

Appendix I
State Environmental Quality Review

Pursuant to Article 8 (State Environmental Quality Review Act – SEQRA) of the Environmental Conservation Law and 6 NYCRR Part 617, the Village of Croton-on-Hudson Board of Trustees, as lead or involved agency, makes the following findings.

Name of Action:

Adoption of Gateway Overlay District legislation.

Description of Action:

Croton's gateways serve as the major entry points from surrounding municipalities and roads. The physical gateway area is comprised of the roads and surrounding properties that a motorist or pedestrian encounters when first entering the village. These areas mark a sense of arrival and connection to the village and establish an image and initial impression of the community.

Drawing on goals set out in Croton's 2003 Comprehensive Plan, the village is proposing the adoption of a gateway overlay district law to establish standards that will upgrade the image and function of gateway areas, strengthen the overall visual identity of the village, and improve linkages to adjacent residential neighborhoods. The defining characteristics for the gateway areas, as identified in Croton's 2003 Comprehensive Plan and in the gateway legislation, are:

1. Vehicular entry points into Croton from Routes 9 and 9A
2. Commercial or office uses oriented toward automobile traffic
3. Opportunities for development and redevelopment

In accordance with the 2003 Comprehensive Plan, the proposed overlay includes special use regulations, FAR controls, size limitations, open space, landscaping, and lighting requirements, design regulations as well as individual design guidelines for each of the three gateways.

A summary of the proposed legislation is included at the conclusion of this document.

Location:

Village of Croton-on-Hudson, Westchester County, New York. The three gateway areas are:

1. *Harmon / South Riverside*, running along Croton Point Avenue between Route 9 and South Riverside Avenue and along South Riverside Avenue between Croton Point Avenue and Benedict Boulevard. The area is an important link to the train station via Croton Point Avenue and to the Harmon neighborhood. It also provides a connection to the historic Van Cortlandt Manor to the south.
2. *Municipal Place Shopping Area*, consisting of the lots on the north and south sides of Municipal Place between Route 9 and Maple Street, the commercially-zoned portion of the block on the east side of Maple Street, and the lots located between Route 9 and South Riverside Avenue from the village-owned parcel to the north to the

intersection of Maple and South Riverside to the south. The Municipal Place shopping area is an important entrance to the village from Route 9 and connects to the Upper Village via Maple Street and to the surrounding neighborhoods.

3. *North End of the Village along Albany Post Road (9A)*, consisting of the eight lots between Routes 9 and 9A and the village boundary and Warren Road. This area marks the entrance to the village from the north along Routes 9 and 9A.

Agency Jurisdiction(s):

Village of Croton-on-Hudson Board of Trustees

Date Final EIS Filed and SEQR History:

Final EIS filed: February 17, 2004.

SEQR History: On October 22, 2002, the Village of Croton-on-Hudson Board of Trustees declared itself as lead agency under SEQR for purposes of this action. On August 20, 2003, the Village Board, as lead agency under SEQR, issued a Positive Declaration requiring the preparation of a Draft Generic Environmental Impact Statement (DGEIS). In issuing the Positive Declaration, the Village of Croton-on-Hudson determined that the proposed action may have a significant effect on:

- Socioeconomics/Neighborhood Character

A DGEIS was submitted to the Village of Croton-on-Hudson Board of Trustees on Friday October 3, 2003. At the October 7, 2003 meeting the Board of Trustees accepted the DGEIS as complete, issued a Notice of Completion and scheduled a SEQR Hearing for the DGEIS. Accordingly, on November 3, 2003 a public hearing was held at the Stanley H. Kellerhouse Municipal Building. A total of three speakers commented on technical aspects of the DGEIS and/or provided general comments regarding the proposed action. The DGEIS public comment period remained open until November 21, 2003 for the receipt of written comments. Following the closure of the public comment period, the FGEIS was prepared and submitted to the Board of Trustees on February 10, 2004. The Board of Trustees accepted the FGEIS as complete and issued a Notice of Completion on February 17, 2004. The FGEIS and Notice of Completion were circulated on February 23, 2004 for review by involved and interested agencies.

