



**Reasons Supporting This Determination:**

(See 617.7(a)-(c) for requirements of this determination ; see 617.7(d) for Conditioned Negative Declaration)

**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:

Address:

Telephone Number:

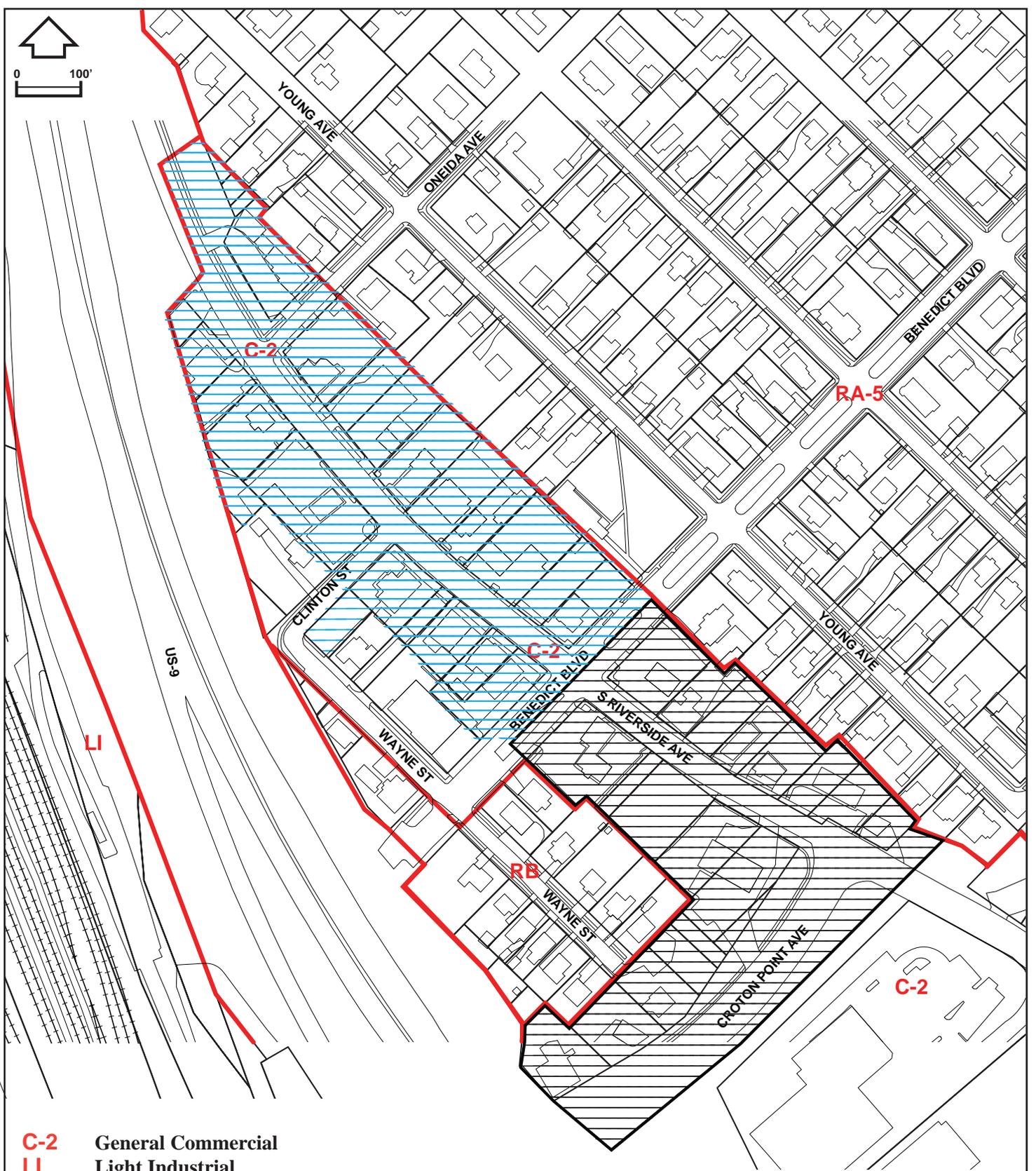
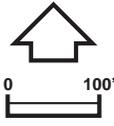
**For Type 1 Actions and Conditioned Negative Declarations, a Copy of this Notice is sent to:**

