Impact Study prepared by Kimley Horn, dated October 21, 2024.
- Memorandum on Fiscal Analysis prepared by KSCJ Consulting, last revised October 16, 2024.
- Fire Apparatus Access Study drawing prepared by Insite Engineering, Surveying, and Landscape Architecture, P.C., dated October 17, 2024.
- Memorandum on Public School-Aged children (PSAC) Analysis prepared by KSCJ Consulting, last revised October 16, 2024.
- Overall Site Plan drawing prepared by Insite Engineering, Surveying, and Landscape Architecture, P.C., dated October 9, 2024.
- Information on children residing at Chappaqua Crossings development, dated October 9, 2024.
- Letter on LWRP consistency to the Village Board of Trustees from the Village Waterfront Advisory Committee, dated September 30, 2024.
- Local Waterfront Revitalization Program (LWRP) Consistency Assessment prepared by KSCJ Consulting, dated September 17, 2024.

- Architectural Renderings prepared by Arketekcher, last revised September 13, 2024.
- Email from Philip Dinkler, Department Head, Croton EMS to the Applicant dated September 12, 2024; and Applicant's response dated September 13, 2024.
- Visual Analysis (leaf-on and leaf-off photo simulations) prepared by Arketekcher, dated September 6, 2024.
- Letter from the New York State Office of Parks, Recreation, and Historic Preservation (OPRHP) dated September 3, 2024.
- Westchester County Planning Board Referral Review letter, dated September 3, 2024.
- Environmental Noise Study and Façade Glazing Requirements report (and backup data) prepared by Trinity Consultants, Cerami, and Longman Lindsey (TCLL), dated July 30, 2024.
- Phase I Environmental Site Assessment Report and Phase II Investigation Report prepared by SESI Consulting Engineers, dated July 2024.
- Preliminary Wastewater Engineering Report, prepared by Insite Engineering, Surveying, & Landscape Architecture, P.C., dated July 11, 2024
- Preliminary Stormwater Pollution Prevention Plan (SWPPP), prepared by Insite Engineering, Surveying, & Landscape Architecture, P.C., dated July 11, 2024
- Site Plan Set (7 sheets), prepared by Insite Engineering, Surveying, & Landscape Architecture, P.C., dated July 11, 2024
- Village Board Special Permit Application, submitted by WBP Development LLC, dated July 10, 2024

Reasons Supporting This Determination:

Having considered the above-referenced information against the criteria for determining significance found in Part 617.7(c)(1) of the implementing regulations pertaining to Article 8 (SEQRA) of the Environmental Conservation Law, the Lead Agency has determined that the Proposed Project will not have a significant adverse impact on the environment, and a Negative Declaration is therefore appropriate pursuant to the following criteria:

1) The Project will not result in any significant impacts from “a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems” (§617.7(c)(1)(i)):

The operation of the Proposed Project will not result in any significant impacts from substantial adverse changes to existing air quality. Emissions from construction equipment will be temporary and will comply with all regulations on construction found in the Village Code. The Applicant intends for the building to be fully electrified with high efficiency heating, ventilation and air conditioning (HVAC) equipment, resulting in no emissions from fossil-fuel fired equipment. Mobile sources of emissions associated with the building's 105-space parking lot are not considered significant when accounting for the prior use of the Project Site as an approximately 122-space parking lot for MNR commuters.

The Proposed Project will not result in any significant impacts resulting from a substantial adverse change in existing groundwater or surface water quality. The Project Site does not contain any wetlands, watercourses or other surface waters. The site is almost entirely developed with impervious cover (surface parking and buildings) and stormwater runoff, in the existing condition, flows in one of two directions. Approximately half of the Site's runoff currently flows to the south to an existing on-site drain inlet that connects to the New York State Department of Transportation (NYSDOT) drainage system along NYS Route 9. The remaining portion of the Site's runoff flows to the north toward property owned by the MTA. The Proposed Project is considered a redevelopment project under the New York State Department of Environmental Conservation's (NYSDEC) stormwater regulations and based on the proposed overall reduction in impervious surfaces (net increase in green space with proposed

landscaping), will result in a net decrease in flows leaving the Site; therefore, attenuation of stormwater on-site is not required. Water quality treatment is proposed in the form of hydrodynamic separators which will treat stormwater before discharging off-Site.

