

**RECOMMENDATION OF THE VILLAGE OF
HASTINGS-ON-HUDSON PLANNING BOARD
AND NEGATIVE DECLARATION PURSUANT
TO THE STATE ENVIRONMENTAL QUALITY
REVIEW ACT (SEQRA) ON THE PROPOSED
2013 SAW MILL LOFTS (August 29, 2013)**

I. INTRODUCTION

This document constitutes both the recommendation of the Village of Hastings-on-Hudson Planning Board (“Planning Board”) to the Village Board of Trustees, pursuant to the Mixed Use Planned Development District (MUPDD) regulations (§ 295-72.3 of the Village Zoning Code), and the Planning Board’s Determination of Non-significance, pursuant to the State Environmental Quality Review Act (“SEQRA”), with respect to the application by Ginsburg Development Companies, LLC for Concept Plan Approval for the proposed 2013 Saw Mill Lofts development. (The document will be referred to as the “Recommendation.”) The Concept Plan is for a 66-unit residential development on an approximately 7.45-acre property on Route 9A (Saw Mill River Road) in the Village (the “Site”). The Tax Map designation for the Site is Lot 4.60-46-1.

In 2006, after an extensive SEQRA review, positive SEQRA findings, and a positive recommendation by the Planning Board, the Board of Trustees also made positive SEQRA findings and approved a Concept Plan for the MUPDD Saw Mill Lofts Development. The 2006 Saw Mill Lofts development, proposed by GDC Holdings, L.L.C., consisted of 60 units in two buildings; 54 of the units were to be live/work units, and six were to be affordable residential units. (This development will be referred to as the “2006 Saw Mill Lofts.”) Subsequently, the Planning Board engaged in site plan and Steep Slopes review and, on September 20, 2007, granted Steep Slopes and site plan approval. Because of further market studies, the collapse of the housing market, and the unavailability of financing, GDC Holdings did not proceed with construction of the 2006 Saw Mill Lofts. The Concept Plan approval and all other approvals lapsed.

In February 2013, Ginsburg Development Companies, LLC (“GDC” or the “Applicant”) applied to the Board of Trustees for modifications to its previously approved Concept Plan. The proposed 2013 Saw Mill Lofts development would include 66 residential units in three buildings. Two of the buildings would have 27 units each; these units would be market-rate. The other building would have 12 affordable rental units. The 66 units would be purely residential and would not have a “work” component. (The 2013 Saw Mill Lofts proposal will also be referred to as the “Proposed Action.”) As is discussed later in this Recommendation, in other ways, the 2006 and 2013 Saw Mill Lofts proposals are very similar.

On March 5, 2013, the Board of Trustees determined to treat the application as a new application for Concept Plan approval and referred the application to the Planning Board,

pursuant to § 295-72.3.G(2) of the MUPDD regulations, and asked the Planning Board to retain its SEQRA lead agency status. The Applicant submitted an expanded Environmental Assessment Form (EAF), which discussed the environmental implications of the modifications to the Concept Plan approved for the 2006 Saw Mill Lofts. The Planning Board was designated lead agency for the SEQRA review and retained Langan Engineering, Environmental, Surveying and Landscape Architecture, D.P.C. (“Langan Engineering”) to review the Expanded EAF and the Planning Board’s SEQRA Findings on the 2006 Saw Mill Lofts and to determine whether further environmental review of the Proposed Action was necessary. The Planning Board requested that Langan Engineering pay particular attention to: increased sensitivity to stormwater management issues in recent years; the Village of Hastings-on-Hudson Comprehensive Plan, adopted in 2011; and an increase in traffic-intense developments in the area in the last six years, including the recently approved Rivertowns Square development in Dobbs Ferry.

In addition, the Planning Board retained Urbanomics, an economic development and fiscal analysis firm, to review the socioeconomic and fiscal impacts of the Proposed Action. It also asked Urbanomics to analyze the Applicant’s claim that the 12 affordable apartments had to be in a separate building.

Even though not required by SEQRA, the Planning Board held a public hearing on the Proposed Action on July 18, 2013. Subsequently, the Planning Board wrote specifically to the Ardsley School District to see if it had any comments on the Proposed Action.

This Recommendation is predicated upon the Planning Board’s review of several renditions of the proposed 2013 Saw Mill Lofts, the Planning Board’s Findings and Recommendation on the 2006 Saw Mill Lofts, the Expanded EAF on the 2013 Saw Mill Lofts, the Technical Memorandum of Langan Engineering, several reports from Urbanomics, a report from SavATree tree consultants, and comments from the public.