Facts and Conclusions in the EIS Relied Upon to Support the Decision:

The proposed legislation is the direct outcome of Croton's 2003 Comprehensive Plan and reflects the goals set forth in the 2003 Plan, including preserving and enhancing Croton's small-town, historic scale and green, open space qualities and strengthening the village's commercial areas. The adoption of the proposed gateway overlay legislation will encourage new development and expansion that is appropriate in scale to a small, historic village such as Croton and that will foster more successful commercial areas. Specific potential impacts are summarized below, by impact category.

Land Use, Zoning and Public Policy. The proposed legislation will restrict the overall development potential in the gateway districts by limiting the maximum FAR and by setting square footage restrictions on building size and the size of single commercial uses. The legislation also prohibits several uses within the gateway areas that are considered less suitable for the village's gateway areas. Through the FAR and building size regulations, the regulations will encourage development that is appropriate to the

small-scale character of the village. The regulations will restrict the extent to which property owners can expand; however, since most of the already-improved properties are not fully built-out, property owners will still have room for expansion. The prohibition of uses will render two existing uses prior non-conforming uses but will not restrict or limit the continued operation of these businesses.

Air Quality and Noise. By reducing development density and increasing landscaping features such as buffers and screening, the proposed legislation will have a beneficial impact on air quality and noise. Moreover, by reducing the total development potential, the regulations will limit traffic generated by future development, thereby decreasing the potential for traffic-related air emissions and noise.

Vegetation and Wildlife. The proposed legislation includes open space provisions and landscaping guidelines, including requiring a 15% open space allotment per lot. For the South Riverside and Municipal Place gateway areas, which are substantially built-out, these measures will encourage the growth of vegetation. For the North End gateway area, which has a lower-density, more rural quality, the proposed measures will help preserve the existing vegetation.

Community Facilities and Services. The adoption of the proposed legislation will not create any new development. In the longer term, the reduction in the maximum density permitted in the gateway areas will effectively limit the potential demand for community facilities and services, particularly as compared to the underlying zoning which allows higher development densities.

Transportation. The proposed gateway overlay law will reduce the maximum permitted density within the gateway areas and limit the permitted size of buildings and commercial uses. It also prohibits drive-through windows and limits curb cuts, both of which create traffic flow problems. As such, the legislation will limit future traffic congestion and create more pedestrian-accessible shopping areas, thereby having a beneficial impact on transportation in the village.

Historic, Cultural and Visual Resources. No historic or cultural resources are located directly within the gateway areas. However, Van Cortlandt Manor, a national historic landmark, is located just outside the boundaries of the South Riverside gateway district. The bulk, use and design regulations and design guidelines proposed in the legislation will create a more attractive setting for the Manor by encouraging landscaping and streetscaping and prohibiting uses such as commercial parking lots and automobile dealerships which would detract from the Manor's setting.

Socioeconomics and Neighborhood Character. The proposed overlay will have a number of impacts on socioeconomics and neighborhood character within the gateway areas. The special permit uses will require village review of farmers markets, greenmarkets and garden centers. This will ensure that future greenmarkets, farmers markets and garden centers are held to a high standard. Certain uses, such as commercial parking lots, automobile dealerships, drive-through windows for commercial establishments, and fast-food restaurants, will be prohibited. Such existing uses will be permitted as prior non-conforming uses but will be unable to expand. This may have an economic impact on such existing uses, but not to the extent that it significantly interferes with any existing operations. It will have a correspondingly beneficial impact on neighborhood character.

The FAR reduction will limit potential development density within the gateway areas, and will correspondingly reduce the amount of parking and traffic generated by any future development. This reduction in density, combined with the open space requirement, will create more attractive gateway areas and will encourage development in keeping with the village's scale and character. Similarly, the size restrictions (20,000 square feet for buildings and 8,000 square feet for any single commercial use) will limit the potential to develop large-scale retail and other uses that do not fit with the goals set out in the 2003 Comprehensive Plan of preserving and enhancing the small-scale, historic character of the village. However, the proposed size limitations will still accommodate a wide range of commercial uses and potential tenants. Furthermore, the size limitation is consistent with other economically vital northern Westchester villages and towns.

Combined with the proposed design guidelines, the overall impact of the proposed overlay will be beneficial to both socioeconomics and neighborhood character within the gateway areas.