The Proposed Project will not result in any significant impacts resulting from a substantial adverse change in existing groundwater or surface water quantity. The Village's main water source is a well system located in the Croton River Valley downstream from the New Croton Dam (northeast of the Project Site). There is an existing 6-inch water main in Croton Point Avenue that services the existing structures on the Project Site. There is also an existing 10-inch water main in Wayne Street to the east of the Site. The Proposed Project will connect to the Village's municipal water system and will not rely upon the underlying aquifer for domestic use. The Applicant intends for all residential units to be outfitted with water saving fixtures to conserve water. Two separate service lines, one for domestic and one for fire service, are proposed. According to the Applicant's Engineer, domestic water demand for the Proposed Project, when accounting for the number of bedrooms and proposed water saving fixtures, is estimated to be approximately 6,395 gallons per day (gpd). The Proposed Project is required to be sprinklered for fire protection in accordance with National Fire Protection Association (NFPA) standards 13 or 13R as permitted or required by applicable law. The required fire flow for the Proposed Project has been calculated by the Applicant's Mechanical, Electrical, and Plumbing (MEP) Engineer to be 750 gallons per minute (gpm) for 60 minutes. The final fire sprinkler system design will meet NFPA requirements and be designed by the Applicant's MEP Engineer during the building permit process. In consultation with the Village Engineer, the Applicant has identified two (2) options to provide adequate fire flow for the Proposed Project. The first, which has been accounted for in the Water Engineering Report prepared by the Applicant's Civil Engineer and illustrated on the project plans, is the Village's preferred option of extending the Wayne Street water main to the existing stub on Croton Point Ave. While this connection has long been envisioned and desired by the Village, the Wayne Street extension requires an easement from a private property owner. Therefore, should the required easement not be able to be secured, the second option would be to provide an on-Site water storage and pump system to supplement the available flows from the existing 6-inch main in Croton Point Avenue to meet sprinkler requirements. As noted above, the Applicant's MEP engineer has determined that a 60-minute duration is required for the 750 gpm fire flow. For this flow rate and duration, a water use of 45,000 gallons is calculated. This water volume would be provided by a combination of the available flows from the existing system, the ability to supply the proposed hydrant, and a supplemental on-Site storage tank that would be buried below grade. Pump(s) would be required to deliver water to the sprinkler system and such pumps would be provided with a backup generator. With either of the above measures included as part of the Proposed Project, there will be no significant adverse impacts related to water supply. As documented in the Applicant's Wastewater Engineering Report, the Proposed Project will connect to the existing Westchester County Department of Environmental Facilities sewer system, as follows: A gravity sewage collection and conveyance system consisting of 8-inch diameter PVC SDR 35 sewer mains and precast concrete manholes will be installed on-Site and will connect the building to the proposed pump station. The sewage collection and conveyance system will flow by gravity to an onsite pump station. A duplex pump station is proposed to be installed and will connect to the 8-inch force main with a proposed connection manhole. A backup generator will be provided to power the pumps in the event of power failure. Through the Site Plan process, the layout of the proposed water and sewer systems will be finalized, with input from the Village Engineer.

The Proposed Project, when implemented with improvements recommended by the Applicant's Traffic Impact Study (TIS), will not result in significant impacts related to a substantial increase in traffic levels. The Proposed Action would facilitate the redevelopment of a former 122-space MNR parking lot that historically generated morning and evening peak hour commuter traffic. The Proposed Project's TIS dated October 21, 2024 and prepared by Kimley-Horn included the collection of Turning Movement Counts (TMCs) at the following intersections for the weekday AM (7:00 AM to 9:00 AM) and weekday PM (4:00 PM to 6:30 PM) peak periods in September 2024:

- Croton Point Avenue and Veterans Plaza
- Croton Point Avenue and Route 9/9A Southbound Ramps
- Croton Point Avenue and Route 9/9A Northbound Ramps

Signal timing plans were obtained from the New York State Department of Transportation (NYSDOT). After reviewing the data, the following peak hours were selected:

