

State Environmental Quality Review
NEGATIVE DECLARATION
Notice of Determination of Non-Significance

Project Number

Date: April 16, 2012

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Village Board of the Village of Croton-on-Hudson as lead agency, has determined that the proposed action described below will not have a significant adverse environmental impact and a Draft Impact Statement will not be prepared.

Name of Action:

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

SEQR Status: Type 1
Unlisted

Conditioned Negative Declaration: Yes
 No

Description of Action:

Adoption of Local Law to amend the Village zoning regulations relating to the Village's Harmon/South Riverside Gateway Overlay Zoning district, and to expand the area of the district to include area shown on map attached hereto. The zoning amendments include regulations related to mixed use of buildings including increase in permitted FAR; permitted use of third story; regulation of mix of uses; parking requirements; setback requirements and such other amendments as are more fully described in the attachment hereto.

Location: (Include street address and the name of the municipality/county. A location map of appropriate scale is also recommended.)

SEQR Negative Declaration

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See attached map for location of specifically affected properties. Proposed action affects property in the Village of Croton-on-Hudson in Westchester County, New York. Properties are located on South Riverside Avenue, Croton Point Avenue, **Reasons Supporting This Determination:** and Clinton Street, as shown on map. (See 617.7(a)-(c) for requirements of this determination ; see 617.7(d) for Conditioned Negative Declaration)

See attachment

This Negative Declaration has been prepared in accordance with Article 8 of the Environmental Conservation Law.

If Conditioned Negative Declaration, provide on attachment the specific mitigation measures imposed, and identify comment period (not less than 30 days from date of publication in the ENB)

For Further Information:

Contact Person: Janine King, Assistant Village Manager
Village of Croton-on-Hudson

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Croton-on-Hudson, New York 10520

Telephone Number: (914) 271-4848

For Type 1 Actions and Conditioned Negative Declarations, a Copy of this Notice is sent to:

Chief Executive Officer, ~~Town/City~~ Village of Croton-on-Hudson, NY

Other involved agencies (If any) None

Applicant (If any) N/A

Environmental Notice Bulletin, 625 Broadway, Albany NY, 12233-1750 (Type One Actions only)



Original Harmon/South Riverside Gateway District

Expansion of Harmon/South Riverside Gateway District

MAP 1

**HARMON GATEWAY OVERLAY
ZONING AMENDMENTS**

Croton-on-Hudson, New York

DATE: July 2010

SOURCE: Village of Croton-on-Hudson GIS

Saccardi & Schiff, Inc. - Planning and Development Consultants

**ATTACHMENT TO AND FORMING A PART OF NEGATIVE DECLARATION: Harmon/South
Riverside Gateway Overlay District Zoning Text and Map Amendments**

REASONS SUPPORTING THIS DETERMINATION

A. INTRODUCTION AND BACKGROUND

This section of the Negative Declaration describes the historical context in which the currently proposed zoning text and map amendments evolved, starting with the Village of Croton-on-Hudson's Comprehensive Plan.

1. 2003 Comprehensive Plan/2004 Zoning changes to implement Comprehensive Plan

The concept of creating Gateway Districts was first described in the Village's **2003 Comprehensive Plan** (January 2003), as one of a number of recommendations designed to improve the quality, function and appearance of major commercial, retail and office districts. The Comprehensive Plan identified three commercial areas as Gateway Districts, which mark a sense of arrival and connection and establish an image for the community. One of the three areas is the Harmon/South Riverside Gateway, identified as an important link to the train station and Route 9 as well as the Harmon residential neighborhood. South Riverside is also a major access route into the Village.

In 2004, as part of the implementation of the Comprehensive Plan recommendations, The Village adopted Gateway Overlay District regulations as part of the Zoning Code.

2. 2007/2008 Harmon Business Development Committee study and recommendations

In 2007 a group of residents who shared a concern about the extent of vacant buildings and properties in the Harmon/South Riverside area met to review ways to address this concern and stimulate better development in the area to improve its appearance and economic viability. Although the zoning provisions for the Harmon/South Riverside Gateway Overlay District had been adopted in 2004, the goals of the Comprehensive Plan were not being achieved and there had been little investment in the area. In the fall of 2007, this group presented their ideas to the Village Board, which then formalized the Harmon Business Development Committee (HBDC) as an ad hoc committee of the Village, and appointed residents as members of the HBDC. In December 2007, the HBDC presented preliminary recommendations to the Village to make the zoning more flexible so as to encourage investment in the area. The HBDC also asked the Village for support from professional planners to assist with two studies, one a property utilization analysis for the area, and the other a study to determine what type of unmet demand existed for commercial space. Saccardi and Schiff was retained to prepare the **Property Utilization Study** and Danth, Inc. to undertake what became **The Croton-on-Hudson Harmon Commercial District Retail Study**.

The HBDC issued its report, the **Harmon Zoning Change Recommendations** (Appendix B to the EAF¹), in August 2008, together with the related reports of the professional firms referenced above,

¹ EAF Report and Appendices dated July 2010

both of which supported the recommendations in the report. The specific focus of the HBDC's study had been to determine what conditions might encourage or discourage a property owner from investing in a commercial lot in the area, with the caveat that any change in the Harmon area also be good for the entire Village and not negatively impact other areas of the Village. To this end, the HBDC found in general that the 2004 Gateway zoning provisions for the Harmon/South Riverside Gateway District were too restrictive, and additional flexibility was necessary, and recommended a suite of new regulations. Several of the specific recommendations, as discussed below, served as a basis for the proposed zoning text and code amendments which are now a part of this Proposed Action.

The HBDC recommended the Harmon/South Riverside Gateway District be expanded to include the commercial areas along both sides of South Riverside, extending up to approximately 200 feet north of Oneida Avenue. This recommendation was based upon a determination that this area formed the core of the Harmon business district and should all be treated similarly as the properties were all similar parcels. With the expansion, the HBDC determined that the adjacent residential areas would actually benefit from the increased screening requirement of the Gateway Overlay District regulations as compared to the underlying C-2 regulations.