II. DESCRIPTION OF THE SITE AND THE PROPOSED ACTION

A. The Site

The 7.45 acre Site is situated in the northeastern portion of Hastings-on-Hudson, between NYS Route 9A and the Saw Mill River Parkway. It consists of 5.15 acres of vacant land and two existing paved parking lots, which comprise 2.3 acres. A portion of the Site (approximately 0.77 acres) is land under the Saw Mill River, which runs along the entire western boundary of the Site in a northerly to southerly direction. The Site is bounded on the east by Route 9A and the Town of Greenburgh/Village of Hastings-on-Hudson border. On the west, it is bounded by the Saw Mill River and the Westchester County South County Trailway. (Part of the river lies on the Site.) On the south, the Site is bordered by open space owned by the Westchester County Park Commission. To the north, the Site is bounded by the Greenburgh/Hastings-on-Hudson municipal boundary

and a parcel of land owned by 425 Ardsley, LLC, which contains a warehouse building approximately 48,000 square feet in size.

The Site fronts on Route 9A for approximately 1,080 feet. The width of the Site ranges from 270 to 310 feet. The property is relatively level along Route 9A, and then slopes sharply to the west, resulting in a steep bank above the Saw Mill River. The river in the vicinity of the Site, though not channelized, is relatively straight, narrow and shallow. The average distance from Route 9A to the top of the riverbank is roughly 240 feet. The Site was apparently filled over 70 years ago, when the Westchester County sewer line was installed through the Site.

The Site is largely undeveloped and consists of brush areas with a perimeter of forest along the Saw Mill River. The Site contains two areas of abandoned parking pavement previously used by Ciba Geigy and as overflow parking for Ardsley Park. A Westchester County sewer easement traverses the Site in a north-to-south direction. A portion of the Site lies in the Federal Emergency Management Agency (“FEMA”) 100-year floodplain.

The Site was formerly part of the Ciba-Geigy campus, which was on both sides of Route 9A, and thus in both the Village of Hastings-on-Hudson and the Town of Greenburgh. The campus was sold to Ardsley Partners II, L.P (“Ardsley Partners”), GDC’s predecessor in ownership, when Ciba Geigy relocated its headquarters in the mid-1990’s to Tarrytown. The Greenburgh portion of the former campus, located to the east of Route 9A and known as Ardsley Park, is comprised of buildings that are being occupied by uses consistent with the Town of Greenburgh’s General Industrial District Zoning.

The downtown area of Hastings-on-Hudson is situated roughly two miles southwest of the Site and linked by the Ravensdale Bridge over the Saw Mill River Parkway. The downtown of the Village of Ardsley lies about one mile north of the Site, linked to the Site by Route 9A. The Village of Dobbs Ferry is about one mile northwest of the Site.

The Site is part of the Route 9A transportation corridor, which has a broad mix of existing land uses. Route 9A is two lanes from the Site north through the Village of Ardsley to Elmsford and south until Yonkers. There is an office complex (Ardsley Park) to the east of the Site; an industrial warehouse and surface parking area to the north; open space to the west, across the Saw Mill River Parkway; and open space to the south, just north of the Jackson Avenue/Ravensdale Road intersection, comprised of cemeteries and Westchester County Park Commission Land along the Saw Mill River. The South County Trailway is on the west side of the Saw Mill River, and east of the Saw Mill River Parkway. The Trailway is an important Westchester County recreational amenity, and is used by County residents and visitors for both active and passive recreation, including walking, jogging and biking.

There are residential areas to the southwest of the Site, across the Saw Mill River Parkway, within Hastings-on-Hudson. That area also contains Hillside Woods Park and the Children’s Village School. There is a residential area south of the Site and of

Ravensdale Road, known as Holly Park, which is part of the Village. There are also residential areas north of the Site in Ardsley and northwest of the Site in Dobbs Ferry.

In June 2013, the Dobbs Ferry Board of Trustees gave final approval to the Rivertowns Square development, to be located northwest of the Site, at Saw Mill River Parkway and Lawrence Street. The development will consist of a 202-unit luxury rental building, an 18,000 square foot “gourmet” food market, a 33,662 square foot movie theater, 64,800 square feet of retail and restaurant space, a 123-room hotel, and 1,167 parking spaces.

Most of the Site lies within the borders of the Ardsley School District. A narrow strip, running along the Saw Mill River and including the river, is in the Hastings-on-Hudson School District. None of the residential buildings would be in the Hastings School District.