Chief Executive Officer , Town / City / Village of

Other involved agencies (If any)

Applicant (If any)

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



- C-2** General Commercial
- LI** Light Industrial
- RA-5** One Family Residence
- RB** Two Family Residence
- Zoning District Boundary
- SR/HGD, South Riverside/Harmon Gateway District
- Proposed Expansion of Gateway District

**HARMON GATEWAY OVERLAY  
ZONING AMENDMENTS**  
Croton-on-Hudson, New York

SOURCE: Village of Croton-On-Hudson GIS

LIST OF PARCELS included in Harmon  
South Riverside Gateway Overlay Zone

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

**ATTACHMENT TO NEGATIVE DECLARATION**  
*Harmon/South Riverside Gateway Overlay Zoning Amendments*  
*Croton-on-Hudson, NY*

**DESCRIPTION OF ACTION:**

The Proposed Action involves certain revisions to the Village of Croton-on-Hudson's Zoning Code to expand the Harmon/South Riverside Gateway Overlay District, and to modify the existing Gateway regulations in this area to encourage commercial development by facilitating market rate mixed use of properties.

Proposed revisions to the Code include expansion of the Harmon/South Riverside/ Gateway Overlay Area; and

For mixed use development in the Harmon/South Riverside gateway district:

- Increase FAR (floor area ratio) in mixed use buildings from 0.4 FAR to 0.8 FAR;
- Permit mixed use without a special permit in the overlay district;
- In mixed use buildings, residential would be permitted on the third floor (within the roof line);
- Front setback from street shall be 15-20 feet;
- In mixed use buildings, at least 50% ground floor must be commercial and face street front, at least 60% of front facade facing street must be glass; second floor either residential or non-residential permitted, 3rd floor residential only);
- Parking requirements for mixed use: 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;
- Corner lots shall be deemed to have two fronts;
- Planning Board may waive side yard setback requirements providing there is otherwise adequate access to parking areas;
- Pre-existing buildings proposed for mixed use may not utilize 0.8 FAR or add third story occupancy unless otherwise area compliant and have 10-20 feet front yard;
- New retail uses in C-2 zone in gateway district shall not require special permit as part of mixed use;
- Mixed use buildings shall be subject to additional design guidelines as adopted by Village Board.
- Front setback requirements will encourage parking in the rear of buildings.

**BACKGROUND/HISTORY OF PROPOSED ACTION:**

The Village of Croton-on-Hudson has proposed certain revisions to its zoning code to expand the Harmon/South Riverside Gateway Overlay District, and to modify the existing gateway regulations in this area to encourage commercial development by facilitating market rate mixed use of properties. The concept of the Gateway Overlay districts was described in the Village's Comprehensive Plan Update (January 2003) and the existing Gateway Overlay district regulations were a direct outcome of that Comprehensive Plan update, and have been in the

village code since 2004, after study of the proposed amendments by the village starting in 2003. SEQR Findings in March 2004 supported the Gateway Overlay District legislation.

The proposed action/zoning amendments (first draft set forth in July 2009) evolved from recommendations by the Harmon Business Development Committee (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 streetscape of Harmon, improve pedestrian circulation, and gain flexibility for property owners on South Riverside Avenue. All of the Committee's recommendations are 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" (8/26/08) put together by the HBDC. 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 preliminary findings were set forth by the HBDC to the Village Board in July 2008, and a public presentation of the findings of the HBDC was made in October 2008.