Next, after much analysis, the HBDC recommended that the floor area ratio (FAR) for the Harmon/South Riverside Gateway Overlay District be increased to a maximum of 0.8 for a mixed use building, provided that all other requirements for setbacks, parking and landscape buffers could be met on the particular property. The 2004 Gateway zoning had reduced the FAR in the Harmon/South Riverside Gateway to 0.35 for a single use building and .4 for a mixed use building. The HBDC noted this FAR was less than the 0.5 permitted in the underlying C-2 zoning district, and also significantly less than the 2.0 FAR permitted in the C-1 zoning district in the Upper Village. In reaching this recommendation, the HBDC studied several different FAR values and determined 0.8 was the appropriate maximum figure which would achieve a higher property utilization, without reducing the space available for parking or increasing building height.

The HBDC had also undertaken a detailed review of the potential return on investment utilizing the 2004 zoning to determine why so little investment had taken place in the area. It determined that the two story limit was the greatest factor. Therefore, in conjunction with raising the maximum FAR, the HBDC also recommended allowing the use of a third story in a mixed use building, although not increasing the maximum 35 foot building height, so that the third story space would essentially be the area which already existed under the roof. In addition to improving property utilization and return on investment so as to encourage investment in the properties, utilizing the third story would also decrease the potential footprint of new buildings. This analysis was undertaken by the HBDC for several properties.

In order to utilize the higher FAR and third story, the HBDC recommended a number of other requirements be met, including not only keeping the maximum height of 35 feet and meeting the setback, screening and parking requirements, but also that a minimum of 50% of the first floor be

commercial space, which must be located facing the street, a maximum setback from the street of 15 to 20 feet, and that all new street level space fronting the sidewalk have at least 60% of the street facades be made up of windows. The HBDC concluded that these additional requirements will help improve the streetscape and appearance of the Gateway District, while also encouraging the smaller retail spaces and office space of the type for which the Danth study found a demand existed. The HBDC also recommended encouraging the development of unified rear parking to the extent possible.

After receipt and review of the recommendations of the HBDC, the Village Board made the decision to move forward with modifications to the Harmon/South Riverside Overlay District Zoning Regulations.

B. DESCRIPTION OF PROPOSED ACTION

The Proposed Action, the adoption of Local Law No. 3 of 2010 (October 2011 version), consists of amendments to the zoning code provisions regulating the Harmon/South Riverside Gateway Overlay District together with a zoning map amendment to expand the area of the Harmon/South Riverside Gateway Overlay District. The Proposed Action also includes the repeal of the prior version of such text and map amendments which were adopted in 2009 and were the subject of a subsequent litigation.

The purpose of the proposed zoning text amendment and map revision is to enhance the aesthetic quality of the subject area, with its provisions for landscaped buffers, reduced curb cuts, maximum front yard setbacks and façade requirements, and parking that is less visible from the street, and to encourage redevelopment. In effect, the zoning amendments will address the need to improve the quality, function and appearance of both the existing and expanded Gateway Overlay District, as recommended in the Comprehensive Plan and the HBDC recommendations.

The proposed expansion of the Harmon/South Riverside Gateway Overlay District will expand the area to include the properties along both sides of South Riverside up to approximately 200 feet north of Oneida Avenue. The map attached as Map 1 outlines the existing and expanded districts. This area is all currently zoned C-2. The total area of the proposed Harmon/South Riverside Gateway Overlay District is 11.7 acres.

The proposed amendments to the existing zoning code provisions regulating the Harmon/South Riverside Gateway Overlay District include the following:

- In mixed use buildings, at least 50% of the first floor must be non-residential and face street front, at least 60% of front facade facing any street must be glass; second or third floor either residential or non-residential permitted;
- Residential units in mixed use buildings will be limited to studio, 1-bedroom and 2-bedroom units and the number of 2-bedroom units will be limited to be no more than 50 percent of the total units.
- The maximum FAR for mixed use buildings shall be 0.8;

- The maximum height of a mixed use building shall be 35 feet and 3 stories, provided the useable third story shall be located within the roof line;
- The front setback from the street shall be a minimum of 15 and a maximum of 20 feet;
- On corner lots used for mixed use, each street frontage shall be considered a front for the purpose of these regulations;
- The Village Board, as part of its special permit review, on a case by case basis, may reduce or waive side yard setback requirements provided there is adequate access to parking areas and based upon specific criteria;
- Pre-existing buildings proposed for mixed use may not utilize 0.8 FAR or add third story occupancy unless otherwise area compliant and have a front yard setback of between 10 and 20 feet;
- Minimum parking requirements for mixed use shall be 1 space per residential unit plus 1 additional space for each bedroom in excess of 1, plus same parking requirements as existing code for non-residential space. Parking requirements may be increased by the Village Board on a case by case basis as part of the special permit review, based upon a review of specific factors;
- Fast food restaurants are deleted from the list of prohibited uses due to the difficulty in defining such uses. Drive-through windows however remain a prohibited use.
- The Planning Board, as part of its site plan review, shall have the authority to waive open space and buffer and landscaping requirements to encourage and foster the development of unified parking lot design and in certain cases can require interconnection of parking facilities.

C. THE REVIEW PROCESS

Local Law No. 3 of 2010 was introduced by the Village Board of Trustees, the Lead Agency in this matter, in August 2010 and reviewed at a series of public meetings thereafter. The proposed zoning and text amendments were also reviewed by the Village Planning Board, the Village Waterfront Advisory Committee and the Westchester County Planning Board.

The review process regarding Local Law No. 3 of 2010 began in the summer of 2010 with the introduction of the proposed zoning text and map amendments at a Village Board meeting, along with the Environmental Assessment Form (EAF part 1, 2 and 3, July 2010) (EAF) and the Coastal Assessment Form (CAF). This material was circulated by the Village Board to all involved and interested agencies, including the Village Planning Board, the Waterfront Advisory Committee and the Westchester County Planning Board.

The process of reviewing the proposed Local Law and its potential environmental impacts included the following public meetings in 2010:

August 9, 2010— The Village Board discussed the proposed Local Law, CAF and EAF and circulated documents to involved and interested agencies.