B. History of the Proposed Action

In the 1990’s the Site was owned by Ardsley Partners, and was zoned as Limited Industry (LI) under the Village Zoning Code. This classification permitted offices and other uses allowed in the Central Commercial (CC) district, including retail and mixed use buildings. This zoning classification permitted the Site’s use as an accessory parking lot for Ciba Geigy, the principal offices of which were across Saw Mill River Road.

In April 1995, Ardsley Partners submitted applications to develop the Site with a 50,000+ square foot ShopRite supermarket, which was an allowable retail use within the LI zone. Ardsley Partners applied to the Planning Board for site plan and subdivision approval and sought variances from the Village Zoning Board of Appeals. The Planning Board was lead agency for review of this proposal under SEQRA, and required the preparation of an Environmental Impact Statement (“EIS”). The environmental review for the ShopRite proposal, together with the Planning Board’s site plan and subdivision review, was completed in October 1999. At that time, the Planning Board issued negative findings under SEQRA, disapproving the ShopRite proposal due to significant unmitigated adverse impacts, and denied the applications for site plan and subdivision approval.

Ardsley Partners challenged the Planning Board’s SEQRA Findings in a proceeding under Article 78 of the Civil Practice Law and Rules. In a decision dated May 15, 2000, the Westchester County Supreme Court ruled in the Planning Board’s favor, finding that the Board had taken the requisite “hard look” at the environmental impacts of the proposed project and had otherwise complied in all respects with the mandates of the SEQRA process. The Court also affirmed the Planning Board’s denial of the applications for site plan and subdivision review. Ardsley Partners filed an appeal from that judgment, but subsequently withdrew the appeal after GDC contracted to purchase the Site from Ardsley Partners in August 2000.

Subsequently, in September of 2000, GDC submitted an application for a project called Riverwalk Village, which included 157 rental apartments constructed in a townhome

style. Because the Site was zoned LI, which did not allow residential use, GDC sought a rezoning of the Site to a residential district. The Planning Board was designated as lead agency for the SEQRA process and determined that the proposed development had the potential for one or more significant adverse environmental impacts, and thus necessitated preparation of an EIS. The Board determined that the EIS should be supplemental to the EIS prepared for the ShopRite project, as much of the information in that document remained relevant to the Riverwalk Village proposal.

Before the SEQRA review was completed, in August 2003, the Board of Trustees instituted a moratorium on development in the LI District on Route 9A in the Village. Pursuant to the moratorium, the Board of Trustees requested the Planning Board to review the Site's zoning and make a recommendation regarding zoning alternatives for the Site. The Planning Board hired Stuart Turner and Associates ("Turner"), a planning consulting firm, to assist with the zoning review. In its report submitted in December 2003, Turner noted that "the preferred use of the Site would be for multiple residential purposes at a density and scale that will be consistent with the Village Objectives." To achieve this goal, Turner recommended certain types of low-impact uses, including residential and mixed used developments. Turner found that "the use that best achieves the objectives is a small, moderate to high-end residential development with primarily small units." After several months of evaluation and refinements of the concepts suggested in the Turner Report, the Planning Board recommended creation of a new zone, entitled Mixed Use Planned Development District (MUPDD), which would allow for either low-density residential or mixed use residential.

The Planning Board and the Board of Trustees held a joint meeting on September 13, 2004, at which the Planning Board presented the MUPDD concept. The Board of Trustees continued to consider this recommendation at its September 28th meeting and, on October 5, 2004, voted 3-2 in favor of adopting the MUPDD zone. However, a protest petition filed by Purdue Pharma, a neighboring property owner, prevented the resolution from becoming effective in the absence of a supermajority (*i.e.*, 4-1) vote.

In June 2005, GDC submitted a draft Supplemental Final Environmental Impact Statement ("SFEIS") to the Planning Board. It included two preferred alternatives to the Riverwalk Village proposal: a MUPDD Saw Mill Lofts plan, which included 54 live/work units and six affordable units, intended to be consistent with the MUPDD, and a LI Saw Mill Lofts plan, which included 54 live/work units, six affordable units and 20,000 square feet of ground floor retail, intended to be consistent with the LI district.

On September 26, 2005 the protest petition filed by Purdue Pharma was withdrawn and, on October 4, 2005, the new MUPDD zone became effective. As a result of the rezoning, the MUPDD Saw Mill Lofts plan, proposed in conformance with the new zoning district, succeeded the Riverwalk Village proposal as the Proposed Action.