- 7:00 AM to 8:00 AM Peak Hour
- 5:30 PM to 6:30 PM Peak Hour

As noted under “Description of the Action” above, primary vehicular ingress and egress for the Proposed Project will be provided by a two-way access driveway at the existing signalized intersection at Croton Point Avenue and Veterans Plaza. Plans for secondary, one-way access for use by delivery trucks, school buses, taxis, etc. will be finalized with the Planning Board during Site Plan review. For conservative analysis purposes, the TIS assumed all entering and exiting trips would use the Site’s signalized driveway. The TIS assumed that the proposed 100 residential units would be built and occupied by the end of 2027. Applying this assumption, existing traffic volumes were grown by a 1 percent per year compounded growth rate. This growth rate reflected increases in background traffic growth that would be expected to occur with or without the Proposed Project. Trip generation rates provided by the Institute of Transportation Engineers (ITE) indicate that a 100-unit development would generate 33 trips in the AM peak hour and 39 trips in the PM peak hour (as well as 39 trips in the Saturday peak hour). According to the TIS, the Proposed Project will generate approximately 1 trip every 2 minutes in the busiest hour and will not have any significant impact on traffic operating conditions. Based on the trip generation volumes calculated, an intersection capacity analysis was conducted for the three studied intersections (as identified above) using the Existing, No-Build and Build peak-hour volumes to assess the quality of the traffic flow at these intersections. Previous studies in the Village (including the TIS completed by the Village for the 2022 rezoning of the Project Site) suggest that the following impacts would be considered significant: 1) A change from Level of Service (LOS) “D” to LOS “E” or “F”, 2) A change from LOS “E” to “F” or 3) An increase in delay of more than 10 percent when the No-Build condition (future without the Proposed Project) is already LOS “F”. The TIS concluded that under Build conditions (future with the Proposed Project) the northbound approach where Croton Point Ave meets the 9/9A northbound ramps will experience an increase in delay greater than 10 percent (15 percent) within LOS “F”. Consistent with the findings of the TIS completed by the Village for the 2022 rezoning of the Project Site, with certain signal timing adjustments to better accommodate the projected prevailing peak-hour traffic volumes, potential unrelated lengthy delays at the NYS Route 9 off-ramp intersections with Croton Point Avenue can be remediated and lesser project-related increases in delay can be avoided. The signal timing adjustments proposed by the Applicant for the intersections of Croton Point Ave and the 9/9A ramps (outlined in Table 4 of the October 21, 2024 TIS) involve re-allocating green time across phases for more efficient operations and reductions in delay. With these measures included as part of the Proposed Project, there will be no significant adverse impacts related to traffic. Through issuance of the Special Permit, the Village Board of Trustees will require that the Applicant, as part of the Planning Board’s Site Plan review process, coordinate with NYSDOT on adjusting the timing for the identified signals as proposed in the TIS. As part of this request, NYSDOT will review the findings of the Applicant’s TIS.

The Proposed Project will not result in significant impacts related to a substantial increase in noise levels. Noise associated with construction of the Proposed Project will be temporary and will comply with all regulations on construction found in the Village Code. Once in operation, the Proposed Project will not increase stationary and mobile sources of noise beyond the ambient conditions already found in the immediate vicinity of the Project Site (a commuter rail yard and associated commuter parking lots, and a State highway). The potential impacts of ambient noise conditions on future residents of the Proposed Project were considered. Based on the results of a July 2024 Noise Study submitted by the Applicant and reviewed by the Lead Agency, the Applicant aspires to designing the building’s façade to attenuate noise down to an interior Day-Night Average Sound Level (Ldn) no greater than 40 a-weighted decibels (dBA), which is more stringent than the industry standard for residential uses (interior Ldn of 45 dBA). However, if either of these interior levels are achieved as part of the Proposed Project’s construction, any potential significant adverse noise impacts to future occupants will be avoided. Based on the loudest Ldn of 70.8, the façade of the building would need to provide 26 dBA of composite window-wall attenuation to result in the standard interior level of 45 dBA, or 31 dBA of composite window-wall attenuation to result in an interior level of 40 dBA. With either of these measures included as part of the Proposed Project, there will be no significant adverse impacts related to noise. Through issuance of the Special Permit, the

Village Board of Trustees will require that any Site Plan be conditioned on the Building Department being provided with the documented sound transmission ratings of the proposed windows and façade materials, as well as composite attenuation calculations completed by the Applicant's Architect of Record. Review and approval of these materials (including input from the Village's consultants) prior to the issuance of a building permit will provide assurance to the Village that appropriate attenuation (26-31 dBA noted above) can be achieved through design.

The Proposed Project will not result in significant impacts related to a substantial increase to solid waste production. Common household solid waste will be picked up by the Village at least once per week (a second collection per week is permissible at an extra cost to the property). While not anticipated, if more than two collections per week are required, such additional collections would be completed by private carter.