August 24, 2010—Planning Board received submitted materials

August 26, 2010—Waterfront Advisory Commission review of zoning, EAF, and CAF

September 14, 2010—Planning Board review and discussion

September 28, 2010—Planning Board review and discussion

October 12, 2010—Planning Board review and discussion

October 19, 2010—Planning Board review and discussion

October 26, 2010—Planning Board review and discussion

November 22, 2010—Village Board review of comments and discussion

On September 17, 2010, the Village Board received a favorable recommendation from the Westchester County Planning Board. On October 29, 2010, the Village Board received a preliminary determination of consistency from the Waterfront Advisory Committee. On October 28, 2010 the Village Board received formal comments from the Village Planning Board, including a Memorandum and a dissent Memorandum.

The Village Board discussed the comments received at its November 22, 2010 meeting. The Village Board instructed its planning consultants to provide their input regarding the Planning Board comments.

The Village Board received a Memorandum from its Planning Consultants addressing the Planning Board comments on February 22, 2011. The Memorandum was discussed by the Village Board at a work session on March 2, 2011. At its March 7, 2011 meeting, the Village Board adopted a resolution stating its consensus on revisions to be made to the proposed law in response to input from the interested agencies, including the Planning Board, as well as the public, and directing its Counsel to prepare the amended Local Law in accordance with the consensus, and to have the Village consultants prepare an addendum to the EAF addressing any potential impacts of the proposed changes, for the Village Board's review.

The modifications made to the proposed local law in response to the comments received included the following:

- Reinstated the requirement for a special permit from 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 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, provide that the stated parking requirements are a minimum, and 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, add provisions regarding shared access and access between parking lots on adjacent parcels, permitting the Planning Board to require same as a mitigation measure.
- As also recommended by the Planning Board, permit third floor non-residential use.
- As also recommended by the Planning Board, limit residential units 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 draft of the EAF Addendum discussing each of these revisions, prepared by the Village's planning consultants (VHB, formerly Saccardi & Schiff, Inc.), together with the modified local law, Local Law No. 3 of 2010 (October 2011 version), and an updated Coastal Assessment Form (CAF) were submitted to the Village Board in October, 2011.

At its October 17, 2011 meeting, the Village Board considered and discussed the modifications to the Local Law and the EAF Addendum and updated CAF, and agreed to issue the documents and refer them to the Village Planning Board, the Waterfront Advisory Committee and the County Planning Board.

On November 10, 2011, the Waterfront Advisory Committee reviewed the revised local law, EAF and EAF Addendum, and updated CAF, and made a preliminary determination of consistency.

The Planning Board reviewed the revised local law, EAF and EAF Addendum at its November 22, 2011 and December 13, 2011 meetings.

The Village Board received positive comments from the Westchester County Planning Board dated November 14, 2011, and also received a preliminary determination of consistency from the Waterfront Advisory Committee on November 21, 2011. The Village Board received a report from the Village Planning Board dated December 13, 2011 recommending the proposed text and map amendments be adopted, but requesting the Village Board consider additional modifications to eliminate the

requirement for a special permit and the ability for the Village Board as part of the special permit review on a case by case basis to increase the parking requirement.

On January 9, 2012, the Village Board met and considered these suggestions from the Planning Board. After deliberation, the Village Board decided to move ahead with the proposed law, as drafted, without changes. The Village Board reached this decision on the basis that the special permit afforded the Village and the public with an additional review of proposed mixed use developments on a case by case basis, allowing the Village Board to impose additional reasonable conditions deemed necessary for the specific site and use as proposed. This would include additional on-site parking to the extent necessary. Within this context, this Village Board recognized that the use of the special permit was an additional procedural step, beyond the required site plan approval and potential site-specific SEQRA review otherwise required, but that this step was important to make certain that each mixed use development in the Harmon/South Riverside Gateway Overlay District achieved the objectives sought for this area by the Village Board.

At its February 6, 2012 meeting the Village Board began its deliberation on its SEQRA determination of significance by reviewing each of the SEQR Criteria for Determination of Significance (see below). Prior to its April 2, 2012 meeting the Village Board had received a draft of the Negative Declaration for consideration, and also received additional comments in writing from the public. The Village Board scheduled the draft Negative Declaration for discussion at a work session on April 9, 2012 to give the Village Board members ample time to review the draft and the public comment. At its April 9 work session, the Village Board reviewed the draft of the Negative Declaration and discussed each of the twelve criteria and additional items in the Negative Declaration, and also considered the public comments, and made suggestions for certain revisions to the Negative Declaration.

Potential development – Scenario #1

As part of the review process and in order to analyze potential environmental impacts in the EAF Part 3 and EAF Addendum, an analysis was undertaken in the EAF Part 3 to determine the potential amount of development that can be reasonably expected in the foreseeable future with the proposed zoning text and map amendment. Since the Proposed Action is a zoning text and map amendment, not an actual site plan, the Village Board recognized that there are many possibilities for the level of future development in the area. Where the Proposed Action is a zoning change without any specific physical change or project, SEQRA requires the Lead Agency to consider the relative impacts based on the proposed changes as compared to the existing zoning. Therefore, this analysis focuses on the impacts of the changes, i.e. the increase in FAR, the use of the third floor, etc., and not on all impacts of potential future development. In the case of a zoning action, SEQRA does not require speculation regarding future projects, but the Lead Agency here has developed a most likely scenario of future development to assist it in analyzing impacts of the proposed zoning changes.

Because it can be difficult to analyze the impacts of just the changes in zoning, in order to evaluate potential impacts of the zoning amendment, future development scenarios were developed as a tool for analysis. Of course, it must be recognized that development would be permitted under the current

zoning as well. The EAF Part 3 considered several possibilities for potential development under the proposed zoning, including two full build-out scenarios, one of which called for assemblage of privately owned properties into larger redevelopment sites. In that case the build-out would include approximately 40,000 square feet of commercial space and 145 multifamily units. Although interesting, these full build-out scenarios are not considered to be realistic by the Village Board, even in the long term future, i.e., within and beyond the 15 to 20 year horizon for most comprehensive planning studies.

Full 100% redevelopment of an area could be achieved with a massive urban renewal effort, such as those funded by HUD (Federal Housing and Urban Development) in the 1960's and 1970's. The funding and the likelihood to achieve such a massive redevelopment does not exist today, and full build-out with private funding sources is considered unrealistic, particularly in a 15 to 20 year planning horizon. In addition, the area is currently comprised of a number of smaller lots under separate ownership. A large redevelopment would require a developer to amass a significant number of these properties—a difficult and highly unlikely scenario.