The MUPDD regulations required the Board of Trustees to approve a Concept Plan. The Applicant submitted a Concept Plan application for the MUPDD Saw Mill Lofts project

in October 2005. The Board of Trustees conducted a preliminary review of the Concept Plan, and held a public hearing on the Plan on November 15, 2005. The Trustees voted to refer the Concept Plan to the Planning Board for its review and recommendation.

The Planning Board was designated lead agency and conducted an extensive SEQRA review of another SFEIS (supplemental to the ShopRite EIS and the Riverwalk SFEIS). On February 16, 2006, the Planning Board accepted the SFEIS as complete. A joint public meeting of the Planning Board and Village Board of Trustees was held on March 7, 2006 to hear public comment on the SFEIS and the Concept Plan. On April 20, 2006, the Planning Board, in a 55-page document entitled “Recommendation of the Village of Hastings-on-Hudson Planning Board and Findings Statement Pursuant to the Site Environmental Quality Review Act for the Proposed MUPDD Saw Mill Lofts Development,” adopted SEQRA Findings and recommended approval of the Concept Plan to the Board of Trustees. On June 26, 2006, the Board of Trustees issued positive SEQRA Findings and approved the MUPDD Saw Mill Lofts Concept Plan. The MUPDD Saw Mill Lofts proposal then came back to the Planning Board for site plan review and Steep Slopes review. The Planning Board issued site plan approval and Steep Slopes Approval on September 20, 2007.

As stated above, GDC did not build the project. The Concept Plan approval lapsed on June 26, 2009. Site plan approval lapsed on September 20, 2008.

C. The Proposed Action – The 2013 Saw Mill Lofts

The 2013 Saw Mill Lofts would consist of 66 residential units, of which 54 would be market-rate units and 12 would be affordable units, in compliance with the Village’s Affordable and Workforce Housing Set-Aside regulations, § 295-112.1 of the Zoning Code (“Affordable Housing Law”). All 66 apartments would be rental units initially, but the Applicant stated that the market-rate apartments have been designed for the possibility of future conversion to condominiums. (This future ownership flexibility impacted the decision to permit the affordable housing to be in a separate building.)

The 2013 Saw Mill Lofts would consist of three buildings, two market-rate and one affordable. The length of the three buildings totals 500 linear feet. By contrast, the 2006 Saw Mill Lofts consisted of two buildings, with a combined length of 600 feet. The Site layout places the three buildings in a north-south orientation along the central axis of the property to maximize setbacks from Route 9A and the Saw Mill River. The three buildings will be set back from Route 9A approximately 94 feet, 115 feet, and 75 feet from north to south. The 2013 Saw Mill Lofts are set back farther from Route 9A than the 2006 Saw Mill Lofts. Thus, they are somewhat closer to the Saw Mill River.

The buildings would be connected by an internal road that would run parallel to Route 9A. This road has been designed as a tree-lined neighborhood street rather than as a parking area. Two driveways from Route 9A would provide access to the Site. (The 2006 Saw Mill Lofts had three access roads.) A sidewalk runs in front of the three

buildings for the length of the Site (excluding the parcel being dedicated to the Village) and extends north toward the bus stop located just north of the Site. GDC has proposed to construct two landscaped berms with additional trees and other plantings along the Site's border with Route 9A. In addition, low decorative stone walls will be constructed at the two driveway entries to the Site.

The two market-rate buildings would have 27 rental units each. Each building would consist of three floors, plus a below grade parking level with elevator access. The buildings would be 40 feet tall. The building with the 12 affordable units would be two stories and 24 - 30 feet tall. It would also have an elevator, but parking would not be in the building. According to the Applicant, under the requirements of the New York State affordable housing funding programs, below grade parking is not permitted.

The bedroom mix for the 54 market-rate apartments is six one-bedroom units, 42 two-bedroom units and six three-bedroom units, for an average of two bedrooms per unit. The apartments range from 950 square feet for a one-bedroom to 1,670 for a three-bedroom; two-bedrooms range from 1,250 square feet to 1,650 square feet.