The Proposed Project will not result in significant impacts related to a substantial increase in potential for erosion, flooding, leaching or drainage problems. The Project Site is located more than 1,700 feet from the Hudson River and 880 feet from Croton Bay. The Project Site is not located within a floodplain, is not subject to flooding and contains no surface water features. A Stormwater Pollution Prevention Plan (SWPPP) and Erosion and Sediment Control Plan have been developed and will be implemented throughout construction and operation. As described above, the Proposed Project will result in a net increase in green space over the existing paved condition, and stormwater runoff will be improved upon through water quality treatment proposed through the Applicant's SWPPP.

2) The Proposed Project will not result in any significant impacts from “the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources” (§617.7(c)(1)(ii)):

The submitted FEAF Part 1, which was generated using the NYSDEC's EAF Mapper, indicates that habitat for the northern harrier, bald eagle, Atlantic sturgeon and shortnose sturgeon may be present at the Project Site. The Project Site is located more than 1,700 feet from the Hudson River shoreline and 880 feet from Croton Bay. The Project Site contains a paved parking lot, a commercial structure, sparse vegetation and is framed on either side by active transportation and industrial uses. Construction of the Proposed Project would not involve any loss of flora and its associated fauna. For these reasons, no significant adverse impacts related to these species and their habitats, or other significant adverse impacts to natural resources, would result from the Proposed Project.

3) The Proposed Project will not result in “the impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant to subdivision 617.14(g) of this Part” (§617.7(c)(1)(iii)):

The Project Site is located within the portion of the Village mapped for the “Hudson River” Critical Environmental Area (CEA) which was designated by Westchester County on January 31, 1990. According to the NYSDEC, the basis for the designation is identified as “exceptional or unique character.” As noted above, the Project Site is located over 1,700 feet from the Hudson River shoreline and consists of a paved parking lot framed on either side by active transportation and industrial uses. Multifamily residential uses are permitted in the LI zoning district through a Special Permit issued by the Village Board of Trustees. The Proposed Project will not result in a reduction in the quality or quantity of the resource or characteristic which was the basis for designation of the CEA.

4) The Proposed project will not result in “the creation of a material conflict with a community’s current plans or goals as officially approved or adopted” (§617.7(c)(1)(iv)):

As described under “Description of the Action” above, the Project Site is located in the Village’s Light Industrial (LI) zoning district. The Village adopted Local Law No. 14 of 2022 to amend the provisions of the Zoning Code to allow for transit-oriented mixed-use and multifamily residential buildings in a specific portion of the LI zoning district within 1,500 feet of the Croton-Harmon rail station, which includes the Project Site. The 2022 zoning amendment allows the proposed use at the Project Site subject to the issuance of a Special Permit from the Village Board of Trustees and Site Plan Approval from the Planning Board, in addition to other necessary permits, approvals and referrals by other involved agencies. The Proposed Project complies with the development requirements presented in Local Law 14 of 2022 and the additional design parameters as outlined in the Village’s RFP for the Site. The 2022 zoning amendments and the Proposed Project are also consistent with the Village’s 2017 Comprehensive Plan. Specifically, page 112 of the Village’s 2017 Comprehensive Plan, where “Goal B” is discussed, states the following: “*Long term, keep the opportunity for “transit village” type development open on Village lands adjacent to the Croton Harmon rail station.*” In addition, on September 30, 2024 the Village Waterfront Advisory Committee provided a recommendation to the Village Board of Trustees stating that the Proposed Project is consistent with the goals and policies of the Village’s LWRP as adopted in 2024. In consideration of the above, the Proposed Project does not conflict with the Village’s current plans or goals as officially approved or adopted.

5) The Proposed Project will not result in “the impairment of the character or quality of important historical, archaeological, architectural, or aesthetic resources or of existing community or neighborhood character” (§617.7(c)(1)(v)):

The Proposed Project will not result in the impairment of the character or quality of important historical, archaeological, or architectural resources. Following consultation under Section 14.09 of the New York State Historic Preservation Law, the Applicant has provided a letter from the New York State Office of Parks, Recreation, and Historic Preservation (OPRHP) dated September 3, 2024 indicating that “no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places will be impacted by this project.”