Another public input session was held on the topic at the Harmon Firehouse on June 3, 2009, and subsequently, the draft legislation was compiled. The Environmental Assessment Form (EAF) for the Proposed Action, Parts 1 and 2 were circulated by the Village Board on July 13, 2009 at which time the Board also became Lead Agency for this action. The draft EAF Part 3 Report was submitted on September 3, 2009, based upon the July 2009 draft law. Subsequently, the Village Board of Trustees had discussions and received additional input from the Croton Planning Board and the public, and prepared an amended law which was revised in response to those comments, which is now the Proposed Action. The draft EAF Part 3 report was revised based upon this revised law and the Part 3 was issued by the Lead Agency on October 19, 2009. The proposed law was discussed and public input was received at multiple Planning Board and Village Board sessions in the summer and fall of 2009. A noticed public hearing on the proposed zoning revisions was held on November 2, 2009.

#### **REASONS SUPPORTING DETERMINATION:**

The Board of Trustees, as Lead Agency, has determined that the adoption of the local law to amend the Gateway Overlay Zoning District by expanding, and modifying the regulations for, the Harmon/South Riverside Gateway Area, will have no significant adverse environmental impacts and a full environmental impact statement will not be required for this zoning amendment. The Board has assessed all relevant potential impacts in making this decision. This assessment relies upon its review of the Full Environmental Assessment Form (Parts 1 and 2) and the Environmental Assessment Form Report (Part 3) prepared by the Board with the assistance of Saccardi & Schiff, Inc. including Traffic and Parking Study and Parking Study Amendment prepared by The RBA Group and Village of Croton Coastal Assessment Form. The Board also reviewed Planning Board comments, and comments from the public at a series of public meetings (from 2007 to 2009), extensive study by Harmon Business Development Committee (HBDC) including their findings summarized in a report dated August 26, 2008, along with a property utilization study prepared by Saccardi & Schiff, Inc. in July 2008, and the Harmon Commercial District Retail Study prepared by Danth, Inc. in July 2008, and its review of the record.

The Village of Croton-on-Hudson has been considering possible ways to encourage revitalization and lessen commercial vacancies in the Harmon area for quite some time, starting in 2007. Existing zoning in the study area is C-2 (General Commercial), with the southern portion of the study area also covered by the existing Harmon/South Riverside Gateway Overlay District. The commercial “Gateways” are the major entry points to the Village from surrounding roads. The Harmon/South Riverside gateway is the entry point to the Village from Route 9, the train station and Croton Point Avenue. The primary land uses in the study area include retail, office, auto-related business, restaurants, and personal service establishments. There is also a vacant automobile dealership and some vacant storefronts. Several mixed use buildings (mix of commercial and apartments) are currently in use in the study area.

The overall intent of the proposed zoning amendments is to encourage commercial development activity and improve the walkability of the area. The stated purpose of the Gateway Overlay District(s) in the Comprehensive Plan is 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 action is intended to encourage development as well as maximize visual appeal and enhance the pedestrian experience. 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 Harmon/South Riverside Gateway area and the village.

At its August 5, 2009 meeting, the Waterfront Advisory Committee (WAC) found the proposed action to be consistent with the policies of the *Local Waterfront Revitalization Program* (LWRP). The Westchester County Planning Board has reviewed the proposal, and has found the proposed action to be consistent with *Westchester 2025, Context for County and Municipal Planning and Policies to Guide County Planning* adopted by the County Planning Board on May 6, 2008. The proposed action was referred to the Village Planning Board in July 2009, and it was discussed at several of their meetings, which culminated in written comments to the Mayor and Village Trustees dated 10/28/09, received prior to the public hearing.

As to the potential impact areas identified in the EAF part 2, with the exception of those listed in items 1 through 4 below, the board has reviewed each in light of the criteria set forth in 617.7(c) of the SEQR regulations and determined that potential impacts would be small or non-existent, and the proposed action would have no significant adverse impacts relating to these areas. These areas of potential impact listed in the EAF Part 2 include: impact on land, impact on water, impact on air, impact on plants and animals, impact on agricultural land resources, impacts on historic and archeological resources, impact on open space and recreation, impact on Critical Environmental Areas, impact on energy, noise and odor impacts, and impact on public health.