The mix for the affordable apartments is one studio apartment, four one-bedrooms, five two-bedrooms, and two three-bedrooms, an average of 1.95 bedrooms per unit. This meets the Zoning Code requirement that affordable housing units shall be distributed among one-bedroom, two-bedroom, and three-bedroom units in the same proportion as all other units in the development. The studio would be 485 square feet; one-bedrooms from 680 to 700 square feet; two-bedrooms from 890 to 950 square feet; and three-bedrooms 1,120 square feet. As discussed later in this document, the apartments are slightly smaller than required by the Hastings Affordable Housing Law, and a condition of this Recommendation is that they meet the statutory minimum.

The 2013 Saw Mill Lofts would be designed to be architecturally compatible with the existing light industrial buildings on Route 9A. The Planning Board would review the architecture further during site plan review; the Village Architectural Review Board would be responsible for approving the final architectural detailing.

The parking requirement of the Zoning Code for the 66 apartments is 115 spaces. 126 parking spaces are provided; 70 are in the garages of the market-rate buildings, and 56 are surface spaces. (The 2006 Saw Mill Lofts had 174 parking spaces.) Of the 126 spaces, 10 are public parking spaces at the trailhead for the pedestrian bridge to the South County Trailway.

A 1.82 acre parcel at the southern end of the Site will be cleared of the asphalt paving, planted, then dedicated to the Village. (The 2006 Saw Mill Lofts proposal included a dedication of 1.75 acres.) As with the 2006 Saw Mill Lofts, the Proposed Action includes the construction of a pedestrian bridge to connect the Site to the South County Trailway. It also includes the creation of a new trailhead with 10 public parking spaces on the residential portion of the Site.

While the Applicant had also proposed dedicating another 1.3 acres along the Saw Mill River to the Village or the County, the Planning Board required that the land along the Saw Mill River remain under the same ownership as the residential buildings.

Spacing between the three buildings maintains an east-west visual corridor between the buildings and preserves existing trees on the Site, including two of the three Norway spruce trees. In addition to the 1.82 acre parcel being dedicated to the Village, approximately 3.7 acres of open space would be provided on the Site, including the open space between the Saw Mill River and the buildings and the landscaped areas between the building and Saw Mill River Road. Thus, a total of 5.5 acres of the Site would remain as open space (0.77 acres of this is underwater).

The 7.45-acre parcel would be subdivided into four pieces; one containing the parcel to be dedicated to the Village, and one for each of the three apartment buildings.

As discussed in the section on Land Use and Zoning, the Saw Mill Lofts project meets all the use and area requirements of the MUPDD under the Zoning Code.

The Applicant would need to pay one-time recreation fees to the Village of \$420,000, since the open space it is dedicating to the Village was done in exchange for the density bonus. (The fees are \$7,500 for each one- and two-bedroom unit and \$10,000 for each three-bedroom unit. Recreation fees are not charged for the affordable units.)

The project would result in approximately 4.2 acres of Site disturbance, and less than 0.17 acres with slopes of 15 percent or more would be disturbed. (The 2006 Saw Mill Lofts disturbed 4.7 acres of the Site and 0.17 acres of steep slopes.) There is very limited disturbance proposed between the western portion of the buildings and the Saw Mill River; the only project elements proposed for this area are the pedestrian bridge to the South County Trailway, placement of a small amount of fill, the bioretention basins, and possibly a retaining wall.

The project would require coverage of the New York State Department of Environmental Conservation (“NYSDEC”) General Permit #02-01 for stormwater discharge. A conceptual drainage plan has been prepared, and a detailed Stormwater Pollution Prevention Plan (“SWPPP”) would be prepared and be reviewed by the Village as part of the site plan review process. A conceptual erosion and sediment control plan has also been prepared, and the detailed plan would be prepared for the site plan review process.

The Saw Mill Lofts project would be served by public water and sewer and other utilities.

The duration of the construction for the Proposed Action is anticipated to be approximately 18 months, in one continuous phase. Construction activity would be limited to the hours between 7:30 AM and 8:00 PM on weekdays, exclusive of holidays, in conformance with Village regulations.

The construction schedule would consist of the following sequence of activities: demolition and removal of existing parking lots; preparation of the Site, installation of site work and installation of utilities; building construction; and then interior fit-up, finishes and landscaping. All construction-related staging and parking would occur on-site. All vehicles and equipment would access the Site from Saw Mill River Road.

Garbage collection would occur by scheduled Village pick-ups at the proposed trash bin areas. These locations will be determined during final site plan approval. There would not be a security guard restricting public access and the development would not be gated. Details and renderings of the proposed light fixtures and street lamps would be provided as part of the lighting plan that would be prepared for site plan review.