The likely scenario over the foreseeable future (near and long term), EAF Scenario #1, would be to anticipate a redevelopment of approximately 11 underutilized or vacant parcels into approximately seven (7) mixed use development projects, with some small adjacent lots being combined. This would likely occur on currently vacant land, or on sites with vacant buildings and sites with marginal uses, such as auto storage. The total amount of development calculated in Scenario #1 was approximately 10,000 square feet of commercial development and 46 multifamily units. The largest of the potential projects (on the former Croton Dodge site), which is just over a half acre in size, contemplated 2,300 square feet of commercial space and 10 residential units with 24 parking spaces. The smallest of the seven potential projects was on a 6,000 square foot site with a partially vacant building. In this case the projected development was less than 1,000 square feet of commercial, 4 residential units and 9 parking spaces.

Although conditions on the seven sites utilized in this analysis may have changed since the development of Scenario #1 in 2010, the magnitude of the likely development, potentially on different lots than anticipated, remains modest and small scale, given the land uses, ownership patterns, parcel sizes and configurations, and the economic realities of redevelopment in the area.

It should be further noted that the analysis of development potential under Scenario #1 utilized the full 0.8 FAR and the maximum height with 3 stories of redevelopment, since these are the zoning changes with the greatest potential impact, notwithstanding the likelihood that at least some of the development would occur at less than the maximum given site conditions and other zoning controls.

The Village Board has carefully considered the timeframe it should be considering in developing a scenario for potential development to aide it in analyzing potential impacts. As stated above, the full buildout alternatives would not be likely to occur in the typical horizon of 15 to 20 years used to conduct most planning studies. The impacts to be considered must be reasonably foreseeable, which the full buildout is not. The Village Board finds that Scenario #1 is what is reasonably foreseeable, even for what may be considered long term, considering the current state of the economy, the general pace of development, the number of small lots in the area with various owners, and a reasonable planning time

frame of 15 to 20 years. Particularly where the action is a zoning change and the impacts of potential development are being used only as an aide to help the Lead Agency determine the impacts of the changes to the zoning, the use of Scenario #1 is reasonable.

D. DETERMINATION OF SIGNIFICANCE

As noted previously, this Village Board of Trustees reviewed the entire record, including the EAF Part 1, Part 2 and the Part 3 Report with Appendices; the EAF Addendum, the CAF, and the reports from the Village Planning Board, the Waterfront Advisory Committee and the County Planning Board. It listened carefully to members of the public who expressed their opinions at public meetings. It has debated suggestions from the Planning Board and the public, including comments on parking, use of special permit procedures, and ways to regulate potential fast food uses, among others. It further considered affordable housing issues; all prior to its decision to request the drafting of a Negative Declaration by its planning consultant and the ultimate adoption of this Negative Declaration.

The Village Board's deliberations in relation to its determination of significance commenced at its February 6, 2012 meeting with an item by item discussion of the twelve criteria for Determining Significance as set forth in Section 617.7(c) of the SEQRA regulations, in the context of the full record before it. Each of these criterion is described below. The Village Board reviewed each of the 12 criterion to determine whether a Positive Declaration was warranted, or if a Negative Declaration was supported by the record. That review continues in this document. After this discussion of each criterion, the Village Board directed VHB to draft a Negative Declaration for further consideration by the Village Board. The draft Negative Declaration was reviewed by the Village Board in detail at a work session on April 9, 2012.

The Village Board included in its deliberations a discussion of SEQRA terminology, providing a basis for its understanding of what constitutes a significant impact, particularly when the Proposed Action is a zoning amendment. It referred to its EAF Part 2, which provides some guidance as it relates to the small, large or moderate impacts, noting that a large impact may not always be significant when examined with reference to 617.7(c). Section 617.7 (c)(3) explains factors that should be considered, including the setting (urban/rural), the probability of occurrence and the magnitude of the Proposed Action's impacts, among others.

It is important to note that the Proposed Action here is a zoning change with no physical changes or projects specifically proposed. SEQRA therefore requires the Lead Agency to consider the relative impacts based on the proposed changes as compared to the existing zoning. Therefore, this analysis focuses on the impacts of the changes, i.e. the increase in FAR, the use of the third floor, etc., and not on all impacts of potential future development.

THE TWELVE CRITERIA

The following summarizes the Village Board's findings relative to each criterion as set forth in 617.7 (c):

- (i) *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.*

With regard to traffic, the EAF Part 2, item 15, entitled "Impact on Transportation", indicates a Small to Moderate Impact for both traffic and parking. The professional traffic and parking studies prepared by the RBA Group in 2009 were therefore included as Appendices to the EAF Part 3 and the potential impact discussed in the EAF Part 3 .

The EAF noted that there is a steady stream of traffic along South Riverside Avenue through the subject area during the weekday AM and PM peak periods. However, traffic volumes along the local streets are generally light. Existing traffic volumes along South Riverside Avenue are highest during the weekday AM peak period and typically higher south of Benedict Boulevard than north of Benedict Boulevard.

A comparison of the No Build (i.e., existing zoning) and Build analysis (i.e., Scenario #1) indicates that there would be only minimal impact to traffic conditions on the study area roadways due to the proposed zoning amendments. The impact would not be significant.

Notwithstanding the overall traffic analysis conducted as part of this environmental review, any application for a special permit and site plan approval for a mixed use development in the subject area would be subject to its own site-specific review, and if traffic impacts were identified in that review, project modifications and/or mitigation measures would be implemented as part of the review for that proposed project.

The site-specific reviews will also evaluate parking for each proposed mixed use development. The proposed zoning also encourages shared access between parking lots on adjacent properties, which may be required by the Planning Board as part of the site plan review and approval process. The reduction of driveway curb cuts can lead to more effective traffic control.

One of the objectives of the zoning amendments is to avoid situations where parking is inadequate such that it flows on to adjacent residential streets. In all cases analyzed, the critical parking demand would be on the weekends. The Village Board finds that the residential parking ratio in the proposed zoning (1 space per dwelling unit plus 1 additional space for each additional bedroom in excess of one), combined with the commercial parking requirement, is a sufficient zoning standard for the range of uses anticipated, particularly since final reviews of the number of parking spaces provided will be subject to approval by the Village Board as part of the special permit review process. Hence, applicants seeking redevelopment with mixed use on parcels in the subject area would have to demonstrate how they would meet parking requirements, and how they would accommodate their parking demand on the site. Accordingly, the Proposed Action will cause no substantial adverse change in traffic levels or off-site parking demand.

