

Village of Croton-on-Hudson, NY  
**South Riverside/Harmon Gateway Overlay District**  
**Proposed Zoning Amendments**

*Environmental Assessment Form Report*

Prepared on Behalf of:

**Village of Croton-on-Hudson**  
**Board of Trustees**

**Saccardi & Schiff, Inc.**

**DRAFT: September 3, 2009**

Revised: October 15, 2009

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**Table of Contents**

I.	Introduction	5
II.	EAF Part 3 – Evaluation of the Importance of Impacts	7
	a. Land Use and Zoning	8
	b. Aesthetic Resources	36
	c. Traffic and Parking	38
	d. Growth and Character of Community	42
	i. Schools	42
	ii. Taxes	44
	iii. Community Services	45
III.	Residential Market Factors	47
IV.	Westchester Workforce Housing Law	49
V.	Environmental Assessment Form (EAF) Parts 1 & 2 and Supplemental Information	54
VI.	Croton-on-Hudson Coastal Assessment Form (CAF)	56

**Appendices**

APPENDIX A:

Resolution Declaring Lead Agency and Draft Local Law (July 13, 2009)  
Revised Draft Local Law and List of Parcels (draft 10/15/09)

APPENDIX B:

Traffic and Parking Study (The RBA Group, September 2009)  
Harmon Zoning Amendments - Parking Study Amendment (The RBA Group, October 2009)

APPENDIX C:

Westchester Workforce Housing bill (January 23, 2009)

APPENDIX D:

Comment letter from Village of Croton to Governor Patterson (July 24, 2009)

APPENDIX E (other correspondence):

Letter to Janine King from Westchester County Planning Board (dated 7/28/09)  
Letter to Mayor Wiegman and the Board of Trustees from Fran Allen, WAC Chair (dated August 6, 2009)

***List of Exhibits***

- 1 Location Map
- 2 Zoning
- 3 Existing Land Use and Zoning
- 4 Aerial Photograph
- 5 Parcel Identification with Photographs
- 6 Scenario #1- Likely Anticipated Level of Development
- 7 Scenario #2 - Theoretical Maximum (100% build out – all individual lots)
- 8 Scenario #3 - Theoretical Maximum (100% build out with some combined parcels)

***List of Tables***

- 1 Parcels Proposed to be Added to Harmon Gateway Overlay District (Section 79.13)
- 2 Parcels Already Within the Harmon Gateway Overlay District (Section 79.13)
- 3A Scenario 1- Potential Uses (with Shared Parking)
- 3B Scenario 1 – Potential Uses (No Shared Parking)
- 4A Scenario 2 - Potential Uses (with Shared Parking)
- 4B Scenario 2 - Potential Uses (No Shared Parking)
- 5A Scenario 3- Potential Uses (with Shared Parking)
- 5B Scenario 3- Potential Uses (No Shared Parking)
- 6 Summary Comparison of Scenarios #1, 2, 3
- 7 Existing and Proposed Zoning
- 8 Estimated Number of School Children
- 9 Tax Estimates (Village and School Taxes)
- 10 Estimated Population
- 11 Scenario #1-Additional Residential Units with WWH
- 12 Scenario #3-Additional Residential Units with WWH
- 13 Additional Taxes Generated with Additional Residential WWH Units

## I. INTRODUCTION

The Village of Croton-on-Hudson is considering making certain revisions to its zoning code to expand the South Riverside/Harmon 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. This action, which is being contemplated by the Village Board of Trustees, is referred to as the “Proposed Action” in this environmental report. The draft local law proposed in July 2009, outlining the specific proposed amendments is included in Appendix A. It is noted that a revised draft of the law (10/15/09) is now the Proposed Action (also included in Appendix A).

A summary of the proposed revisions in the prior draft compared to the existing South Riverside/Harmon Gateway Overlay district regulations is listed below (revisions in the current draft follow).

- **Expand the Overlay Area:** Expand the South Riverside/Harmon district to include area along both sides of South Riverside, extended up to 200 feet past Oneida Ave.

For new mixed use development in the Harmon gateway district:

- **Increase FAR** (floor area ratio) in new mixed use buildings from 0.4 FAR to 0.8 FAR
- **Permit mixed use without a special permit** in the overlay district (mixed use is permitted in existing code with approval of a special permit)
- **No change in maximum building height** from existing code (35 feet), but in new mixed use buildings, residential would be permitted on the third floor (within the roofline).
- **Increase maximum front setback** from street: Setback shall be 15-20 feet, as measured from the curb of South Riverside (existing code requires 10 feet)
- **In mixed use buildings:**
  - Ground floor
    - At least 50% must be commercial use and face street front
    - At least 60% of front façade facing street must be glass
    - Second Floor –either residential or non-residential permitted
    - Third floor – residential only
- **Parking requirements:**
  - 2 parking spaces per residential unit (no change to existing code)
  - 1 of the 2 parking spaces may count toward commercial parking requirements
  - Front setback requirements will encourage parking in the rear of buildings

The draft local law (July 2009) evolved from recommendations by the Harmon Business Development Committee (HBDC), a citizen committee appointed by the Village Board 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 Environmental Assessment Form (EAF) for the Proposed Action, Parts 1 and 2 (submitted to the Village Board and circulated on July 13, 2009), are included in section V of this report. The EAF Parts 1 and 2 is the first step in the State Environmental Quality Review (SEQR) process, and is designed to assist the Lead Agency (in this case, the Croton Village Board of Trustees) in determining whether the proposed action may have a significant effect on the environment.

The EAF Part 3 includes more detail regarding potential areas of impact identified in EAF Part 2, as described in the following narrative. The draft EAF Part 3 Report (September 3, 2009) was prepared based upon the draft law proposed in July 2009, as described above. Since that time, the Village Board of Trustees has had discussions and received input from the Croton Planning Board and the public, and has prepared a revised/amended draft law in response to those comments, which is now the Proposed Action. This revised draft (10/15/09, also located in Appendix A) has been reviewed and the potential impacts of these revisions are discussed at the end of each section in this EAF Report, as relevant. Initial discussion of each impact in accordance with the July 2009 draft law remains in the report, for information, and to show the progression of the Board's revisions. The revisions incorporated into the 10/15/09 draft law are summarized below.

- Corner lots: any building located on a street corner shall be deemed to have building fronts on each of the intersecting streets which form the corner.
- The Planning Board shall have the authority in conducting Site Plan review to reduce or waive side yard setback requirement(s) of the underlying zone providing there is otherwise adequate access to parking areas.
- Pre-existing buildings that are proposed for mixed use may not utilize 0.8 FAR or third story residential unless they have 10-20 feet from front yard setback and are otherwise area compliant.
- Mixed use buildings shall be subject to additional design guidelines as adopted by the Village Board.
- Parking: For mixed use buildings in the Harmon/South Riverside Gateway, each residential unit will provide one parking space plus one additional parking space for each bedroom in excess of one (e.g., studio requires 1 space; one-bedroom requires 1 space; two bedroom requires 2 spaces). No change in parking requirement for non-residential space (*no reduction in count for shared parking*)
- New retail uses in C-2 zone within the Harmon/South Riverside Gateway district will not require a special permit as part of a mixed use structure.

## II. ENVIRONMENTAL ASSESSMENT FORM PART 3: EVALUATION OF THE IMPORTANCE OF IMPACTS

This EAF Part 3 has been prepared to provide additional information regarding potentially large, and/or controversial impacts. For each of the following topics, the impact is described, and a discussion is provided. With this information, the Lead Agency (Village Board of Trustees) will decide if it is reasonable to conclude that the potential impacts are important.

With the proposed South Riverside/Harmon Gateway Overlay zoning amendments, potential impacts to be studied include: land use and zoning, aesthetic resources, traffic, parking, and community resources including schools, taxes and community services. In this report, the existing conditions and potential impacts to these areas will be discussed. Since this is a proposed zoning amendment, as opposed to a specific construction project proposal, assumptions have to be made to evaluate the potential impacts of the zoning, if it were in place.

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. The Harmon Business Development Committee (HBDC) was formed by the Village Board to study and provide recommendations on this issue. However, the Gateway Overlay Zoning has been in place on the southern portion of the Study Area for a longer time.

The concept of the Gateway Overlay District has existed in Croton since its description in the EAF prepared for the Comprehensive Plan and map in 2002. In 2003, a Draft Generic Environmental Impact Statement (DGEIS) was prepared for the Gateway zoning (of which one location is the South Riverside/Harmon gateway area). A Final GEIS (FGEIS) was compiled in 2004, followed by Gateway SEQR Findings in March 2004.

These documents investigated the existing conditions and potential impacts of 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”<sup>1</sup> in three separate gateway areas of Croton, one of which was South Riverside/Harmon. The Village Board of Trustees found that after their consideration of the facts and conclusions studied in the GEIS (including land use, zoning, air quality, noise, vegetation and wildlife, community facilities and services, transportation, historic and visual resources, socioeconomics and neighborhood character), that the gateway law was consistent with social, economic and other essential considerations, and the gateway law was adopted.

The currently proposed zoning amendments stem from recommendations of the HBDC that were presented in July 2008, supported by professional studies on property utilization (Saccardi & Schiff, Inc., July 2008) and commercial market (Danth, 2008).

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<sup>1</sup> Adoption of Gateway Overlay District Legislation, Findings Statement (dated 3/15/04)

Also in July 2008, RBA Group prepared Croton-Harmon Traffic Study, the goal of which was to improve circulation in the vicinity of the Croton-Harmon train station.

The proposed zoning amendments are under review by the Village of Croton-on-Hudson Planning Board, and have been reviewed by the Village of Croton-on-Hudson Waterfront Advisory Committee (WAC). The WAC found the action to be consistent with the LWRP policies (see correspondence in Appendix E).

In addition, Westchester County Planning has commented on the proposed zoning amendments. As described in the letter from the County Planning to the Village dated July 28, 2009, the proposed gateway zoning amendments are consistent with **Westchester 2025**, the County's planning guidance document (see Appendix E).

As described in the Introduction, the Village Board of Trustees has had discussions and received input from the Croton Planning Board and the public, and a revised draft law is now being considered in response to those comments. The initial discussion of each impact in accordance with the July 2009 draft law remains in this report, and potential impacts of the current (October 2009) revisions are discussed at the end of each section, as applicable.

**a. Land Use and Zoning**

Existing Conditions

Existing zoning in the study area is C-2 (General Commercial), with the southern portion of the study area also covered by the existing South Riverside/Harmon Gateway Overlay District. This is described on Exhibits 1 and 2 (Location Map and Zoning) and on Exhibit 3, Existing Land Use and Zoning. C-2 district regulations allow a maximum building floor area ratio (FAR) of 0.5 within a maximum of two stories.

The commercial "Gateways" are the major entry points to the Village from surrounding roads. The South Riverside/Harmon gateway is the entry point to the Village from Route 9, the train station and Croton Point Ave.

Within the gateway overlay area, gateway regulations limit parcels to a maximum FAR of 0.35 for single use buildings and 0.40 for multiple use buildings (and multiple use buildings require a special permit). The Code states that, with certain exceptions<sup>2</sup>, uses within the gateway area shall correspond to permitted and special permit uses in the underlying zoning district.

The primary land uses in the study area include retail, office, auto-related business, restaurants, and personal service establishments. Several mixed use buildings (mix of commercial and apartments) are currently in use in the study area.

Adjacent land uses (outside the Study Area) to the east, along Young Avenue, are primarily single family residential, along with Good Shepherd church. Adjacent land

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<sup>2</sup> See Village Code Section 230-20.3

uses to the west along Clinton Street and Wayne Street are also primarily single family residential, but also include the Harmon fire house. Beyond this area to the west is Route 9, the railroad tracks and the Hudson River. These surrounding land uses are visible on Exhibit 4, Aerial Photograph.

Within the Study Area, 36 tax parcels are included for this analysis. For consistency with previous studies, this EAF uses the same Study Area and the same parcel identification as the maps in the July 2008 Property Utilization Analysis prepared by Saccardi & Schiff, Inc. and which were also used in the Harmon Zoning Change Recommendations (August 2008) presentation to the Village Board by the Harmon Business Development Committee. The Study Area parcels are indicated on Exhibit 5, Parcel Identification with Photographs. Fourteen of these parcels that were studied were already in the Gateway Overlay District (parcels 23-36 as indicated on Table 2), and 22 of the study area parcels would be added (parcels 1-22 as indicated on Table 1). Almost all of the Study Area parcels (list as repeated from the original reports in 2008) are on South Riverside Avenue.<sup>3</sup> Final list of parcels to be included in the Harmon Gateway is attached to the 10/15/09 draft law in Appendix A. List of the affected parcels, their tax lot number and existing land uses are included in Tables 1 and 2 below.

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<sup>3</sup> As stated, parcels in the Study Area are primarily located along South Riverside, and this Study Area was delineated in previous studies and carried over from those. Parcels in the C-2 (General Commercial) District on Clinton and Wayne Streets are proposed by the Village to be included in the expanded South Riverside/Harmon Gateway District as well.

**Table 1**  
**Parcels Proposed to be Added**  
**to Harmon Gateway Overlay District**  
**(Tax Map Section 79.13)**

Parcel ID	Block/lot	Lot Size (sf)	Current use
1	1/9	13,333	Professional Office
2	1/60	14,473	Restaurant (Umami)
3	1/61	7,160	Vacant (soon to be Anton's restaurant and apartment)
4	1/62	11,276	Vacant (soon to be Anton's restaurant and apartment)
5	1/63	12,692	Mixed use (Laundromat, Mexigo, apartments)
6	1/64	12,614	Mixed use (Coco Nails)
7	1/65	8,287	Taxi stand, apartments (J&S taxi/airport)
8	1/66	16,240	Vacant (former Croton Dodge)
9	1/68	7,765	Vacant (former Croton Dodge)
10	1/69	8,270	Nail salon (Perfect 10 Nails)
11	1/70	10,099	Convenience Store
12	1/71	5,981	Mixed Use (Vacant commercial space on first floor)
13	1/72	8,517	Mixed use
14	1/73	2,670	Deli (Harmon Deli)
15	1/74	10,318	Restaurant (Japanese steakhouse restaurant)
16	1/75	5,262	Parking (for Japanese restaurant)
17	1/85	4,055	Part of Gas Station (Luke Oil)
18	1/86	22,150	Gas station (Luke Oil)
19	1/87	11,342	Vacant(formerly Westchester Coach & Limo Ltd)
20	1/88	5,167	Auto storage
21	1/89	5,734	Auto Body shop (Atro Collision Center)
22	1/90	2,100	Auto storage
<b>Subtotal<sup>1</sup></b>		<b>205,515 sf</b>	
	1/5	840	These parcels are included as part of the professional office at north end of study area
	1/6	900	
	1/7	350	
Clinton Street and/or Wayne Street frontage parcels <sup>2</sup> :			
	1/76 <sup>2</sup>	5,000	Croton EMS (owned by Village)
	1/77 <sup>2</sup>	2,500	Parking (leased by Village)
	1/78 <sup>2</sup>	15,637	Harmon Fire House (owned by Village)
	1/83 <sup>2</sup>	2,250	Accessory uses (dumpster, parking) for restaurant on parcel 1/74)
	1/84 <sup>2</sup>	14,000	Residential

<sup>1</sup>Source: Appendix 2, List of Affected Parcels, and Harmon Business Development Committee, Zoning Change Recommendations (July 2008); with updates from Saccardi & Schiff, Inc. (2009)

<sup>2</sup> These parcels are currently in the C-2 zone, but have frontage on Clinton Street and/or Wayne Street, not South Riverside, and were not in the original Study Area.

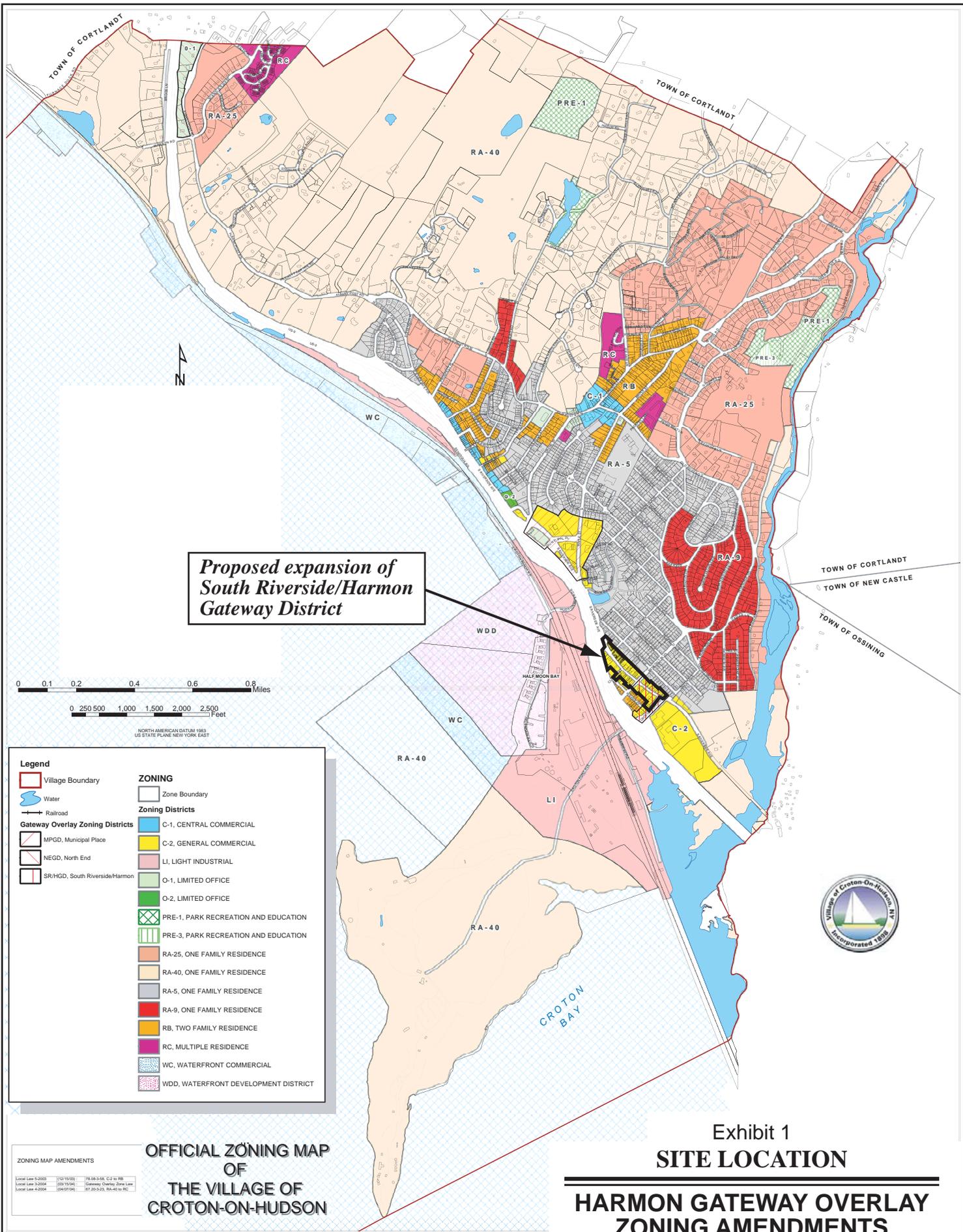
**Table 2  
Parcels already within the  
Harmon Gateway Overlay District  
(Tax Map Section 79.13)**

Parcel ID	Block/lot	Lot Size (sf)	Current use
23	2/21	1,920	Gas station (Gulf)
24	2/22	12,284	Gas station (Gulf)
25	2/22.1	14,556	Gas station (Gulf)
26	2/23	13,591	Vacant (former auto storage)
27	2/24	2,925	Vacant (former auto storage)
28	2/25	18,286	Gas station (Oil city)
29	2/26	12,436	Vacant (formerly Nappy's motor vehicle repair)
30	2/27	7,424	Vacant Professional office (mixed use being proposed; apartment over garage is occupied)
31	2/28	6,596	Parking lot for mixed use on 2/27
32	2/29	6,463	Vacant Restaurant (formerly Tutto Bene, coming soon Nicola's)
33	2/30	8,550	Hair salon (Sonny Abbott's)
34	2/31	6,410	Veterinarian/ apartment
35	2/32	6,999	Veterinarian/ apartment
36	2/33	4,064	Professional office (Podiatrist)
<b>Subtotal<sup>1</sup></b>		<b>128,190 sf</b>	
Croton Point Avenue frontage parcels <sup>2</sup> :			
	2/5	12,300	Franzoso Contracting office/showroom
	2/6	10,600	Good to Go Deli
	2/18	16,883	Vacant three family residential (3 parcels now consolidated as one)
	2/19		
	2/20		

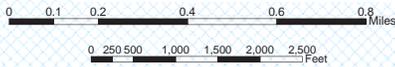
<sup>1</sup>Source: Appendix 2, List of Affected Parcels, and Harmon Business Development Committee, Zoning Change Recommendations (July 2008); with updates from Saccardi & Schiff, Inc. (2009)

<sup>2</sup>These parcels are currently in the Gateway District, but front on Croton Point Avenue, not South Riverside, and were not in the original Study Area.

The concept of the Gateway Overlay districts was described in the Village's Comprehensive Plan Update (January 2003). The Gateway Overlay district law was a direct outcome of that Comprehensive Plan update, and has been in the village code since 2004, after study of the proposed amendments by the village starting in 2003. That study included a Draft Generic Environmental Impact Statement (DGEIS, October 2003), Final Generic Environmental Impact Statement (FGEIS, January 2004) and SEQR Findings (March 2004) supporting the Gateway Overlay District legislation. (Full list of environmental review documents relating to the Gateway Overlay is located on the Village website: [www.crotononhudson-ny.gov](http://www.crotononhudson-ny.gov)).



*Proposed expansion of South Riverside/Harmon Gateway District*



NORTH AMERICAN DATUM 1983  
US STATE PLANE NEW YORK EAST

**Legend**

- Village Boundary
- Water
- Railroad

**Gateway Overlay Zoning Districts**

- MPGD, Municipal Place
- NEGD, North End
- SR/HGD, South Riverside/Harmon

**ZONING**

- Zone Boundary

**Zoning Districts**

- C-1, CENTRAL COMMERCIAL
- C-2, GENERAL COMMERCIAL
- LI, LIGHT INDUSTRIAL
- O-1, LIMITED OFFICE
- O-2, LIMITED OFFICE
- PRE-1, PARK RECREATION AND EDUCATION
- PRE-3, PARK RECREATION AND EDUCATION
- RA-25, ONE FAMILY RESIDENCE
- RA-40, ONE FAMILY RESIDENCE
- RA-5, ONE FAMILY RESIDENCE
- RA-9, ONE FAMILY RESIDENCE
- RB, TWO FAMILY RESIDENCE
- RC, MULTIPLE RESIDENCE
- WC, WATERFRONT COMMERCIAL
- WDD, WATERFRONT DEVELOPMENT DISTRICT



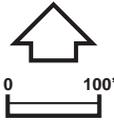
ZONING MAP AMENDMENTS

Local Law 5-2000	(02/15/00)	RC, RB, RA-9, C-2 to RB
Local Law 3-2004	(03/15/04)	Gateway Overlay Zone Line
Local Law 4-2004	(04/07/04)	ET, SO-3-23, RA-40 to RC

**OFFICIAL ZONING MAP OF THE VILLAGE OF CROTON-ON-HUDSON**

**Exhibit 1  
SITE LOCATION**

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

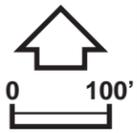


- C-2** General Commercial
- LI** Light Industrial
- RA-5** One Family Residence
- RB** Two Family Residence
- Zoning District Boundary
- - -** Study Area Boundary
-  SR/HGD, South Riverside/Harmon Gateway District
-  Proposed Expansion of Gateway District

Exhibit 2  
**ZONING**

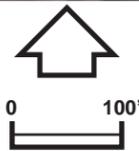
**HARMON GATEWAY OVERLAY  
ZONING AMENDMENTS**  
Croton-on-Hudson, New York

SOURCE: Village of Croton-On-Hudson GIS



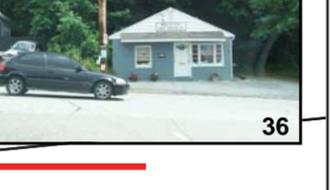
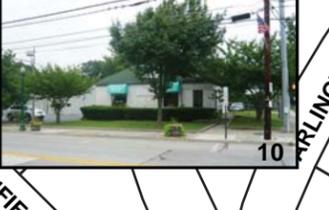
- |   |                               |                                  |
|---|-------------------------------|----------------------------------|
| Auto-Oriented Use                               | Mixed Use/Vacant Ground Level | <b>C-2</b> General Commercial    |
| Commercial                                      | Office                        | <b>LI</b> Light Industrial       |
| Community Services                              | Restaurant                    | <b>O-1</b> Limited Office        |
| Light Industrial                                | Single-Family Residential     | <b>RA-5</b> One Family Residence |
| Mixed Use                                       | Multi-Family Residential      | <b>RA-9</b> One Family Residence |
| SR/HGD (South Riverside/Harmon Gateway Overlay) | Vacant                        | <b>RB</b> Two Family Residence   |
|   |                               | Zoning District Boundary         |
|   |                               | Study Area Boundary              |

Exhibit 3  
**EXISTING  
 LAND USE AND ZONING**  
**HARMON GATEWAY OVERLAY  
 ZONING AMENDMENTS**  
 Croton-on-Hudson, New York



 Study Area Boundary

Exhibit 4  
**AERIAL PHOTOGRAPH**  
**HARMON GATEWAY OVERLAY**  
**ZONING AMENDMENTS**  
Croton-on-Hudson, New York  
*Saccardi & Schiff, Inc. - Planning and Development Consultants*



Impact Analysis and Assumptions (for all Scenarios evaluated in EAF Part 3):

Since the Proposed Action being analyzed is a zoning amendment, and not an actual construction project, there are many possibilities for the level of future development. In order to evaluate potential impacts, therefore, certain assumptions of level of redevelopment had to be made. For the purpose of this report, three potential development scenarios were contemplated.

Calculations for redevelopment potential were taken from Tables 1 and 2 of the July 2008 “Property Utilization Study” prepared by Saccardi & Schiff, Inc. (not determined by individual site plan studies). The following assumptions are from that July 2008 study, and apply to all of the redevelopment scenarios described here, as analyzed with the parameters of the July 2009 draft law:

- Parcels would be redeveloped with new mixed-use buildings using the maximum potential development under the proposed gateway overlay zoning amendments (up to 0.8 FAR, including three stories within existing 35 foot maximum building height).
- For all parcels, it was assumed that 50 percent of the ground floor would be dedicated to non-residential uses; therefore 50 percent of the area of the footprint equals the area for non-residential uses; and the footprint area was multiplied by two and a half (2.5) in order to achieve the residential space area. (Note: This is the assumption that was made for this analysis in order to be conservative with respect to residential impacts, even though in the proposed zoning amendments, the second floor could have either residential or non-residential uses.)
- It was assumed that the gross average size of the residential units would be 1,000 square feet each.
- For residential uses, it was assumed that two parking spaces are required for each unit.
- The Village zoning code requires 1 parking space for each 250 square feet of retail/commercial space or 1 parking space for each 300 square feet of office/daycare space in the C-2 zone. Since the potential mixed use buildings could have either of these uses in the future, the calculations presented average these two parking requirements at 1 parking space for each 275 feet of commercial space. Half the required commercial parking spaces were assumed to be shared with the residential parking spaces provided on site.<sup>4</sup> (The required number of commercial parking spaces presented is rounded to the nearest whole parking space).

Since proposed revisions/amendments to the draft law were made in October 2009, the analysis would change slightly in each case, as described below. The assumptions do not change, except for the following:

- No shared parking will be considered.
- Residential units are assumed to be a 50/50 mix of one-bedroom and two-bedroom units, for the parking analysis (overall average of 1.5 parking spaces per unit).

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<sup>4</sup> Proposed zoning amendments (July 2009) would have permitted the reduction of one non-residential parking space for every residential parking space provided.

There are two areas where tax parcels were not in the original Study Area that was previously delineated. One area is the few lots on the west side of Croton Point Avenue, south of the gas station (see Croton Point Avenue frontage parcels on Table 2). This area is already within the Harmon Gateway district and is currently developed with structures. The other area is the few lots in the C-2 zone on Wayne Street and Clinton Street (see Clinton/Wayne Street parcels on Table 1). These are the only parcels in the C-2 zone that were not in the Harmon Gateway District and also not included in the original Study Area (they are not on South Riverside, which was the emphasis of the study, and the majority of these are village owned). Although not included in the original Study Area specifically, due to the small amount of potential development area these parcels comprise, it is not anticipated that potential impacts of redevelopment on these lots would be significant.