The real estate taxes currently paid by the Site are approximately \$133,642, of which the Village's share is \$21,174. The Applicant has stated that the Proposed Action would increase revenue to the taxing jurisdictions of approximately \$486,000 in annual taxes, of which the Village would receive approximately \$102,500. These projected numbers have not been verified.

This Recommendation and Negative Declaration are based on the "Saw Mill Lofts Proposed Schematic Site Plan" dated 8/7/13 ("8/7/13 Schematic Site Plan"), and the Expanded Environmental Assessment Form for the Saw Mill Lofts dated February 28, 2013 ("Expanded EAF").

If the Concept Plan is approved by the Board of Trustees, the Applicant must return to the Planning Board for site plan, subdivision, and Steep Slopes review.

III. EVALUATION OF POTENTIAL ENVIRONMENTAL IMPACTS

As stated above, the Planning Board retained Langan Engineering and Urbanomics to assist it in evaluating whether the 2013 Saw Mill Lofts proposal – along with any changes in the conditions of the project area – would pose any significant environmental impacts that were not evaluated and/or mitigated in the approved Concept Plan for the 2006 Saw Mill Lofts. During the course of the Planning Board's review of the 2013 Saw Mill Lofts, the project was modified in a number of important respects, to respond to concerns of the Board. The Planning Board has completed its review and has concluded, based in large measure on the input of Langan Engineering and Urbanomics, that further SEQRA review of the 2013 Saw Mill Lofts is not required. The Board's analysis of each of the areas of environmental concern is as follows:

A. Land Use and Zoning

The 2013 Saw Mill Lofts conform to the requirements of the MUPDD, Zoning Code § 295-72.3. It is also consistent with, and furthers, many of the objectives of, the Village of Hastings-on-Hudson Comprehensive Plan, adopted in September 2011. It is also

compatible with surrounding land uses. Consequently, the Proposed Action would not significantly adversely affect the Village's land use planning and policy.

1. Zoning Requirements

The MUPDD was designed to “achieve environmentally sensitive, economically beneficial, and socially desirable development that is more creative in its mixture of compatible land use and design than is possible under more rigid, conventional zoning regulations.” Zoning Code § 295-72.3. The MUPDD zoning was also designed “to minimize traffic impacts on adjacent and neighboring streets, protect the Hastings-on-Hudson central business district, protect the character of neighboring properties, respect culturally and environmentally significant resources, and provide access to village and county trailways.” *Id.* The 2013 Saw Mill Lofts' compliance with the purpose and intent of the MUPDD is discussed later in this document, in the section entitled “Recommendation for Concept Plan Approval,” beginning on page 43.

The uses permitted in the MUPDD were based on a study the Planning Board had commissioned during the moratorium on development in the LI District on Route 9A. The Board had retained Stuart Turner & Associates, which recommended that the Site support low impact development that expands the range of housing opportunities, provides open space, assures an open space corridor along Route 9A and is a fiscally positive use. Turner found that “the use that best achieves the objectives is a small, moderate to high-end residential development with primarily small units.” Turner recommended a density of 10-12 units per acre. Upon consideration of this report, the Planning Board proposed, and the Board of Trustees approved, the creation of the new MUPDD district to apply to the Site.

One of the Principal Uses permitted in the MUPDD District is “dwellings for three or more families,” at a density of six dwelling units per acre, subject to a density bonus for the dedication of land to the Village, and subject to the provision of 200 square feet of usable recreation area and open space per bedroom. The 2013 Saw Mill Lofts development fits this use.

Although the maximum density permitted under the MUPDD regulations, without any density bonuses, would be 45 units, the Applicant is requesting a density bonus pursuant to § 295-72.3B(1)(a)[1], which permits the Board of Trustees to allow a density bonus of 33-1/3% in number of units and number of bedrooms if the applicant agrees to dedicate to the Village land for open space or recreation purposes. The Board of Trustees granted GDC this density bonus for the 2006 Saw Mill Lofts project, in exchange for the dedication of 1.75 acres of open space at the southern end of the parcel. Since the 2013 Saw Mill Lofts proposal includes the dedication of 1.82 acres of open space, it is expected that the density bonus will be granted again. This would bring the maximum density to 60 units. Of these 60 units, under the Affordable Housing Law, 15%, or nine, must be affordable.