The Proposed Project will not result in the impairment of the character of important aesthetic resources. The Proposed Project will not be visible from any officially designated federal, state, or local scenic or aesthetic resource, including scenic byways, scenic roads, scenic areas of statewide significance (SASS), scenic trails and scenic rivers. There are no such designated resources in the area of the Project Site. The nearest SASS is the Bear Mountain Park subunit of the Hudson Highlands SASS which is a considerable distance north of the Village. Although the Project Site is not mapped within or near a designated aesthetic resource, the Lead Agency requested that the Applicant provide an assessment of the potential visibility of the Proposed Project from various publicly accessible vantage points around the Village. To supplement the more generic assessment undertaken by the Village for the 2022 zoning amendments, the Applicant’s Architect of Record submitted a refined Visual Analysis dated September 6, 2024, which provided leaf-on and leaf-off photo simulations from the same six publicly accessible vantage points studied by the Village in 2022, which all look in a westerly direction toward the area of the Project Site with the MNR rail yard and Hudson River beyond. The Lead Agency also reviewed Site Cross Sections dated October 30, 2024, which were prepared by the Applicant’s Civil Engineer. The Site Cross Sections depict the line of sight towards the Project Site (and MNR yard further west) from points east/uphill from the Project Site, including public rights of way, such as Wayne Street and Young Avenue. Upon review of the Visual Analysis (photo simulations) and Site Cross Sections within the context of NYSDEC Program Policy DEP-00-2 (*Assessing and Mitigating Visual and Aesthetic Impacts, December 13, 2019*), the Lead Agency has determined that introduction of the proposed 5-story building on the Project Site (as currently designed, including the maximum height of the rooftop elevator bulkhead) would not constitute a significant adverse visual impact.

The Proposed Project will not result in the impairment of existing community or neighborhood character. The Proposed Project is consistent with the existing landscape and the predominant architectural scale and character in the vicinity of the Project Site, which is defined by the structures and facilities within the

west-adjacent MNR rail yard which are of comparable bulk and height (when measured from grade). Approval of the Proposed Action will facilitate the redevelopment of a former commuter parking lot with a multifamily residential building that as currently proposed, complies with the underlying zoning requirements for multifamily uses in the LI zoning district, and the Village's Special Permit criteria. The Proposed Project is consistent with the Village's Comprehensive Plan in that it will provide an opportunity for transit-oriented affordable housing in an area in need of such housing that is within walking distance to public transit as well as the Village's commercial districts. The Proposed Project will not replace or eliminate existing facilities, structures or areas of historic importance to the community. The Proposed Project will not interfere with the use or enjoyment of officially recognized or designated public resources.

Regarding the provision of community services within the context of community character, the Proposed Project was referred to the Village's police, fire, and emergency medical services providers for comment. The Applicant also contacted each provider individually and provided the Village with copies of all correspondence for the SEQRA record. The Village's Police Department had no comments or concerns on the Proposed Project. In an email to the Applicant from Philip Dinkler, Department Head, Croton EMS dated September 12, 2024, the only concern identified by Croton EMS was confirming that the building's elevators are large enough to accommodate a stretcher measuring 83 inches in length. In an email response to Croton EMS dated September 13, 2024 the Applicant indicated that the size of the elevator was confirmed with the Applicant's Architect of Record to be of adequate size for a stretcher. A summary of the October 2, 2024 meeting with the Village's Fire Department, which included the Applicant and a number of Village officials, is contained in a memorandum to the Village Board of Trustees from the Village Manager dated November 6, 2024, which includes the following:

- The Fire Department's preference to have a machine room hydraulic elevator to ensure access to the necessary equipment in case of elevator rescues;
- The Fire Department's request that a condition be added to require the proposed bicycle storage room to have a 3-hour fire rating;
- The fire apparatus turning plans provided by the Applicant's engineer were reviewed and determined to be acceptable;
- The Fire Department requested that an additional hydrant be installed in front of the building, which the Applicant intends to accommodate; and
- The building is being designed to be solar-ready, which the Fire Department is prepared to handle.

The Proposed Project will be fully sprinklered and designed to meet all applicable Building and Fire Code requirements for multifamily construction. Through issuance of the Special Permit, the Village Board of Trustees will require that any Site Plan be conditioned on the Applicant agreeing to the Fire Department's requests.