**Scenario #1: Likely Anticipated Level of Development**

(42 residential units/9,498 sf commercial)

This scenario assumes that a certain level of redevelopment would occur in the near term, including the significantly underutilized or vacant parcels of land in the study area as they exist (as of August 2009). As with all of the scenarios, this assumes new development proposals that would be brought before the Village Planning Board by private parties/land owners (no publicly-owned properties). This scenario assumes that 9 of the 36 parcels in the study area (all vacant or underutilized) will be redeveloped as mixed-use buildings using the maximum potential development under the proposed amendments to the gateway overlay zoning. It assumes combination of parcels that are directly adjacent to each other.

The one exception to this is parcel 12, which is an existing, partly vacant building and is assumed not to be re-constructed, but for the existing vacancies to be filled within that structure.

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

- Former Nappy Auto (parcel 29)
- Former Croton Dodge (combined parcels 8, 9)
- Former Riverside Four Restaurant (parcels 3,4), now proposed as Anton’s Restaurant
- Umami Restaurant (parcel 2)

On the west side of South Riverside Avenue:

- Vacant lots (combined parcels 27, 26) - former auto storage between the gas stations south of Benedict Blvd.
- Underutilized/vacant building (parcel 12) north of convenience store (no new construction - keep existing structure, fill vacancies)

The parcels described above are identified on Exhibit 6, Scenario #1, and a summary of the build-out under this scenario (using July 2009 proposed law) is included in Table 3A below:

**Table 3A  
Scenario #1-  
Potential Uses (with Shared Parking)**

Parcel	Non-Residential space (sf) <sup>1</sup>	Non-Residential parking <sup>1</sup>	Residential Units <sup>1</sup>	Residential Parking <sup>1</sup>	Total parking required (gross maximum)	Total parking required with shared parking as proposed in July 2009 <sup>2</sup>
2 (Umami)	1389	5	6	12	17	11
3-4 (Antons)	1769	6	8	16	22	14
8-9 (Dodge)	2304	9	10	20	29	19
29 (Nappy)	1399	5	6	12	17	11
26-27 (Storage lot)	1797	7	8	16	23	15
12 <sup>3</sup> (Ex. bldg)	±840 sf	3 <sup>3</sup>	4	8 <sup>3</sup>	11 <sup>3</sup>	7 <sup>3</sup>
<b>totals</b>	<b>±9,498 sf</b>	<b>35</b>	<b>42</b>	<b>84</b>	<b>119</b>	<b>77</b>

<sup>1</sup> Taken from Table 2 in property utilization study prepared by Saccardi & Schiff, Inc. in July 2008, except for data for parcel 12.

<sup>2</sup> As per proposed zoning amendments (in July 2009), for each residential unit/one non-residential parking space can be eliminated.

<sup>3</sup> For parcel 12, assumes proposed re-use of existing structure (±1,680 sf footprint), meeting of requirements of proposed amendments, with exception of parking (waiver of parking requirements for this lot is permitted in existing Code)

Since the October 2009 revisions/amendments to the draft law no longer give credit for shared parking and the residential parking requirement relates to bedroom count, the potential impact of this scenario would be different. If a 50/50 split of one and two bedroom units is assumed, the residential parking would be 1.5 times the number of residential units (42 units x 1.5 = 63 spaces). Combining that with the non-residential parking (35) would bring the total parking to 98 spaces for this scenario as modified to the October draft of the proposed zoning amendments and assuming an equal mix of 1- and 2-bedroom units (see Table 3B below). If all the residential units were 1-bedroom or studio, parking requirement would be 77 spaces for Scenario #1.

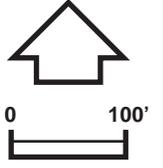
**Table 3B**  
**Scenario #1-**  
**Potential Uses**  
**(No Shared Parking/1 space per bedroom)**

<b>Parcel</b>	<b>Non-Residential space (sf)<sup>1</sup></b>	<b>Non-Residential parking<sup>1</sup></b>	<b>Residential Units<sup>1</sup></b>	<b>Residential Parking<sup>2</sup> (1.5/unit)</b>	<b>Total parking required</b>
2 (Umami)	1389	5	6	9	14
3-4 (Antons)	1769	6	8	12	18
8-9 (Dodge)	2304	9	10	15	24
29 (Nappy)	1399	5	6	9	14
26-27 (Storage lot)	1797	7	8	12	19
12 <sup>3</sup> (Ex. bldg)	±840 sf	3 <sup>3</sup>	4	6	9
<b>totals</b>	<b>±9,498 sf</b>	<b>35</b>	<b>42</b>	<b>63</b>	<b>98</b>

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

<sup>2</sup> As per proposed zoning amendments (October 2009), 1 parking space for each one-bedroom unit/2 1 parking spaces for each two-bedroom unit (average 1.5 spaces/unit). No shared parking.

<sup>3</sup> For parcel 12, assumes proposed re-use of existing structure (±1,680 sf footprint), meeting of requirements of proposed amendments, with exception of parking (waiver of parking requirements for this lot is permitted in existing Code)



- Area to Be Redeveloped
- Combined Development Parcels
- Study Area Boundary
- 1 Parcel Identification Number

Exhibit 6  
**SCENARIO #1: LIKELY  
 LEVEL OF DEVELOPMENT**

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

**Scenario #2: Theoretical Maximum (100% build-out: all individual lots)**  
(125 residential units/28,996 sf commercial)

This scenario assumes that the entire study area could be redeveloped with new mixed use structures. As a theoretical maximum, this scenario assumes that all of the privately-owned vacant parcels (36 parcels listed) would be redeveloped with mixed-use buildings using the maximum potential development and be required to meet the on-site parking requirements as per the proposed gateway overlay zoning amendments. It assumes the level of redevelopment as described in Table 4A (using only individual parcel development) of the property utilization study prepared by Saccardi & Schiff, Inc. dated July 2, 2008 and parameters of the July 2009 proposed draft law. This describes 100% build-out, where new mixed use development would occur not just on the unused or vacant parcels of land, but on all of the parcels.

As with all of the scenarios, this one assumes new development proposals brought before the Village Planning board by private parties/land owners, as well as the assumptions described at the end of this section. Likelihood of Scenario #2 (or #3) occurring, even over a period of time, is not high. 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.

The parcels are identified on Exhibit 7, Scenario #2, and a summary of build-out under this scenario (using July 2009 proposed law) is included in Table 4A below:

**Table 4A**  
**Scenario #2-**  
**Potential Uses (with Shared Parking)**

<b>Parcel</b>	<b>Non-residential space (sf)<sup>1</sup></b>	<b>Non-Residential parking<sup>1</sup></b>	<b>Residential Units<sup>1</sup></b>	<b>Residential Parking<sup>1</sup></b>	<b>Total parking required (gross maximum)</b>	<b>Total parking required w/shared parking as proposed<sup>2</sup> in July 2009</b>
1	800	3	3	6	9	6
2	1389	5	6	12	17	11
3	687	2	3	6	8	5
4	1082	4	5	10	14	9
5	1218	4	6	12	16	10
6	1210	4	6	12	16	10
7	795	3	3	6	9	6
8	1559	6	7	14	20	13
9	745	3	3	6	9	6
10	793	3	3	6	9	6
11	1237	4	6	12	16	10
12	199	1	0	0	1	1
13	599	2	2	4	6	4
14	262	1	1	2	3	2
15	1016	4	5	10	14	9
16	518	2	2	4	6	4
17 <sup>3</sup>	371	1	1	2	3	2
18	2026	7	10	20	27	17
19	686	2	3	6	8	5
20	476	2	2	4	6	4
21	528	2	2	4	6	4
22	194	1	0	0	1	1
23	120	0	0	0	0	0
24	767	3	3	6	9	6
25	909	3	4	8	11	8
26	1479	5	7	14	19	12
27	318	1	1	2	3	2
28	1511	5	7	14	19	12
29	1399	5	6	12	17	11
30	945	3	4	8	11	7
31	839	3	4	8	11	7
32	399	1	1	2	3	2
33	961	3	4	8	11	7
34	352	1	1	2	3	2
35	384	1	2	2	3	2
36	223	1	2	2	3	2
<b>totals</b>	<b>28,996 sf</b>	<b>101</b>	<b>125 units</b>	<b>246</b>	<b>347</b>	<b>225</b>

<sup>1</sup> Taken from Table 2 in property utilization study prepared by Saccardi & Schiff, Inc. in July 2008

<sup>2</sup> As per proposed zoning amendments (July 2009), for each residential unit/one non-residential parking space can be eliminated.

<sup>3</sup> Note: Parcel 17 has no street frontage

Since the October 2009 revisions/amendments to the draft law no longer give credit for shared parking, and the residential parking requirement relates to bedroom count, the potential impact of this scenario would be different. If a 50/50 split of one and two bedroom units is assumed, the residential parking would be 1.5 times the number of residential units (196 spaces, rounding up to use two-bedroom units when odd number exists). Combining that with the non-residential parking (101 spaces) would bring the total parking to 297 spaces for this scenario as modified to meet the October draft of the proposed zoning amendments and assuming an equal mix of 1- and 2-bedroom units (see Table 4B below). If all the residential units were 1-bedroom or studio, parking requirement would be 226 spaces for Scenario #2 (101 non-residential + 125 residential = 226 spaces).

**Table 4B**  
**Scenario #2-**  
**Potential Uses (No Shared Parking/1 space per bedroom)**

<b>Parcel</b>	<b>Non-residential space (sf)<sup>1</sup></b>	<b>Non-Residential parking<sup>1</sup></b>	<b>Residential Units<sup>1</sup></b>	<b>Residential Parking<sup>1,2</sup></b>	<b>Total parking required (1.5/unit)<sup>2</sup></b>
1	800	3	3	5	8
2	1389	5	6	9	14
3	687	2	3	5	7
4	1082	4	5	8	12
5	1218	4	6	9	13
6	1210	4	6	9	13
7	795	3	3	5	8
8	1559	6	7	11	17
9	745	3	3	5	8
10	793	3	3	5	8
11	1237	4	6	9	13
12	199	1	0	0	1
13	599	2	2	3	5
14	262	1	1	2	3
15	1016	4	5	8	12
16	518	2	2	3	5
17 <sup>3</sup>	371	1	1	2	3
18	2026	7	10	15	22
19	686	2	3	5	7
20	476	2	2	3	5
21	528	2	2	3	5
22	194	1	0	0	1
23	120	0	0	0	0
24	767	3	3	5	8
25	909	3	4	6	9
26	1479	5	7	11	16
27	318	1	1	2	3
28	1511	5	7	11	16
29	1399	5	6	9	15
30	945	3	4	6	9
31	839	3	4	6	9
32	399	1	1	2	3
33	961	3	4	6	9
34	352	1	1	2	3
35	384	1	2	3	4
36	223	1	2	3	3
<b>totals</b>	<b>28,996 sf</b>	<b>101</b>	<b>125 units</b>	<b>196</b>	<b>297</b>

<sup>1</sup> Taken from Table 2 in property utilization study prepared by Saccardi & Schiff, Inc. in July 2008

<sup>2</sup> Rounded up to two-bedroom units if odd number of residential units is provided

<sup>3</sup> Note: Parcel 17 has no street frontage



- Area to Be Redeveloped  
(No Combined Development Parcels)
- Study Area Boundary
- 1 Parcel Identification Number

Exhibit 7  
**SCENARIO #2:**  
**100% BUILD OUT**  
**THEORETICAL MAXIMUM**  
**(ALL INDIVIDUAL LOTS)**

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

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**Scenario #3: Theoretical Maximum (100% build-out with some combined parcels)**  
(126 residential units/28,115 sf commercial)

This scenario assumes that the entire study area could be redeveloped with new mixed use structures, with combination of some adjacent lots. As a theoretical maximum (just as with Scenario #2), this scenario assumes that all of the privately-owned vacant parcels (36 parcels listed) would be redeveloped with mixed-use buildings using the maximum potential development and meeting the on-site parking requirements as per the proposed gateway overlay zoning amendments (outlined in July 2009 draft law). It assumes the level of redevelopment as described in Table 2 of the property utilization study prepared by Saccardi & Schiff, Inc. dated July 2, 2008. This describes 100% build-out, and further assumes some parcels would be joined and developed together on a unified site plan.

As with all of the scenarios, this one assumes new development proposals brought before the Village Planning Board by private parties/land owners, as well as the assumptions described at the end of this section. The combined parcels are identified on Exhibit 8, Scenario #3, and a summary of the build-out under this scenario (using July 2009 proposed law) is included in the Table 5A below:

**Table 5A**  
**Scenario #3-Potential Uses**  
**(with Shared Parking)**

Parcel	Non-residential space (sf) <sup>1</sup>	Non-Residential parking <sup>1</sup>	Residential Units <sup>1</sup>	Residential Parking <sup>1</sup>	Total parking required (gross maximum)	Total parking required w/shared parking as proposed (July 2009) <sup>2</sup>
1	800	3	3	6	9	6
2	1389	5	6	12	17	11
3-4	1769	6	8	16	22	14
5	1218	4	6	12	16	10
6	1210	4	6	12	16	10
7	795	3	3	6	9	6
8-9-10	3098	11	13	26	37	24
11	1237	4	6	12	16	10
12	199	1	0	0	1	1
13	600	2	2	4	6	4
14-15-16	1797	7	8	16	23	15
17-18	2397	9	11	22	31	20
19	686	2	3	6	8	5
20-21-22	1199	4	5	10	14	9
23-24-25	909	3	8	16	19	11
26-27	1797	7	8	16	23	15
28	1511	5	7	14	19	12
29	1399	5	6	12	17	11
30-31	1785	6	8	16	22	14
32	399	1	1	2	3	2
33	961	3	4	8	11	7
34-35-36	960	3	4	8	11	7
<b>TOTALS</b>	<b>28,115 sf</b>	<b>98</b>	<b>126 units</b>	<b>252</b>	<b>350</b>	<b>224</b>

<sup>1</sup> Taken from Table 2 in property utilization study prepared by Saccardi & Schiff, Inc. in July 2008

<sup>2</sup> As per proposed zoning amendments (July 2009), for each residential unit/one non-residential parking space can be eliminated.

Since the October 2009 revisions/amendments to the draft law no longer give credit for shared parking and the residential parking requirement relates to bedroom count, the potential impact of this scenario would be different. If a 50/50 split of one and two bedroom units is assumed, the residential parking would be 1.5 times the number of residential units (193 spaces, rounding up to use two-bedroom units when odd number exists). Combining that with the non-residential parking (98 spaces) would bring the total parking to 291 spaces for this scenario as modified to meet the October draft of the proposed zoning amendments and assuming an equal mix of 1- and 2-bedroom units (see Table 5B below). If all the residential units were 1-bedroom or studio, parking requirement would be 224 spaces for Scenario #3.

**Table 5B**  
**Scenario #3-Potential Uses**  
**(No Shared Parking/1 space per bedroom)**

<b>Parcel</b>	<b>Non-residential space (sf)<sup>1</sup></b>	<b>Non-Residential parking<sup>1</sup></b>	<b>Residential Units<sup>1</sup></b>	<b>Residential Parking<sup>1</sup></b>	<b>Total parking required (1.5/unit)<sup>2</sup></b>
1	800	3	3	5	8
2	1389	5	6	9	14
3-4	1769	6	8	12	18
5	1218	4	6	9	13
6	1210	4	6	9	13
7	795	3	3	5	8
8-9-10	3098	11	13	20	31
11	1237	4	6	9	13
12	199	1	0	0	1
13	600	2	2	3	5
14-15-16	1797	7	8	12	19
17-18	2397	9	11	17	26
19	686	2	3	5	7
20-21-22	1199	4	5	8	12
23-24-25	909	3	8	12	15
26-27	1797	7	8	12	19
28	1511	5	7	11	16
29	1399	5	6	9	14
30-31	1785	6	8	12	18
32	399	1	1	2	3
33	961	3	4	6	9
34-35-36	960	3	4	6	9
<b>TOTALS</b>	<b>28,115 sf</b>	<b>98</b>	<b>126 units</b>	<b>193</b>	<b>291</b>

<sup>1</sup> Taken from Table 2 in property utilization study prepared by Saccardi & Schiff, Inc. in July 2008

<sup>2</sup> Rounded up to two-bedroom units if odd number of residential units is provided



- Area to Be Redeveloped
- Combined Development Parcels
- Study Area Boundary
- 1 Parcel Identification Number

Exhibit 8  
**SCENARIO #3:  
 100% BUILD OUT  
 THEORETICAL MAXIMUM  
 (WITH COMBINED LOTS)**

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

**Alternative Scenario Not Analyzed**

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

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

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

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

**Summary:**

Summary comparison of the estimated build out figures for scenarios #1, 2, 3 is presented below. It is noted that if all residential units were one-bedroom units (1 space per unit) the number of parking spaces required using the October draft law would be identical to those with the shared parking/2 spaces per residential unit as described in the July draft law.

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

	# res. units	Commercial/retail (SF)	Total parking w/shared parking included (July 2009 draft law)	Total parking No shared parking- (October 2009 draft law)
Scenario #1 (likely scenario-redevelopment of underutilized or vacant parcels)	42	9,498 sf	77	98 (1&2 BR unit mix) 77 (1BR units)
Scenario #2 (Theoretical Maximum-full build-out: all individual lots)	125	28,996 sf	225	297 (1&2 BR unit mix) 226 (1BR units)
Scenario #3 (Theoretical Maximum-full build-out: combination of some parcels)	126	28,115 sf	224	291(1&2 BR unit mix) 224 (1BR units)

*Potential Impacts- Land Use and Zoning:*

The land uses in the study area are primarily commercial, with some residential that currently exists in the form of apartments in commercial (mixed use) buildings. By expanding the gateway district to include the entire C-2 area of Harmon, it expands the gateway regulations to encompass this entire area as well. The underlying zoning district would remain the same (C-2, General Commercial).

This extension of the South Riverside/Harmon gateway overlay district and proposed amendments includes the design parameters that are intended to improve the “walkability” of the area and encourage commercial activity on the first floor street level. The stated purpose of the Gateway Overlay District 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”.<sup>5</sup> One of the primary intents of the gateway overlay ordinance (approved in 2004) was to encourage development that is appropriate to the small-scale character of the village. This intent is still valid for the proposed amendments for the South Riverside/Harmon area.

Proposed zoning changes are outlined in draft laws (July 2009, revised in October 2009), which are both contained in Appendix A. The October draft is now the Proposed Action. Proposed amendments to the Gateway Overlay, in comparison to existing code, are described below.

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<sup>5</sup> Village of Croton-on-Hudson Code, Article IVA, Section 230-20.1C

**Table 7  
Existing and Proposed Zoning**

	Existing Code		Proposed amendments Within Harmon Gateway Overlay <sup>1,3</sup>
	C-2 without gateway overlay (north end of study area)	C-2 with gateway overlay (south end of study area)	
FAR (floor area ratio)	0.5 FAR	0.35 FAR single use 0.40 FAR multiple use	0.8 FAR for mixed use
Mixed Use	Permitted with special permit		Mixed use permitted without special permit. Retail permitted in new mixed use without special permit.
Maximum Building Height	35 feet (2 story)		35 feet (residential permitted in a 3 <sup>rd</sup> story within roofline in mixed use building)
Maximum front setback from street	10 feet		15- 20 feet for mixed use. For pre-existing structures, if area compliant, 10-15 foot setback may be permitted by Planning Board.
Limitations on uses by floor	In mixed use buildings: o Ground floor commercial o Upper floors residential <sup>2</sup>		In mixed use buildings: o Ground floor ▪ at least 50% must be commercial use and face South Riverside ▪ At least 60% of front façade facing street must be glass o Second Floor—either residential or non-residential permitted Third floor – residential only
Off-Street Parking Requirement	Residential: 2 spaces per unit  Commercial: 1 per 250 sf of retail/service floor area 1 per 300 sf of office/daycare floor area		Residential: July 2009 draft: 2 spaces per unit/one of the 2 may count toward commercial parking requirement if mixed use. Revised in October 2009 to: 1 parking space per unit plus 1 additional parking space for each bedroom in excess of one (no shared parking reduction) Commercial: (same as C-2)
Corner Lots:			Any building located on a street corner shall be deemed to have building fronts on each of the intersecting streets which form the corner.

<sup>1</sup> Only proposed changes are listed, other regulations remain the same.

<sup>2</sup> See Village Code Section 230-42.1

<sup>3</sup> Parcels to be included (by tax lot) are attached to draft law (October 2009) in Appendix A

The increase in FAR to 0.80 and allowing 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<sup>6</sup>. 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.

<sup>6</sup> Except where parking regulation is otherwise permitted to be waived by the Planning Board as part of site plan approval, such as the west side of South Riverside Ave. between Benedict Boulevard and Clinton Street (Village Code Section 230-35).

Design regulations for the South Riverside/Harmon gateway overlay would remain the same as in the existing code, but would be extended to the entire study area. This includes requirements for open space, landscaped areas, buffers of trees, signage, glare, lighting and building orientation (Section 230-20.5). Design guidelines specific to South Riverside/Harmon (Section 230-20.6) will also be extended to the entire study area. These guidelines are specific to the Harmon area, intended to enhance the small-scale character of the district and improve connections between the train station and the South Riverside/Harmon shopping area.

Land uses adjacent to the study area (primarily residential to the east and west) will still be adjacent to a C-2 district, but with the gateway overlay extended, the specific gateway regulations will apply to all of the parcels described in the draft law (see Tables 1 and 2). This means that the more stringent landscape, buffer and screening requirements with the gateway overlay would be required of any new mixed use development, and this should be a beneficial impact to adjacent residences.

As described previously, the adoption of the Harmon gateway amendments is a zoning change, and does not propose any new development. However, in order to analyze a level of potential impact, assumptions were made and three development scenarios were evaluated. Using the assumptions and scenarios described previously, if developed with mixed use as described in Scenario #1 (likely Anticipated Level of Development), the study area could contain approximately 9,498 sf of new commercial uses and 42 residential units. This level of development includes several parcels that are adjacent to the existing single family homes on Young Avenue, as well as some adjacent residential structures on Wayne Street.

If developed with mixed use structures as described in Scenario #2 or #3 (100% build-out scenarios), the study area could contain approximately 28,115 to 28,996 sf of new commercial uses and ±125 -126 residential units.

According to the study prepared by Danth, Inc. (July 2008), the Harmon area could support up to 16,000 sf of commercial space, but only 2,000 sf of the current space meets the quality standards that attract tenants. Therefore, approximately 14,400 sf of new commercial space could be supported if the size, price and quality of the space were right. There is also demand for an additional 3,000 sf of small professional office or studio space. Therefore, the level of commercial development estimated in Scenario #1 could be absorbed in the existing demand, and 42 new apartments would be located within the Harmon area. This scenario is considered to be a realistic, as a likely build-out over time.

With Scenarios #2 and #3 (the 100% build out scenarios), the level of commercial development would be double what the Danth study estimated could be absorbed, therefore, these scenarios could create land use impacts and would very likely draw demand from other commercial areas in the village, counter to the objectives of this proposed action. Similarly, these two scenarios estimate up to 126 apartments, three times the amount in Scenario #1. Likelihood of Scenarios #2 or #3 occurring, even over a period of time, is not high. These scenarios envision redevelopment of the entire study area, with new construction (tear down of all existing structures) at the maximum possible level of development.

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 South Riverside/Harmon Gateway District were evaluated in the DGEIS prepared by the Village. This proposed action, amending the adopted regulations, is proposed to modify those existing gateway regulations to encourage improvements to the Harmon area, as described here.

**b. Aesthetic Resources**

Existing Conditions

The proposed South Riverside/Harmon Gateway area comprises approximately 3 blocks of South Riverside Avenue, adjacent Clinton Street and portions of Wayne Street, as well as a portion of Croton Point Avenue, and is built up with primarily two-story, small-scale commercial structures (see Exhibit 5, Parcel Identification with Photographs). There are a few vacant parcels (without buildings), but most of those are paved, used for parking or storage. The existing buildings are comprised of a mix of architectural styles and materials, including brick, stucco, and wood frame. Although generally one and two story, some three story buildings are found in the block of South Riverside between Benedict Boulevard and Clinton Street. The west side of this block, in its existing condition, is more pedestrian friendly, with wide sidewalks, street furniture, street trees, fewer curb cuts, storefronts with glass windows, etc.

Many other portions of the South Riverside frontage are less pedestrian-friendly, with large expanses of asphalt and frequent curb cuts, parking lots in front of the buildings, and fewer street trees. The study area also contains overhead utility lines, and has limited landscaping. These features, as described in the Gateway Districts DGEIS (2003) remain today, and detract for the aesthetic quality of the area.

Some views to the Hudson River are available in a few places along South Riverside, but wide open views to the river are primarily blocked by existing buildings. One can see partial views of the river if looking west from South Riverside Avenue down Croton Point Avenue.

Van Cortlandt Manor, a national historic landmark, is located outside of the South Riverside/Harmon gateway district to the south.

Potential Impacts-Aesthetic Resources:

The Proposed Action provides amendments to the existing South Riverside/Harmon gateway district. The new amendments that would supplement the existing code include visual/aesthetic considerations including the requirement for 60% of the commercial façade to be glass (to encourage retail, and pedestrian activity) and to encourage the parking in the rear of buildings, allowing wider sidewalks and potentially street furniture, street trees, etc. along the sidewalk. The building height is not proposed to be changed from that in the existing code, therefore that aspect of the streetscape will not be impacted beyond what could be constructed today.

The intent of the proposed action is to encourage development whereby the design standards are intended to maximize visual appeal and pedestrian experience. The DGEIS prepared for the original gateway overlay design regulations (now adopted into the Code) described the visual character of the area and the intent to improve the aesthetics of the gateway. The visual features analyzed in the DGEIS included curb cuts, open space, signage, lighting, building orientation, sidewalks. Design regulations for these features have been implemented into the code, and none of those regulations are proposed to be amended with the Proposed Action.

As described previously, the adoption of the Harmon gateway amendments would not create any new development. However, using the assumptions and scenarios described previously, if developed with mixed use as described in Scenario #1 (likely Anticipated Level of Development), the study area could contain approximately 9,498 sf of new commercial uses and 42 residential units. This level of development includes several parcels that are adjacent to the existing single family homes on Young Avenue, as well as some adjacent structures on Wayne Street. The new development described in Scenario #1 would likely comprise 3 story (with maximum height 35 feet) buildings on the vacant and underutilized sites. This includes lots 3-4 (Anton's restaurant), lots 8-9 (former Croton Dodge) and lots 27-28 (auto storage adjacent between Oil City and Gulf).

If developed with mixed use as described in Scenario #2 or #3 (100% build-out scenarios), the study area could contain approximately 28,115-28,996 sf of new commercial uses and 125-126 residential units.

The original gateway overlay design regulations (now adopted into the Code) were intended to create a more attractive setting for the gateway area to the Van Cortlandt Manor (through landscaping, sidewalk improvements, etc.), and the current proposed amendments are also intended to enhance the Harmon area visually, and are estimated to create a positive impact on the neighborhood and entrance to the historic site.

The proposed amendments are intended to keep the scale of new development within existing maximums. There is no change proposed in existing screening/buffering requirements for this gateway area. Where commercial or mixed use is adjacent to residential uses, landscape buffers are required. 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 study area and the village.

### c. Traffic and Parking

#### Existing Conditions

The RBA Group has prepared a traffic and parking study to accompany this EAF Part 3 Report, which is included in its entirety in Appendix B (two reports, dated September and October 2009), and summarized below.

The study area is approximately ¼-mile west of U.S. 9 and the Croton-Harmon train station (which serves both Metro-North and Amtrak passengers) and around ½-mile west of the Hudson River. Due to the proximity of the train station to the proposed study area, there is a steady stream of traffic along South Riverside Avenue during the weekday AM and PM peak periods. In addition, there are numerous pedestrians who walk to, from, and through the study area during these periods. Despite the surge of traffic during the peak commuter periods, however, traffic volumes along the local streets are generally light because most vehicles travel along U.S. 9, rather than the local streets.

*Traffic Volumes:* 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. Based on 2008 data from the Croton Harmon Parking Facility study, the highest traffic volumes in the proposed rezoning area were 1,030 vehicles per hour (vph – 222 northbound, 808 southbound) during the weekday AM peak hour.

*Existing Parking:* An inventory of on- and off-street parking supply in the study area was conducted in July 2009. Based on the inventory, there were approximately 280-300 existing off-street parking spaces in the area. In addition, there were approximately 27 on-street parallel parking spaces.

#### Potential Impacts-Traffic and Parking

Traffic and parking conditions were examined for Scenarios #1 through #3, as described previously in this EAF and in the report in Appendix B. One of the assumptions in all of the scenarios is that 50 percent of the ground floor would be dedicated to non-residential uses. However, the Proposed Action code recommendations are that “at least 50 percent” of the ground floor be commercial, such that all of the ground floor *could* be commercial. Thus, The RBA Group developed a Scenario #5 for the traffic and parking study, in which the entire first floor of the development was commercial, with residential units being built on the second and third floors. This is referred to as: *Scenario #5: Ground Floor 100% Commercial Development* (98 residential units; 53,348 square feet of commercial space).