The Board does not believe that the proposed zoning text and map change will cause a substantial adverse change in air quality. The most likely source of air quality change would be from a substantial increase in traffic. In the Board's opinion, the traffic study which was prepared in connection with this matter does not indicate a level of traffic increase as a result of the Proposed Action which would cause

a substantial change in air quality or a significant impact. Potential impact on air quality will be considered by the reviewing Board(s) in connection with any site specific site plan or special permit application which is made in the future, and such Board(s) have the authority to take such measures as may be necessary to assure there will not be a substantial adverse change in air quality.

The Board does not believe that the Proposed Action will cause a substantial adverse change in ground or surface water quality or quantity. The affected area is already largely impervious surface in its current condition. Current zoning (without the Proposed Action) permits development of the area and with the permitted change to allow the use of the third floor, and the landscape buffer requirements, future developments may actually have smaller footprints and have more pervious areas which would have beneficial impacts on surface water quality and quantity. The Village Engineer has confirmed that the area has adequate drainage infrastructure to handle the potential development under the Proposed Action. The Village Engineer has also indicated that the area is comprised mainly of sandy soils with deep groundwater, making the area in general suitable for on site infiltration and stormwater controls. Therefore, there will not be a substantial adverse change in ground or surface water quality or quantity. In addition, drainage design, and quantity and quality, will be considered in connection with any site plan/special permit application brought under the proposed zoning, and the approving Boards for those applications have the authority to impose such measures as might be necessary to assure that there won't be any substantial adverse change in ground or surface water quality.

While the Proposed Action may result in an increase in solid waste production as part of future development, it will not be a substantial increase over what would result from development under the existing zoning and the Village and County have adequate resources to handle this solid waste such that there will not be a significant impact. This issue, as well, will be reviewed on a case by case basis in connection with individual site plan and special permit applications. The appropriate Boards have the authority to take such measures as are necessary to assure that there will be no substantial adverse change with regard to solid waste production.

The Board does not believe that the Proposed Action will cause a substantial adverse change in noise levels. The Proposed Action is not introducing any use into the zone which is a typical high noise producer. The development expected as a result of the Proposed Action is typical retail, residential and office use, all of which is already permitted. The Board therefore determines there will be no substantial adverse change in noise levels as a result of the Proposed Action.

With regard to erosion, flooding, leaching or drainage, as is noted above the affected area is already largely impervious. As is also noted above, the Village has adequate drainage infrastructure to handle drainage in the area, and the soils are suitable for onsite infiltration and stormwater management. Review Boards for site plan and special permit applications have the authority to review these issues and impose such measures as will assure that there will be no substantial adverse change with respect to erosion, flooding, leaching or drainage.

- (ii) *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 threatened or endangered*

species of animal or plant, or the habitat of such species; or other significant adverse impacts to natural resources.

As the EAF Part 1 noted, the 11.7 acre subject area is a fully built up environment in the Village. There are no large areas of vegetation or fauna; no wetlands; no waterbodies. There are no threatened or endangered species of plant or animal, or the habitat of such species, known to be found in the subject area. As a fully built up area, it does not serve a function in the movement of any resident or migratory fish or wildlife species. There are trees in the study area, including some mature trees, many of which are located on the edges of lots, particularly to the rear and in the Route 9 right of way on the western border, and on steep embankments. Due to the location of these trees, and the landscape buffer requirements for mixed use developments, most are likely to not be removed as part of a mixed use development. The Village Board therefore determines that the Proposed Action will not cause significant adverse impacts to vegetation or fauna, or other natural resources.

- (iii) *The impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant to subdivision 617.14(g) of this Part.*

The Village Board does not believe that the Proposed Action will result in the impairment of the environmental characteristics of a Critical Environmental Area. The subject area is not located within a Critical Environmental Area (CEA), as is noted in EAF Part 2, item 14. Although in need of rejuvenation, the area which is the subject of the Proposed Action is already a built up environment. The Board does not envision the revitalization anticipated to result from the Proposed Action will negatively impair the environmental characteristics of CEAs such as the Hudson River, Croton Point Park, Indian Brook Reservoir or Parkland CEAs, regardless of what the specific designated environmental characteristics of those CEAs are. Review Boards for site specific site plan and special permit applications under the proposed zoning will have the authority to review any possible impacts on the designated environmental characteristics of these CEAs and require measures to assure that their environmental characteristics will not be impaired.

- (iv) *The creation of a material conflict with a community's current plans or goals as officially approved or adopted.*

The concept of the Gateway Overlay Districts was described in the Village's Comprehensive Plan and the existing Gateway Overlay District regulations were an outcome of that Comprehensive Plan. Despite adoption of the Gateway Overlay District regulations in 2004, the Village determined that the goals of the Comprehensive Plan had not been advanced by 2007, and therefore, the Village Board sought to address this issue with the formation of the HBDC in 2007. The proposed zoning text and map amendments have been under review in some form since 2008, and evolved from the original recommendations of the HBDC, a citizen committee appointed by the Village Board in 2007 with the goal of coming up with recommendations to address the increasing vacancies, enhance the streetscape of the Harmon area, improve pedestrian circulation, and gain flexibility for property owners on South Riverside Avenue. All of the HBDC's recommendations were proposed to encourage redevelopment and reduce vacancies that exist in the Harmon commercial area. Rationale and background behind these

recommendations that lead to the Proposed Action are described in "Harmon Zone Change Recommendations" (Appendix B to the EAF) prepared by the HBDC which is discussed in detail above. This rationale includes the examination of what factors might encourage or discourage a property owner from investing in a commercial lot in the Harmon area.