The Applicant prepared an assessment of the estimated number of public school-aged children (PSAC) that could be generated by the Proposed Project and enrolled in the Croton-Harmon Union Free School District (CHUFSD). This assessment is documented in the Memorandum on PSAC Analysis prepared by KSCJ Consulting, last revised October 16, 2024. The anticipated number of PSAC was calculated based on two (2) methodologies: 1) Utilizing the November 2018 demographic multipliers contained in the Rutgers University study entitled *"Who Lives in New Jersey Housing? The Profile of Occupants of Residential Development in New Jersey"*; and 2) Utilizing a locally focused multiplier that was derived after receiving 2024-2025 enrollment data from the CHUFSD from three existing multifamily developments located in the Village containing a total of 125 units. The anticipated PSAC utilizing the Rutgers multipliers most comparable to owner-occupied affordable multifamily development was calculated to be 1 student. The Applicant's study of the existing 125 units contained in multifamily developments in the Village resulted in a locally derived multiplier of 0.25 students per unit, based on 31 students within grades K-12 enrolled from these developments. Based on the data sources identified above, the Applicant determined that the Proposed Project could result in PSAC ranging from 1 to 25 students. According to historical enrollment data produced by the CHUFSD, District enrollment peaked during the 2009-2010 school year (1,752 students) and has declined over time to its present enrollment of 1,592 students (2024-2025). The estimated range of PSAC generated by the Proposed Project would

equate to a 0.6 - 1.6 percent increase in District enrollment, and enrollment well below the most recent peak of 1,752 students. At the request of the Village, the Applicant also provided enrollment data from one of its own projects located outside of the Village of Croton-on-Hudson. The Chappaqua Crossings development located in the Town of New Castle, Westchester County, New York, is a 63-unit mixed income rental development. Upon review of enrollment data collected, the Applicant's Chappaqua Crossings development currently includes 12 students within grades K-12, which equates to approximately 0.19 students per unit, and is comparable to the 0.25 students per unit derived from the study of existing multifamily developments in the Village of Croton-on-Hudson. Based on current and projected enrollment trends, and the anticipated increase in tax revenue to the school district (summarized below), the Lead Agency has determined that the Proposed Project will not have a significant impact, if any, on public schools.

The Applicant has evaluated the fiscal impacts associated with the Proposed Project. This assessment is documented in the Memorandum on Fiscal Analysis prepared by KSCJ Consulting, last revised October 16, 2024. When comparing the existing tax revenue generated under existing conditions (estimated \$53,219.44), to the projected total tax revenue of the Project Site following development as proposed (estimated \$400,692), the tax revenue is expected to increase by a total of approximately \$347,473. The estimated increases in annual tax revenue to the various taxing jurisdictions is summarized as follows:

- Village of Croton-on-Hudson: +\$106,847
- Town of Cortlandt: +\$4,720
- Westchester County: +\$28,673
- Westchester County Refuse: +\$3,383
- Ossining Sanitary: +\$7,547
- CHUFSD: +\$192,141
- Library: +\$4,160

Based on the above, the Proposed Project would have a positive fiscal and economic impact on the Village and other taxing jurisdictions. The Proposed Project will not result in any significant adverse impacts to the provision of community services. The Proposed Project is not expected to result in a negative fiscal impact to any of the taxing jurisdictions as municipal services to the development will be limited. The development includes privately owned driveways, parking areas, infrastructure and utilities which will be installed by the developer at no cost to the Village; these same features will be privately maintained and will not result in significant expenditures to the Village, Town or County government.

6) The Proposed Project will not result in “a major change in the use of either the quantity or type of energy” (§617.7(c)(1)(vi)):

While the Proposed Project (multifamily residential development) will result in an increase in the use of energy at the Project Site over the existing condition, the existing energy infrastructure can support the Proposed Project, and the Proposed Project will not require creation, upgrade, or extension of substations or energy transmission supply systems. The Proposed Project includes land uses similar to those in the surrounding area and will follow the NYS Energy Code and the Stretch Energy Code adopted by the Village. As described under “Description of the Action” above, sustainable energy features of the building include solar readiness and high efficiency HVAC equipment and appliances.

7) The Proposed Project will not result in “the creation of a hazard to human health” (§617.7(c)(1)(vii)):

The Lead Agency has reviewed the following reports provided by the Applicant:

- Phase I Environmental Site Assessment (ESA) Report - For: Proposed Mixed-Use Development, 79.17-1-4, Croton-on-Hudson, Westchester County, NY – Prepared by SESI Consulting Engineers, July 2024;
- Phase I ESA Report - For: Proposed Mixed-Use Development, (79.17-1-3 and 79.17-1-5), Croton-on-Hudson, Westchester County, NY – Prepared by SESI Consulting Engineers, July 2024;
- Phase II ESA Report - For: Proposed Mixed-Use Development, 79.17-1-3, 79.17-1-4 and 79.17-1-5, Croton-on-Hudson, Westchester County, NY – Prepared by SESI Consulting Engineers, July 2024.