*Trip Generation:* The number of trips generated by each redevelopment scenario were calculated using rates published in the Institute of Transportation Engineers (ITE) **Trip Generation Manual, 7<sup>th</sup> Edition**. The proposed action would allow a combination of residential and commercial space, and it was assumed that the commercial space would include office, restaurant, and general retail uses. The distribution of office to restaurant to retail space was calculated based on existing uses and projected demand as provided in

the Village's *Harmon Zoning Change Recommendations* and the Commercial District Retail Study. The resulting commercial distribution used was 34 percent office, 30 percent restaurant, and 36 percent general retail space.

Trip generation was calculated for the weekday AM and PM and Saturday peak hours of the adjacent street network, and a 15 percent reduction in residential trips due to the proximity of the study area to the transit station was also applied. The resulting numbers of entering, exiting, and total trips are provided in Table 1 in Appendix B. It is expected that the greatest number of trips will be generated for Scenario #2, for which the square footage of commercial development would be highest. The trip generation for this scenario is greatest (220 vehicles – 123 in, 97 out) for the Saturday peak hour during which retail and restaurant uses would be most utilized. However, trip generation for the scenario is also high (192 vehicles – 112 in, 80 out) during the weekday PM peak hour when background traffic volumes along South Riverside Drive would be higher. For this reason, it is anticipated that the weekday PM peak hour would be the critical traffic period in the study area.

Since it was found from the trip generation calculations that the commercial, retail and restaurant trips are the most critical, trip generation volumes were developed for Scenario #5. Since restaurant space generates more traffic than any other retail use, the amount of proposed restaurant space was capped at the existing plus latent demand, and the proportion of office and retail space was adjusted accordingly. The resulting entering, exiting, and total number of trips that would be generated for Scenario #5 would be 15 to 50 percent greater during the peak hours than for the same peak hours for Scenario #2. To determine whether adequate traffic and parking capacity would be provided as currently recommended in the proposed action, traffic volumes for the original and new scenarios were evaluated further.

*Traffic Analysis:* A comparison of the No Build and Build analysis 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. During the weekday AM peak hour, for Scenarios #2, #3, and #5, traffic operations for the southbound movement at the intersection of South Riverside Avenue and Benedict Boulevard would deteriorate slightly. However, should mitigation be determined necessary, this could be implemented as part of individual site plan reviews that will occur for actual construction projects proposed. If required, the conditions could be mitigated by adding a second southbound approach lane (i.e., implementing a southbound left-turn/through lane and a southbound through/right-turn lane) at the intersection. This would require the removal of 6 on-street parking spaces, but should be compensated for by a surplus of parking spaces created by the redevelopment.

*Parking Generation:* Parking generation totals were calculated by land use for the weekday and Saturday peaks using the ITE *Parking Generation Manual, 3<sup>rd</sup> Edition* (Parking Generation Manual). The maximum numbers of parking spaces required are provided in Table 3 in The RBA Group's September 2009 report in Appendix B. Parking is most needed on a weekday. Scenario #2, which allows the greatest commercial usage,

requires the most parking (344 spaces). Similar to the trip generation for the various scenarios, assuming that all of the ground floor is commercial space as in Scenario #5 results in significantly greater parking demand. The number of parking spaces needed based on the July 2009 zoning amendment's assumptions is sufficient to accommodate calculated parking needs for Scenarios #1, #2, and #3. Any parking deficiencies with any given project proposed would be addressed in site plan review of those individual projects. A complete shared parking analysis was undertaken to evaluate whether proposed (July 2009) zoning amendments' parking assumptions were adequate (see September 2009 report by The RBA Group in Appendix B).

This September 2009 report is summarized below. However, the October 2009 revisions to the draft law (current proposed action) no longer reduce the parking requirement for shared parking. A parking study amendment to the September 2009 report by The RBA Group is also included in Appendix B (dated October 2009). This addresses changes to the proposed law in October 2009.

*Shared Parking:* For mixed-use development, such as that which may be proposed in the study area, it is possible that the parking demands for individual land uses will peak at different times such that the total parking required is actually less than the sum of the maximum parking demand for each individual land use. To provide a more realistic assessment of the parking that is needed in the proposed rezoning area, a shared parking analysis was conducted for each potential redevelopment scenario using the July 2009 draft law. The weekday AM and PM shared parking calculations for Scenarios #1, #2, #3, and #5 are provided in Tables 4 through 11 in September 2009 RBA Group report in Appendix B. The peak shared parking demand for all scenarios would occur in the evenings – 6 to 7 p.m. on weekdays and 7 to 8 p.m. on Saturdays. In all cases, the critical parking demand would be on the weekends.

Based on this shared parking analysis, the total number of parking spaces actually required in the study area would be 106 for Scenario #1 (6 fewer than the 112 calculated with the proposed rezoning assumptions), 314 for Scenarios #2 and #3 (33 to 36 fewer than the approximately 350 spaces calculated with the rezoning assumptions), and 346 (only 1 less than the 347 parking spaces calculated with the rezoning assumptions) for Scenario #5.

A detailed examination of the shared parking residential versus commercial demands as conducted by the RBA Group in their September 2009 report suggests that the parking demand assumptions could be modified. One modification would be to revise the proposed parking assumptions. To do this, the Village code could be modified to require 1.2 parking spaces per residential unit and 1 parking space per 300, 65, and 350 square feet of retail, restaurant, and office space, respectively. To implement shared parking, it is suggested that the calculated parking requirements be reduced by 5 percent. With these changes, it is anticipated that sufficient parking will be provided on-site during all time periods and times of day for Scenarios #1, #2, and #3. Based on parking analyses, it is suggested that in any case, a parking study be conducted as part of individual site plan reviews for any development that includes commercial uses on the entire ground floor or office space of the second floor. Different splits of retail, restaurant, and office space can affect parking demand greatly.

The RBA Group's Parking Study Amendment (October 2009) in Appendix B, reflects the modifications to the draft law in October 2009. These revisions to the proposed law include modifications to parking requirements as described earlier. Trip generation is the same as documented in the September 2009 RBA Group report. Also, Peak period parking demand would be the same as that documented in the September 2009 RBA Group report.

Parking supply analysis was modified in the October 2009 RBA Group report, based on change in the parking requirements and removal of shared parking condition previously proposed. This includes and RBA recommended change of 1.5 parking spaces per residential unit regardless of the number of bedrooms, which would accommodate peak parking demands assuming an unlikely buildout with all restaurants and one bedroom units in the mixed use buildings. However, the residential parking ratio in the proposed zoning (1 space per unit plus 1 additional space for each addition bedroom in excess of one) would be a sufficient minimum zoning standard for the range of uses anticipated, with final reviews subject to site plan approval.

Any applicants seeking redevelopment with mixed use on parcels in the gateway area would have to demonstrate how they would meet parking requirements, and accommodate that parking on the site. Regarding collective parking scenarios described in some of the previous materials, these were not analyzed as part of any potential development scenarios in this EAF since they had many assumptions about common ownership of properties, which are not considered likely to occur.

#### d. Growth and Character of Community

##### i. Schools

###### Existing Conditions

Croton Harmon School District school facilities are all located in the Village of Croton-on-Hudson, and the district consists of 95% of the Village of Croton-on-Hudson, as well as portions of the Towns of Cortlandt and Yorktown. School taxes are collected by the municipalities for the school district (in this case, school taxes are collected by the Town of Cortlandt).

A total of 1786<sup>7</sup> students in the district attend one of the three schools: Carrie E. Tompkins Elementary school (grades K-4), Pierre Van Cortlandt Middle School (grades 5-8) and Croton-Harmon High School (grades 9-12). Current enrollments (2008) at these facilities are listed below<sup>8</sup>:

Carrie E. Tompkins Elementary: 657 students  
 Pierre Van Cortlandt Middle School: 568 students  
 Croton-Harmon High School: 561 students

Croton-Harmon School District has a new Superintendent of Schools for the 2009-2010 school year, Dr. Edward Fuhrman. A demographic study has been undertaken by the school district (prepared by Ross Haber Associates, Inc., June 2009). This study included a census study (surveys completed by residents) and enrollment projections. The five-year projections indicate that overall enrollment will continue to grow, although at a slower rate than the previous five years. Enrollment projections indicate the total enrollment in the district to increase to a peak of 1801 student in 2010-11, then decrease again to 1791 students through the year 2012-13, after which it may increase again to a total enrolment of 1806.<sup>9</sup>

There are 9 school age children living in the South Riverside/Harmon study area (at four separate addresses), ranging from kindergarten to 8<sup>th</sup> grade.<sup>10</sup>

###### Potential Impacts to Schools

Although the zoning amendments will not create any new development, three potential development scenarios were analyzed to give estimates of impact of both a likely build-out and a theoretical maximum build-out for the area, using all new, mixed-use development. Detailed descriptions of these scenarios are included in the previous sections (see Land Use and Zoning).

<sup>7</sup> District also contains approximately 104 students that attend private schools (according to a letter to the community from Superintendent of Schools, 4/2/09). According to the June 2009 Demographic Study, 98 students in the district attend private and parochial schools.

<sup>8</sup> Telephone communication with Croton Harmon School District business office, August 2009

<sup>9</sup> Table 4, Demographic Study for Croton-Harmon Union Free School District, Ross Haber Associates, Inc., June 2009.

<sup>10</sup> Communication with Ross Haber Associates, 10/6/2009.

**Scenario #1 – (Likely Level of Development):**

In order to estimate the number of potential public school children that would be added to the district with Scenario #1 (42 residential units), standard planning multipliers were used. According to Rutgers University, Center for Urban Policy Research, approximately 4 to 12 new students (K-12) would be generated by 42 apartments. This assumes one-bedroom apartments, which are the most likely to occur in this area (see Table 8 below). If an equal mix of 1 and 2 bedroom units were used, the Rutgers multipliers indicate that the 42 apartments in Scenario #1 could generate approximately 7 to 18 students.

**Scenarios #2 and #3 – (100% build-out: theoretical maximum):**

According to the same source, a range of approximately 10 to 38 new students (K-12) would be generated by ±125-126 apartments, assuming all one-bedroom units (see Table 8 below). If an equal mix of 1 and 2 bedroom units were used, the Rutgers multipliers indicate that the 126 apartments could generate approximately 20 to 52 students. It is noted that the full implementation of these two scenarios is highly unlikely, as described previously.

The South Riverside/Harmon area contains some apartments now, and 9 students living there attend the public schools. The school district also provided actual numbers of students that reside in Bari Manor, for comparison. According to Ed Fuhrman<sup>11</sup>, Superintendent of Schools, 25 school-age children live in the 82 apartments in Bari Manor. Of this total, 11 students are in grades K to 4; 4 students are in grades 5 to 8; 9 students are in grades 9-12 and one is “ungraded” (special education).

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. (School taxes are discussed below).

**Table 8  
Estimated Number of School Children**

	# units	Multiplier (School children/unit)	Total school children generated
Scenario #1: Likely Level of Development	42	x 0.30 <sup>1</sup> x 0.08 <sup>2</sup>	12 children 4 children
Scenarios #2 and #3 (100% build-out: theoretical maximum)	126	x 0.30 <sup>1</sup> x 0.08 <sup>2</sup>	38 children 10 children

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

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

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

<sup>11</sup> Phone conversation with Mr. Edward Fuhrman, 9/14/09

**ii. Taxes**

To estimate taxes generated, the specific new uses, number and size of residential units and market value of new mixed use buildings are required. In speaking with the Village of Croton Tax Assessor and the Town of Cortlandt Tax assessor<sup>12</sup>, these factors would be required to provide an estimate of future tax revenues. Since the proposed action is a zoning amendment and not a specific project, the potential redevelopment scenarios analyzed in this EAF will again be used to the extent possible. The Village taxes are roughly one-third of the taxes on any give mixed use property, with the Town of Cortlandt collecting the other two-thirds, for the school district, town and county.

The Harmon Business Development Committee’s report in August 2008 summarized their presentation on the Harmon zoning recommendations, including a preliminary discussion of potential impact on village taxes. Since future market values are not known, the current redevelopment scenarios are analyzed below, using the same assumptions for a tax analysis that were used in the HBDC report. For the fiscal 2008-09 year, the HBDC report indicated that the total village property taxes on these 36 parcels in the South Riverside/Harmon Gateway study area (which total approximately 328,019 sf in area) was about \$145,490.

**Table 9  
Tax Estimates (Village and School Taxes)**

	Existing Condition <sup>1</sup>	Scenario #1 <sup>2</sup>	Scenario #2	Scenario #3
Commercial Area (sf)	53,817	9,498	28,996	28,115
Residential units	NA	42	125	126
Residential (sf)	9,716	42,000	125,000	126,000
Total Area (sf)	63,533	51,498	153,996	154,115
Average property tax per sf (08-09 rates)	\$2.29	\$2.29	\$2.29	\$2.29
Annual Total: Village Property Tax Revenue	\$145,490.57	\$117,930.42 (\$263,420 total <sup>2</sup> )	\$352,650.84	\$352,923.35
Annual Total: School Tax Revenue <sup>3</sup>	\$247,075	\$200,327.22 (\$447,402 total <sup>2</sup> )	\$599,044.44	\$599,507.35

<sup>1</sup> From **Harmon Zoning Change Recommendations** (HBDC, August 2008)

<sup>2</sup> Scenario #1 assumes redevelopment on 9 parcels of 36, and was combined with revenues for existing development to compare with full build-out scenarios 2 and 3.

<sup>3</sup> School tax rate extrapolated from HBDC report

The tax revenue for Scenario #1 indicates only the *new mixed use* development. Since Scenario #1 assumes redevelopment on 9 parcels of 36, therefore the numbers in this column of the table were only partial revenues, so they were added to existing revenues to come up with a total to compare with full build-out scenarios 2 and 3.

Scenarios #2 and #3 indicate full build-out of the study area, including a very large increase in residential space which would result in greatly increased tax revenues. It

<sup>12</sup> Phone communication, 2009

should be noted that in any case, potential build-out of the subject area, would be a gradual process over time, and each site plan would be reviewed by the planning board for conformance to all the regulations. It is noted again that the full implementation of these two scenarios is highly unlikely.

It is anticipated that the school tax revenue in all redevelopment scenarios would offset the costs of potential new students (estimated as anywhere from 4 to 38 students using all 1-bedroom units) to the district, especially considering the gradual increase in the school population. The estimated cost figure of \$14,500 per new student was used (utilizing the out-of-district tuition rates<sup>13</sup>, with rates for various age groups blended to arrive at an average)<sup>14</sup>. Using these figures, costs would range from \$58,000 to \$174,000 for Scenario #1 (from 4 to 12 school children) compared to school taxes of \$200,347 generated. Costs would range from \$145,000 to \$551,000 for Scenario #3 (from 10 to 38 school children) compared to school taxes of \$599,507 generated. If an equal mix of 1- and 2-bedroom units was used, the number of school children could increase as well. Using the same analysis, in Scenario #1, more than 14 additional students would be the point where costs would not be completely covered by taxes generated. In Scenarios #2-3, more than 42 additional students would be the point where costs would not be completely covered by taxes generated. It is noted again that the full implementation of Scenarios #2 and #3 is highly unlikely.

### iii. Community Services

The South Riverside/Harmon Gateway study area is an established commercial district, with water, sewer, police, fire and waste disposal services available at the present time. The village's infrastructure in this area of the Village is in good condition. Water main was recently replaced and the sanitary sewer is contained in a large main which runs under South Riverside and has ample capacity for expansion<sup>15</sup>.

#### Potential Impacts

Since no new development is proposed, no direct impacts on community services and facilities will be created by the zoning amendments. Based on the good condition and capacity of the village infrastructure in this area, some build out with the new zoning amendments 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

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<sup>13</sup> The NYS Department of Education has a calculator in determining each school district's out of district tuition rates. This formula was the only standard calculation formula that the Department was able to point to for use in determining the financial impact of additional students in the absence of knowing the grade distribution, district class size targets, and special needs of individual students. See also <http://www.counsel.nysed.gov/Decisions/volume43/d15026.html> regarding tuition calculations.

<sup>14</sup> Estimated blended figure from school district, p. 34, **Harmon Zoning Change Recommendations** (HBDC, August 2008)

<sup>15</sup> P. 34, Harmon Zoning Change Recommendations (HBDC 8/26/08)

maximum theoretical build-out were achieved. It is noted again that the full implementation of Scenarios #2 and #3 is highly unlikely. In all cases, infrastructure needs will be looked at for individual projects as site plans for those applications are reviewed.

For example, population increase with the three potential development scenarios could range from 71 to 84 people (Scenario #1 – likely level of development) to up to 210 to 251 people (Scenarios #2 and #3-100% build-out) if all parcels in the entire district were redeveloped with mixed use, with the breakdown of residential units (all one-bedroom units) and assumptions described in that theoretical maximum (see Table 10 below, and descriptions of scenarios under Land Use and Zoning).

**Table 10  
Estimated Population**

	# units <sup>2</sup>	Multiplier (people/unit)	Total population generated
Scenario #1: Likely Level of Development	42	x 1.99 <sup>1</sup> x 1.67 <sup>2</sup>	84 people 71 people
Scenarios #2 and #3 (100% build-out: theoretical maximum)	126	x 1.99 <sup>1</sup> x 1.67 <sup>2</sup>	251 people 210 people

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

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

<sup>2</sup> One-Bedroom rental apartment units, over \$1,000/month

If an equal mix of 1- and 2-bedroom units was assumed, population could increase to up to 91 people with Scenario #1 and up to 271 people for Scenario #2-3. However, the likelihood of the theoretical maximum development (Scenarios #2 and #3) being achieved is not considered high, and any level of redevelopment is anticipated to be gradual over time, not causing significant impacts to infrastructure.

## II. RESIDENTIAL MARKET FACTORS

### Identification of competitive housing supply in the market area

For this study, information on available apartments for rent was taken from listings on Craigslist.com, the Penny Saver periodical, through listings on the Multiple Listing Service (MLS) for the dates of August 5, 2009 through August 20, 2009, and from Westchester Residential Opportunities, Inc.

Within the Village of Croton-on-Hudson, there are several single-unit apartments available for rent. There is also one garden apartment complex called Bari Manor Apartments located on Old Post Road South. The 82 apartments within this complex include studios, one, two and three-bedroom units. The rent at Bari Manor ranges from: \$883 - \$1,130 for studios (410 sf); \$1,079 for one-bedrooms (465-900 sf); \$1,594 for two-bedrooms (860-1140 sf); and \$1,688 for three-bedrooms (1025 sf). The studios and one-bedroom apartments have one bathroom and the two- and three-bedroom apartments have 1.5 bathrooms. Another apartment complex in the village is Van Wyck Towers on Grand Street which has one, two and three bedroom market rate rental units.

The available market-rate single-unit apartments are located in various areas of the Village, and are generally accessory apartments or are located on either the top or bottom floor of a two-family home. The rents for these units are generally higher than those noted above, and vary based on the factors such as washer/dryer, dishwasher, air conditioning, garage parking and location of the unit. The average monthly rental price for a one-bedroom apartment in the area is approximately \$1,400, for a two-bedroom apartment approximately \$1,600, and for a 3+ bedroom apartment approximately \$3,100.

In addition to Bari Manor and single-unit apartments, there is age-restricted and income restricted housing in the Village. Symphony Knoll is an 11 unit (3-story) complex on Mt. Airy Road, which is being constructed as affordable senior citizen housing, adjacent to 12-unit Mt. Airy Woods, another income-restricted complex. It is expected to be completed in November 2009, and the village conducted a lottery for potential residents (58 applicants for 11 apartments). There will be eight units at 650 sf and three at 800 sf; rents will range from \$793 to 975 per month, plus utilities. Another example is Springvale Apartments, an apartment complex for persons aged 55 and older located just north of the Village.

According to the Westchester Residential Opportunities, Inc., in the 4<sup>th</sup> quarter of 2006, average advertised rents in the Village of Croton (by bedrooms) were: studio \$880; one-bedroom \$1,100; two bedroom \$1,725; and three bedroom \$1,975. Average rent during the same time period for the entire county was higher (except for two bedroom units): studio \$900; one-bedroom \$1,270; two bedrooms \$1,645; and three bedrooms \$2,031. Of the estimated 342,532 households in the county, 40

percent rent, and demand for rental units is strong, especially with contributing factors such as tighter credit standards for homebuyers and the housing market slump.<sup>16</sup> The Harmon Zoning Change Recommendations report (HBDC, 2008) indicated that local real estate agents had reported a strong market for good one-bedroom units within a 5 minute walk to the train station.

Evaluation of the Attractiveness of Potential New Housing

As described previously, the Proposed Action involves a zoning amendment, so no new housing is directly proposed. However, mixed use structures would be a permitted use within guidelines of the regulations, and with that could come additional apartments in the South Riverside/Harmon Gateway study area. There are a number of apartments in the study area at this time, in mixed use buildings (upstairs or behind commercial establishments).

It is anticipated, based on the location on a primarily commercial street (close to conveniences and shopping), but also within walking distance to Metro-North Rail Station and Route 9, that residential units would appeal primarily to commuters, singles and young professionals, and perhaps empty nesters. Given the location, it would be less likely to attract families who tend to prefer quieter areas with more open space around the units.

Given that there are no real market precedents in Croton for owner-occupied residential in mixed use buildings, it is not likely that residential units would be owner-occupied (condominiums). Investing in a residential purchase in a primarily commercial area, the purchaser may be skeptical as to the resale value of such a unit. Moreover, the limited number of units that could be developed on any individual site would not provide prospective purchasers with the comfort level gained by having a more substantial number of other homeowners nearby. Furthermore, developers typically do not seek to build condominium developments with only a few units due to financial considerations.

Conclusions Regarding Potential Marketability

Given the above, a mix of studio, one and a limited number of two-bedroom residential units within mixed use structures in the primarily commercial area (convenient to shops and services) and also within walking distance to the train station is considered to be viable for the South Riverside/Harmon Gateway area. Given the relatively small size of most of the lots in the study area, in addition to coverage and parking requirements, units would likely range in size from ±800 sf to ±1,100 sf (average 1,000 sf), and rent from \$850 to \$1400/month.

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<sup>16</sup> “Apartment market still strong, analysts say” ,Westchester County Business Journal, September 15, 2008

### III. WESTCHESTER WORKFORCE HOUSING LAW

As part of this EAF Part 3 (draft dated September 3, 2009), the implications and effects of the proposed Westchester Workforce Housing bills (introduced in January 2009 and passed by the NYS Senate and NYS Assembly in July 2009) were investigated (see discussion, below) in reference to the proposed zoning amendments. The bill is included in Appendix C. It is noted that since this EAF report was first submitted, the Westchester Workforce Housing bills have been vetoed by Governor Paterson (in late September 2009). However, the analysis is included (below) for informational purposes.

In summary, the purpose of the proposed law (Senate S.4946 and Assembly A.3173) was to create a Westchester County Workforce Housing (WWH) incentive program. It would require that subdivisions or site plans for five or more residential units require the set aside of at least 10 percent of such units for affordable workforce housing, or that the payment of a fee be used to provide affordable workforce housing, or that other lands for such purpose be provided<sup>17</sup>. In this case, “affordable” refers to individuals or families at or below 80% of the median income for Westchester County, which is currently \$84,200 for a family of four (based on income of \$105,300<sup>18</sup>).

The proposed law states that an applicant may make a payment into a fund for purpose of workforce housing, or provide workforce housing on lands in a different location, and this payment will be acceptable *if* the Village has made a “Finding that the set aside of at least 10% ---would have a specific adverse impact on health, safety or the environmental for which there is no feasible method to satisfy mitigate or avoid the impact”.

The mayor of Village of Croton-On-Hudson wrote to Governor Paterson to express concerns about the bill (see letter dated July 24, 2009 in Appendix D).

#### Potential Impacts of Restrictions/Requirements of those bills on the Redevelopment Scenarios:

As described previously, the Proposed Action involves amendments to the South Riverside/Harmon Gateway District zoning, and not specific development projects. However, the Westchester Workforce Housing (WWH) bill would affect new mixed use projects, so evaluation of the potential impacts if the bill were signed into law, using the same assumptions and development scenarios as the other impact analyses in this EAF, are described below.

#### Scenario #1- Likely Anticipated Level of Development:

With this potential redevelopment scenario, 42 residential units were estimated. As shown on Table 3, this projects over 5 units per lot on all of the lots except parcel 12

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<sup>17</sup> Summary of bill AO3173, from <http://assembly.state.ny.us/leg>

<sup>18</sup> Westchester County Department of Planning, Income and Rent Program Guidelines, 2009

(which projects 4 units). The unit counts and parking requirements that would result with the WWH bonus requirement are described on the table below:

**Table 11**  
**Scenario #1-**  
**Additional Residential Units with WWH**

Parcel	Residential Units – base density <sup>1</sup>	Additional “Bonus” units with WWH	Total residential units	Residential Parking requirement with bonus units	Total parking (with commercial) required with shared parking as proposed (July 09) <sup>2</sup>
2 (Umami)	6	+1	7	14	12
3-4 (Antons)	8	+1	9	18	15
8-9 (Dodge)	10	+1	11	22	20
29 (Nappy)	6	+1	7	14	12
26-27 (Storage lot)	8	+1	9	18	16
12 <sup>3</sup> (Ex. bldg)	4	+0	4	8 <sup>3</sup>	7 <sup>3</sup>
<b>totals</b>	<b>42</b>	<b>+5</b>	<b>47</b>	<b>94</b>	<b>82</b>

<sup>1</sup> Taken from Table 2 in property utilization study prepared by Saccardi & Schiff, Inc. in July 2008, except for data for parcel 12.

<sup>2</sup> As per proposed zoning amendments (July 2009), for each residential unit/one non-residential parking space can be eliminated.

<sup>3</sup> For parcel 12, assumes proposed re-use of existing structure (±1,680 sf footprint), meeting of requirements of proposed amendments, with exception of parking (waiver of parking requirements for this lot is permitted in existing Code)

Using this analysis and assuming one more workforce unit for every mixed use building over 5 units, an additional 5 units would be required overall, for a total of 47 units. This also increases the parking requirement by 5 parking spaces. If the additional unit and parking space could not be physically accommodated within the parcel, it is assumed that the payment in lieu would need to be made by the applicant to the Village, or another location would have to be found.

Scenarios #2 & #3- Theoretical Maximum/100% Build-out

Since Scenarios #2 and #3 have a similar total number of units projected, the higher number was used for this analysis to be conservative. With this potential redevelopment scenario, 126 residential units were estimated. As shown on Table 5, this involves over 5 units per lot on fifteen of the parcels. Three of the parcels would require 2 bonus units each (since fractional units are rounded up), and this assumes these parcels would be combined for redevelopment.

The unit counts and parking requirements that would result with WWH are described on the table below:

**Table 12**  
**Scenario #3- Additional Residential Units with WWH**

Parcel	Residential Units- Base density <sup>1</sup>	Additional “bonus” units with WWH	Total Residential Units	Residential Parking requirement	Total parking (with commercial) required w/shared parking as proposed (July 09) <sup>2</sup>
1	3	+0	3	6	6
2	6	+1	7	14	12
3-4	8	+1	9	18	15
5	6	+1	7	14	11
6	6	+1	7	14	11
7	3	+0	3	6	6
8-9-10	13	+2	15	30	26
11	6	+1	7	14	11
12	0	+0	0	0	1
13	2	+0	2	4	4
14-15-16	8	+1	9	18	16
17-18	11	+2	13	26	24
19	3	+0	3	6	5
20-21-22	5	+1	6	12	10
23-24-25	8	+1	9	18	12
26-27	8	+1	9	18	16
28	7	+1	8	16	13
29	6	+1	7	14	12
30-31	8	+1	9	18	15
32	1	+0	1	2	2
33	4	+0	4	8	7
34-35-36	4	+0	4	8	7
<b>TOTALS</b>	<b>126 units</b>	<b>+16</b>	<b>142</b>	<b>284</b>	<b>240</b>

<sup>1</sup> Taken from Table 2 in property utilization study prepared by Saccardi & Schiff, Inc. in July 2008

<sup>2</sup> As per proposed zoning amendments (July 2009), for each residential unit/one non-residential parking space can be eliminated.

Using this analysis assuming one more workforce unit for every mixed use building over 5 units, an additional 16 units would be required, for a total of 142 units. This also increases the parking requirement by 16 parking spaces. If the additional 1 or 2 units and parking spaces per lot could not be physically accommodated within the sites, it is assumed that the payment in lieu would need to be made by the applicant to the Village or another site would be found. It is noted again that the full implementation of Scenarios #2 and #3 is highly unlikely.