Alternatives Considered

During the public hearing and comment period following the circulation of the DGEIS, comments and questions were raised pertaining to the proposed legislation that prompted the Board of Trustees to review certain portions of the legislation. In response to these comments, the Board of Trustees made several changes to the proposed legislation. These changes were explained in the FGEIS, which also included copies of the original and revised legislation, and are summarized below:

1. §230-20.3-3: The limitation on hours of operation has been deleted
2. §230-20.4-2: The maximum building square footage for any single building has been changed from 8,000 square feet to 20,000 square feet. The size limitation now applies to *any* single building, not just those buildings designed for retail use.
3. §230-20.4-3: A maximum square footage limitation has been established for any single commercial *use*. This restriction limits the maximum permissible square footage for any single commercial use by any single occupant or tenant to 8,000 square feet of gross floor area.
4. §230-20.5-3 (Open Space): The per-lot open space requirement has been *decreased to 15%, from 25%.*

Name of Action: Adoption of Gateway Overlay District legislation

CERTIFICATION OF FINDINGS TO APPROVE/FUND/UNDERTAKE

Having considered the Draft and Final EIS, and having considered the preceding written facts and conclusions relied upon to meet the requirements of 6 NYCRR 617.9, this Statement of Findings certifies that:

1. The requirements of 6 NYCRR Part 617 have been met;
2. Consistent with the social, economic, and other essential considerations from among the reasonable alternatives thereto, the action approved is one which minimizes or avoids adverse environmental effects to the maximum extent practicable; including the effects disclosed in the environmental impact statement, and
3. Consistent with the social, economic, and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the environmental impact statement process will be minimized or avoided by incorporating as conditions to the decision those mitigative measures which were identified as practicable.
4. (and, if applicable) Consistent with the applicable policies of Article 42 of the Executive Law, as implemented by 19 NYCRR 600.5, this action will achieve a balance between the protection of the environment and the need to accommodate social and economic considerations.

Village of Croton-on-Hudson Board of Trustees

Name of Agency

Richard F. Herbek

Signature of Responsible Official

Village Manager

Title of Responsible Official

Richard F. Herbek

Name of Responsible Official

3/15/04

Date

Kellerhouse Municipal Building; One Van Wyck Street; Croton-on-Hudson, NY 10520
Address of Agency

Summary of Proposed Gateway Legislation

The proposed legislation establishes regulations for use, area and bulk, as well as design regulations for features such as parking placement, curb cuts and sidewalks, open space and landscaping, signage, lighting, and building orientation. In addition to these regulations, the legislation sets out design guidelines for each of the gateway areas, relating to pedestrian and bicycle networks, landscaping, streetscaping, and signage.

Use Regulations. The proposed law will allow certain uses by special permit and will prohibit other uses. Farmers markets, greenmarkets and garden centers will be permitted by special permit. These uses are not presently permitted in the underlying zoning districts, but have been identified as meeting a need in the village. Permitting these uses by special permit will require that they are held to a high standard of review. The law will prohibit commercial parking lots, automobile storage lots, drive-through windows for commercial establishments, a utomobile or o ther v ehicle dealerships, and fast-food restaurants.

Area and Bulk Regulations. Under the proposed zoning, an FAR of 0.35 is permitted for single-use properties and 0.4 for mixed-use properties in the gateway areas. These proposed FARs represent a decrease in the FAR permitted in the underlying zoning districts for the South Riverside and Municipal Place gateway areas (0.50, as permitted in C-2 districts) and establish an FAR for the North End (zoned O-1, which at present does not have an FAR). The proposed FARs will restrict the development potential in the gateway areas, thereby encouraging smaller-scale development more appropriate to the scale and historic character of the village.

The additional 0.05 FAR permitted for mixed-use properties is designed to provide an incentive to develop properties for multiple uses. Over time, mixed-use development may result in a great mix and diversity of uses within the gateway areas, in turn encouraging a greater number of users and stimulating the local economy.

The proposed legislation also sets out building size restrictions, limiting any single building in the gateway areas to 20,000 square feet, and any single commercial use to 8,000 square feet. As with the proposed FARs, these size restrictions will encourage development that is more appropriate to the size and character of the village.

Design Regulations. The design regulations set forth standards for parking placement, curb cuts/sidewalks, open space, signage, lighting and building orientation. These standards are designed to encourage more traditional, village-style development, make the gateway areas more pedestrian-accessible, and promote greener and more attractive gateway areas through open space, lighting, and signage requirements.