With regard to the potential impact areas described in areas 1 through 4 below (land use and zoning, aesthetic resources, traffic and parking, and growth and character of community), the Board prepared an EAF Part 3 to take a more detailed look at potential impacts. For the reasons stated below, the Board has determined that the proposed action will not have a significant adverse environmental impact as to those potential areas of impact.

**1. The proposed action will not have a significant adverse environmental impact on Land Use and Zoning.**

- a. Land Use: The adoption of the Harmon gateway amendments is a zoning change, and, as such, in and of itself does not propose any new development. Any applicants for new development in the area would be required to submit a site plan application to the Village Planning Board and address site-specific impacts in accordance with SEQRA. However, in order to analyze a level of potential impact for the proposed zoning, assumptions were made and three development scenarios were evaluated. If developed with mixed use as described in the EAF Part 3 Report Scenario #1 (Likely Anticipated Level of Development), the study area could contain approximately 9,498 sf of new commercial uses and 42 residential units. The Board finds that this level of commercial development estimated in Scenario #1 could be absorbed in the existing market demand and 42 new apartments could also be absorbed within the Harmon area. This scenario is considered to be realistic, as a reasonably likely build-out over time. The basis and reasoning for this conclusion are spelled out in more detail in the HBDC report and the EAF Part 3 Report.

The EAF indicated that if scenarios #2 and #3 were to occur (100% build out scenarios, which envision redevelopment of the entire study area), the level of commercial development and residential development would be much higher than there would be market demand for. These scenarios (#2 and #3) could create land use impacts and, if economically feasible, would very likely draw demand from other commercial areas in the village, counter to the objectives of this proposed action.

However, the Board hereby determines that for this and the other potential impact areas considered in this document, scenarios #2 and #3 (and, with regard to parking, scenario #5) are improbable to occur, and that the proper scenario to judge impacts against is scenario #1. Full implementation of scenarios #2 and #3 is highly unlikely, even over a period of time. These scenarios envision redevelopment of the entire study area, with new construction (including demolition/replacement of all existing structures) at the maximum possible level of development permitted by the proposed regulations. As a theoretical maximum, these scenarios make the unrealistic assumption that all of the privately-owned vacant parcels would be redeveloped with mixed-use buildings using the maximum potential development and be required to meet the proposed on-site parking requirements. In addition, it is not physically possible to attain this 100% build out on every single tax lot due to lot size, shape, configuration, lot frontage, etc.

Existing land uses adjacent to the parcels which will now be added to the Harmon/South Riverside Gateway Area will still be adjacent to a C-2 zoning district. However, with the gateway overlay extended, the specific gateway regulations will apply to the all of the parcels described in the law. This means that the more stringent landscape, buffer and screening requirements required in

the gateway overlay area would be required of any new mixed use development, and this should be a beneficial impact to existing single family residences adjacent to the C-2 zone and also in the gateway area.

Designating gateway overlays and forming those districts was one of the goals outlined in the Village's 2003 Comprehensive Plan. The potential impacts of the Harmon/South Riverside Gateway District were evaluated in the DGEIS prepared by the Village. This proposed action, amending the adopted regulations, is proposed to refine and expand those existing gateway regulations to encourage improvements, commercial activity and vitality to the Harmon area. The proposed action is consistent with the objectives of the Comprehensive Plan, and the Harmon Business Development Committee (HBDC). Accordingly, the Board finds that no significant adverse impacts to land use will result.