#### Potential Affect of Larger Units

In each of these development scenarios, an assumed residential unit size of 1,000 sf was used. Larger units (1,200-1,500 sf) would take more area, and therefore, in most cases fewer units would be able to fit in the same structure. Therefore, if fewer units were proposed per mixed use building (due to larger units, or due to 100% commercial on the first floor, and/or some office space on the second floor) then many of the parcels would not be able to reach the level of the minimum 5 units, requiring the WWH bonus density. The redevelopment also may not reach the minimum 5 units since the parking requirement may not be achievable on any given

lot for the maximum number of residential units, as described here. Hence, the effect of a larger minimum unit size would be to reduce the potential workforce housing below 5 units in Scenario #1 and below 16 units in Scenario #3.

Variation of Parking Requirements

The Village Code currently requires 2 parking spaces per residential unit in mixed use structures (regardless of bedroom count). If the parking count were tied to the bedroom count, it could affect the number of spaces required. Higher bedroom counts (2-3 BR) having a higher parking requirements to fulfill, and again, depending on the shape and configuration of the lot, the site plan itself may be the determining factor on how many units could be included on any given parcel. In other words, if the parking requirements were increased, fewer market rate units and, therefore, fewer workforce units would likely be the result. (It is noted that the current draft law – October 2009 – proposes a parking requirement based on bedroom count).

Potential Effects on Property Tax Revenues:

As described above, the total number of affordable units that the Westchester Workforce Housing Law would require would range from 5 additional units (Scenario #1- Likely Development) to 16 additional units (Scenario #3- Theoretical Maximum/100% Build-out), assuming no change in minimum unit size or parking requirements.

Projected additional village and school tax revenue for the study area under the proposed zoning amendments (July 2009) based on the same two development scenarios (using same assumptions as Table 9 for base information), adding the required affordable units under the Westchester Workforce Housing Law are outlined below.

**Table 13  
Additional Taxes Generated with  
Additional WWH Units**

	<b>Scenario #1- Likely Development (with WWH)</b>	<b>Scenario #3- Theoretical Maximum/100% Build-out (with WWH)</b>
Residential units (including WWH)	5 additional units (47 total)	16 additional units (142 total)
Village tax revenues	(5,000 sf x \$2.29) \$11,450 <u>X 50%</u> <b>\$5,725 additional</b>	(16,000 sf x \$2.29) \$36,640 <u>X 50%</u> <b>\$18,320 additional</b>
School tax revenues	(5,000 sf x \$3.89) \$19,450 <u>X 50%</u> <b>\$9,725 additional</b>	(16,000 sf x \$3.89) \$62,240 <u>X 50%</u> <b>\$31,120 additional</b>

Typically, lower taxes might be collected on the affordable workforce housing units. This could range anywhere from 80-50 percent. The table uses 50% to be

conservative, and subtracting that number out, additional taxes to the village with WWH units would be approximately \$5,725 with 5 additional WWH units (Scenario #1) or \$18,320 with 16 additional WWH units (Scenario #3, considered highly unlikely).

Additional taxes to the school district with WWH units would be approximately \$9,725 with 5 additional units (Scenario #1) or \$31,120 with Scenario #3.

In terms of school costs, the additional 5 units (Scenario #1) would generate up to 2 additional children (using multipliers described in Table 8), for a cost of \$29,000 annually ( $\$14,500 \times 2 = \$29,000$ ). Adding this to the higher of the cost estimates for Scenario #1, a total cost to the district of \$203,000 could be expected ( $\$174,000 + \$29,000$ ), compared with \$210,052 in taxes generated in Scenario #1 ( $\$200,327 + \$9,725$ ). Therefore, in this Scenario, the costs would be covered by taxes generated.

The additional 16 units (Scenario #3) would generate 2 to 5 additional children (using multipliers described in Table 8), for a cost of \$72,500 annually using the higher number ( $\$14,500 \times 5 = \$72,500$ ). Adding this to the higher of the cost estimates for Scenario #3, a total cost to the district of \$623,500 could be expected ( $\$551,000 + \$72,500$ ), compared with \$630,627 in taxes generated in Scenario #3 ( $\$599,507 + \$31,120$ ). Therefore, Scenario #3, the costs would also be covered by taxes generated.

#### Long Island Workforce Housing Bill

A similar law was recently enacted on Long Island. The Long Island Workforce Housing Bill went into effect on January 1, 2009. It requires that all new residential developments with five or more units set aside 10 percent of the units for workforce housing (i.e., affordable to a family of four with incomes up to 130% of median) in exchange for which a density bonus is provided. Alternatively, the developer can make a payment in lieu of constructing the units, with such fee equal to the value of the additional density. These payments would then be utilized by the local government or by the Long Island Housing partnership (LIHP) to buy land for, or create, workforce housing.

Discussion with planning and housing officials on Long Island, and with the Executive Director of the Long Island Housing Partnership (August 2009), indicated that it is too soon to judge the effectiveness of this law. With economic conditions limiting new housing starts and applications, the law has not yet been implemented for any specific developments. There has been some public education provided relative to the law and concerns have been raised as to how the trust fund monies would be put to use.

It is again noted, that since this EAF report was first drafted, the Westchester Workforce Housing bills have been vetoed by Governor Paterson (in late September 2009).

**V. ENVIRONMENTAL ASSESSMENT FORM – PARTS 1 AND 2**

The Environmental Assessment Form (EAF) for the Proposed Action, Parts 1 and 2, are attached in this section. This document is the first step in the State Environmental Quality Review (SEQR) process, and is designed to assist the Lead Agency (in this case, the Croton Village Board of Trustees) in determining whether the proposed action may have a significant effect on the environment. The EAF Part 1 contains project information, and EAF Part 2 contains a preliminary assessment of Project Impacts and their magnitude. These documents were submitted to the Village Board and circulated on July 13, 2009.

The EAF Part 3 includes more detail regarding potential areas of impact identified in EAF Part 2. These potential impacts of the Proposed Action are described in this EAF Part 3 report, in Section II.

**617.20**  
**Appendix A**  
**State Environmental Quality Review**  
**FULL ENVIRONMENTAL ASSESSMENT FORM**

**Purpose:** The full EAF is designed to help applicants and agencies determine, in an orderly manner, whether a project or action may be significant. The question of whether an action may be significant is not always easy to answer. Frequently, there are aspects of a project that are subjective or unmeasurable. It is also understood that those who determine significance may have little or no formal knowledge of the environment or may not be technically expert in environmental analysis. In addition, many who have knowledge in one particular area may not be aware of the broader concerns affecting the question of significance.

The full EAF is intended to provide a method whereby applicants and agencies can be assured that the determination process has been orderly, comprehensive in nature, yet flexible enough to allow introduction of information to fit a project or action.

**Full EAF Components:** The full EAF is comprised of three parts:

- Part 1:** Provides objective data and information about a given project and its site. By identifying basic project data, it assists a reviewer in the analysis that takes place in Parts 2 and 3.
- Part 2:** Focuses on identifying the range of possible impacts that may occur from a project or action. It provides guidance as to whether an impact is likely to be considered small to moderate or whether it is a potentially large impact. The form also identifies whether an impact can be mitigated or reduced.
- Part 3:** If any impact in Part 2 is identified as potentially-large, then Part 3 is used to evaluate whether or not the impact is actually important.

**DETERMINATION OF SIGNIFICANCE -- Type 1 and Unlisted Actions**

**Identify the Portions of EAF completed for this project:**     Part 1     Part 2     Part 3

Upon review of the information recorded on this EAF (Parts 1 and 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonably determined by the lead agency that:

- A. The project will not result in any large and important impact(s) and, therefore, is one, which **will not** have a significant impact on the environment; therefore **a negative declaration will be prepared.**
- B. Although the project could have a significant effect on the environment, there will not be a significant effect for this Unlisted Action because the mitigation measures described in PART 3 have been required, therefore **a CONDITIONED negative declaration will be prepared.\***
- C. The project may result in one or more large and important impacts that may have a significant impact on the environment; therefore **a positive declaration will be prepared.**

\*A Conditioned Negative Declaration is only valid for Unlisted Actions

South Riverside/Harmon Gateway Overlay District Zoning Amendments  
**Name of Action**

Croton-on-Hudson Village Board  
**Name of Lead Agency**

Abraham Zambrano  
**Print or Type Name of Responsible Officer in Lead Agency**

Village Manager- Croton-on Hudson  
**Title of Responsible Officer**

\_\_\_\_\_  
**Signature of Responsible Officer in Lead Agency**

\_\_\_\_\_  
**Signature of Preparer (if different from responsible officer)**

\_\_\_\_\_  
**Date**

## PART 1--PROJECT INFORMATION

### Prepared by Project Sponsor

NOTICE: This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire form, Parts A through E. Answers to these questions will be considered as part of the application for approval and may be subject to further verification and public review. Provide any additional information you believe will be needed to complete Parts 2 and 3.

It is expected that completion of the full EAF will be dependent on information currently available and will not involve new studies, research or investigation. If information requiring such additional work is unavailable, so indicate and specify each instance.

<b>Name of Action</b> South Riverside/Harmon Gateway Overlay District Zoning Amendments		
<b>Location of Action</b> (include Street Address, Municipality and County) Lots on the east and west sides of South Riverside Avenue between Croton Point Avenue and a point 200 feet north of Oneida Ave, Village of Croton-on-Hudson, County of Westchester		
<b>Name of Applicant/Sponsor</b> Village Board of Trustees		<b>Business Telephone</b> ( 914 ) 271-4848
<b>Address</b> Municipal Building, 1 Van Wyck St.		
<b>City/PO</b> Croton-on-Hudson	<b>State</b> NY	<b>Zip Code</b> 10520
<b>Name of Owner</b> (if different) (N/A)		<b>Business Telephone</b> ( )
<b>Address</b>		
<b>City/PO</b>	<b>State</b>	<b>Zip Code</b>
<b>Description of Action</b> Adoption of amendments to the South Riverside/Harmon Gateway Overlay District portion of the Village Code. (See attachment for further description).		

**Please Complete Each Question--Indicate N.A. if not applicable**

### A. SITE DESCRIPTION

Physical setting of overall project, both developed and undeveloped areas.

1. Present land use:     Urban    Industrial     Commercial     Residential                       Rural (non-farm)  
                                  Forest    Agriculture     Other Office, retail, automotive related and service businesses

2. Total acreage of project area: ±11 acres.

APPROXIMATE ACREAGE	PRESENTLY	AFTER COMPLETION
Meadow or Brushland (Non-agricultural)	<u>0.0</u> acres	<u>0.0</u> acres
Forested	<u>0.0</u> acres	<u>0.0</u> acres
Agricultural (Includes orchards, cropland, pasture, etc.)	<u>0.0</u> acres	<u>0.0</u> acres
Wetland (Freshwater or tidal as per Articles 24,25 of ECL)	<u>0.0</u> acres	<u>0.0</u> acres
Water Surface Area	<u>0.0</u> acres	<u>0.0</u> acres
Unvegetated (Rock, earth or fill)	<u>0.0</u> acres	<u>0.0</u> acres
Roads, buildings and other paved surfaces*	<u>±11 *</u> acres	<u>±11 *</u> acres
Other (Indicate type) _____	<u>0.0</u> acres	<u>0.0</u> acres

\*includes small areas of landscaping, lawns, street trees, planted islands, etc.

3. What is predominant soil type(s) on project site? UvB (Urban land -Riverhead complex)  
a. Soil drainage:    Well drained 100 % of site    Moderately well drained \_\_\_ % of site    Poorly drained \_\_\_ % of site  
b. If any agricultural land is involved, how many acres of soil are classified within soil group 1 through 4 of the NYS Land Classification System? N/A acres (See 1 NYCRR 370).
4. Are there bedrock outcroppings on project site?    Yes     No  
a. What is depth to bedrock? 5 feet+ (in feet)
5. Approximate percentage of proposed project site with slopes:    0-15% 95 %    15-25% 5 %    25% or greater \_\_\_ %

6. Is project substantially contiguous to, or contain a building, site, or district, listed on the State or the National Registers of Historic Places?  Yes  No\*  
 \*None on site or contiguous; but Van Cortlandt Manor, which is listed on the National Register of Historic Places, is located to the southeast.
7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks?  Yes  No
8. What is the depth of the water table? 6 feet+ (in feet)
9. Is site located over a primary, principal, or sole source aquifer?  Yes  No
10. Do hunting, fishing or shell fishing opportunities presently exist in the project area?  Yes  No
11. Does project site contain any species of plant or animal life that is identified as threatened or endangered?  Yes  No
12. Are there any unique or unusual land forms on the project site? (i.e., cliffs, dunes, other geological formations)  Yes  No  
 Describe \_\_\_\_\_
13. Is the project site presently used by the community or neighborhood as an open space or recreation area?  Yes  No  
 If yes, explain \_\_\_\_\_
14. Does the present site include scenic views known to be important to the community?  Yes  No\*  
 \*It is noted that the Village is located in the Hudson Highlands scenic area of statewide significance
15. Streams within or contiguous to project area: None (surface drainage) a. Name of Stream and name of River to which it is tributary: Hudson River to the west and Croton River to the east
16. Lakes, ponds, wetland areas within or contiguous to project area: none  
 a. Name \_\_\_\_\_ b. Size (In acres) \_\_\_\_\_
17. Is the site served by existing public utilities?  Yes  No  
 a) If Yes, does sufficient capacity exist to allow connection?  Yes  No  
 b) If Yes, will improvements be necessary to allow connection?  Yes  No
18. Is the site located in an agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304?  Yes  No
19. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL, and 6 NYCRR 617?  Yes  No\* \*CEAs in the vicinity: Croton Point Park CEA, Hudson River CEA and County/State parkland CEA
20. Has the site ever been used for the disposal of solid or hazardous wastes?  Yes  No

## B. Project Description

1. Physical dimensions and scale of project (fill in dimensions as appropriate) ***\*It is noted that the proposed action is a zoning amendment, not a construction project; therefore many responses are not applicable (N/A).***

- a. Total contiguous acreage owned or controlled by project sponsor ±11 acres.  
 b. Project acreage to be developed: N/A acres initially; N/A acres ultimately.  
 c. Project acreage to remain undeveloped N/A acres.  
 d. Length of project, in miles: N/A (if appropriate).  
 e. If the project is an expansion, indicate percent of expansion proposed N/A%.  
 f. Number of off-street parking spaces existing N/A; proposed N/A.  
 g. Maximum vehicular trips generated per hour N/A (upon completion of project).  
 h. If residential, Number and type of housing units:
- |            | One Family | Two Family | Multiple Family | Condominium |
|------------|------------|------------|-----------------|-------------|
| Initially  | _____      | _____      | <u>N/A</u>      | _____       |
| Ultimately | _____      | _____      | <u>N/A</u>      | _____       |
- i. Dimensions (in feet) of largest proposed structure N/A height; N/A width; N/A length  
 j. Linear feet of frontage along a public thoroughfare project will occupy is? N/A

2. How much natural material (i.e., rock, earth, etc.) will be removed from the site? N/A.
3. Will disturbed areas be reclaimed?  Yes  No  N/A  
 a. If yes, for what intended purpose is the site being reclaimed? \_\_\_\_\_  
 b. Will topsoil be stockpiled for reclamation?  Yes  No  
 c. Will upper subsoil be stockpiled for reclamation?  Yes  No

4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site?  N/A  acres.
5. Will any mature forest (over 100 years old) or other locally-important vegetation be removed by this project?  Yes  No
6. If single-phase project: Anticipated period of construction  N/A  months, (including demolition).
7. If multi-phased:  
 a. Total number of phases anticipated  N/A  (number).  
 b. Anticipated date of commencement phase 1 \_\_\_\_\_ month \_\_\_\_\_ year, (including demolition).  
 c. Approximate completion date of final phase \_\_\_\_\_ month \_\_\_\_\_ year.  
 d. Is phase 1 functionally dependent on subsequent phases?  Yes  No
8. Will blasting occur during construction?  Yes  No  N/A
9. Number of jobs generated: during construction?  N/A ; after project is complete?  N/A .
10. Number of jobs eliminated by this project?  N/A .
11. Will project require relocation of any projects or facilities?  Yes  No  N/A  
 If yes, explain \_\_\_\_\_
12. Is surface liquid waste disposal involved?  Yes  No  N/A  
 a. If yes, indicate type of waste (sewage, industrial, etc.) and amount \_\_\_\_\_  
 b. Name of water body into which effluent will be discharged \_\_\_\_\_
13. Is subsurface liquid waste disposal involved?  Yes  No  N/A Type \_\_\_\_\_
14. Will surface area of an existing water body increase or decrease by proposal?  Yes  No  
 Explain \_\_\_\_\_
15. Is project, or any portion of project, located in a 100-year flood plain?  Yes  No
16. Will the project generate solid waste?  Yes  No  N/A  
 a. If yes, what is the amount per month? \_\_\_\_\_ tons.  
 b. If yes, will an existing solid waste facility be used?  Yes  No  
 c. If yes, give name \_\_\_\_\_; location \_\_\_\_\_  
 d. Will any wastes **not** go into a sewage disposal system or into a sanitary landfill?  Yes  No  
 e. If Yes, explain \_\_\_\_\_
17. Will the project involve the disposal of solid waste?  Yes  No  
 a. If yes, what is the anticipated rate of disposal? \_\_\_\_\_ tons/month.  
 b. If yes, what is the anticipated site life? \_\_\_\_\_ years.
18. Will project use herbicides or pesticides?  Yes  No  N/A
19. Will project routinely produce odors (more than one hour per day)?  Yes  No  N/A
20. Will project produce operating noise exceeding the local ambient noise levels?  Yes  No  N/A
21. Will project result in an increase in energy use?  Yes  No  N/A  
 If yes, indicate type(s) \_\_\_\_\_.
22. If water supply is from wells, indicate pumping capacity  N/A  gallons/minute.
23. Total anticipated water usage per day  N/A  gallons/day.
24. Does project involve Local, State or Federal funding?  Yes  No If yes, explain: \_\_\_\_\_

**25. Reviews and Approvals Required:**

- Village Board  Yes  No
- Village Planning Board  Yes  No
- Village Zoning Board  Yes  No
- County Health Department  Yes  No
- Other Local Agencies  Yes  No
- Other Regional Agencies  Yes  No
- State Agencies  Yes  No
- Federal Agencies  Yes  No

**Type**

**Submittal Date**

- zoning amendment
- referral and review
- Waterfront Advisory Comm.- consistency review for LWRP
- Westchester County Planning Board – referral

**C. ZONING AND PLANNING INFORMATION**

1. Does proposed action involve a planning or zoning decision?  Yes  No  
 If Yes, indicate decision required:  zoning amendment  zoning variance  special use permit  subdivision  
 site plan  new/revision of master plan  resource management plan  other
2. What is the zoning classification(s) of the site? C-2 (General Commercial); southern portion of the area also has the overlay of South Riverside/Harmon Gateway District
3. What is the maximum potential development of the site if developed as permitted by the present zoning?  
 (see attachment)
4. What is the proposed zoning of the site? Same (C-2): with South Riverside/Harmon Gateway District overlay expanded to entire area
5. What is the maximum potential development of the site if developed as permitted by the proposed zoning?  
 (see attachment)
6. Is the proposed action consistent with the recommended uses in adopted local land use plans?  Yes  No
7. What are the predominant land use(s) and zoning classifications within a 1/4 mile radius of proposed action?  
Zoning: C-2, RA-5, RB (two family residence). Land Use: residential, religious, vacant land, retail, office, personal service, fire house, auto-related uses, gas stations, restaurants
8. Is the proposed action compatible with adjoining/surrounding land uses within a 1/4 mile?  Yes  No
9. If the proposed action is the subdivision of land, how many lots are proposed? N/A  
 a. What is the minimum lot size proposed? N/A
10. Will proposed action require any authorization(s) for the formation of sewer or water districts?  Yes  No
11. Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection)?  
 Yes  No  TBD  
 a. If yes, is existing capacity sufficient to handle projected demand?  Yes  No  TBD
12. Will the proposed action result in the generation of traffic significantly above present levels?  Yes  No  TBD  
 a. If yes, is the existing road network adequate to handle the additional traffic?  Yes  No  TBD

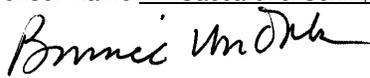
**D. Informational Details**

Attach any additional information as may be needed to clarify your project. If there are, or may be, any adverse impacts associated with your proposal, please discuss such impacts and the measures which you propose to mitigate or avoid them.

**E. Verification**

I certify that the information provided above is true to the best of my knowledge.

Applicant/Sponsor Name Saccardi & Schiff, Inc. Date July 8, 2009

Signature 

Title Vice President, Saccardi & Schiff, Inc.

**If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment**

## Environmental Assessment Form – Supplemental information

### **Introduction:**

This Environmental Assessment Form (EAF) evaluates potential impacts from the adoption of certain revisions to the Zoning Law to expand the South Riverside/Harmon Gateway District and modify the regulations for that area to encourage commercial redevelopment and facilitate market rate mixed use development. Since this action is a zoning amendment, and not a construction project, there is no direct construction or development proposed as part of this action. Therefore, many of the EAF questions relating to construction projects do not apply in this case, and have been answered as such.

### **Description of Action:**

The proposed action is for the Village Board of Trustees to adopt the proposed amendments to the South Riverside/Harmon Gateway Overlay District portion of the Village Code. Adoption of amendments to the South Riverside/Harmon Gateway Overlay District portion of the Village Code (Gateway District first established in 2004). Intent of the proposed amendments is to expand the Gateway District to encompass the majority of the Harmon commercial area on South Riverside, and to encourage commercial redevelopment and facilitate market rate mixed use development.

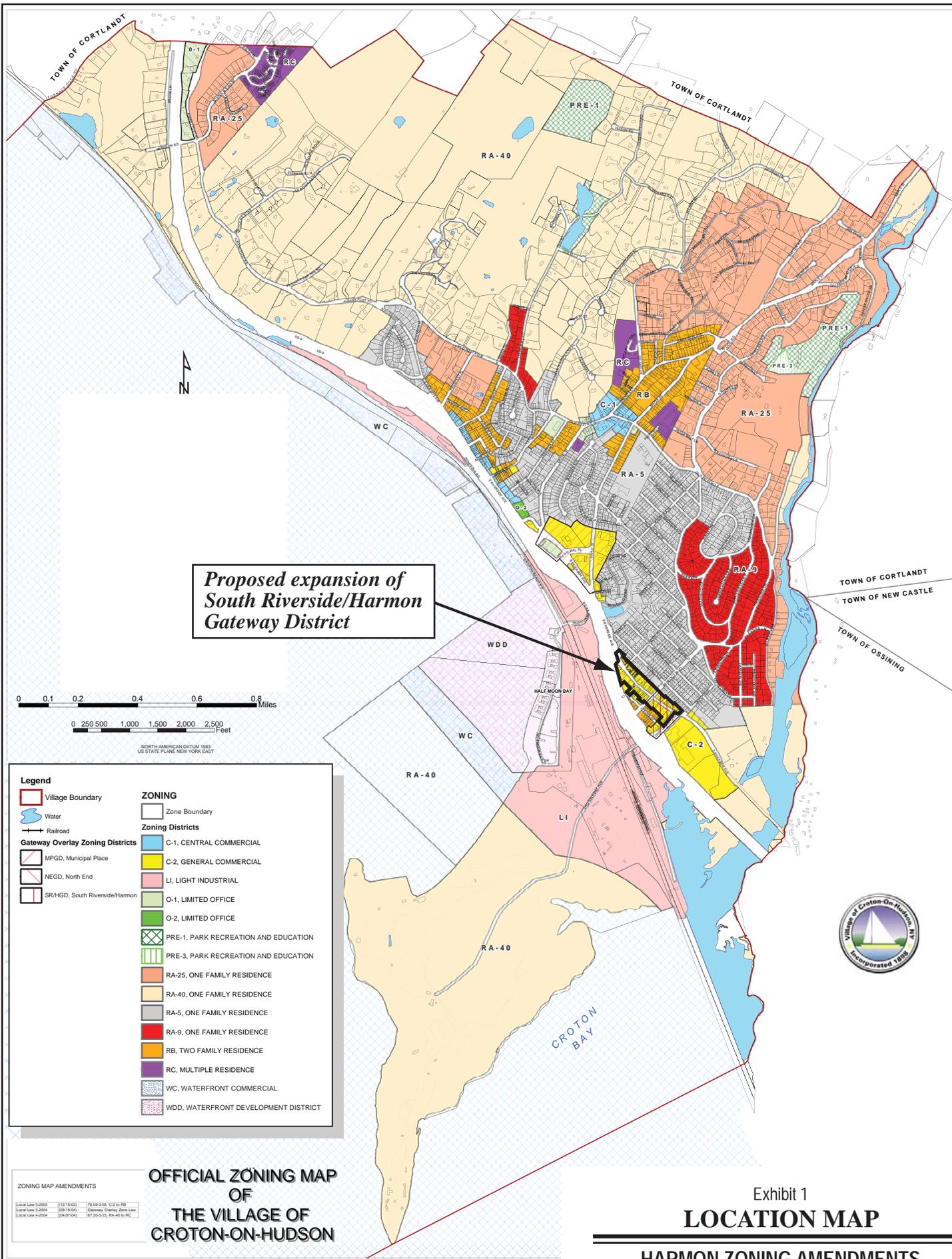
In summary, the proposed amendments include:

- Mixed use as a permitted principal use
- For new Mixed Use development, at least 50% of first floor shall be non-residential and the third floor may only be used for residential
- Maximum Floor Area Ratio (FAR) shall be 0.8
- Maximum building height shall be 35 feet/3 stories, provided the third story is within the roofline of the building.
- Minimum front yard setback of 15 feet; maximum front yard setback 20 feet.
- Street level facade shall be 60% glass to facilitate visibility.
- Two parking spaces shall be required for each residential unit, and non-residential parking shall be reduced for mixed use buildings (to implement shared parking concept).
- Uses that will continue to be prohibited in the Gateway District include: commercial parking lots, auto storage lots, drive through windows, auto dealerships, fast food restaurants.

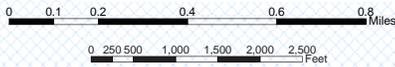
### **C. Zoning and Planning Information**

3. Maximum potential development of the site if developed as permitted by present zoning would be 0.35 FAR for single use properties and 0.4 FAR for mixed use in the existing Gateway area (only a portion of this site); according to SEQRA Findings dated 3/15/04 regarding adoption of gateway overlay district legislation. The 0.4 FAR would result in maximum development of ±66,211 sf for only the portion of the site that falls within the current Harmon Gateway District.

5. Maximum potential development of the site if developed as permitted by proposed zoning would vary, depending upon many factors. The underlying zoning for the area would remain the same (C-2), with an extension of the South Riverside/Harmon Gateway District along South Riverside to a point 200 feet north of Oneida Ave. With certain assumptions, including the FAR of 0.8 in the proposed district extension, Saccardi & Schiff, Inc. estimates that this overall area could be developed with a theoretical maximum of 123 units (as identified on Table 2 of Saccardi & Schiff, Inc. memorandum dated 7/2/08). However, due to lot configurations and parking requirements, a realistic scenario will result in less than the theoretical maximum. Few of the sites were individually able to provide required parking at FAR 0.8 due to lot width, rear access and lot shape. To reach the theoretical maximum, all of the ±32 privately owned properties would have to be developed as part of an overall plan (which is also not considered likely). These potential build-out scenarios, and their potential impacts, will be addressed in the EAF Part 3.



**Proposed expansion of South Riverside/Harmon Gateway District**



NORTH AMERICAN DATUM 1983  
US STATE PLANE NEW YORK EAST

**Legend**

- Village Boundary
- Water
- Railroad
- Gateway Overlay Zoning Districts
  - MPGD, Municipal Place
  - NEGD, North End
  - SR/HGD, South Riverside/Harmon

**ZONING**

- Zone Boundary

**Zoning Districts**

- C-1, CENTRAL COMMERCIAL
- C-2, GENERAL COMMERCIAL
- LI, LIGHT INDUSTRIAL
- O-1, LIMITED OFFICE
- O-2, LIMITED OFFICE
- PRE-1, PARK RECREATION AND EDUCATION
- PRE-3, PARK RECREATION AND EDUCATION
- RA-25, ONE FAMILY RESIDENCE
- RA-40, ONE FAMILY RESIDENCE
- RA-5, ONE FAMILY RESIDENCE
- RA-9, ONE FAMILY RESIDENCE
- RB, TWO FAMILY RESIDENCE
- RC, MULTIPLE RESIDENCE
- WC, WATERFRONT COMMERCIAL
- WDD, WATERFRONT DEVELOPMENT DISTRICT



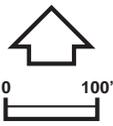
ZONING MAP AMENDMENTS

Local Law 5-2000	(02/15/00)	RC, RB, S-R, C-2 to RB
Local Law 3-2004	(03/15/04)	Gateway Overlay Zone Line
Local Law 4-2004	(04/07/04)	07-20-5-23, RA-40 to RC

**OFFICIAL ZONING MAP OF THE VILLAGE OF CROTON-ON-HUDSON**

**Exhibit 1 LOCATION MAP**

**HARMON ZONING AMENDMENTS**  
Croton-on-Hudson, NY



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

Exhibit 2  
**ZONING**

**HARMON ZONING AMENDMENTS**  
Croton-on-Hudson, NY

## Part 2 – PROJECT IMPACT AND THEIR MAGNITUDE

Responsibility of Lead Agency

### General Information (Read Carefully)

- In completing the form, the reviewer should be guided by the question: Have my responses and determinations been reasonable? The reviewer is not expected to be an expert environmental analyst.
- The Examples provided are to assist the reviewer by showing types of impacts and, wherever possible, the threshold of magnitude that would trigger a response in column 2. The examples are generally applicable throughout the State and for most situations. But, for any specific project or site other examples and/or lower thresholds may be appropriate for a Potential Large Impact response, thus requiring evaluation in Part 3.
- The impacts of each project, on each site, in each locality, will vary. Therefore, the examples are illustrative and have been offered as guidance. They do not constitute an exhaustive list of impacts and thresholds to answer each question.
- The number of examples per question does not indicate the importance of each question.
- In identifying impacts, consider long term, short term and cumulative effects.