The Harmon/South Riverside Gateway is the entry point to the Village from Route 9, the train station and Croton Point Avenue. One of the overall goals of the proposed zoning amendments for this area is to encourage commercial development activity and improve the walkability of the area. This is consistent with the stated purpose of the Gateway Overlay District(s) in the Comprehensive Plan to "establish standards that upgrade the image and function of the gateway areas, strengthen the overall visual identity of the Village and improve pedestrian linkages to adjacent residential neighborhoods". The proposed zoning is intended to encourage development as well as maximize visual appeal and enhance the pedestrian experience through the development of small scale, well designed projects providing for smaller retail and office spaces, together with the smaller residential units recommended in the Comprehensive Plan. Part of the intent is for the front (and corners, if applicable) of the commercial and mixed use buildings to be for pedestrian circulation and shopping, and the rear for parking, with a minimum of curb cuts onto the street. This would be an overall positive impact to the subject gateway area and the village.

In its report to the Village Board dated December 13, 2011, the Village Planning Board noted that the proposed zoning was consistent with the Comprehensive Plan's goals. Moreover, in its deliberations regarding these criterion, this Village Board has concluded that the proposed zoning is consistent with and acts to implement the Village's Comprehensive Plan, adopted in 2003. The Comprehensive Plan sets forth both Village-wide as well as area-specific recommendations for various portions of the community. The proposed zoning will help foster several goals in the Plan, including those relating to the provision of smaller housing units that would have lower costs than other housing in the Village. The zoning would encourage economic development and help enhance the aesthetic quality of the subject area, with its provisions for landscaped buffers, reduced curb cuts, parking that is less visible from the street and by encouraging redevelopment. In effect, the zoning amendments will address the need to improve the quality, function and appearance of both the existing and expanded Harmon/South Riverside Gateway Overlay District, as recommended in the Comprehensive Plan. This improvement will be a benefit to the community as a whole.

The Harmon/South Riverside Gateway Overlay District area is proposed to be expanded to include commercial areas along both sides of South Riverside, and to extend up to approximately 200 feet north of Oneida Avenue. This area is all currently zoned C-2. The gateway area described in the Comprehensive Plan does not include the area north of Benedict Boulevard. By extending into this area, the design regulations such as streetscape improvements, landscaping, reduced curb cuts, will apply to these areas as well. The expansion is based upon the recommendations of the HBDC, and will make a larger area along this major access road more pedestrian friendly and aesthetically pleasing, a goal of the Comprehensive Plan for commercial areas of the Village. The HBDC also recommended the expansion as it saw the Harmon area as including this entire stretch of South Riverside, and saw the parcels as similar. It also pointed out that expanding the landscape buffer requirements to the additional

parcels would present a benefit to the adjacent residential areas. The total area of original Harmon/South Riverside Gateway plus the expansion area is approximately 11.7 acres. Even though the gateway area is proposed to be expanded beyond what was originally outlined in the Comprehensive Plan, the Village Board finds it to be consistent with the Village's goals for Gateway and commercial areas, and consistent with the recommendations of the HBDC.

Although some conditions have changed in the subject area since 2007, and the national economy has suffered through a serious recession, current land use patterns in the area are largely unchanged, and the need for revitalization is now more pressing with the real estate economy expected to rebound soon.

The Comprehensive Plan does not specifically discuss details such as FAR. The Comprehensive Plan does contain general statements regarding the need to maintain the existing mass and scale of development in Croton. Many of these references are made in discussions relating to residential areas, not commercial areas like the subject area. As noted above, the proposed zoning text amendment would increase the maximum FAR from the existing 0.4 to 0.8 and allow the use of a third floor. By maintaining the maximum building height at 35 feet, coupled with other zoning provisions for landscape buffers, setbacks and parking, the proposed zoning will maintain the mass and scale of the area while still encouraging the mixed use development that will make the area's redevelopment a success. The building height is a critical factor in determining the scale and mass of buildings in the subject area. The primary effect will be more effective use of third floor attic space, space which can physically exist under current zoning but cannot be used. Under present zoning, this space would not be factored into the maximum FAR. Under the proposed zoning, it would be factored into the 0.8 maximum FAR. The Village Board has reviewed the detailed analysis of FAR included in the HBDC recommendations which recommended this increase after much study. The current FAR for mixed use in the Harmon/South Riverside Gateway Overlay District is less than the 0.5 FAR for the underlying C-2 zone, and significantly less than the 2.0 FAR permitted in the C-1 zone in the Upper Village. These modifications to the existing zoning regulations will not have a negative impact on the mass and scale of development.

The increase in FAR to 0.8 and allowing residential and/or commercial use in a third story would be available to mixed use developments only where the proposed site plan can meet all other regulations in the code, including parking, buffer and setback requirements set forth. If a mixed use building is proposed using a 0.8 FAR, but parking requirements for this level of development cannot be achieved on that lot, then it would not meet the code, and a less dense development would result.

The proposed guidelines for non-residential space with glass facades facing the street furthers the goals of the Comprehensive Plan to improve the streetscape and encourage pedestrian use. The proposed zoning amendments are intended to create a pedestrian experience by requiring the front of the mixed use buildings to be for pedestrian circulation and shopping, and the rear of properties for parking, with a minimum of curb cuts onto the street. See criterion (v) for additional discussion of aesthetics and visual impacts.

Based on the above, this Village Board finds the proposed zoning text and map amendments do not contain any material conflict with the Village Comprehensive Plan, but in fact are consistent with the

goals of the Harmon/South Riverside Gateway Overlay District described in the 2003 Comprehensive Plan as well as the HBDC recommendations, and there will not therefore be a significant adverse environmental impact related to this criterion. In making the above finding, this Village Board recognizes that the Proposed Action is a zoning map and text amendments, and, as such, in and of itself does not propose any new development. Any applicants for new mixed use development in the area would be required to submit a special permit and site plan application and address site-specific issues in connection with those applications, and will have to show the proposed project is consistent with the Comprehensive Plan.

- (v) *The impairment of character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character.*

The EAF described the project area's proximity to historic buildings or sites and the anticipated visual impacts of the potential development. Van Cortlandt Manor, a national historic landmark, is located outside of the Harmon/South Riverside Gateway Overlay District, approximately 500 feet south of Croton Point Avenue, which represents the southern end of the District. Since there are several large commercial establishments—including a large shopping center—between the Croton Point Avenue end of the District and the entrance to this historic site, it is not considered to be contiguous and its character or quality will not be impaired by any development within the Harmon/South Riverside Gateway Overlay District. It should also be noted that the Harmon/South Riverside Gateway Overlay District is already a built commercial area.