- b. Zoning: The EAF Part 3 provides a comparison of existing zoning regulations in the C-2 zone with the gateway overlay to proposed zoning regulations for mixed use development (see EAF Part 3 Report, Table 7). This includes the proposed revisions to FAR, special permit requirement, front yard setback, corner lots, limitations on uses by floor (residential/commercial), percent glass on front façade, maximum building height (residential permitted within 3<sup>rd</sup> story roofline) and off-street parking. Design regulations for the Harmon/South Riverside gateway overlay district would remain the same as in the existing code, but would be extended to the entire study area, as described in the EAF Part 3. In addition, part of the proposal is for the Village Board to have the ability to impose additional design guidelines for this area. The increase in FAR to 0.8 and allowing residential use in a third story would only be available to mixed use developments where the proposed site plan met all other regulations in the code, including parking requirements. In other words, 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. Accordingly, the Board finds that no significant adverse impacts to zoning will result from the proposed action.
- c. Refinements have been made to the area proposed to be added to the gateway district during the review process. For consistency with previous studies, the EAF Part 3 Report used the same Study Area and the same parcel identification (36 parcels) as the maps in the Property Utilization Analysis and the Harmon Zoning Change Recommendations reports. Fourteen of these parcels were already in the Gateway Overlay District and 22 of the study area parcels were proposed to be added. Almost all of the study area parcels front on South Riverside Avenue, since that was the main focus of the study.

In October 2009, some inconsistencies were identified with the study area and the gateway district, and parcels were added to the list of affected parcels to be included with the proposed zoning changes. This included: the only five parcels remaining in the C-2 (General Commercial) District, which are located on Clinton

and Wayne Streets; three parcels at north end of the study area (these were included in the original study area as part of the adjacent professional office, but not called out separately), and five parcels that are currently in the Gateway District, but were not in the original Study Area (not in the study area since they front on Croton Point Avenue, not South Riverside Avenue).

As a result of these additions and comments at the public hearing, the Board decided not to include the five parcels on Clinton and Wayne Streets since they do not relate directly to South Riverside Avenue and are primarily municipally owned. The 3 parcels at the north end were always in the study area, but are very small, and effectively were considered in the analysis as part of the professional office they are adjacent to. The 5 parcels on Croton Point Avenue are already in the Gateway district. Therefore, the proposed zoning regulations would apply to these parcels. The lots are already developed with primary structures (one contractor's office, one deli and one multi-family structure) and the potential impact of their redevelopment with the proposed regulations was reviewed by the Board after their addition to the list. Since these parcels are developed, they are not considered to have significant additional redevelopment potential within the proposed regulations, and therefore potential impacts of the additional 5 parcels on Croton Point Avenue are not found to be significant.

Therefore, after consideration of the analysis, public comment and the record, the Board finds that there will be no significant adverse impacts to land use or zoning from the proposed action.

**2. The proposed action will not have a significant adverse environmental impact on Aesthetic Resources.**

The original Gateway Overlay design regulations (now adopted into the Code) were intended to create a more attractive setting for the Harmon/South Riverside Gateway area (through landscaping, sidewalk improvements, etc.) as an entry to the Van Cortlandt Manor, which is located to the south and is listed on the National Register of Historic Places. The current proposed zoning amendments are also intended to enhance the Harmon area visually, and are designed to create a positive aesthetic impact on the existing neighborhood and entrance to the historic site (Van Cortlandt Manor).

The proposed zoning amendments will keep the scale of new development within existing maximums for building height. There is no change proposed in existing screening/buffering requirements for this Gateway area or to the maximum height permitted for buildings in this zone. Where commercial or mixed use is adjacent to residential uses, landscape buffers are required. The intent is for the front of the commercial and 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. The Board finds that these features will have an overall positive aesthetic impact to the Gateway area and the village. In addition, part of the proposal is for the Board to have

the ability to impose additional design guidelines for this area. Therefore, no significant adverse impacts to aesthetic resources will result from the proposed action.