### Instructions (Read carefully)

- a. Answer each of the 20 questions in PART 2. Answer **Yes** if there will be **any** impact.
- b. **Maybe** answers should be considered as **Yes** answers.
- c. If answering **Yes** to a question then check the appropriate box (column 1 or 2) to indicate the potential size of the impact. If impacts threshold equals or exceeds any examples provided, check column 2. If impact will occur, but threshold is lower than example, check column 1.
- d. Identifying that an Impact will be potentially large (column 2) does not mean that it is also necessarily **significant**. Any large impact must be evaluated in Part 3 to determine significance. Identifying an impact in column 2 simply asks that it be looked at further.
- e. If reviewer has doubt about size of the impact, then consider the impact as potentially large and proceed to PART 3.
- f. If a potentially large impact checked in column 2 can be mitigated by change(s) in the project to a small to moderate impact, also check the **Yes** box in column 3. A **No** response indicates that such a reduction is not possible. This must be explained in Part 3.

### IMPACT ON LAND

1. Will the proposed action result in a physical change to the project site?  
 Yes  No

**Examples** that would apply to column 2

- Any construction on slopes of 15% or greater, (15 foot rise per 100 foot of length), or where the general slopes in the project area exceed 10%.
- Construction on land where the depth to the water table is less than 3 feet.
- Construction of paved parking area for 1,000 or more vehicles.
- Construction on land where bedrock is exposed or generally within 3 feet of existing ground surface.
- Construction that will continue for more than 1 year or involve more than one phase or stage.
- Excavation for mining purposes that would remove more than 1,000 tons of natural material (i.e., rock or soil) per year.
- Construction or expansion of a sanitary landfill.
- Construction in a designated floodway.
- Other impacts: \_\_\_\_\_

2. Will there be an effect to any unique or unusual land forms found on the site? (i.e. cliffs, dunes, geological formations, etc.)  Yes  No
- Specific land forms:  
 \_\_\_\_\_  
 \_\_\_\_\_

1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact be Mitigated by Project Change
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

## IMPACT ON WATER

3. Will the proposed action affect any water body designated as protected?  
 Yes  No

**Examples** that would apply to column 2

- Developable area of site contains a protected water body.
- Dredging more than 100 cubic yards of material from channel of a protected stream.
- Extension of utility distribution facilities through a protected water body.
- Construction in designated freshwater or tidal wetland.
- Other Impacts: \_\_\_\_\_

4. Will proposed action affect any non-protected existing or new body of water?  
 Yes  No

**Examples** that would apply in column 2

- A 10% increase or decrease in the surface area of any body of water or more than a 10 acre increase or decrease.
- Construction of a body of water that exceeds 10 acres of surface area.
- Other impacts: \_\_\_\_\_

5. Will Proposed Action affect surface or groundwater quality or quantity?  
 Yes  No

**Examples** that would apply to column 2

- Proposed Action will require a discharge permit.
- Proposed Action requires use of a source of water that does not have approval to serve proposed (project) action.
- Proposed Action requires water supply from wells with greater than 45 gallons per minute pumping capacity.
- Construction or operation causing any contamination of a water supply system.
- Proposed Action will adversely affect groundwater.
- Liquid effluent will be conveyed off the site to facilities which presently do not exist or have inadequate capacity.
- Proposed Action would use water in excess of 20,000 gallons per day.
- Proposed Action will likely cause siltation or other discharge into an existing body of water to the extent that there will be an obvious visual contrast to natural conditions.
- Proposed Action will require the storage of petroleum or chemical products greater than 1,100 gallons.
- Proposed Action will allow residential uses in areas without water and/or sewer services.
- Proposed Action locates commercial and/or industrial uses which may require new or expansion of existing waste treatment and/or storage facilities.
- Other impacts: \_\_\_\_\_

6. Will proposed action alter drainage flow or patterns, or surface water runoff?  
 Yes  No

**Examples** that would apply to column 2

- Proposed Action would change flood water flows.

1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact be Mitigated by Project Change
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
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- Construction activity would excavate or compact the soil profile of agricultural land.
  - The proposed action would irreversibly convert more than 10 acres of agricultural land or if located in an Agricultural District, more than 2.5 acres of agricultural land.
  - The proposed action would disrupt or prevent installation of agricultural land management systems (e.g., subsurface drain lines, outlet ditches, strip cropping); or create a need for such measures (e.g., cause a farm field to drain poorly due to increased runoff).
  - Other impacts:
- 

### IMPACTS ON AESTHETIC RESOURCES

11. Will proposed action affect aesthetic resources?  Yes  No  
(if necessary, use the Visual EAF Addendum in Section 617.20, Appendix B.)

**Examples** that would apply to column 2

- Proposed land uses, or project components obviously different from, or in sharp contrast to current surrounding land use patterns, whether man-made or natural.
- Proposed land use, or project components visible to users of aesthetic resources which will eliminate, or significantly reduce, their enjoyment of the aesthetic qualities of that resource.
- Project components that will result in the elimination, or significant screening, of scenic views known to be more important to the area.
- Other impacts: The visual impacts of development under the proposed zoning amendments are expected to be positive to improve visual character of the village

### IMPACTS ON HISTORIC AND ARCHEOLOGICAL RESOURCES

12. Will proposed Action impact any site or structure of historic, prehistoric or paleontological importance?  Yes  No

**Examples** that would apply to column 2

- Proposed Action occurring wholly or partially within or substantially contiguous to any facility or site listed on the State or National Register of historic places.
  - Any impact to an archeological site or fossil bed located within the project site.
  - Proposed Action will occur in an area designated as sensitive for archeological sites on the NYS Site Inventory.
  - Other impacts:
- 

### IMPACT ON OPEN SPACE AND RECREATION

13. Will proposed action affect the quantity or quality of existing or future open spaces or recreational opportunities?  Yes  No

**Examples** that would apply to column 2

- The permanent foreclosure of a future recreational opportunity.
  - A major reduction of an open space important to the community.
  - Other impacts:
- 

1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact be Mitigated by Project Change
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
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<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

## IMPACT ON CRITICAL ENVIRONMENTAL AREAS

14. Will Proposed Action impact the exceptional or unique characteristics of a critical environmental area (CEA) established pursuant to subdivision 6 NYCRR 617.14(g)?

Yes  No

List the environmental characteristics that caused the designation of the CEA.

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**Examples** that would apply to column 2

- Proposed Action to locate within the CEA?
- Proposed Action will result in a reduction in the quantity of the resource?
- Proposed Action will result in a reduction in the quality of the resource?
- Proposed Action will impact the use, function or enjoyment of the resource?
- Other impacts: \_\_\_\_\_

## IMPACT ON TRANSPORTATION

15. Will there be an effect to existing transportation systems?  Yes  No

**Examples** that would apply to column 2

- Alteration of present patterns of movement of people and/or goods.
- Proposed Action will result in major traffic problems.
- Other impacts: Potential increase in traffic due to development with implementation of zoning amendments

## IMPACT ON ENERGY

16. Will the Proposed Action affect the community sources of fuel or energy supply?

Yes  No

**Examples** that would apply to column 2

- The proposed action would sever, cross or limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc.)
- Proposed Action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two family residences or to serve a major commercial or industrial use.
- Other impacts: \_\_\_\_\_

1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact be Mitigated by Project Change
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
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<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No



## Part 3 - EVALUATION OF THE IMPORTANCE OF IMPACTS

### Responsibility of Lead Agency

Part 3 must be prepared if one or more impact(s) is considered to be potentially large, even if the impact(s) may be mitigated.

#### Instructions

Discuss the following for each impact identified in column 2 of Part 2:

1. Briefly describe the impact.
2. Describe (if applicable) how the impact could be mitigated or reduced to a small to moderate impact by project change(s).
3. Based on the information available, decide if it is reasonable to conclude that this impact is **important**.

To answer the question of importance, consider:

- The probability of the impact occurring
- The duration of the impact
- Its irreversibility, including permanently lost resources of value
- Whether the impact can or will be controlled
- The regional consequence of the impact
- Its potential divergence from local needs and goals
- Whether known objections to the project relate to this impact.

(Continue on attachments)

H:\MM-214 Harmon Zoning Amendments\EAF - zoning amendments\EAF part 2 Harmon zoning -July 09.doc

**VI. COASTAL ASSESSMENT FORM (CROTON-ON-HUDSON)**

The Village of Croton-on-Hudson has a Local Waterfront Revitalization Plan (LWRP), the limits of which include the entire village. The Proposed Action is subject to consistency review with the LWRP, as determined by the Village's Waterfront Advisory Committee (WAC). The following Coastal Assessment Form (CAF) was submitted to the Village on July 13, 2009, along with the EAF Parts 1 and 2. The WAC made a positive recommendation for consistency with the LWRP on August 6, 2009 (see correspondence in Appendix E).

# Village of Croton-on-Hudson

## COASTAL ASSESSMENT FORM

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

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

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

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

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

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

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

None

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

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

a) Name: None

b) Size (in acres): N/A

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

a) Name of applicant: N/A

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

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

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

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

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

**C. COASTAL ASSESSMENT:**

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

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

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

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

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

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

**D. REMARKS OR ADDITIONAL INFORMATION.**

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

(Add any additional sheets necessary to complete this form)

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**E. SUBMISSION REQUIREMENTS.**

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

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

=====

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

Preparer’s Name: Bonnie Von Ohlsen

Title: Vice President

Agency: Saccardi & Schiff, Inc., Planning Consultants for Village of Croton-on-Hudson

Telephone No.: (914) 761-3582 E-mail: bvonohlsen@saccschiff.com

Date: July 8, 2009

**APPENDIX A:**

Resolution Declaring Lead Agency and Draft Local Law (July 13, 2009)

Draft Local Law to Amend the Gateway Overlay Zoning District and list of parcels to be added (October 15, 2009)

On motion of TRUSTEE Gallelli, seconded by TRUSTEE Olver, the following resolution was unanimously adopted by the Board of Trustees of the Village of Croton-on-Hudson, New York:

WHEREAS, the Village Board is considering making certain revisions to its Zoning Law to expand the Harmon/South Riverside Gateway area and to modify the regulations for that area to encourage commercial development by facilitating market rate mixed use of properties; and

WHEREAS, the Village Board has caused to be drafted a Local Law to expand the area of, and modify the regulations for the Harmon/South Riverside Gateway area (the "Proposed Action"); and

WHEREAS, the Village Board has caused Parts 1 and 2 of a Full Environmental Assessment Form (the "EAF") to be drafted in connection with the Proposed Action; and

WHEREAS, the Village Board has caused a Coastal Assessment Form to be drafted in connection with the Proposed Action.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Village Board hereby determines that the Proposed Action is an Unlisted action.
2. The Village Board hereby declares itself to be the Lead Agency for SEQRA purposes in connection with the Proposed Action.
3. The Village Board hereby issues Parts 1 and 2 of the EAF which it has before it in connection with the Proposed Action.
4. The Village Board hereby directs the consulting firm of Saccardi & Schiff to prepare for the Board's consideration a Part 3 for the EAF in connection with the Proposed Action in order to further assess potential impacts of the items which are described in Part 2 of the EAF as having the potential for large impact.
5. The Village Board hereby issues the Coastal Assessment Form which it has before it in connection with the Proposed Action.
6. The Village Board hereby refers to the Village Planning Board, the draft Local Law and Parts 1 and 2 of the EAF for a report back to the Village Board from the Planning Board in accordance with Village law.
7. The Village Board hereby refers the draft Local Law, the EAF and Parts 1 and 2 and the Coastal Assessment Form to the Village Waterfront Advisory Committee for a recommendation back to the Village Board in accordance with Village Law.
8. The Village Board hereby refers the draft Local Law, and Parts 1 and 2 of the EAF and the Coastal Assessment Form to the Westchester County Planning Board/Planning Department for review in accordance with law.

Dated: July 13,2009

DRAFT

LOCAL LAW INTRODUCTORY NO. 4 OF 2009

A LOCAL LAW TO AMEND THE VILLAGE OF CROTON-ON-HUDSON  
GATEWAY OVERLAY ZONING DISTRICT BY EXPANDING THE AREA OF, AND  
MODIFYING THE REGULATIONS FOR, THE HARMON/SOUTH RIVERSIDE GATEWAY AREA

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

(1) Harmon/South Riverside, consisting of lots on the east and west sides of South Riverside Avenue between Croton Point Avenue and a point approximately 200 feet north of Oneida Avenue. A list of the specific parcels included in the Harmon/South Riverside area is set forth in the Table of Zoning Map Amendments located at the end of this chapter which table and map are hereby amended to include the parcels described in the attachment hereto. This area is an important link to the train station via Croton Point Avenue and to the Harmon neighborhood. It also provides a connection with the historic Van Cortlandt Manor to the south.

Section 2 Section 230-20.3 of the Code of the Village of Croton-on-Hudson shall be amended to read as follows:

**Section 230-20.3. Use regulations for all Gateway areas, and special area, bulk and parking regulations for the Harmon/South Riverside Gateway area.**

A. The uses permitted in the Gateway District areas shall correspond to the permitted and special permit uses set forth in the underlying zoning district. In addition, the following uses, when not otherwise authorized in the underlying zone, shall be permitted:

(1) Permitted Principal Use. In the Harmon/South Riverside area mixed use shall be a permitted principal use subject to the parameters and requirements set forth below:

a. For the purposes of this Article (IVA), mixed use shall mean a combination of residential dwelling units and other permitted and/or special permit uses provided, however,

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

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

iii. The third floor of a mixed use building may only be used for residential dwelling unit purposes.

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

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

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

iii. The minimum front yard setback shall be 15 feet. The maximum front yard setback shall be 20 feet.

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

i. The street level façade of the front of any building shall consist of at least 60 percent transparent glass to facilitate visibility into the building's first floor commercial premises and a retail streetscape look.

d. Parking. Notwithstanding any other provision of this Code to the contrary, for mixed use buildings in the Harmon/South Riverside Gateway area there shall be two parking spaces provided for each residential dwelling unit. The parking for non-residential space shall be as otherwise required by this Chapter. Provided, however, such non-residential parking requirements for mixed use buildings in the Harmon/South Riverside Gateway area shall be reduced by one space for each residential unit located in the same building.

(2) Special Permit Uses.

In addition to the special permit uses permitted in the underlying zoning district, the following uses, when not otherwise authorized in the underlying district, shall be permitted by special permit granted by the Village Board of Trustees in all Gateway District areas:

(a) Farmers' market, greenmarkets or garden centers.

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

(1) Commercial parking lots.

- (2) Automobile storage lots.
- (3) Drive-through windows for commercial establishments.
- (4) Automobile or other vehicle dealerships.
- (5) Fast food restaurants.

Section 3 Section 230-20.4 of the Code of the Village of Croton-on-Hudson shall be amended to read as follows:

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

Section 4 There is hereby added to Section 230-42.1 of the Code of the Village of Croton-on-Hudson a new Section G to read as follows:

G. The provisions of this Section 230-42.1 shall not apply to mixed use buildings (as defined in Section 230-20.3A(1)a.) located in the Harmon/South Riverside Gateway Overlay area. Regulations governing such buildings are contained in Article IVA of this Chapter.

## APPENDIX 2: LIST OF AFFECTED PARCELS<sup>1</sup>

### APPENDIX 2A: PARCELS TO BE ADDED TO GATEWAY OVERLAY ZONE

Parcel #	Section: 79.13		Lot Size	Estimated Current Taxes	Current Use
(in S & S study)	Block	Lot	(Sq Ft)	Rate/\$M: \$232.26 (2008-09)	
1	1	9	13,333	\$7,944	Professional Office
2	1	60	14,473	\$5,923	Restaurant
3	1	61	7,160	\$1,126	Vacant
4	1	62	11,276	\$3,856	Vacant
5	1	63	12,692	\$5,679	Mixed Use
6	1	64	12,614	\$4,454	Mixed Use
7	1	65	8,287	\$3,507	Taxi Stand/Apts
8	1	66	16,240	\$11,868	Vacant
9	1	68	7,765	\$1,312	Vacant
10	1	69	8,270	\$3,983	Nail Salon
11	1	70	10,099	\$5,807	Convenience Store
12	1	71	5,981	\$4,285	Vacant
13	1	72	8,517	\$9,987	Mixed Use
14	1	73	2,670	\$2,166	Deli
15	1	74	10,318	\$6,683	Restaurant
16	1	75	5,262	\$441	Parking
17	1	85	4,055	\$105	Vacant
18	1	86	22,150	\$10,980	Gas Station
19	1	87	11,342	\$2,520	Limo/Car Service
20	1	88	5,167	\$0	Auto Storage
21	1	89	5,734	\$6,149	Auto Body Shop
22	1	90	2,110	\$0	Auto Storage
<b>subtotal:</b>			<b>205,515</b>	<b>\$98,775</b>	

<sup>1</sup> See the parcel map in Appendix 3 for the location of parcels 1-36 in Harmon’s business district. For sake of simplicity, throughout this report we use the parcel numbers as assigned by Siccardi and Schiff to refer to specific sites.

## APPENDIX 2B: PARCELS IN THE CURRENT GATEWAY OVERLAY ZONE

Parcel # (in S & S study)	Section: 79.13		Lot Size	Estimated Current Taxes	Current Use
	Block	Lot	(Sq Ft)	Rate/\$M: \$232.26 (2008-09)	
23	2	21	1,920	\$0	N/A
24	2	22	12,284	\$9,221	Gas Station
25	2	22	14,556	\$0	Gas Station
26	2	23	13,591	\$2,276	Vacant
27	2	24	2,925	\$453	Vacant
28	2	25	18,286	\$6,364	Gas Station
29	2	26	12,436	\$4,877	Auto Storage
30	2	27	7,424	\$5,284	Professional Office
31	2	28	6,596	\$2,532	Parking
32	2	29	6,463	\$4,088	Vacant
33	2	30	8,550	\$3,339	Hair Salon
34	2	31	6,410	\$6,283	Veterinarian/Apt.
35	2	32	6,999	\$0	Veterinarian/Apt.
36	2	33	4,064	\$1,846	Professional Office
<b>subtotal:</b>			<b>128,190</b>	<b>\$59,744</b>	
<b>total</b>			<b>328,019</b>	<b>\$145,338</b>	

## APPENDIX 3: STUDY AREA MAP<sup>2</sup>

### APPENDIX 3: THE STUDY AREA MAP

The study area in the Harmon section of Croton-on-Hudson, New York, upon which the committee focussed its attention includes 36 parcels that face South Riverside Drive between Croton Point Avenue to the south with its access to Route 9/9A and two hundred feet beyond Oneida Avenue to the north, where the topography plunges downhill toward the Duck Pond and Municipal Place area. The red borders on some hypothetical clusters of parcels here indicate those for which one consultant examined the impacts on parking and floor to area ratio of combining lots if they developed jointly. (Source S & S study)



<sup>2</sup> See Exhibit 3, Siccardi & Schiff study for the complete map and scale.

DRAFT

A LOCAL LAW TO AMEND THE VILLAGE OF CROTON-ON-HUDSON  
GATEWAY OVERLAY ZONING DISTRICT BY EXPANDING THE AREA OF, AND  
MODIFYING THE REGULATIONS FOR, THE HARMON/SOUTH RIVERSIDE GATEWAY AREA

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

(1) Harmon/South Riverside, consisting of certain lots located on Croton Point Avenue, South Riverside Avenue, Clinton Street and Wayne Street A list of the specific parcels included in the Harmon/South Riverside area is set forth in the Table of Zoning Map Amendments located at the end of this chapter which table and map are hereby amended to include the parcels described in the schedule hereto. This area is an important link to the train station via Croton Point Avenue and to the Harmon neighborhood. It also provides a connection with the historic Van Cortlandt Manor to the south.

Section 2 Section 230-20.3 of the Code of the Village of Croton-on-Hudson is hereby amended to read as follows:

**Section 230-20.3. Use regulations for all Gateway areas, and special area, bulk and parking regulations for the Harmon/South Riverside Gateway area.**

A. The uses permitted in the Gateway District areas shall correspond to the permitted and special permit uses set forth in the underlying zoning district. In addition, the following uses, when not otherwise authorized in the underlying zone, shall be permitted:

(1) Permitted Principal Use. In the Harmon/South Riverside area mixed use shall be a permitted principal use subject to the parameters and requirements set forth below:

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

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

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

iii. The third floor of a mixed use building may only be used for residential dwelling unit purposes.

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

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

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

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

iv. The Planning Board shall have the authority in conducting Site Plan review to reduce or waive side yard setback requirement(s) of the underlying zone provided there is otherwise adequate access to parking areas.

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

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

i. The street level façade of the front of any building shall consist of at least 60 percent transparent glass to facilitate visibility into the building's first floor commercial premises and a retail streetscape look. For the purpose of this subparagraph buildings located on street corners shall be deemed to have building fronts on each of the intersecting streets which form the corner.

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

d. Parking. Notwithstanding any other provision of this Code to the contrary, for mixed use buildings in the Harmon/South Riverside Gateway area there shall be provided for each residential dwelling unit: one parking space plus one additional parking space for each bedroom in the unit in excess of one bedroom. (Examples: studio apartment – 1 space; 1 bedroom apartment – 1 space; 2 bedroom apartment – 2 spaces). The parking for non-residential space shall be as otherwise required by this Chapter.

(2) Special Permit Uses.

In addition to the special permit uses permitted in the underlying zoning district, the following uses, when not otherwise authorized in the underlying district, shall be permitted by special permit granted by the Village Board of Trustees in all Gateway District areas:

(a) Farmers' market, greenmarkets or garden centers.

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

(1) Commercial parking lots.

(2) Automobile storage lots.

(3) Drive-through windows for commercial establishments.

(4) Automobile or other vehicle dealerships.

(5) Fast food restaurants.

Section 3 The introductory paragraph of Section 230-20.4.A. of the Code of the Village of Croton-on-Hudson is hereby amended to read as follows:

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

Section 4 There is hereby added to Section 230-42.1 of the Code of the Village of Croton-on-Hudson a new Section G to read as follows:

G. The provisions of this Section 230-42.1 shall not apply to properties located in the Harmon/South Riverside Gateway Overlay area. Regulations governing Harmon/South Riverside Gateway Overlay area "mixed use" buildings (as defined in Section 230-20.3A(1)a.) are contained in Article IVA of this Chapter.

Section 5 Section 230-17A.(1) of the Code of the Village of Croton-on-Hudson is hereby amended to read as follows:

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

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

Section 6 There is hereby added to Section 230-20.5 of the Code of the Village of Croton-on-Hudson a new Section G to read as follows:

G. Unified Parking Lot Design. Notwithstanding any other provision of this Chapter, the Planning Board shall have the authority in conducting site plan review to waive such open space, design guideline and parking lot buffer, screening and landscaping requirements as it deems advisable to encourage and foster the joint use of, and common access to, parking lots located on adjoining properties.

Section 7 Section 230-51C of the Code of the Village of Croton-on-Hudson is hereby amended to read as follows:

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

- (1) Throughout the existence of such use to which they are accessory; or
- (2) Until such spaces are provided elsewhere.

Section 8 This Local Law shall take effect immediately upon filing with the Secretary of State.

LIST OF PARCELS included in Harmon  
South Riverside Gateway Overlay Zone

SECTION	BLOCK	LOT
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	76
79.13	1	77
79.13	1	78
79.13	1	83
79.13	1	84
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

**APPENDIX B:**

Traffic and Parking Study (The RBA Group, September 2009)

Harmon Zoning Amendments - Parking Study Amendment (The RBA Group, October 2009)

# **Village of Croton-on-Hudson**

## **HARMON ZONING AMENDMENTS TRAFFIC AND PARKING IMPACTS**

**September 2009**

**Prepared by:**



# Harmon Zoning Amendments Traffic and Parking Impacts

## Introduction

The Harmon Rezoning study area is in the Village of Croton-on-Hudson approximately ¼-mile west of U.S. 9 and the Croton-Harmon train station (which serves both Metro-North and Amtrak passengers) and around ½-mile west of the Hudson River. Due to the proximity of the train station to the proposed rezoning area, there is a steady stream of traffic along S. Riverside Avenue adjacent to the rezoning area during the weekday AM and PM peak periods. In addition, there are numerous pedestrians who walk to, from, and through the study area during these periods. Despite the surge of traffic during the peak commuter periods, however, traffic volumes along the local streets are generally light because most vehicles travel along U.S. 9, rather than the local streets. The lack of substantial pass-by traffic, as well as high rental rates, in the proposed rezoning area has provided little incentive for development, resulting in long-term vacancies along S. Riverside Avenue. The proposed rezoning is, therefore, a concerted effort by the Village to work within the physical limitations and operational realities of the area to encourage development that will revitalize the economy and improve the appearance of the Harmon Rezoning study area.

As part of the rezoning, the Village proposes to increase allowed land uses and FARs, which would result in increased traffic volumes and parking demand in the immediate area. Concerns were expressed by the community regarding the adequacy of the local streets to accommodate the increased traffic volumes and of the zoning provisions to provide necessary parking for the increased demand. To address these concerns, The RBA Group has conducted a traffic and parking study for the proposed rezoning. The results of the traffic and parking analysis and discussions of the potential impacts for the various development scenarios are provided below.

## Existing Conditions

### Traffic Volumes

The Harmon Rezoning study area comprises the lots on either side of S. Riverside Avenue between Croton Point Avenue and a point 200 feet north of Oneida Avenue. Based on 2001 information provided by Westchester County, the average annual daily traffic volume (AADT) along S. Riverside Avenue between Benedict Boulevard (in the middle of the rezoning area) and Hudson Street (north of the rezoning area) was approximately 8,700 vehicles. Manual turning movement counts that were conducted in 2008 as part of The RBA Group's *Croton Harmon Parking Facility Vehicular, Pedestrian and Bicycle Study* (Croton Harmon Parking Facility study) indicate that the AADT along S. Riverside Avenue between Croton Point Avenue and just north of Benedict Boulevard was approximately 9,500 vehicles. Traffic volumes along S. Riverside Avenue are highest during the weekday AM peak period and typically higher south of Benedict Boulevard than north of Benedict Boulevard. Based on 2008 data from the Croton Harmon Parking Facility study, the highest traffic volumes in the proposed rezoning area were 1,030 vehicles per hour (vph – 222 northbound, 808 southbound) during the weekday AM peak hour.

## Parking

An inventory of on- and off-street parking supply in the Harmon Rezoning study area was conducted in July 2009. Based on the inventory, there were approximately 300 existing off-street parking spaces in the area (262 counted plus room for approximately 20 spaces each in two vacant lots). In addition, there were approximately 27 on-street parallel parking spaces. These spaces were not metered but were signed for 2-hour parking with no parking allowed from 4 to 6 a.m. on Tuesdays on the north side and on Fridays on the south side. It should be noted, too, that, although outside of the proposed Harmon Rezoning overlay area, there is a municipal lot on the west end of Benedict Boulevard, immediately west of the rezoning area, which provides 15 off-street parking spaces.

## **Future Conditions**

Traffic and parking conditions were examined for Scenarios #1 through #3, as described below. Scenario #4 is not being evaluated due to the unlikelihood that of all of the required components to achieve the scenario would occur.

### *Scenario #1: Likely Anticipated Level of Development*

- 42 residential units
- 9,498 square feet of commercial space
  - 3,419 square feet of retail
  - 2,850 square feet of restaurant
  - 3,229 square feet of office

### *Scenario #2: Theoretical Maximum – 100% Build-Out with No Combined Parcels*

- 125 residential units
- 28,996 square feet of commercial space
  - 10,438 square feet of retail
  - 8,699 square feet of restaurant
  - 9,859 square feet of office

### *Scenario #3: Theoretical Maximum – 100% Build-Out with Some Combined Parcels*

- 126 residential units
- 28,115 square feet of commercial space
  - 10,121 square feet of retail
  - 8,435 square feet of restaurant
  - 9,559 square feet of office

One of the assumptions in the development of all the scenarios is that 50 percent of the ground floor would be dedicated to non-residential uses. However, current code recommendations are that “at least 50 percent” of the ground floor be commercial, such that all of the ground floor *could* be commercial. Thus, to better evaluate the proposed rezoning, it was decided to develop a Scenario #5, in which the entire first floor of the development would be commercial, with residential space only on the second and third floors.