In addition, the Applicant is seeking a density bonus under the Affordable Housing Law, which provides that the Planning Board may permit the number of dwelling units and bedrooms to exceed the maximum number of dwelling units and bedrooms otherwise permitted by the Zoning Code, but in no event by more than 10%, if for every market-rate dwelling unit in excess of the maximum, one affordable housing unit is also provided. An additional 10% would be six units, for a total of 66 residential units. Of these six units, three are proposed to be affordable and three, market-rate. The total number of affordable apartments, therefore, is 12.

The Affordable Housing Law requires that affordable housing units “shall generally be distributed evenly throughout the development. Notwithstanding, the Planning Board may use discretion in reviewing and approving distribution.” Zoning Code § 295-112.1A(2). GDC asserted that for funding and other reasons, the affordable housing had to be in a separate structure rather than interspersed among the market-rate units. The Planning Board asked Urbanomics to evaluate that assertion. Urbanomics concluded: “The segregation of the low-income units from the market-rate development is not ideal from a planning perspective; however, given the necessities of financing as described in the application for HTF and HCR funding, as well as in the May 8 letter [from GDC], it is likely the most viable way to move forward with the project.” Urbanomics’ report on this issue is included with this Recommendation. The Planning Board persuaded the Applicant to locate the affordable building in between the two market-rate buildings, in order to make the affordable building a more integral part of the development. In addition, the buildings will be constructed in the same style and of the same materials.

As detailed on page 7, the Proposed Action meets the Zoning Code requirement that affordable housing units shall be distributed among one-bedroom, two-bedroom, and three-bedroom units in the same proportion as all other units in the development.

The Affordable Housing Law also requires that the minimum gross floor area per affordable housing unit “shall not be less than 80% of the average floor area of nonrestricted housing units in the development . . . unless the applicant can establish to the satisfaction of the Village that the development is subject to maximum floor area requirements imposed by federal, state or county funding sources.” § 295-112.1A(6). All of the proposed floor areas are less than 80% of the areas of the market-rate apartments, because 80% would exceed the maximum size permitted by the New York State Division of Housing and Community Renewal (550 sf for studios, 725 sf for 1-bedrooms, 950 sf for 2-bedrooms and 1,150 sf for 3-bedrooms). As proposed, the apartments are all slightly less than the DHCR maximums. A condition of approval should be that the affordable apartments meet the maximums permitted by DHCR.

The 2013 Saw Mill Lofts project also complies with the development regulations for the MUPDD under the Zoning Code. It meets the minimum site size of seven acres. The maximum building coverage permitted is 30% of lot area; the three buildings cover 11%. (The 2006 Saw Mill Lofts covered 13%.) The maximum development coverage permitted is 60% of lot area; total coverage of the Proposed Action is just over 25%.

(The development coverage of the 2006 Saw Mill Lofts was 28.2%.) It meets the minimum site perimeter setbacks of 35 feet for the front; 50 feet for each side; 50 feet for the rear; and 50 feet from any designated trailway or other significant environmental feature. The buildings meet the 40-foot height limit.

The open space requirement of 200 square feet per bedroom would mean the project must provide 6/10 of an acre of open space. The 2013 Saw Mill Lofts proposal far exceeds this requirement.

2. Surrounding Land Use Patterns

The 2013 Saw Mill Loft proposal would be compatible with the surrounding mix of land uses in the neighborhood, and is not anticipated to have any significant adverse impacts on neighboring land uses. The proposed buildings would incorporate an industrial vernacular and would be contextually and visually compatible with the historic industrial type structures located along the Route 9A corridor.

Multifamily developments are commonly located between nonresidential uses and single-family residential neighborhoods and serve as a transitional use between commercial or transportation uses and less dense single-family uses. The 2013 Saw Mill Lofts would be situated between the Ardsley Park building to the east (occupied by a pharmaceutical company), and the Saw Mill River, South County Trailway, and Saw Mill River Parkway to the west. Light industrial uses are located to the north of the Site and open space uses are situated to the immediate south and southeast.

Single family neighborhoods are located in the Village, to the west and southwest of the Site. To the south, on the western side of Route 9A, there is undeveloped land owned by the Westchester County Parks Commission. Most of this property, owned by Westchester County Parks Commission, is wetland, although a single family home exists on the land. This parcel is zoned for single family homes on 20,000 square foot lots. Given the environmental constraints, and the fact that this land is designated as open space, the land between this house and the Site is expected to remain open space and is not expected to be significantly adversely affected by the Proposed Action.