**3. The proposed action will not have a significant adverse environmental impact on Traffic and Parking.**

- a. Traffic volumes: Due to the proximity of the train station to the area, there is a steady stream of traffic along South Riverside Avenue during the weekday AM and PM peak periods. However, traffic volumes along the local streets are generally light because most vehicles travel along U.S. 9, rather than the local streets. 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., proposed zoning: scenario #1) results indicates that there would be little impact to traffic conditions on the study area roadways due to the proposed zoning amendments. For scenario #1, there would be no need for mitigation, as there would be no degradation in traffic operations from the No Build to Build conditions. There is currently no site plan proposal pending for development of any property in conformity with the proposed regulations. The Board has no reason to conclude that such an application would result in a traffic impact. However, any such application would be subject to its own SEQR review, and if impacts were identified in that review, mitigation measures would be implemented as part of individual site plan reviews for that construction project proposed. Accordingly, the Board finds that no significant adverse traffic impacts will result from the proposed action.
  
- b. Parking: 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. Based upon the EAF Part 3 analysis, the 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 minimum zoning standard for the range of uses anticipated, with final reviews of parking subject to site plan approval. There is currently no site plan proposal pending for development of any property in conformity with the proposed regulations. The Board has no reason to conclude that such an application would result in a parking impact. However, any such application would be subject to its own SEQR review, and if impacts were identified in that review, mitigation measures would be implemented as part of individual site plan review. Any applicants seeking redevelopment with mixed use on parcels in the gateway area would have to demonstrate how they would meet parking requirements, and how they would accommodate their parking demand on the site. No change to commercial parking ratios are proposed. Therefore, the Board finds that no significant adverse impacts to parking will result from the proposed action.

**4. The proposed action will not have a significant adverse environmental impact on Growth and Character of Community.**

a. Schools:

Although the zoning amendments, in and of themselves, will not create any new development, potential development scenarios were analyzed to give estimates of impact. There are currently 9 children in the study area that attend Croton–Harmon schools. As detailed in the EAF Part 3 Report, approximately 4-12 new school age children are anticipated in the gateway area with the “Likely Development” scenario #1 given the likely type of units and bedroom composition. Any new school children generated by private development in the Harmon area would not be generated all at once, and any new school population would be spread out over the 13 grade levels. Therefore, no significant adverse impacts to schools will result.

b. Taxes:

Generation of taxes will depend on the level of development; but any new development above what is in the gateway area now is expected to 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 planning board for conformance to all applicable regulations.

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 12 students using scenario #1), especially considering the gradual increase in the school population that is likely. Comments were made at the public hearing about the school tax analysis that was conducted, so an additional analysis was conducted by the Board’s consultant using a different methodology, but arriving at substantially the same conclusions as in the EAF Part 3. Using the *Croton-Harmon Union Free School District Official Budget Document, Appropriations and Revenues for the 2009-2010 school year*, the total budget for the school year divided by the number of students arrives at a figure of nearly \$23,900 per student. This number, however, includes both capital and administrative costs, which would not be affected by the increase of a modest number of additional students. Utilizing the budget’s program costs (\$30,425,740), divided by the total enrollment (1,786 students) equals \$17,036 per student. Additionally, the budget revenues are comprised of property taxes and other revenues, with a non-property tax total of \$6,884,385, representing 16 percent of the total revenues. Hence, the property taxes required to meet the program costs of each new student is \$14,310 ( $\$17,036 \times .84$ ) a number very similar to the \$14,500 utilized in the EAF Part 3 Report analysis. It is noted that the costs used are average costs for all students, including special needs students.

Therefore the Board finds that no significant adverse impacts to taxes will result from implementation of the proposed action.

c. Community Services:

The Harmon/South Riverside Gateway 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 study area. Therefore, aside from potential costs of new students described above, the projected amount of redevelopment with the new zoning amendments and scenario #1 is not likely to raise costs for infrastructure or services. In the longer term, new mixed use development permitted with an increase in FAR in this area could bring some incremental level of impact, gradually over a period of time, if a higher level of build-out were achieved. In all cases, infrastructure needs will be looked at for individual projects as site plans for those 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 warrant based on results of individual project approvals which will have their own site plan and SEQR review. Therefore, no significant adverse impacts to community services or infrastructure will result.