*Scenario #5: Ground Floor 100% Commercial Development*

98 residential units

53,348 square feet of commercial space

21,737 square feet of retail

10,986 square feet of restaurant

20,625 square feet of office

Trip Generation

The number of trips generated by each proposed rezoning scenario were calculated using rates published in the Institute of Transportation Engineers (ITE) *Trip Generation Manual, 7<sup>th</sup> Edition* (Trip Generation Manual). The proposed rezoning would allow a combination of residential and commercial space. It was assumed that the commercial space would include office, restaurant, and general retail uses, which exist today and for which there is still a demand in the future, as discussed in the Danth, Inc. *The Croton-On-Hudson Harmon Commercial District Retail Study* (Commercial District Retail Study). The distribution of office to restaurant to retail space was calculated based on existing uses and projected demand as provided in the Village's *Harmon Zoning Change Recommendations* and the Commercial District Retail Study. The resulting commercial distribution was 34 percent office, 30 percent restaurant, and 36 percent general retail space.

Trip generation was calculated for the weekday AM and PM and Saturday peak hours of the adjacent street network, and a 15 percent reduction in residential trips due to the proximity of the rezoning area to the transit station was also applied. The resulting numbers of entering, exiting, and total trips are provided in Table 1. As shown in the table, it is expected that the greatest number of trips will be generated for Scenario #2, for which the square footage of commercial development would be highest. The trip generation for this scenario is greatest (220 vehicles – 123 in, 97 out) for the Saturday peak hour during which retail and restaurant uses would be most utilized. However, trip generation for the scenario is also high (192 vehicles – 112 in, 80 out) during the weekday PM peak hour when background traffic volumes along S. Riverside Drive would be higher. For this reason, it is anticipated that the weekday PM peak hour would be the critical traffic period in the area with the proposed Harmon Rezoning.

Since it has been found from the above trip generation calculations that the commercial retail and restaurant trips are the most critical, it was decided to develop trip generation volumes for a Scenario #5, assuming the ground floor 100 percent commercial and the second and third floors residential. Since restaurant space generates more traffic than any other retail use, the amount of proposed restaurant space was capped at the existing plus latent demand, and the magnitudes of office and retail space were adjusted accordingly. The resulting entering, exiting, and total trips are provided in Table 2.

<b>TABLE 1 Trip Generation Given Scenarios</b>														
Rezoning Scenario	Pk Hr	Residential (LUC 221)			Retail (LUC 820)			Restaurant (LUC 931)			Office (LUC 710)			<b>TOTAL</b>
		In	Out	Total	In	Out	Total	In	Out	Total	In	Out	Total	
Scenario #1 Likely	AM	5	18	23	2	2	4	2	1	3	5	1	6	<b>36</b>
	PM	18	9	27	6	7	13	15	7	22	1	4	5	<b>67</b>
	SAT	15	13	28	9	8	17	18	13	31	1	1	2	<b>78</b>
Scenario #2 Theor Max (No Combined Lots)	AM	12	45	57	7	4	11	4	4	8	14	2	16	<b>92</b>
	PM	46	25	71	19	21	40	44	22	66	3	12	15	<b>192</b>
	SAT	37	31	68	27	25	52	56	39	95	3	2	5	<b>220</b>
Scenario #3 Theor Max (Some Combined Lots)	AM	12	45	57	7	4	11	4	3	7	13	2	15	<b>90</b>
	PM	46	25	71	32	6	38	43	21	64	3	12	15	<b>188</b>
	SAT	37	31	68	27	24	51	54	38	92	2	2	4	<b>215</b>

Note: LUC = Land Use Code

LUC 221 = Low-Rise Apartment, LUC 710 = General Office Building, LUC 820 = Shopping Center, LUC 931 = Quality Restaurant

<b>TABLE 2 Trip Generation New Scenario</b>														
Rezoning Scenario	Pk Hr	Residential (LUC 221)			Retail (LUC 820)			Restaurant (LUC 931)			Office (LUC 710)			<b>TOTAL</b>
		In	Out	Total	In	Out	Total	In	Out	Total	In	Out	Total	
Scenario #5 Ground Floor 100% Commercial	AM	10	37	47	14	9	23	5	4	9	28	4	32	<b>111</b>
	PM	37	20	57	39	43	82	56	27	83	5	26	31	<b>253</b>
	SAT	30	26	56	57	52	109	70	49	119	5	4	9	<b>293</b>

As shown in the table, the number of trips that would be generated for Scenario #5 would be 20 to 40 percent greater during the peak hours than for the same peak hours for Scenario #2. To determine whether adequate traffic and parking capacity will be provided as currently recommended in the rezoning, traffic volumes for the original and new scenarios will be evaluated further.

#### Traffic Analysis

To determine the impact of increased traffic volumes from the rezoning on the local roadway network, a quick “test” of the future traffic volumes was conducted. A comparison of future No Build traffic conditions with future Build traffic conditions was made. The future No Build conditions are the future design year conditions without the proposed rezoning, and the future Build conditions are the future design year conditions with the proposed rezoning. For purposes of this analysis, it was conservatively assumed that the future design year (i.e., the future year by which full redevelopment with the rezoning would occur) would be 2029 (2009 + 20 years).

Future No Build traffic volumes were developed by increasing the 2008 traffic volumes in the Croton Harmon Parking Facility study by a 1 percent per year compounded growth rate. This reflected increases in background traffic growth that would be expected to occur with or without the rezoning. Future Build traffic volumes were developed by adding the trips that were generated by the rezoning to the No Build network. The weekday AM and PM peak-hour models of the S. Riverside Avenue and Croton Point Avenue roadway networks that were developed for the Croton Harmon Parking Facility study were then evaluated with the 2029 No Build and Build volumes.

A comparison of the No Build and Build analysis results indicates that there would be little impact to traffic conditions on the study area roadways due to the proposed rezoning. During the weekday AM peak hour, for Scenarios #2, #3, and #5, traffic operations for the southbound movement at the intersection of S. Riverside Avenue and Benedict Boulevard would deteriorate slightly. However, conditions could be mitigated by adding a second southbound approach lane (i.e., implementing a southbound left-turn/through lane and a southbound through/right-turn lane) at the intersection. This would require the removal of around 6 on-street parking spaces, but should be compensated for by a surplus of parking spaces created by the rezoning.

It should be noted that for the likely 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.

Parking Generation

Parking generation totals were calculated by land use for the weekday and Saturday peaks using the ITE *Parking Generation Manual, 3<sup>rd</sup> Edition* (Parking Generation Manual). The maximum numbers of parking spaces required are provided in Table 3. As shown in the table, the greatest need for parking is on weekdays. Of the original scenarios, it is Scenario #2, which allows the greatest commercial usage, that requires the most parking (345 spaces). Similar to the trip generation for the scenarios, though, assuming that all of the ground floor is commercial space as in Scenario #5 results in significantly greater parking demand.

<b>TABLE 3</b>						
<b>Required Number of Parking Spaces</b>						
Rezoning Scenario	Time Period	Residential (LUC 221)	Retail (LUC 820)	Restaurant (LUC 931)	Office (LUC 710)	<b>TOTAL</b>
Scenario #1 - Likely	WKDY	51	11	44	10	<b>116</b>
	SAT	52	11	50	0	<b>113</b>
Scenario #2 - Theor Max (No Combined Lots)	WKDY	150	32	134	29	<b>345</b>
	SAT	153	32	150	0	<b>335</b>
Scenario #3 - Theor Max (Some Combined Lots)	WKDY	152	31	130	28	<b>341</b>
	SAT	155	31	146	0	<b>332</b>
Scenario #5 - Ground Floor 100% Commercial	WKDY	118	66	170	59	<b>413</b>
	SAT	120	65	189	0	<b>374</b>

Note: TOTAL = sum of the maximum numbers of parking spaces needed for each land use. This TOTAL does not account for shared parking.

In the parking demand calculations for the various scenarios, it is assumed that the proposed rezoning would require 2 parking spaces per residential dwelling unit (as required in the Village code) and 1 parking space for each 275 feet of commercial space. In addition, to account for shared parking, it is assumed that half of the commercial spaces will be provided by the residential spaces. This results in a required 116, 345, and 341 parking spaces for Scenarios #1, #2, and #3, respectively – and using the same methodology, 413 parking spaces for Scenario #5. The number of parking spaces needed based on the rezoning assumptions is sufficient (or very close to sufficient) to accommodate calculated parking needs for Scenarios #1, #2, and #3 (as shown above). A complete shared parking analysis follows to ensure for the original scenarios and to evaluate for the new scenario whether proposed rezoning parking assumptions are adequate.

### Shared Parking Analysis

For mixed-use development, such as that proposed in the Harmon Rezoning study area, it is possible that the parking demands for individual land uses will peak at different times such that the total parking required is actually less than the sum of the maximum parking demand for each individual land use. For example, the peak parking demand for an office typically occurs in the morning when employees have arrived at work, while the peak parking demand for residences typically occurs in the evening after residents have returned home from work; therefore, it is possible that some parking that serves residents at night can be “shared” and used for office personnel during the day.

To provide a more realistic assessment of the parking that is needed in the proposed rezoning area, a shared parking analysis was conducted for each development scenario. The weekday AM and PM shared parking calculations for Scenarios #1, #2, #3, and #5 are provided in Tables 4 through 11. It should be noted that the parking distributions for each land use were obtained from the Parking Generation Manual. In addition, the parking use for residential development was increased by 15 percent throughout the day to account for the proximity of the proposed rezoning area to the Croton Harmon train station (i.e., Due to the proximity of the train station, many residents in the area would walk to the train station and leave their cars parked at home, rather than drive; therefore, there would be more residential spaces occupied throughout the day than in a non-transit area).

As shown in the tables, the peak shared parking demand for Scenarios #1, #2, and #3 would occur in the evenings – 6 to 7 p.m. on weekdays and 7 to 8 p.m. on Saturdays. For Scenario #5, for which the entire ground floor would be commercial, the peak parking demand would occur midday from 12 to 1 p.m. In all cases, the critical parking demand would be on the weekends.

Based on the shared parking analysis, the total number of parking spaces actually required in the rezoning area would be 106 for Scenario #1 (6 fewer than the 112 calculated with the proposed rezoning assumptions), 314 for Scenarios #2 and #3 (27 to 31 fewer than the approximately 345 spaces calculated with the rezoning assumptions), and 346 (44 less than the 347 parking spaces calculated with the rezoning assumptions) for Scenario #5.

A detailed examination of the shared parking residential versus commercial demands suggests that the proposed rezoning parking demand assumptions may need to be modified. One issue is that the Village

**TABLE 4**  
**Scenario #1 - Likely**  
**Weekday Shared Parking Analysis**

Time of Day	Residential		Commercial						Total Parking Spaces Utilized	% of Available Spaces Utilized (112 Total )
	% of Parking Spaces Used	Spaces Used	Retail		Restaurant		Office			
			% of Parking Spaces Used	Spaces Used	% of Parking Spaces Used	Spaces Used	% of Parking Spaces Used	Spaces Used		
12 AM	100	59		0		0		0	59	53%
1AM	100	59		0		0		0	59	53%
2AM	100	59		0		0		0	59	53%
3AM	100	59		0		0		0	59	53%
4AM	100	59		0		0		0	59	53%
5AM	96	57		0		0		0	57	51%
6AM	92	54		0	24	11	6	1	66	59%
7AM	68	40	5	1	42	19	56	6	66	59%
8AM	41	25	18	2	54	24	86	9	60	54%
9AM	34	20	38	5	73	33	97	10	68	61%
10AM	32	19	53	6	81	36	100	10	71	63%
11AM	31	19	86	10	100	44	98	10	83	74%
12PM	30	18	100	11	100	44	87	9	82	73%
1PM	31	19	98	11	100	44	75	8	82	73%
2PM	33	20	91	11	51	23	84	9	63	56%
3PM	37	22	86	10	40	18	87	9	59	53%
4PM	44	26	81	9	40	18	75	8	61	54%
5PM	59	35	57	7	79	35	43	5	82	73%
6PM	69	41	69	8	81	36	18	2	87	78%
7PM	66	39	82	10	62	28		0	77	69%
8PM	75	44	70	8	63	28		0	80	71%
9PM	77	46	42	5	60	27		0	78	70%
10PM	92	54	10	2	46	21		0	77	69%
11PM	94	56		0	42	19		0	75	67%

Notes: To achieve a more realistic distribution of restaurant parking space utilization in the study area, the hourly distribution for a high-turnover (sit-down) restaurant (LUC 932) was used instead of that for a quality restaurant (LUC 931).

To fill in hourly distribution gaps for residential parking space utilization, percentages were taken from the hourly distribution for rental townhomes (LUC 224).

To better reflect traffic and parking operations as observed in the Croton Harmon Parking Facility study, the residential parking space utilization for the weekday AM peak period was modified slightly (i.e., adjusted to reflect activity earlier in the morning).

**TABLE 5**  
**Scenario #1 - Likely**  
**Saturday Shared Parking Analysis**

Time of Day	Residential		Commercial						Total Parking Spaces Utilized	% of Available Spaces Utilized (112 Total)
	% of Parking Spaces Used	Spaces Used	Retail		Restaurant		Office			
			% of Parking Spaces Used	Spaces Used	% of Parking Spaces Used	Spaces Used	% of Parking Spaces Used	Spaces Used		
12AM	95	57		0		0		0	57	51%
1AM	95	57		0		0		0	57	51%
2AM	95	57		0		0		0	57	51%
3AM	95	57		0		0		0	57	51%
4AM	95	57		0		0		0	57	51%
5AM	100	60		0		0		0	60	54%
6AM	98	59		0	15	8		0	67	60%
7AM	94	57	13	2	23	12		0	71	64%
8AM	89	54	27	3	39	20		0	77	69%
9AM	59	36	61	7	56	28		0	71	67%
10AM	71	43	75	9	100	50		0	102	91%
11AM	67	41	90	10	100	50		0	101	90%
12PM	66	40	100	11	100	50		0	101	90%
1PM	64	39	99	11	100	50		0	100	89%
2PM	64	39	98	11	53	27		0	77	69%
3PM	69	42	88	10	29	15		0	67	60%
4PM	73	44	68	8	36	18		0	70	62%
5PM	78	47	56	7	42	21		0	75	67%
6PM	80	48	73	9	53	27		0	84	75%
7PM	83	50	52	6	100	50		0	106	95%
8PM	84	51	53	6	42	21		0	78	70%
9PM	87	53	44	5	29	15		0	73	65%
10PM	89	54	29	4	30	15		0	73	65%
11PM	95	57		0	40	20		0	77	69%

**TABLE 6**  
**Scenario #2 – Theoretical Maximum (No Combined Lots)**  
**Weekday Shared Parking Analysis**

Time of Day	Residential		Commercial						Total Parking Spaces Utilized	% of Available Spaces Utilized (347 Total)
	% of Parking Spaces Used	Spaces Used	Retail		Restaurant		Office			
			% of Parking Spaces Used	Spaces Used	% of Parking Spaces Used	Spaces Used	% of Parking Spaces Used	Spaces Used		
12 AM	100	173		0		0		0	173	50%
1AM	100	173		0		0		0	173	50%
2AM	100	173		0		0		0	173	50%
3AM	100	173		0		0		0	173	50%
4AM	100	173		0		0		0	173	50%
5AM	96	166		0		0		0	166	48%
6AM	92	159		0	24	33	6	2	194	56%
7AM	68	118	5	2	42	57	56	17	193	56%
8AM	41	71	18	6	54	73	86	25	175	50%
9AM	34	59	38	13	73	98	97	29	198	57%
10AM	32	56	53	17	81	119	100	29	210	61%
11AM	31	54	86	28	100	134	98	29	244	70%
12PM	30	52	100	32	100	134	87	26	243	70%
1PM	31	54	98	32	100	134	75	22	241	69%
2PM	33	57	91	30	51	69	84	25	180	52%
3PM	37	64	86	28	40	54	87	26	171	49%
4PM	44	76	81	26	40	54	75	22	177	51%
5PM	59	102	57	19	79	106	43	13	240	69%
6PM	69	120	69	23	81	109	18	6	258	74%
7PM	66	114	82	27	62	84		0	225	65%
8PM	75	130	70	23	63	85		0	238	69%
9PM	77	133	42	14	60	81		0	228	66%
10PM	92	159	10	4	46	62		0	225	65%
11PM	94	163		0	42	57		0	220	63%

**TABLE 7**  
**Scenario #2 – Theoretical Maximum (No Combined Lots)**  
**Saturday Shared Parking Analysis**

Time of Day	Residential		Commercial						Total Parking Spaces Utilized	% of Available Spaces Utilized (347 Total )
	% of Parking Spaces Used	Spaces Used	Retail		Restaurant		Office			
			% of Parking Spaces Used	Spaces Used	% of Parking Spaces Used	Spaces Used	% of Parking Spaces Used	Spaces Used		
12AM	95	168		0		0		0	168	48%
1AM	95	168		0		0		0	168	48%
2AM	95	168		0		0		0	168	48%
3AM	95	168		0		0		0	168	48%
4AM	95	168		0		0		0	168	48%
5AM	100	176		0		0		0	176	51%
6AM	98	173		0	15	23		0	196	56%
7AM	94	166	13	5	23	35		0	206	59%
8AM	89	157	27	9	39	59		0	225	65%
9AM	59	104	61	20	56	84		0	208	60%
10AM	71	125	75	24	100	150		0	299	86%
11AM	67	118	90	29	100	150		0	297	86%
12PM	66	117	100	32	100	150		0	299	86%
1PM	64	113	99	32	100	150		0	295	85%
2PM	64	113	98	32	53	80		0	225	65%
3PM	69	122	88	29	29	44		0	195	56%
4PM	73	129	68	22	36	54		0	205	59%
5PM	78	138	56	18	42	63		0	219	63%
6PM	80	141	73	24	53	80		0	245	71%
7PM	83	147	52	17	100	150		0	314	90%
8PM	84	148	53	17	42	63		0	228	66%
9PM	87	154	44	15	29	44		0	213	61%
10PM	89	157	29	10	30	45		0	212	61%
11PM	95	168		0	40	60		0	228	66%

**TABLE 8**  
**Scenario #3 – Theoretical Maximum (Some Combined Lots)**  
**Weekday Shared Parking Analysis**

Time of Day	Residential		Commercial						Total Parking Spaces Utilized	% of Available Spaces Utilized (350 Total )
	% of Parking Spaces Used	Spaces Used	Retail		Restaurant		Office			
			% of Parking Spaces Used	Spaces Used	% of Parking Spaces Used	Spaces Used	% of Parking Spaces Used	Spaces Used		
12 AM	100	175		0		0		0	175	50%
1AM	100	175		0		0		0	175	50%
2AM	100	175		0		0		0	175	50%
3AM	100	175		0		0		0	175	50%
4AM	100	175		0		0		0	175	50%
5AM	96	168		0		0		0	168	48%
6AM	92	161		0	24	32	6	2	163	56%
7AM	68	119	5	2	42	55	56	16	137	55%
8AM	41	72	18	6	54	71	86	25	103	50%
9AM	34	60	38	12	73	95	97	28	100	56%
10AM	32	56	53	17	81	106	100	28	101	59%
11AM	31	55	86	27	100	130	98	28	138	69%
12PM	30	53	100	31	100	130	87	25	193	68%
1PM	31	55	98	31	100	130	75	21	184	68%
2PM	33	58	91	29	51	67	84	24	208	51%
3PM	37	65	86	27	40	52	87	25	158	48%
4PM	44	77	81	26	40	52	75	21	189	50%
5PM	59	104	57	18	79	103	43	13	186	68%
6PM	69	121	69	22	81	106	18	6	243	73%
7PM	66	116	82	26	62	81		0	272	64%
8PM	75	132	70	22	63	82		0	269	67%
9PM	77	135	42	14	60	78		0	149	65%
10PM	92	161	10	4	46	60		0	165	64%
11PM	94	165		0	42	55		0	165	63%

**TABLE 9**  
**Scenario #3 – Theoretical Maximum (Some Combined Lots)**  
**Saturday Shared Parking Analysis**

Time of Day	Residential		Commercial						Total Parking Spaces Utilized	% of Available Spaces Utilized (350 Total )
	% of Parking Spaces Used	Spaces Used	Retail		Restaurant		Office			
			% of Parking Spaces Used	Spaces Used	% of Parking Spaces Used	Spaces Used	% of Parking Spaces Used	Spaces Used		
12AM	95	170		0		0		0	168	49%
1AM	95	170		0		0		0	168	49%
2AM	95	170		0		0		0	168	49%
3AM	95	170		0		0		0	168	49%
4AM	95	170		0		0		0	168	49%
5AM	100	179		0		0		0	176	51%
6AM	98	175		0	15	22		0	196	56%
7AM	94	168	13	5	23	34		0	206	59%
8AM	89	159	27	9	39	57		0	225	64%
9AM	59	106	61	19	56	82		0	208	59%
10AM	71	127	75	24	100	146		0	299	85%
11AM	67	120	90	28	100	146		0	297	84%
12PM	66	118	100	31	100	146		0	299	84%
1PM	64	115	99	31	100	146		0	295	83%
2PM	64	115	98	31	53	78		0	225	64%
3PM	69	123	88	28	29	43		0	195	55%
4PM	73	131	68	22	36	53		0	205	59%
5PM	78	140	56	18	42	62		0	219	63%
6PM	80	143	73	23	53	78		0	245	70%
7PM	83	148	52	17	100	146		0	314	89%
8PM	84	150	53	17	42	62		0	228	65%
9PM	87	156	44	14	29	43		0	213	61%
10PM	89	159	29	9	30	44		0	212	61%
11PM	95	170		0	40	59		0	228	65%

**TABLE 10**  
**Scenario #5 – Ground Floor 100% Commercial**  
**Weekday Shared Parking Analysis**

Time of Day	Residential		Commercial						Total Parking Spaces Utilized	% of Available Spaces Utilized (390 Total )
	% of Parking Spaces Used	Spaces Used	Retail		Restaurant		Office			
			% of Parking Spaces Used	Spaces Used	% of Parking Spaces Used	Spaces Used	% of Parking Spaces Used	Spaces Used		
12AM	100	136		0		0		0	136	35%
1AM	100	136		0		0		0	136	35%
2AM	100	136		0		0		0	136	35%
3AM	100	136		0		0		0	136	35%
4AM	100	136		0		0		0	136	35%
5AM	96	131		0		0		0	131	34%
6AM	92	125		0	24	41	6	4	170	44%
7AM	68	93	5	4	42	72	56	34	203	52%
8AM	41	56	18	12	54	92	86	51	211	54%
9AM	34	47	38	26	73	125	97	58	256	66%
10AM	32	44	53	35	81	138	100	59	276	71%
11AM	31	43	86	57	100	170	98	58	328	84%
12PM	30	41	100	66	100	170	87	52	329	84%
1PM	31	43	98	65	100	170	75	45	323	83%
2PM	33	45	91	61	51	87	84	50	243	62%
3PM	37	51	86	57	40	68	87	52	228	58%
4PM	44	60	81	54	40	68	75	45	227	58%
5PM	59	81	57	38	79	135	43	26	280	72%
6PM	69	94	69	46	81	138	18	11	289	74%
7PM	66	90	82	55	62	106		0	251	64%
8PM	75	102	70	47	63	108		0	257	66%
9PM	77	105	42	28	60	102		0	235	60%
10PM	92	125	10	7	46	79		0	211	54%
11PM	94	128		0	42	72		0	200	51%

**TABLE 11**  
**Scenario #5 – Ground Floor 100% Commercial**  
**Saturday Shared Parking Analysis**

Time of Day	Residential		Commercial						Total Parking Spaces Utilized	% of Available Spaces Utilized (390 Total )
	% of Parking Spaces Used	Spaces Used	Retail		Restaurant		Office			
			% of Parking Spaces Used	Spaces Used	% of Parking Spaces Used	Spaces Used	% of Parking Spaces Used	Spaces Used		
12AM	95	132		0		0		0	132	34%
1AM	95	132		0		0		0	132	34%
2AM	95	132		0		0		0	132	34%
3AM	95	132		0		0		0	132	34%
4AM	95	132		0		0		0	132	34%
5AM	100	138		0		0		0	138	35%
6AM	98	136		0	15	29		0	165	42%
7AM	94	130	13	9	23	44		0	183	47%
8AM	89	123	27	18	39	74		0	215	55%
9AM	59	82	61	40	56	106		0	228	58%
10AM	71	98	75	49	100	189		0	336	86%
11AM	67	93	90	59	100	189		0	341	87%
12PM	66	92	100	65	100	189		0	346	89%
1PM	64	89	99	65	100	189		0	343	88%
2PM	64	89	98	64	53	101		0	254	65%
3PM	69	96	88	58	29	55		0	209	54%
4PM	73	101	68	45	36	69		0	215	55%
5PM	78	108	56	37	42	80		0	225	58%
6PM	80	111	73	48	53	101		0	260	67%
7PM	83	115	52	34	100	189		0	338	87%
8PM	84	116	53	35	42	80		0	231	59%
9PM	87	121	44	29	29	55		0	205	53%
10PM	89	123	29	19	30	57		0	199	51%
11PM	95	132		0	40	76		0	208	53%

code currently overestimates residential parking requirements and underestimates the commercial requirements. Should a developer come into the area who only wants to build commercial, it would be difficult to implement the shared parking assumption due to its proposed tie-in with residential development. Then, even if a shared parking allowance were not made, the calculation of commercial parking demand from the Village code would underestimate the need. Based on empirical information in the Parking Generation Manual, a residential land use requires approximately 1.2 parking spaces per dwelling unit, rather than 2 parking spaces per dwelling unit as utilized in the code, and 1 parking space for each 331, 65, and 352 square feet of retail, restaurant, and office space, rather than 1 parking space for each 250 square feet of retail/commercial space and 300 square feet of office/daycare as in the Village code. Another issue with implementing the shared parking by allowing commercial spaces to use residential spaces is that there would be insufficient parking during the peak periods. For Scenarios #1, #2, and #3, the deficit would only occur on Saturdays and be 12 vehicles or less, which could be accommodated on-street or in the nearby municipal lot at the west end of Benedict Boulevard. For Scenario #5, which assumes that the first floor is 100 percent commercial, however, the parking deficit would occur on weekday and Saturday middays and be as much as 55 vehicles.

## **Conclusion**

It is not anticipated that the proposed rezoning would have a major impact on traffic operations in the study area. Based on trip generation analysis for Scenarios #1, #2, and #3, the maximum number of trips that would be generated would be for Scenario #2 – 200 (123 in, 97 out) during the Saturday peak hour. These trips could be accommodated on the future roadway network by removing a few on-street parking spaces to provide two southbound lanes at S. Riverside Avenue and Benedict Boulevard. For Scenario #1, the likely scenario, no roadway improvements would be necessary.

It is recommended that the proposed parking assumptions be revised. It is recommended that the Village code be modified to require 1.2 parking spaces per residential unit and 1 parking space per 300, 65, and 350 square feet retail, restaurant, and office space. To implement shared parking, it is suggested that the calculated parking requirements be reduced by 7 percent. With these changes, it is anticipated that sufficient parking would be provided on-site during all time periods and times of day for Scenarios #1, #2, #3, and #5.

Based on parking analyses, it is suggested that a shared parking study be conducted for any development that includes office, rather than residential, space of the second floor. Since different splits of retail, restaurant, and office space can affect parking demand greatly, the combination of commercial development on the first floor and office development on the second could increase parking demand above the calculated requirement. In fact, it may be prudent to request a shared parking study for any mixed-use development, since it was found in examining Scenarios #1, #2, #3, and #5, that an additional reduction in trips (10 to 20 percent, instead of the typical 7 percent) could be taken for two of the scenarios.

# **Village of Croton-on-Hudson**

## **HARMON ZONING AMENDMENTS PARKING STUDY AMENDMENT**

**October 2009**

**Prepared by:**



## **Introduction**

In September 2009, draft Part 3 of the Environment Assessment Form (EAF) report for the Village of Croton-on-Hudson's *South Riverside/Harmon Gateway Overlay District Proposed Zoning Amendments* was prepared based on a draft law that was developed in July 2009. Since then, the Village Board of Trustees has met with the Croton Planning Board and the public to discuss the EAF report and proposed zoning changes. With their input, the Village Board has prepared a revised/amended draft law.