Within the subject area there is one site with potential local history: the former Harmon Real Estate office at 73 Benedict Boulevard. Located on the corner of Benedict Boulevard and South Riverside Avenue, this structure is privately owned, and is currently the location of an existing business, Perfect Nails, directly adjacent to the former Croton Dodge. This structure is not listed on the State or National Register of historic places, but a designation was sought by the Croton Historical Society (application filed in the fall of 2009). However, after being evaluated by the State Historic Preservation Office (SHPO), that agency stated that the structure is not eligible for listing since it no longer resembles its historic appearance. It does not therefore represent an important historical resource. In addition, even without the proposed action, it could be torn down and replaced under the current zoning, and additional development could take place on the adjacent parcels.

A review of existing development in the area does not indicate any important architectural resources in the area which could be impacted. The existing zoning allows for commercial development. Development under the proposed zoning, with the new regulations and proposed guideline, would not have any greater impact on any architectural resources, if any existed. The subject area is already fully disturbed and built out, and therefore there will be no impact on archeological resources if any did exist at one time.

The proposed zoning amendments that supplement the existing code include provisions intended to improve the visual/aesthetic conditions, including the requirements for a maximum front yard setback, street side first floor non-residential use, and for 60% of the commercial façade to be glass. These are all

intended to encourage retail, and pedestrian activity and improve the streetscape and appearance of the area. In addition, these requirements and others encourage the parking in the rear of buildings, allowing wider sidewalks and potentially street furniture, street trees, etc. along the sidewalks. The permitted building height is not changed from the existing code (maximum 35 feet). Although the FAR is proposed to be increased to a maximum of 0.8, due to the lot area which will be required for parking and the small size of most of the existing lots, it is not anticipated that a significant number of lots will be redeveloped with structures built to the maximum height or FAR.

The intent of the proposed zoning is to encourage development whereby the design standards are intended to maximize visual appeal and pedestrian experience, as well as improve the architectural character of the area. There is no change proposed in existing screening/buffering requirements for the existing Harmon/South Riverside Gateway area, except that the requirements will now extend further along South Riverside into the expanded gateway area. Where commercial or mixed use is adjacent to residential uses, landscape buffers are required.

Although the area is in proximity to the Hudson River (± 1500 to 2500 feet away), much of the area is already built up and in many cases, existing structures or vegetation are blocking views to the river and western shore beyond. There are some areas where views to the Hudson River, shoreline and the Palisades remain from the public streets and in between buildings. The maximum building height is not proposed to be changed, however the building bulk could potentially increase due to increased FAR and permitted use of the third floor. However, setbacks, open space and landscape buffer requirements as well as FAR will prevent an entire lot from being fully built on and should preserve views. The potential increase in building bulk is not expected to have a significant impact on the character of this aesthetic resource. While there may be some impact on views, the Village Board has determined that it will not be significant.

Any new mixed use development proposed in the subject area would be required to undergo its own specific site plan and special permit review, which would consider impacts on the character and quality of aesthetic or visual resources, as well as historical, architectural or archeological resources.

The Village Board finds that, based on the above, the Proposed Action will not result in a significant adverse environmental impact relative to this criterion.

(vi) *A major change in the use of either the quantity or type of energy.*

This Village Board finds that although potential development resulting from the Proposed Action would likely require additional energy use, there will be no change in the type of energy—electricity and fuel for heating—and no major change in the quantity of energy used as a result of the zoning modifications. The additional energy use for any development which could take place above and beyond what is permitted by existing zoning would not be a significant adverse impact.

- (vii) *The creation of a hazard to human health.*

This Village Board finds that potential development as a result of the Proposed Action would not create any hazard to human health. There are no new permitted uses proposed, particularly those of the type which would represent a hazard to human health (for example: industrial uses, manufacturing, etc), therefore, no significant adverse impacts regarding hazards to human health are anticipated from the proposed zoning text or map amendments. .

- (viii) *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.*

The study area does not include any agricultural, open space or recreational resources that are proposed to be changed in use. Some increase in population may result from the Proposed Action , over time, but this Village Board finds that the increase in demand would not be substantial, therefore no significant adverse impacts to existing recreation or open space resources in the Village would occur. As a result, the Village Board finds that there are no significant adverse environmental impacts associated with this criterion. Any applicants for new development in the area would be required to submit a special permit and/or site plan application and address project specific impacts as part of the review of those applications.

- (ix) *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.*

The Proposed Action does not allow for uses allowing large public assemblies (shopping mall, stadium, convention center, etc.). Therefore, this Village Board does not find any potential significant adverse impacts due to the above criterion. Any applicants for new development in the area would be required to submit a special permit and/or site plan application and address project specific impacts, as part of the review of those applications.

- (x) *The creation of material demand for other actions that would result in one of the above consequences;*

The Village Board does not believe that the Proposed Action will create a material demand for other actions that will result in one of the consequences described in items i through ix above. As has been noted, the Board does expect that the Proposed Action will result in site plan/special permit applications for development of individual properties. The Boards which will review those applications will undertake a project specific review to assure that the proposed development will not have significant impact(s).

- (xi) *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;*

The Village Board has considered the various potential elements of the environment identified in Section 617.7(c), and the analysis of each of these undertaken by the Village Board as set forth above, to consider whether the Proposed Action could result in a substantial adverse impact on the environment as a result of combining any of the potential changes or impacts set forth above. The Village Board does

not envision any combined impacts which have been identified in this process (including in the EAF and EAF Addendum) which will result in a substantial adverse impact on the environment.

- (xii) *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.*

This Village Board is not aware of any related actions currently being considered or undertaken that would have a cumulative significant adverse impact on the environment when considered together with this Proposed Action. The EAF provides a complete analysis of the proposed zoning text and map amendment, including the cumulative effects of development on several parcels (Scenario #1) in terms of land use, traffic, parking, population, etc. Taken together in a cumulative manner, this Village Board determines that there are no cumulative impacts that would meet or exceed the other criteria set forth in Section 617.7(c).