The results of the Phase II ESA did not identify a release of contamination or indicate the potential for a possible contamination hot spot. Based on the data, AKRF agrees with the Applicant’s assessment that it would be difficult for the Project Site to be accepted into the NYSDEC Brownfield Cleanup Program (BCP). The contaminants identified during the Phase II, including semi-volatile organic compounds (SVOCs) and metals, are consistent with urban areas with historical industrial uses.

Due to the history of auto repair, the results of the Phase II ESA, including low level solvent and petroleum volatile organic compounds (VOCs) in soil vapor, and the potential to encounter unknown tanks or isolated contamination hot spots during site excavation, the Applicant has committed to the following:

- The preparation of a Soil Management Plan (SMP) to detail soil handling requirements for on-Site reuse or off-Site soil disposal, and contingency plans to address unknown tanks or areas of contamination encountered during Site excavation activities. The measures to address soil handling, soil disposal, tank closure, and contaminated soil removal would be consistent with all prevailing local and state regulations, including the need for any NYSDEC Spill reporting; and
- Inclusion of a vapor barrier as part of the foundation design to limit soil vapor intrusion.

With the above measures included as part of the Proposed Project’s construction, no impacts related to the creation of hazards to human health are anticipated. Through issuance of the Special Permit, the Village Board of Trustees will require that any Site Plan be conditioned on the Building Department being provided with the Soil Management Plan (SMP) and vapor barrier specifications for review and approval, with input from the Village’s consultants. Review and approval of these materials prior to issuance of a building permit will provide assurance to the Village that appropriate measures will be in place to address human health.

8) The Proposed Project will not result in “a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses” (§617.7(c)(1)(viii)):

The Project Site consists of a paved parking lot with a commercial building. The Proposed Project will not result in the loss or reduction of any agricultural land, recreational opportunities, or open space resource as designated in any adopted municipal open space plan.

9) The Proposed Project will not result in “the encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action” (§617.7(c)(1)(ix)):

The Project Site is currently a paved parking lot with a commercial building. The parking area was most recently utilized as commuter parking for the MNR Croton Harmon station, consisting of approximately 122 spaces made available by the Village through paid parking permits.

Utilizing the November 2018 demographic multipliers contained in the Rutgers University study entitled “*Who Lives in New Jersey Housing? The Profile of Occupants of Residential Development in New Jersey*”, it is anticipated that the Proposed Project, which is intended to be comprised of 100 percent affordable units in condominium ownership, will have a population of approximately 147 persons. With a total Village population of approximately 8,237 persons, the Proposed Project is expected to increase the total Village population by 1.7 percent.

While the introduction of a multifamily residential development to the Project Site would result in a permanent residential population at the Project Site, the population would be limited by factors such as the Proposed Project’s residential unit sizes. As described above, the Lead Agency has determined that the Proposed Project, if implemented along with the signal timing improvements recommended by the Applicant’s Traffic Impact Study (TIS) and included as part of the project, will not result in significant impacts related to the projected increases in traffic levels.

10) The Proposed Project will not result in “the creation of a material demand for other actions that would result in one of the above consequences” (§617.7(c)(1)(x)):

The Proposed Project would not create a demand for other actions, including those that may result in a significant adverse impact. The Proposed Project complies with the TOD zoning amendments implemented by the Village for the LI district through Local Law No. 14 of 2022. Any future TOD proposal on other LI-zoned property for which Local Law No. 14 applies would require an application to the Village, and a site-specific environmental review under SEQRA. As of the date of this SEQRA determination, the Village is not aware of any other similar action proposed within the portion of the LI district for which Local Law No. 14 of 2022 is applicable.

11) The Proposed Project will not result in “changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment” (§617.7(c)(1)(xi)).

Not applicable to the Proposed Action or Proposed Project.

12) The Proposed Project will not result in “two or more related actions, undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in this subdivision” (§617.7(c)(1)(xii)).

Not applicable to the Proposed Action or Proposed Project.

For Further Information:

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