Included in the October 2009 revised/amended draft law are a couple of modifications to the proposed parking requirements. One is that, instead of automatically requiring 2 parking spaces per residential unit for mixed use developments, the law would require 1 parking space per residential unit plus 1 additional parking space for each bedroom in excess of one (e.g., a studio or one-bedroom dwelling would require 1 parking space, while a two-bedroom dwelling would require 2 parking spaces). In addition, no allowance for shared parking is provided in the revised/amended law (i.e., it is no longer proposed that 1 of 2 residential spaces be counted toward commercial parking requirements).

In an effort to determine the impacts of the updated draft law on EAF report, it was assumed that, for each scenario in the original report, the number of residential units would be the same, with half being one-bedroom and half two-bedroom, such that the required number of parking spaces would average 1.5 per dwelling unit. It was also assumed that the average square footage for each dwelling unit (regardless of the number of bedrooms) would remain 1,000 square feet. Therefore, the areas of the residential and commercial components for all scenarios would remain the same as in the original draft EAF.

## **Trip Generation**

Trip generation for the scenarios analyzed in the September 2009 *Harmon Zoning Amendments Traffic and Parking Impacts* was calculated by dwelling unit (not number of bedrooms) for the residential land uses and by square footage for the commercial land uses. Since neither the numbers of proposed dwelling units nor the square footages of the commercial land uses have changed, the numbers of trips that would be generated with the revised/amended zoning law are the same as those documented in the September 2009 draft EAF report. The highest number of trips would be generated by Scenario #2: The Theoretical Maximum (No Combined Lots) scenario. These would be 220 (123 entering, 97 existing) during the Saturday peak hour.

## **Parking Generation**

Parking generation for the scenarios analyzed in the September 2009 *Harmon Zoning Amendments Traffic and Parking Impacts* was modified to better reflect prevailing parking conditions in the Village of Croton-on-Hudson. Instead of developing restaurant parking demands based on characteristics for "quality restaurants", they were developed based on characteristics for "high-turnover sit-down restaurants", which require less parking, thereby better reflecting the current zoning codes that have proven to be reasonable for the area. It should be noted that the weekday and Saturday peak parking demands for all land uses were

calculated using the average rates for Mondays through Thursday and the average rates for Saturdays as published in the Institute of Transportation Engineer's *Parking Generation* manual. The revised maximum numbers of parking spaces needed based on the manual are provided in Table 1.

<b>TABLE 1</b>						
<b>Maximum Number of Parking Spaces Required by Land Use</b>						
Rezoning Scenario	Time Period	Residential (LUC 221)	Retail (LUC 820)	Restaurant (LUC 932)	Office (LUC 701)	TOTAL
Scenario #1 - Likely	WKDY	51	10	29	10	<b>100</b>
	SAT	52	13	39	0	<b>104</b>
Scenario #2 - Theor Max (No Combined Lots)	WKDY	150	28	88	28	<b>294</b>
	SAT	153	37	118	0	<b>308</b>
Scenario #3 - Theor Max (Some Combined Lots)	WKDY	152	27	86	27	<b>292</b>
	SAT	155	36	114	0	<b>305</b>
Scenario #5 - Ground Floor 100% Commercial	WKDY	118	58	111	59	<b>346</b>
	SAT	120	73	149	0	<b>342</b>

## Parking Supply

With the revised/amended draft law, it would be required that there be:

- 1 parking space per residential dwelling unit, plus
- 1 parking space for each bedroom in excess of one,
- 1 parking space per 250 square feet of retail/commercial (including restaurants), plus
- 1 parking space per 4 seats of restaurant, and
- 1 parking space per 300 square feet of office/daycare development.

To develop the basic scenarios in the EAF, it was originally assumed that the breakdown of non-residential development would be half retail/commercial and half office/daycare, such that the non-residential land uses in the study area would require an average of 1 parking space per 275 square feet and the total parking requirements would be as provided in the October 2009 revision to the draft EAF report – 98, 297, and 291 for Scenarios #1, #2, and #3, respectively, assuming the 50/50 mix of one- and two-bedroom residences and 77, 225, and 224 for the scenarios, respectively, assuming one-bedroom residences only.

To develop more realistic trip and parking generations for the scenarios, as discussed in the September 2009 *Harmon Zoning Amendments Traffic and Parking Impacts*, however, it was decided to distinguish the commercial land uses by general retail, restaurant, and office space based on the demand for each identified *The Croton-On-Hudson Harmon Commercial District Retail Study*. The total parking requirements for Scenarios #1, #2, #3 with this breakdown, as based on the proposed zoning code, are as shown in Table 2 – 115, 349, and 346 spaces, respectively, assuming non-residential development plus the 50/50 mix of one- and two-bedroom residences; 94, 286, and 283 spaces, respectively, assuming non-residential development plus only one-bedroom residences. When compared to the numbers in Table 1, the Village code parking requirements for the non-residential uses plus the either the 50/50 mix of one- and two-

<b>TABLE 2</b>						
<b>Required Number of Parking Spaces per Village Code</b>						
Rezoning Scenario Time Period		Residential (LUC 221)	Retail (LUC 820)	Restaurant (LUC 931)	Office (LUC 710)	<b>TOTAL</b>
Scenario #1 - Likely	1 bdm	42	12	29	11	<b>94</b>
	1 & 2 bdms	63	12	29	11	<b>115</b>
Scenario #2 - Theor Max (No Combined Lots)	1 bdm	125	42	86	33	<b>286</b>
	1 & 2 bdms	188	42	86	33	<b>349</b>
Scenario #3 - Theor Max (Some Combined Lots)	1 bdm	126	41	84	32	<b>283</b>
	1 & 2 bdms	189	41	84	32	<b>346</b>
Scenario #5 - Ground Floor 100% Commercial	1 bdm	98	87	109	69	<b>363</b>
	1 & 2 bdms	147	87	109	69	<b>412</b>

bedroom dwelling units and for one-bedroom units only are all within a reasonable 55-space range of the parking needs provided in Table 1. Assuming the non-residential plus 50/50 mix of one-and two-bedroom residential development, the Village code requirements would be slightly higher than calculated demand (i.e., there would be a surplus of 15 to 55 spaces). Assuming the non-residential plus only one-bedroom residential development, the Village code requirements would be less than calculated demand (i.e., there would be a deficit of 8 to 10 spaces). It should be noted that the Village code parking requirements may result in fewer parking spaces than needed for individual land uses, too (particularly the residential and restaurant for which deficits in parking demand as calculated by the code would be as much as 29 and 40 spaces for the examined scenarios). These variations, with changes in the breakdown of non-residential and residential development, can also significantly alter parking supply and demand calculations.

### **Shared Parking**

Although no allowance for shared parking is explicitly provided in the revised/amended draft law, an updated analysis was conducted to determine whether proposed parking supply requirements when accounting for shared parking would provide sufficient capacity for potential land uses. Shared parking analyses were conducted for Scenarios #1, #2, #3, and #5 based on the revised/amended draft law parking requirements. As discussed in the September 2009 *Harmon Zoning Amendments Traffic and Parking Impacts*, Scenario #5 was developed to assess the impacts of more than minimal commercial development in the mixed use buildings. The assumptions for the various scenarios, as detailed in the September 2009 *Harmon Zoning Amendments Traffic and Parking Impacts*, are provided here for clarity. The average number of seats per square foot of restaurant space was derived from information provided in the Institute of Transportation Engineer's *Trip Generation* manual.

*Scenario #1: Likely Anticipated Level of Development*  
 42 residential units  
 3,419 square feet of retail  
 2,850 square feet/67 seats of restaurant  
 3,229 square feet of office

*Scenario #2: Theoretical Maximum – 100% Build Out with No Combined Parcels*

125 residential units  
10,438 square feet of retail  
8,699 square feet/204 seats of restaurant  
9,859 square feet of office

*Scenario #3: Theoretical Maximum – 100% Build Out with Some Combined Parcels*

126 residential units  
10,121 square feet of retail  
8,435 square feet/198 seats of restaurant  
9,559 square feet of office

*Scenario #5: Ground Floor 100% Commercial Development*

98 residential units  
21,737 square feet of retail  
10,986 square feet/258 seats of restaurant  
20,625 square feet of office

As shown in Tables 3 through 10, proposed parking requirements would be sufficient to accommodate the total parking demand for all scenarios on both weekdays and weekends assuming the non-residential plus 50/50 mix of one-bedroom and two-bedroom development (for which the residential requirement averages 1.5 parking space per dwelling unit). However, the proposed parking requirements would not be sufficient to accommodate total parking demand assuming the non-residential plus only one-bedroom development (for which the residential requirement averages only 1 parking space per dwelling unit); during the Saturday midday and evening periods, when the combination of residents who are home and shoppers in the area would be highest, all scenarios would be at or above capacity, with a deficit in parking of 1 to 16 spaces, depending on the scenario.

## **Conclusion**

Because residential development would comprise approximately 50% of the trip generation for any of the mixed-use scenarios examined, and because the parking requirement for non-residential plus only one-bedroom development is consistently lower than the calculated demand, it is recommended that the residential parking requirement in the revised/amended draft law be modified. Instead of requiring 1 parking space per dwelling unit plus one parking space for each bedroom in excess of one (such that the required number of parking spaces for one-bedroom residential unit is 1), it is recommended that the code require 1.5 parking spaces per dwelling unit, regardless of the number of bedrooms. This is a reasonable rate of residential parking demand based on information published in the *Parking Generation* manual. Since this would be the equivalent of assuming a 50/50 mix of one- and two-bedroom development as based on the proposed code, the results of the recommended change to the code for the various scenarios examined are provided in the “1 & 2 bdms” column in Tables 3 through 10. Depending on the scenario, parking would be at 81 to 90% capacity, resulting in a surplus of 18 to 65 spaces. This surplus would be available to accommodate the potential underestimation of parking demand (especially restaurant, as discussed previously) in the area. It could also accommodate increases

in demand that could be achieved with modifications of the breakdown of residential, retail, restaurant, and office development that were examined in Scenarios #1, #2, #3, and #5. Because parking supply and demand vary significantly with changes in various land use breakdowns, it is recommended that a parking study be conducted with any proposed site plan to ensure that the parking provisions provide sufficient capacity.

TABLE 3 Scenario #1 - Likely Weekday Shared Parking Analysis											
Time of Day	Residential		Commercial						Total Parking Spaces Utilized	% of Available Spaces	
	% of Parking Spaces Used	Spaces Used	Retail		Restaurant		Office			Proposed Law	
			% of Parking Spaces Used	Spaces Used	% of Parking Spaces Used	Spaces Used	% of Parking Spaces Used	Spaces Used		1 & 2 bdms, 115 Spaces	1 bdm, 94 Spaces
12AM	100	59		0		0		0	59	51%	63%
1AM	100	59		0		0		0	59	51%	63%
2AM	100	59		0		0		0	59	51%	63%
3AM	100	59		0		0		0	59	51%	63%
4AM	100	59		0		0		0	59	51%	63%
5AM	96	57		0		0		0	57	50%	61%
6AM	92	54		0	24	7	6	1	62	54%	66%
7AM	68	40	5	1	42	13	56	6	60	52%	64%
8AM	41	25	18	2	54	16	86	9	52	45%	55%
9AM	34	20	38	4	73	22	97	10	56	49%	60%
10AM	32	19	53	6	81	24	100	10	59	51%	63%
11AM	31	19	86	9	100	29	98	10	67	58%	71%
12PM	30	18	100	10	100	29	87	9	66	57%	70%
1PM	31	19	98	10	100	29	75	8	66	57%	70%
2PM	33	20	91	10	51	15	84	9	54	47%	57%
3PM	37	22	86	9	40	12	87	9	52	45%	55%
4PM	44	26	81	9	40	12	75	8	55	48%	59%
5PM	59	35	57	6	79	23	43	5	69	60%	73%
6PM	69	41	69	7	81	24	18	2	74	64%	79%
7PM	66	39	82	9	62	18		0	66	57%	70%
8PM	75	44	70	7	63	19		0	70	61%	74%
9PM	77	46	42	5	60	18		0	69	60%	73%
10PM	92	54	10	1	46	14		0	69	60%	73%
11PM	94	56		0	42	13		0	69	60%	73%

TABLE 4 Scenario #1 - Likely Saturday Shared Parking Analysis											
Time of Day	Residential		Commercial						Total Parking Spaces Utilized	% of Available Spaces	
	% of Parking Spaces Used	Spaces Used	Retail		Restaurant		Office			Proposed Law	
			% of Parking Spaces Used	Spaces Used	% of Parking Spaces Used	Spaces Used	% of Parking Spaces Used	Spaces Used		1 & 2 bdms, 115 Spaces	1 bdm, 94 Spaces
12AM	95	57		0		0		0	57	50%	61%
1AM	95	57		0		0		0	57	50%	61%
2AM	95	57		0		0		0	57	50%	61%
3AM	95	57		0		0		0	57	50%	61%
4AM	95	57		0		0		0	57	50%	61%
5AM	100	60		0		0		0	60	52%	64%
6AM	98	59		0	15	6		0	65	57%	69%
7AM	94	57	13	2	23	9		0	68	59%	72%
8AM	89	54	27	5	39	16		0	75	65%	80%
9AM	59	36	61	10	56	22		0	68	59%	72%
10AM	71	43	75	12	100	39		0	94	82%	100%
11AM	67	41	90	14	100	39		0	94	82%	100%
12PM	66	40	100	15	100	39		0	94	82%	100%
1PM	64	39	99	15	100	39		0	93	81%	99%
2PM	64	39	98	15	53	21		0	75	65%	80%
3PM	69	42	88	14	29	12		0	68	59%	72%
4PM	73	44	68	11	36	15		0	70	61%	74%
5PM	78	47	56	9	42	17		0	73	63%	78%
6PM	80	48	73	11	53	21		0	80	70%	85%
7PM	83	50	52	8	100	39		0	97	84%	103%
8PM	84	51	53	8	42	17		0	76	66%	81%
9PM	87	53	44	7	29	12		0	72	63%	77%
10PM	89	54	29	5	30	12		0	71	62%	76%
11PM	95	57		0	40	16		0	73	63%	78%

TABLE 5											
Scenario #2 - Theoretical Maximum (No Combined Lots)											
Weekday Shared Parking Analysis											
Time of Day	Residential		Commercial						Total Parking Spaces Utilized	% of Available Spaces	
			Retail		Restaurant		Office			Proposed Law	
	% of Parking Spaces Used	Spaces Used	% of Parking Spaces Used	Spaces Used	% of Parking Spaces Used	Spaces Used	% of Parking Spaces Used	Spaces Used	Spaces Utilized	1 & 2 bdms, 349 Spaces	1 bdm, 286 Spaces
12AM	100	173		0		0		0	173	50%	60%
1AM	100	173		0		0		0	173	50%	60%
2AM	100	173		0		0		0	173	50%	60%
3AM	100	173		0		0		0	173	50%	60%
4AM	100	173		0		0		0	173	50%	60%
5AM	96	166		0		0		0	166	48%	58%
6AM	92	159		0	24	22	6	2	183	52%	64%
7AM	68	118	5	2	42	37	56	16	173	50%	60%
8AM	41	71	18	6	54	48	86	25	150	43%	52%
9AM	34	59	38	11	73	65	97	28	163	47%	57%
10AM	32	56	53	15	81	72	100	28	171	49%	60%
11AM	31	54	86	25	100	88	98	28	195	56%	68%
12PM	30	52	100	28	100	88	87	25	193	55%	67%
1PM	31	54	98	28	100	88	75	21	191	55%	67%
2PM	33	57	91	26	51	45	84	24	152	44%	53%
3PM	37	64	86	25	40	36	87	25	150	43%	52%
4PM	44	76	81	23	40	36	75	21	156	45%	55%
5PM	59	102	57	16	79	70	43	13	201	58%	70%
6PM	69	120	69	20	81	72	18	6	218	62%	76%
7PM	66	114	82	23	62	55		0	192	55%	67%
8PM	75	130	70	20	63	56		0	206	59%	72%
9PM	77	133	42	12	60	53		0	198	57%	69%
10PM	92	159	10	3	46	41		0	203	58%	71%
11PM	94	163		0	42	37		0	200	57%	70%

TABLE 6											
Scenario #2 - Theoretical Maximum (No Combined Lots)											
Saturday Shared Parking Analysis											
Time of Day	Residential		Commercial						Total Parking Spaces Utilized	% of Available Spaces	
			Retail		Restaurant		Office			Proposed Law	
	% of Parking Spaces Used	Spaces Used	% of Parking Spaces Used	Spaces Used	% of Parking Spaces Used	Spaces Used	% of Parking Spaces Used	Spaces Used	Spaces Utilized	1 & 2 bdms, 349 Spaces	1 bdm, 286 Spaces
12AM	95	168		0		0		0	168	48%	59%
1AM	95	168		0		0		0	168	48%	59%
2AM	95	168		0		0		0	168	48%	59%
3AM	95	168		0		0		0	168	48%	59%
4AM	95	168		0		0		0	168	48%	59%
5AM	100	176		0		0		0	176	50%	62%
6AM	98	173		0	15	18		0	191	55%	67%
7AM	94	166	13	5	23	28		0	199	57%	70%
8AM	89	157	27	10	39	47		0	214	61%	75%
9AM	59	104	61	23	56	67		0	194	56%	68%
10AM	71	125	75	28	100	118		0	271	78%	95%
11AM	67	118	90	34	100	118		0	270	77%	94%
12PM	66	117	100	37	100	118		0	272	78%	95%
1PM	64	113	99	37	100	118		0	268	77%	94%
2PM	64	113	98	37	53	63		0	213	61%	74%
3PM	69	122	88	33	29	35		0	190	54%	66%
4PM	73	129	68	26	36	43		0	198	57%	69%
5PM	78	138	56	21	42	50		0	209	60%	73%
6PM	80	141	73	28	53	63		0	232	66%	81%
7PM	83	147	52	20	100	118		0	285	82%	100%
8PM	84	148	53	20	42	50		0	218	62%	76%
9PM	87	154	44	17	29	35		0	206	59%	72%
10PM	89	157	29	11	30	36		0	204	58%	71%
11PM	95	168		0	40	48		0	216	62%	76%

TABLE 7											
Scenario #3 - Theoretical Maximum (Some Combined Lots)											
Weekday Shared Parking Analysis											
Time of Day	Residential		Commercial						Total Parking Spaces Utilized	% of Available Spaces	
			Retail		Restaurant		Office			Proposed Law	
	% of Parking Spaces Used	Spaces Used	% of Parking Spaces Used	Spaces Used	% of Parking Spaces Used	Spaces Used	% of Parking Spaces Used	Spaces Used	Spaces Utilized	1 & 2 bdms, 346 Spaces	1 bdm, 283 Spaces
12AM	100	175		0		0		0	175	51%	62%
1AM	100	175		0		0		0	175	51%	62%
2AM	100	175		0		0		0	175	51%	62%
3AM	100	175		0		0		0	175	51%	62%
4AM	100	175		0		0		0	175	51%	62%
5AM	96	168		0		0		0	168	49%	59%
6AM	92	161		0	24	21	6	2	184	53%	65%
7AM	68	119	5	2	42	37	56	16	174	50%	61%
8AM	41	72	18	5	54	47	86	24	148	43%	52%
9AM	34	60	38	11	73	63	97	27	161	47%	57%
10AM	32	56	53	15	81	70	100	27	168	49%	59%
11AM	31	55	86	24	100	86	98	27	192	55%	68%
12PM	30	53	100	27	100	86	87	24	190	55%	67%
1PM	31	55	98	27	100	86	75	21	189	55%	67%
2PM	33	58	91	25	51	44	84	23	150	43%	53%
3PM	37	65	86	24	40	35	87	24	148	43%	52%
4PM	44	77	81	22	40	35	75	21	155	45%	55%
5PM	59	104	57	16	79	68	43	12	200	58%	71%
6PM	69	121	69	19	81	70	18	5	215	62%	76%
7PM	66	116	82	23	62	54		0	193	56%	68%
8PM	75	132	70	19	63	55		0	206	60%	73%
9PM	77	135	42	12	60	52		0	199	58%	70%
10PM	92	161	10	3	46	40		0	204	59%	72%
11PM	94	165		0	42	37		0	202	58%	71%

TABLE 8											
Scenario #3 - Theoretical Maximum (Some Combined Lots)											
Saturday Shared Parking Analysis											
Time of Day	Residential		Commercial						Total Parking Spaces Utilized	% of Available Spaces	
			Retail		Restaurant		Office			Proposed Law	
	% of Parking Spaces Used	Spaces Used	% of Parking Spaces Used	Spaces Used	% of Parking Spaces Used	Spaces Used	% of Parking Spaces Used	Spaces Used	Spaces Utilized	1 & 2 bdms, 346 Spaces	1 bdm, 283 Spaces
12AM	95	170		0		0		0	170	49%	60%
1AM	95	170		0		0		0	170	49%	60%
2AM	95	170		0		0		0	170	49%	60%
3AM	95	170		0		0		0	170	49%	60%
4AM	95	170		0		0		0	170	49%	60%
5AM	100	179		0		0		0	179	52%	63%
6AM	98	175		0	15	18		0	193	56%	68%
7AM	94	168	13	5	23	27		0	200	58%	71%
8AM	89	159	27	10	39	45		0	214	62%	76%
9AM	59	106	61	22	56	64		0	192	55%	68%
10AM	71	127	75	27	100	114		0	268	77%	95%
11AM	67	120	90	33	100	114		0	267	77%	94%
12PM	66	118	100	36	100	114		0	268	77%	95%
1PM	64	115	99	36	100	114		0	265	77%	94%
2PM	64	115	98	36	53	61		0	212	61%	75%
3PM	69	123	88	32	29	34		0	189	55%	67%
4PM	73	131	68	25	36	42		0	198	57%	70%
5PM	78	140	56	21	42	48		0	209	60%	74%
6PM	80	143	73	27	53	61		0	231	67%	82%
7PM	83	148	52	19	100	114		0	281	81%	99%
8PM	84	150	53	20	42	48		0	218	63%	77%
9PM	87	156	44	16	29	34		0	206	60%	73%
10PM	89	159	29	11	30	35		0	205	59%	72%
11PM	95	170		0	40	46		0	216	62%	76%

TABLE 9											
Scenario #5 - Ground Floor 100% Commercial											
Weekday Shared Parking Analysis											
Time of Day	Residential		Commercial						Total Parking Spaces Utilized	% of Available Spaces	
			Retail		Restaurant		Office			Proposed Law	
	% of Parking Spaces Used	Spaces Used	% of Parking Spaces Used	Spaces Used	% of Parking Spaces Used	Spaces Used	% of Parking Spaces Used	Spaces Used	Spaces Utilized	1 & 2 bdms, 347 Spaces	1 bdm, 298 Spaces
12AM	100	136		0		0		0	136	39%	46%
1AM	100	136		0		0		0	136	39%	46%
2AM	100	136		0		0		0	136	39%	46%
3AM	100	136		0		0		0	136	39%	46%
4AM	100	136		0		0		0	136	39%	46%
5AM	96	131		0		0		0	131	38%	44%
6AM	92	125		0	24	27	6	4	156	45%	52%
7AM	68	93	5	3	42	47	56	34	177	51%	59%
8AM	41	56	18	11	54	60	86	51	178	51%	60%
9AM	34	47	38	23	73	82	97	58	210	61%	70%
10AM	32	44	53	31	81	90	100	59	224	65%	75%
11AM	31	43	86	50	100	111	98	58	262	76%	88%
12PM	30	41	100	58	100	111	87	52	262	76%	88%
1PM	31	43	98	57	100	111	75	45	256	74%	86%
2PM	33	45	91	53	51	57	84	50	205	59%	69%
3PM	37	51	86	50	40	45	87	52	198	57%	66%
4PM	44	60	81	47	40	45	75	45	197	57%	66%
5PM	59	81	57	34	79	88	43	26	229	66%	77%
6PM	69	94	69	41	81	90	18	11	236	68%	79%
7PM	66	90	82	48	62	69		0	207	60%	69%
8PM	75	102	70	41	63	70		0	213	61%	71%
9PM	77	105	42	25	60	67		0	197	57%	66%
10PM	92	125	10	6	46	52		0	183	53%	61%
11PM	94	128		0	42	47		0	175	50%	59%

TABLE 10											
Scenario #5- Ground Floor 100% Commercial											
Saturday Shared Parking Analysis											
Time of Day	Residential		Commercial						Total Parking Spaces Utilized	% of Available Spaces	
			Retail		Restaurant		Office			Proposed Law	
	% of Parking Spaces Used	Spaces Used	% of Parking Spaces Used	Spaces Used	% of Parking Spaces Used	Spaces Used	% of Parking Spaces Used	Spaces Used	Spaces Utilized	1 & 2 bdms, 347 Spaces	1 bdm, 298 Spaces
12AM	95	132		0		0		0	132	38%	44%
1AM	95	132		0		0		0	132	38%	44%
2AM	95	132		0		0		0	132	38%	44%
3AM	95	132		0		0		0	132	38%	44%
4AM	95	132		0		0		0	132	38%	44%
5AM	100	138		0		0		0	138	40%	46%
6AM	98	136		0	15	23		0	159	46%	53%
7AM	94	130	13	10	23	35		0	175	50%	59%
8AM	89	123	27	20	39	59		0	202	58%	68%
9AM	59	82	61	45	56	84		0	211	61%	71%
10AM	71	98	75	55	100	149		0	302	87%	101%
11AM	67	93	90	66	100	149		0	308	89%	103%
12PM	66	92	100	73	100	149		0	314	90%	105%
1PM	64	89	99	73	100	149		0	311	90%	104%
2PM	64	89	98	72	53	79		0	240	69%	81%
3PM	69	96	88	65	29	44		0	205	59%	69%
4PM	73	101	68	50	36	54		0	205	59%	69%
5PM	78	108	56	41	42	63		0	212	61%	71%
6PM	80	111	73	54	53	79		0	244	70%	82%
7PM	83	115	52	38	100	149		0	302	87%	101%
8PM	84	116	53	39	42	63		0	218	63%	73%
9PM	87	121	44	33	29	44		0	198	57%	66%
10PM	89	123	29	22	30	45		0	190	55%	64%
11PM	95	132		0	40	60		0	192	55%	64%

**APPENDIX C:**

Westchester Workforce Housing bill



Monday, August 31, 2009

**Text - A03173**

[Back](#) | [New York State Bill Search](#) | [Assembly Home](#)

[See Summary](#)

S T A T E O F N E W Y O R K

3173

2009-2010 Regular Sessions

I N A S S E M B L Y

January 23, 2009

Introduced by M. of A. BRADLEY, PAULIN, LATIMER, GALEF, SPANO -- read once and referred to the Committee on Local Governments

AN ACT to amend the general municipal law, in relation to creating the Westchester county workforce housing incentive program

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Legislative findings. The legislature hereby finds that it  
2 is the public policy of the state of New York to foster the goal of home  
3 ownership and the provision of affordable workforce housing in areas of  
4 the state, such as the county of Westchester, where there is a shortage  
5 of such housing. It is further found by this legislature that local  
6 governments have a responsibility to assist in the providing of a fair  
7 share of the regional need for affordable housing. Further, each local  
8 government has the responsibility to establish a land use plan for its  
9 community that provides balanced and diverse housing options for all  
10 segments of the community.

11 This act shall provide that when five or more residential units or  
12 mixed-use development with five or more residential units are seeking  
13 approval to be built, Westchester county's local governments in exchange  
14 for a density bonus on site shall require that as a condition of  
15 approval for such site plans and subdivisions the provision of afford-  
16 able workforce housing in an amount equal to at least ten percent of the  
17 housing units be set aside. In the alternative, where a local government  
18 determines that the provision of suitable affordable workforce housing  
19 may not be provided on site, that in lieu of said requirement, in  
20 exchange for a density bonus, either a payment may be made of a reason-  
21 able sum to be determined by the local government for the purpose of  
22 affordable workforce housing, which sum shall constitute a trust fund  
23 for that purpose, or other land and affordable workforce housing units  
24 constructed thereon may be provided off-site. It is the intent of the  
25 legislature that the density bonus offered by local governments pursuant

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD03362-01-9

A. 3173

2

1 to this act shall contribute significantly to the economic feasibility  
2 of affordable workforce housing in new residential or mixed-use develop-  
3 ments.

4 S 2. The general municipal law is amended by adding a new article 16-B  
5 to read as follows:

6 ARTICLE 16-B

7 WESTCHESTER COUNTY WORKFORCE HOUSING INCENTIVE PROGRAM

8 SECTION 699-H. DEFINITIONS.

9 699-I. WESTCHESTER COUNTY WORKFORCE HOUSING INCENTIVE PROGRAM.

10 699-J. TECHNICAL ASSISTANCE FOR WESTCHESTER COUNTY WORKFORCE  
11 HOUSING INCENTIVE PROGRAM.