ADDITIONAL CRITERION CONSIDERED BY THE VILLAGE BOARD

The Village Board considered other issues during its review process, which do not fit directly within the 12 criteria listed above. These issues were also raised as part of the comments from interested agencies and the public. These additional community-specific issues are described below:

Schools/Municipal Services

Additional development in the area will result in an increase in population, including some school age children. The proposed zoning amendment limits bedroom count in apartments to studios, one bedroom and two bedroom units and further limits the number of two bedrooms to no more than 50% of the total number. Although the zoning amendments, in and of themselves, will not create any new development, analyses of potential development give estimates of impact. The EAF indicates that there are currently 9 children in the study area that attend Croton Harmon schools. As detailed in the EAF Part 3 Report, approximately 4 to 8 new school age children are anticipated in the gateway area utilizing Scenario #1, and depending on the mix of units and bedroom composition. Even using a more conservative estimate (such as 0.3 students per unit), resulting in 12 to 15 new students over time, this would still not be considered a significant adverse impact. Any new school children generated by development in the Harmon/South Riverside Gateway Overlay District would not be generated all at once, as development would not take place all at once, and any new school population would be spread out over the 13 grade levels. Some number of additional school children could also result from development of the area under existing zoning without the Proposed Action since mixed use is already permitted. Therefore, the Village Board finds the Proposed Action will not result in any significant adverse impacts to schools. Any application for new mixed use development pursuant to the Proposed Action would be required to submit a special permit and site plan application and address project specific impacts.

Generation of taxes will depend on the level of development; but it is anticipated any new development pursuant to the Proposed Action will generate increased tax revenues sufficient to offset the cost of

increased municipal services required. It should be noted that in any case, potential build-out of the subject area would be a gradual process over time, and each proposed site plan would be reviewed by the approving agencies and will undergo a project specific review. Due to the limited size of the properties in the District, no single project is expected to be of significant size. The Village Board recognizes that the properties which may be redeveloped under the proposed action do generate taxes under existing conditions. However, it is anticipated that in general, the redeveloped properties should generate additional taxes sufficient to cover the school district costs of new students.

Based on the analysis outlined in the EAF Part 3 Report, it is anticipated that the school tax revenue would offset the costs of potential new students to the district (estimated as anywhere from 4 to 8 students using Scenario #1), especially considering the gradual increase in the school population that is likely. Using the Croton-Harmon Union Free School District Official Budget Document, *Appropriations and Revenues for the 2010-2011* school year, the total budget for the school year divided by the number of students arrives at a figure of nearly \$24,724 per student. This number, however, includes both capital and administrative costs, which would not be affected by the minimal increase in the number of students. Utilizing the budget's program costs, \$31,412,192, divided by the total enrollment (1,774 students) equals \$17,706 per student per student on program. Additionally, the budget revenues are comprised of property taxes and other revenues, with a non-property tax total of \$7,212,624, representing 16 percent of the total revenues. Hence, the property taxes required to meet the program costs of each new student is \$14,873 ($\$17,706 \times .84$). It is noted that the costs used are average costs for all students, including special needs students. Using these figures, the cost of the new students would range from \$59,492 to \$118,984 for Scenario #1 (from 4 to 8 school children) compared to estimated school taxes of \$219,600 generated. Even if state aid and other revenues were not included, using the cost per student of $\$17,706 \times 8$ students, costs would total \$141,648, still well below the anticipated school tax revenues generated.

The subject area is an established commercial district, with water, sewer, police, fire and waste disposal services available at the present time and in good condition. A village fire station is located on Wayne Street, which is directly adjacent to the subject area. Therefore, aside from potential costs of new students described above, the projected amount of redevelopment resulting from the Proposed Action is not likely to raise costs for infrastructure or services. In all cases, infrastructure needs will be looked at for individual projects as site plans and special permit applications are reviewed. If more infrastructure is required to support these site plans, applicants will be required to provide the infrastructure to support their project as a condition of site plan review. It is not possible to predict at this time what, if any, infrastructure improvements might be necessitated by individual site plan applications. The current infrastructure is sound and can support reasonably anticipated growth. If improvements become necessary, they will be made as conditions based on results of individual project approvals which will have their own site-specific site plan and special permit reviews. The Village Board finds therefore that the Proposed Action will not result in any significant adverse impact on schools and municipal services.

Affordable Housing

Comments were made during the review process that the EAF failed 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 an earlier EAF Report, 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 by the Governor, which made the discussion irrelevant, and therefore it is not addressed in 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 the Harmon/South Riverside Gateway Overlay 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 professionals, many 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 analyzed in the EAF Report and would not result in any significant adverse impact.

For example, in the EAF Report (see pages 46-47 and Table 8), for a one-bedroom market rate, rental apartment (renting for more than \$1,000/month), the multiplier for school age children is 0.08 children/unit. As discussed in the EAF Addendum, 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), the 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%² 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. The multipliers used, as set forth in the Notes to the Table, are taken from **Rutgers University, Center for Urban Policy Research, Residential Demographic Multipliers**. This is a commonly used and accepted source for demographic multipliers.

As shown in the table, including 10% affordable units within every potential mixed use development in this scenario, there would be only 2 additional schoolchildren from the affordable units compared to all market rate units.

² 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.

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

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

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

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

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

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

⁵ 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 subject area under the proposed zoning and would not change the conclusions in the EAF Report, particularly with respect to the 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 4th 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. Therefore, this Village Board does not consider the Proposed Action (as described in Scenario #1), to have a significant adverse impact on affordable housing, and does not find that the provision of affordable housing at the level recommended by Westchester County would have a significant adverse impact on schools or tax revenues. In addition, any application submitted utilizing the proposed zoning amendments would undergo a project specific review.

Segmentation

The environmental review process for the proposed rezoning has been comprehensive covering all relevant issues and making modifications based on input from various parties where deemed appropriate by the Village Board.

There is no commitment to any further action, including the use of the zoning amendments or map changes in any other part of the Village.

The site specific reviews called for in the zoning and described in the EAF do not represent a segmented approach. Those reviews will occur when a specific plan is advanced for a given property, with its impacts then studied in detail by this Village Board and the Planning Board. Such future plans are too speculative at this time to warrant any specific analysis beyond the anticipated development scenario utilized to analyze potential impacts herein.

E. CONCLUSION

The Village Board, as Lead Agency, hereby determines that the Proposed Action will not result in any significant adverse environmental impacts and that an EIS will not be required in connection with the Proposed Action.