12 S 699-H. DEFINITIONS. AS USED IN THIS ARTICLE THE FOLLOWING TERMS  
13 SHALL MEAN:

14 1. "AFFORDABLE WORKFORCE HOUSING" MEANS HOUSING FOR INDIVIDUALS OR  
15 FAMILIES AT OR BELOW EIGHTY PERCENT OF THE MEDIAN INCOME FOR THE WEST-  
16 CHESTER COUNTY PRIMARY METROPOLITAN STATISTICAL AREA AS DEFINED BY THE  
17 FEDERAL DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT. FOR THE PURPOSES OF  
18 THIS SECTION, THE AFFORDABLE WORKFORCE HOUSING UNITS SHALL BE OF  
19 CONSISTENT DESIGN TO THOSE OF THE REST OF THE DEVELOPMENT.

20 2. "DENSITY BONUS" MEANS A DENSITY INCREASE OF AT LEAST TEN PERCENT,  
21 UNLESS A LESSER PERCENTAGE IS ELECTED BY THE APPLICANT OVER THE OTHER-  
22 WISE MAXIMUM ALLOWABLE RESIDENTIAL DENSITY OR FLOOR AREA RATIO IF PART  
23 OF A MIXED-USE DEVELOPMENT UNDER THE APPLICABLE ZONING ORDINANCE AND  
24 COMPREHENSIVE PLAN AS OF THE DATE OF APPLICATION BY THE APPLICANT TO THE  
25 LOCAL GOVERNMENT. ALL DENSITY CALCULATIONS RESULTING IN FRACTIONAL UNITS  
26 SHALL BE ROUNDED UP TO THE NEXT WHOLE NUMBER. THE GRANTING OF A DENSITY  
27 BONUS SHALL NOT REQUIRE, IN AND OF ITSELF, A COMPREHENSIVE PLAN AMEND-  
28 MENT, ZONING CHANGE OR OTHER DISCRETIONARY APPROVAL. THE DENSITY BONUS  
29 SHALL NOT BE INCLUDED WHEN DETERMINING THE NUMBER OF AFFORDABLE WORK-  
30 FORCE HOUSING UNITS THAT CONSTITUTE TEN PERCENT OF THE TOTAL.

31 3. "LOCAL GOVERNMENT" MEANS THE COUNTY OF WESTCHESTER, OR ANY VILLAGE,  
32 CITY OR TOWN WITHIN SUCH COUNTY.

33 S 699-I. WESTCHESTER COUNTY WORKFORCE HOUSING INCENTIVE PROGRAM. 1.  
34 WHEN A LOCAL GOVERNMENT APPROVES A SUBDIVISION PLAT OR SITE PLAN FOR  
35 FIVE OR MORE RESIDENTIAL UNITS OR A MIXED-USE DEVELOPMENT THAT INCORPO-  
36 RATES FIVE OR MORE RESIDENTIAL UNITS, SUCH LOCAL GOVERNMENT SHALL  
37 REQUIRE OF THE APPLICANT:

38 A. IN EXCHANGE FOR A DENSITY BONUS, THE SET ASIDE OF AT LEAST TEN  
39 PERCENT OF SUCH UNITS FOR AFFORDABLE WORKFORCE HOUSING ON SITE; OR

40 B. UPON THE LOCAL GOVERNMENT MAKING A FINDING THAT THE SET ASIDE OF AT  
41 LEAST TEN PERCENT OF SUCH UNITS FOR AFFORDABLE WORKFORCE HOUSING WOULD  
42 HAVE A SPECIFIC ADVERSE IMPACT UPON HEALTH, SAFETY OR THE ENVIRONMENT  
43 FOR WHICH THERE IS NO FEASIBLE METHOD TO SATISFACTORILY MITIGATE OR  
44 AVOID THE SPECIFIC ADVERSE IMPACT, THE PAYMENT OF A REASONABLE FEE,  
45 BASED UPON THE FAIR MARKET VALUE OF THE ADDITIONAL LOTS OR UNITS RESULT-  
46 ING FROM THE DENSITY BONUS, TO THE LOCAL GOVERNMENT THAT SHALL CONSTI-  
47 TUTE A TRUST FUND TO BE USED EXCLUSIVELY BY THE LOCAL GOVERNMENT FOR THE  
48 PURPOSE OF PROVIDING AFFORDABLE WORKFORCE HOUSING BY ACQUIRING LAND FOR  
49 THE SPECIFIC PURPOSE OF PROVIDING AFFORDABLE WORKFORCE HOUSING OR  
50 CONSTRUCTING AFFORDABLE WORKFORCE HOUSING; OR REHABILITATING STRUCTURES  
51 FOR THE SPECIFIC PURPOSE OF AFFORDABLE WORKFORCE HOUSING. ALL FEES  
52 COLLECTED BY THE LOCAL GOVERNMENT AS PROVIDED IN THIS SECTION SHALL BE  
53 IN EXCHANGE FOR A DENSITY BONUS AND SHALL BE DEPOSITED IN A SINGLE TRUST

54 FUND FOR THE LOCAL GOVERNMENT AND SHALL BE KEPT IN TRUST AND SEPARATE  
55 AND APART FROM ALL OTHER MONIES. MONEYS IN SUCH TRUST FUND SHALL BE  
56 DEPOSITED AND SECURED IN THE MANNER PROVIDED BY SECTION TEN OF THIS  
A. 3173 3

1 CHAPTER. PENDING EXPENDITURES FROM SUCH TRUST FUND, MONEYS THEREIN MAY  
2 BE INVESTED IN THE MANNER PROVIDED IN SECTION ELEVEN OF THIS CHAPTER.  
3 ANY INTEREST EARNED OR CAPITAL GAIN REALIZED ON THE MONEYS SO DEPOSITED  
4 OR INVESTED SHALL ACCRUE TO AND BECOME PART OF SUCH TRUST FUND; OR

5 C. IN EXCHANGE FOR A DENSITY BONUS, THE PROVISION OF OTHER LANDS AND  
6 CONSTRUCTION OF THE AFFORDABLE WORKFORCE HOUSING UNITS THAT ARE NOT PART  
7 OF THE SITE PLAN OR SUBDIVISION PLAT WHERE IT IS DETERMINED BY THE LOCAL  
8 GOVERNMENT THAT SUITABLE AFFORDABLE WORKFORCE HOUSING CANNOT BE PROVIDED  
9 ON SITE.

10 2. THE LOCAL GOVERNMENT SHALL PROVIDE AN APPLICANT, SUBJECT TO THE  
11 PROVISIONS OF THIS ARTICLE, A DENSITY BONUS FOR PROVIDING THE REQUIRED  
12 AFFORDABLE WORKFORCE HOUSING UNITS. THE LOCAL GOVERNMENT SHALL GRANT THE  
13 ADDITIONAL DENSITY BONUS UNLESS SUCH LOCAL GOVERNMENT MAKES A WRITTEN  
14 FINDING, BASED UPON SUBSTANTIAL EVIDENCE, THAT THE DENSITY BONUS IS NOT  
15 REQUIRED IN ORDER TO PROVIDE AFFORDABLE WORKFORCE HOUSING OR THAT THE  
16 DENSITY BONUS WOULD HAVE A SPECIFIC ADVERSE IMPACT UPON HEALTH, SAFETY  
17 OR THE ENVIRONMENT FOR WHICH THERE IS NO FEASIBLE METHOD TO SATISFAC-  
18 TORILY MITIGATE OR AVOID THE SPECIFIC ADVERSE IMPACT.

19 3. WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THIS ARTICLE, THE LOCAL  
20 GOVERNMENT SHALL ADOPT AN ORDINANCE OR LOCAL LAW THAT SPECIFIES HOW THE  
21 LOCAL GOVERNMENT SHALL IMPLEMENT THIS ARTICLE, INCLUDING PROVISIONS  
22 SPECIFYING HOW DENSITY BONUSES WILL BE PROVIDED. THE LOCAL GOVERNMENT  
23 SHALL ALSO ESTABLISH PROCEDURES FOR WAIVING OR MODIFYING DEVELOPMENT AND  
24 ZONING STANDARDS THAT WOULD OTHERWISE INHIBIT THE UTILIZATION OF DENSITY  
25 BONUSES ON SPECIFIC SITES. THE LOCAL GOVERNMENT'S ORDINANCE OR LOCAL  
26 LAW SHALL ENSURE THE CONTINUED AFFORDABILITY OF ALL AFFORDABLE WORKFORCE  
27 HOUSING UNITS FOR A PERIOD OF THIRTY YEARS, OR A LONGER PERIOD OF TIME  
28 IF REQUIRED BY A MORTGAGE FINANCING ASSISTANCE PROGRAM, A MORTGAGE  
29 INSURANCE PROGRAM OR A RENTAL SUBSIDY PROGRAM.

30 4. WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THIS ARTICLE, THE LOCAL  
31 GOVERNMENT WILL DEVELOP A STRATEGY FOR UTILIZING THE MONIES IN THE TRUST  
32 FUND WITHIN THREE YEARS OF SUCH MONEYS BEING COLLECTED.

33 5. A LOCAL GOVERNMENT MAY ENTER INTO INTERMUNICIPAL AGREEMENTS WITH  
34 CONTIGUOUS LOCAL GOVERNMENTS TO MEET THE PURPOSES OF THIS ARTICLE.

35 S 699-J. TECHNICAL ASSISTANCE FOR WESTCHESTER COUNTY WORKFORCE HOUSING  
36 INCENTIVE PROGRAM. THE DEPARTMENT OF STATE SHALL PROVIDE, THROUGH ITS  
37 OFFICE OF LOCAL GOVERNMENTS SERVICES, TECHNICAL ASSISTANCE TO LOCAL  
38 GOVERNMENTS THAT ARE DRAFTING ORDINANCES AND LOCAL LAWS TO COMPLY WITH  
39 THE PROVISIONS OF THIS ARTICLE.

40 S 3. This act shall take effect on the first of November next succeed-  
41 ing the date on which it shall have become a law.

Contact Webmaster

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**APPENDIX D:**

Comment letter from Village of Croton to Governor Patterson (July 24, 2009)



Stanley H. Kellerhouse Municipal Building  
One Van Wyck Street  
Croton-on-Hudson, NY 10520-2501

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Richard Olver  
Demetra Restuccia

*Manager*  
Abraham J. Zambrano

*Treasurer*  
Sandra Bullock

*Clerk*  
Pauline DiSanto

*Engineer*  
Daniel F. O'Connor, P.E.

July 24, 2009

Governor David A. Paterson  
Executive Chamber  
State of New York  
Albany NY 12224

Re: Westchester County workforce housing incentive program: Senate S.4946 and Assembly A. 3173

Dear Governor Paterson,

It was a pleasure to hear you speak at the NYCOM 100th Annual Meeting in Saratoga Springs a few weeks ago. Thank you for taking time to visit with us mayors.

I am writing to express some deep concerns over well-intentioned, but poorly constructed legislation that seems likely to reach your desk. Senate bill S.4946 and Assembly bill A.3173 propose revisions to the General Municipal Law in order to create the Westchester County workforce housing incentive program.

As a Westchester mayor, I am fully sympathetic with the goal of expanding workforce housing within our county. In fact, on August 1, 2009 in Croton-on-Hudson, we will hold a drawing to determine who will move into 11 beautiful new units of income-restricted rental housing for our Symphony Knoll project. The Village played a catalyst role in this new housing by acquiring the land, creating the subdivisions and easements that allowed the development to proceed. We worked very closely with the County and our local Croton Housing Network on affordable housing, so we have considerable experience in this topic.

The Village's chief concerns with this bill are enumerated below. We believe the flaws in the bill are fatal to the goals of the bill. We are also disturbed that this bill for Westchester failed to correct the flaws in the 2008 Long Island Workforce Housing Act on which it was modeled.

There has been very little consultation or communication with Westchester's local governments about this law. The legislation appears to abridge home rule authority for local governments. In the record in Croton on affordable housing will show that we have already worked very hard to achieve such set-asides.

Second, the bill, if enacted, will almost surely produce an unequal dispersion of affordable housing in towns with widely varying land values. The net effect will be that higher density, lower value areas become the location for any new workforce housing, opposite to the intent of the bill. Where it is more lucrative for developers to relocate affordable units of "consistent design" to land having a lower value, while receiving the density bonus in the high end area, they will do so.

The legislative findings in the bill A.3173 state in part, "This act shall provide that when five or more residential units or mixed-use development with five or more residential units are seeking

approval to be built, Westchester county's local governments in exchange for a density bonus on site shall require that as a condition of approval for such site plans and subdivisions the provision of affordable workforce housing in an amount equal to at least ten percent of the housing units be set aside.” (A3173 page 1 markup lines 13-17)

This clause penalizes smaller developments. If a development of 5 units anywhere in Westchester is proposed, under this law the minimum set aside for workforce units will be 1 (or 20%) of the 5. That is double the effect of the 10% set aside required for larger developments (10 units or more), where 10 units would also require just 1 set aside unit. This double impact on smaller developments is troubling for two reasons: (1) the vast majority of development proposals that villages like ours see are small in scale (well under 10 units of housing), and (2) such a perceived burden may lead developers to avoid proposing any development of small-scale multi-unit housing.

The legislative findings continue by stating, “In the alternative, where a local government determines that the provision of suitable affordable workforce housing may not be provided on site,...” (A3173 page 1 markup lines 18-19)

By what standards is a local government to determine whether “suitable affordable workforce housing may not be provided on site” here? This standard is so vague that it may be nearly unenforceable by the state, county, or municipality.

The legislative finding continues as follows, “that in lieu of said requirement, in exchange for a density bonus, either a payment may be made of a reasonable sum to be determined by the local government for the purpose of affordable workforce housing, which sum shall constitute a trust fund for that purpose, or other land and affordable workforce housing units constructed thereon may be provided off-site.” (A3173 page 1 markup lines 20-24).

This trust fund concept sounds great in intention, but is fraught with potential problems and lack of specificity. The Town of Southampton has already commented about its concerns on a similar legislation adopted in 2008 as the Long Island Workforce Housing Act. (See the attached August 2008 letter to you from Southampton Supervisor Kobot.) In effect, this clause allows a developer to buy out of the housing mandate without any requirement that the funds will be expended for workforce housing in a meaningful time frame.

Almost every sentence of the bill creates more ambiguities than solutions in amending the general municipal law. We will highlight a few of the most significant trouble spots below.

The bill’s definition section is problematic. The bill amends general municipal law by adding a new Article 16-B, which creates the Westchester County workforce housing incentive program. Within that new Article, § 669-h, “Definitions,” defines “Density Bonus” as “a density increase of at least ten percent, unless a lesser percentage is elected by the applicant over the otherwise maximum allowable residential density or floor area ratio...” (A3173 page 2 markup line 21-22).

Independent of this bill, our village is examining whether to double the allowable floor area ratio as of right for mixed-use development from 0.4 to 0.8 FAR for a set of commercially zoned parcels. We have just launched the SEQRA process to study these zoning additions. This bill would push the FAR to 0.88, should we adopt the local zoning changes. How do we know that a 0.88 FAR that would result from this bill will not exceed the carrying capacity of the parcels (for parking, set back, open space, etc)?

The definition of “Density Bonus” goes on to state: “All density calculations resulting in fractional units shall be rounded up to the next whole number.” (A3173 page 2 markup lines 25-26). This “all fractional units shall be rounded up” has the effect of penalizing the smaller-scale developments that are so critical to the county's villages. For example, under this rule an 11

unit develop proposal will need to set aside 2 workforce units. A new development of 20 units, nearly twice as large as the 11 unit proposal, will also only need to provide 2 workforce units. A likely result will be the creation of the smallest number of workforce units possible in most cases. An even more likely result will be developers proposing fewer units to stay below the bar that triggers the “plus one” workforce set aside. Both conditions punish the County’s many smaller municipalities.

In §699-i-I-b, the bill seeks to create some flexibility for the local government by stating “b. upon the local government making a finding that the set aside of at least ten percent of such units for affordable workforce housing would have a specific adverse impact upon health, safety or the environment for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact...” (A3173 page 2 markup line 40-44).

We wonder if this condition for opting out is one that will hold up well under litigation. The burden on the local government to prove the potential of a specific adverse impact on health, safety or environment may be very high. It means proving something that might happen, based on something that is not yet built. This requires as stated later in the bill the local government produce "a written finding, based upon substantial evidence." Choosing to produce a finding is likely to cost a village like ours tens of thousands of dollars in consultancy and legal fees. We view this “out” as worse than useless. We view it as an open invitation for legal suits. Defending a finding that is challenged in court will cost yet more. This burden of proof and the ramifications thereof are prohibitive for our small government.

In § 699-i-3, the bill lays some administrative and implementation rules. To wit, “3. Within one year of the effective date of this article, the local government shall adopt an ordinance or local law that specifies how the local government shall implement this article, including provisions specifying how density bonuses will be provided. The local government shall also establish procedures for waiving or modifying development and zoning standards that would otherwise inhibit the utilization of density bonuses on specific sites.” (A3173 page 3 markup line 19-25).

While we like our village attorney, and want to keep him busy, we are not too excited about spending money drafting new local laws that, for the reasons above, seem open invitation to problematic suits. Is the Department of State going to supply model code for these provisions? Croton-on-Hudson already has well thought out procedures and policies. This new rule makes me nervous about how we may be committed to further waivers or modifications for zoning.

In addition to the above concerns over specific language in the bill, we have at least two more general concerns we feel compelled to raise.

The bill imposes yet another unfunded mandate at the worst possible time. In addition to the burdens it may impose on infrastructure and community facilities, it is going to force municipalities to fund a level of administration required to approve and monitor the affordable workforce housing that it imposes. With the mandate to require affordable housing, the municipality will have to be involved in reviewing the financial data of prospective applicants, and in the ongoing monitoring of the units to be sure they continue to be occupied by people who fit the financial criteria. This work takes a considerable amount of staff expertise, time and enforcement capacity. Most Westchester municipalities—including Croton—do not have the staff to do this inhouse. We will be forced to engage and pay third party organizations for application review and monitoring services.

The bill has a facial unfairness about it by failing to give credit to municipalities—like Croton—that have already built dozens of affordable housing units in recent years. Without some credit for prior work, the rules for Croton will be the same as for municipalities who have built no such units. One size does not fit all.

The singling out of Westchester County is problematic as well. Mandating affordable workforce housing on a piecemeal, rather than statewide, basis will actually deter the provision of affordable housing overall. For example, a municipality in the next county currently working on providing affordable housing might well put the brakes on now. It may be more cost-effective to wait until the State mandate arrives rather than get no credit for affordable housing efforts completed just before the law arrives.

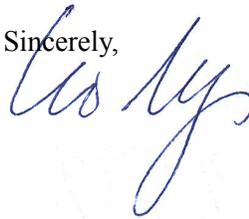
The Westchester Workforce Housing law has been clearly modeled on the Long Island Workforce Housing Act you signed in 2008. The difference between the bills seems to be that The Westchester version wisely removes the Long Island version's stipulation that a trust fund payment go to a particular housing non-profit organization. But, beyond that, none of the other flaws in the Long Island version—as pointed out by Southampton Supervisor Kabot and others a year ago—were corrected in the Westchester version.

We believe that workforce housing is best served by passing a bill that does not create so many landmines for local governments. To create the housing we all agree is needed a statewide program that allows calibration for local municipal conditions would be far more effective.

In sum, I urge your office to consider the above comments and to remand A.3173 and S.4946 back to the State Assembly and Senate for reconsideration and further vetting with local governments prior to enactment into law.

Thank you for your attention to these issues.

Sincerely,



Leo A. W. Wiegman

Mayor, Village of Croton-on-Hudson

[lwiegman@crotononhudson-ny.gov](mailto:lwiegman@crotononhudson-ny.gov)

Cc:

Village Board of Trustees

Village Manager Abraham Zambrano

Village Attorney James Staudt

Assemblywoman Sandra Galef

Senator Vincent Leibell

Westchester County Executive Andrew Spano

Westchester County Legislator William Burton

Westchester Municipal Officials Association

Supervisor Linda Kabot, Town of Southampton

Enclosures: August 6, 2008 letter from Southampton Supervisor Kabot to Governor Paterson regarding Long Island Workforce Housing Act.



**LINDA A. KABOT**  
SUPERVISOR

**Town of Southampton**  
116 HAMPTON ROAD  
SOUTHAMPTON, NEW YORK 11968

Phone: 631-283-6055  
Fax: 631-287-5708  
[www.southamptontownny.gov](http://www.southamptontownny.gov)

August 5, 2008

Honorable David A. Paterson  
Governor, State of New York  
Executive Chamber, State Capitol  
Albany, NY 12224

**Re: Long Island Workforce Housing Act – A.09881A and S.6823A**

Dear Governor Paterson:

Recently, the Town of Southampton was advised that A.09881A and S.6823A were adopted by the State Legislature and now are awaiting your consideration for veto or signing into law, with an effective date of January 1, 2009. I understand that if the Governor neither signs nor vetoes the bill, the law goes into effect nonetheless.

The Town of Southampton strongly supports the intent of the Long Island Workforce Housing Act to facilitate additional affordable housing opportunities for the region's workforce. However, together with the Town Board, I have serious concerns that need to be brought to your attention with regard to implementation at the local level and unintended consequences due to the present wording of this state legislation.

First, there has been very little communication with the Town, or Villages within the Town, or other local governments, about this law. This legislation did not consider home rule authority for local governments – many of which have more stringent requirements, particularly for below-market rate set-aside units in multi-family projects and mixed use developments.

Second, I am concerned with the lack of flexibility afforded to local municipalities in integrating other not-for-profits into the overall scheme for affordable housing. Although the Town has an excellent relationship with the Long Island Housing Partnership, it may have preferred, in a particular case, to transfer trust funds as set forth in the Act to other not-for-profit housing organizations, such as the Southampton Town Housing Authority, Habitat for Humanity of Suffolk, Habitat for Humanity of Peconic, or Community Development Corporation of Long Island. This Act deprives the local municipality of such discretion at the end of the three year period.

Third, the Act will almost certainly result in an unequal dispersion of affordable housing given disproportionate land values within the Town. This problem arises where it is more lucrative for

developers to relocate affordable units of “consistent design” to land having a lower value, while receiving the density bonus in the high end area. Areas with higher population density will continue to absorb developments with higher densities, thus running counter to the stated intent of the legislation. By giving the applicant complete discretion as to which option to exercise, the Town loses control over appropriate placement of Affordable Workforce Housing, while most developers will opt for the “cash-in-lieu” payment of only \$200,000.

Let us consider the proposed density bonus mandate and the situation of a high end area such as Bridgehampton or unincorporated Sagaponack. The Town must provide a 10% bonus under the Long Island Workforce Housing Act, if enacted into law by the State of New York, for all developments containing 5 dwelling units or more. For a 10 lot subdivision, the developer gets one more dwelling unit to build and sell for market rate. In exchange for this density bonus, the developer can fulfill the affordable housing obligation by opting-out with “cash-in-lieu” in the amount of \$194,200 paid to the Affordable Housing Trust Fund (e.g. Nassau-Suffolk Median Household Income for family of four \$97,100 x 2 per statute, or value of lot, whichever is less). Obviously, the developer will sell the lot at fair market value of say a cool \$1 million, with a windfall of approximately \$800,000, after fulfilling the Long Island Workforce Housing Act mandated payment to the Town of under \$200,000. The Town will then expend the funds anywhere in the Town to facilitate affordable housing, and not necessarily in Bridgehampton or unincorporated Sagaponack. In my view, the legislation should have provided a requirement for the municipality to prioritize development or facilitation of workforce housing in the general vicinity of area where the contribution was exacted from the developer, for example, on the basis of zip code or same school district.

Therefore, I urge your office to consider the above comments and remand A.09881A and S.6823A back to the State Legislature for reconsideration and further vetting with local governments prior to enactment into law.

Sincerely,

Linda A. Kabot  
Supervisor  
Town of Southampton

cc: Town Board  
Town Attorney  
Land Management  
East End Mayors and Supervisors  
Assemblyman Fred Thiele  
Senator Ken LaValle

**APPENDIX E:**

Letter from Westchester County Planning Board (dated 7/28/09)

Memorandum from Waterfront Advisory Committee to Mayor Wiegman and the Board of Trustees (dated 8/6/09)



Andrew J. Spano  
County Executive

County Planning Board

July 28, 2009

Janine King, Assistant Village Manager  
Village of Croton-on-Hudson  
Kellerhouse Municipal Building  
One Van Wyck Street  
Croton-on-Hudson, NY 10520-2501

Subject: **Referral File No. CRO 09-001 — Harmon Gateway Overlay District  
Zoning Text and Map Amendments**

Dear Ms. King:

The Westchester County Planning Board has received a notice of public hearing and SEQR full environmental assessment form for proposed map and text amendments to the Village Zoning Ordinance. The proposed map amendment would enlarge the boundary of the Harmon/South Riverside Gateway Overlay District to comprise the parcels located along both sides of South Riverside Avenue, between Croton Point Avenue to a point approximately 200 feet north of Oneida Avenue. The proposed text amendment would revise use regulations as well as special area, bulk and parking regulations for the Harmon/South Riverside Gateway Overlay District to regulate mixed-use development as a permitted use.

We have reviewed this matter under the provisions of Section 239 L, M and N of the General Municipal Law and Section 277.61 of the County Administrative Code and offer the following comments:

**Consistency with Westchester 2025 and local plans.** By permitting mixed-use development within the Harmon/South Riverside Gateway Overlay District, the Village will channel growth and development within the gateway of an existing center, a concept which is 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. Because this gateway area is between the downtown center and the Croton/Harmon railroad station, mixed-use redevelopment in this area can also create a walkable transit-oriented environment that can ultimately serve as a segue between the downtown center and the train station. Such an environment would be consistent with the Village's Bicycle/Pedestrian Master Plan by increasing the potential for "non-motorized means of travel in the Village...where residents and visitors have safe access to...destinations on foot, by bicycle, or by rollerblading."

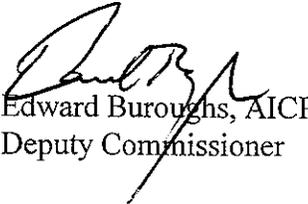
July 28, 2009

Page 2

Thank you for calling this matter to our attention.

Respectfully,  
WESTCHESTER COUNTY PLANNING BOARD

By:

  
Edward Burroughs, AICP  
Deputy Commissioner

EEB/JB



**Waterfront Advisory Committee**

Stanley H. Kellerhouse Municipal Building  
One Van Wyck Street  
Croton-on-Hudson, NY 10520-2501

*Chairman*  
FRAN ALLEN

*Members*  
STUART GREENBAUM  
ROBERT LUNTZ  
RICHARD OLVER  
DEMETRA RESTUCCIA

*Attorney*  
JAMES STAUDT

*Village Engineer*  
DANIEL O'CONNOR, P.E.

*Secretary*  
SYLVIA MILLS

**WATERFRONT ADVISORY COMMITTEE**

**To: Mayor Wiegman and the Board of Trustees**

**From: Fran Allen, WAC Chair**

**CC: Abe Zambrano  
WAC Committee  
Charlie Kane representing Stuart Greenbaum**

**Subject: Consistency Review of the Proposed Changes to the Harmon Gateway Overlay Zoning District Local Law, Croton-on-Hudson, NY**

**Date: August 6, 2009**

At their meeting of August 5, 2009, the Waterfront Advisory Committee (WAC) reviewed the changes being proposed to the Harmon Gateway Overlay Zoning District Local Law for consistency with the Croton's Local Waterfront Revitalization Program (LWRP). Included in the submission materials for the WAC's review was a Coastal Assessment Form (CAF) dated July 8, 2009.

The WAC reviewed the questions and answers given in the CAF and, after a thorough discussion of the relationship and significance of this zoning action with the policies set forth in the Village's Local Waterfront Revitalization Program (LWRP), the WAC found this action to be consistent with the LWRP policies. The WAC would recommend one minor change in the CAF i.e., in section B.5 on page 2, "*Description of Site and Proposed Action – Present Land Use*," the following should be added: "...*mixed-use and unimproved properties/vacant lots.*"

It should be clarified that the WAC's consistency review in this case is for zoning changes and not for a specific building and/or construction projects. The zoning changes will provide opportunities for projects/actions to be taken at some point in the future, which more than likely will require approval(s) of the various Village boards (Village Board, Planning Board, etc.).

FA/smm

Attachment: Amended CAF

5. Present land use: Office, auto-related uses, retail, service businesses, restaurants, residential, mixed-use and unimproved properties/vacant lots  
6. Present zoning classification: C-2 (General Commercial) and South Riverside/Harmon Gateway District (partial overlay)

7. List and describe any unique or unusual land forms within or contiguous to the project site (i.e. bluffs, dunes, swales, ground depressions, other geological formations):  
None

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

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

- a) Name: None
- b) Size (in acres): N/A

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

- a) Name of applicant: N/A
- b) Mailing address: \_\_\_\_\_
- c) Telephone number: (area code) (\_\_\_\_\_) \_\_\_\_\_
- d) Application number, if any: \_\_\_\_\_

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

**C. COASTAL ASSESSMENT:**

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

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