To the north on Route 9A, there is also single-family and multifamily residential development. About one-half mile north of the Site, in Dobbs Ferry, approval has been recently given for a 202-apartment complex, part of the Rivertowns Square complex. One and a half miles north of the Site, an affordable housing development of 22 houses has been proposed for the site of the former Waterwheel Restaurant. Two miles north on Route 9A in Ardsley is a 175-unit senior development (the Woodlands at Ardsley). In addition, there are several single family homes on Saw Mill River Road between the Site and the Woodlands. These present and proposed uses, if approved, would cause residential uses to be more dominant along Route 9A.

Cemeteries are located to the east of the Site, across Route 9A, and are at a higher

elevation than the project Site. These cemetery uses are likely to remain in their present use in the foreseeable future.

Development of the 2013 Saw Mill Lofts would change the character and land use of the Site. The vacant, undeveloped site, which is partially paved, would be improved to contain three residential buildings, with 1.82 acres of land donated to the Village for recreational use. These changes would be consistent with the mix of uses along Route 9A and would not result in any significant adverse impacts to surrounding land use patterns.

3. Hastings-on-Hudson Comprehensive Plan

In September 2011, a number of years after the 2006 Saw Mill Lofts project was approved, the Board of Trustees adopted the Hastings-on-Hudson Comprehensive Plan. This Plan included a number of objectives that the Planning Board considered in reviewing the 2013 Saw Mill Lofts. The 2013 Saw Mill Lofts proposal is consistent with, and furthers, the following objectives of the Comprehensive Plan.

a. Protect and enhance gateways to the Village.

The Site was identified in the Comprehensive Plan as one of the gateways to the Village, and one of the objectives of the Plan is to “protect and enhance gateways into the Village.” It recommends the establishment of a scenic corridor overlay, which would include Route 9A and “would require setbacks and landscaped or naturally vegetated buffers.” (Comp Plan at 41)

The proposed project would consist of three buildings designed to appear visually compatible with respect to scale, height and exterior design with other industrial type buildings along the Route 9A corridor. The buildings would be spaced along the north-south centerline of the Site to provide maximum setbacks from Route 9A; the three buildings will be set back approximately 94 feet, 115 feet, and 75 feet from north to south. Landscaping, consisting of extensive new shade and ornamental trees and shrubs, along with decorative low stone walls, are proposed along Route 9A. The on-site roadway paralleling Route 9A has been designed as a tree-lined neighborhood street and will provide additional landscaping between Route 9A and the proposed buildings.

Views into the Site while traveling along Route 9A would change from a vacant lot with parking lots to a development of articulated buildings and landscaping compatible with the character of the surrounding area. The buildings would be separated by wide spaces to maintain east-west view corridors through the Site and to preserve existing trees.

b. Protect and enhance the environmental quality of the Village through preservation of environmentally sensitive areas.

To accomplish the objective of protecting and enhancing the environmental quality of the Village, the Comprehensive Plan specifically recommends protecting old growth trees,

restricting development within wetland, and restricting development adjacent to the Saw Mill River. “A vegetated buffer should be maintained along rivers, streams and other water bodies for ecological and environmental reasons.” (Comp Plan at 43-44)

The 2013 Saw Mill Lofts project complies with all of these recommendations. The buildings were situated to protect two of the three old Norway spruces on the Site. In addition, SavATree, a tree consulting group, did a risk and health assessment of the trees and created a plan to protect the trees as much as possible during construction.

The Planning Board had the Applicant re-assess the wetland delineation on the Site, and had this delineation confirmed by Langan Engineering. It was confirmed that the only wetland is a narrow band along the streambanks of the Saw Mill River. The proposed development will include no disturbance of the wetland, except to install the pedestrian bridge to the South County Trailway. Construction of the bridge is likely to require authorization from the United State Army Corps of Engineers and a permit from the New York State Department of Environmental Conservation. These permits will have to be received before any construction can begin.

Finally, a vegetated buffer is being maintained along the river. There is limited disturbance proposed between the western side of the buildings and the Saw Mill River. The only project elements proposed for this area are the pedestrian bridge to the South County Trailway, placement of a small amount of fill, the bioretention basins, and possibly a retaining wall. The buffer along the river is reduced somewhat from the 2006 Saw Mill Lofts proposal, because the 2013 Saw Mill Lofts have been moved farther away from Route 9A in order to improve the “gateway” identified in the Comprehensive Plan. The 2013 Saw Mill Lofts, however, do meet the MUPDD requirements that the setback from any significant environmental feature be at least 50 feet, and that the rear yard setback be 50 feet.

c. Preserve community character by protecting existing open space.

The Comprehensive Plan has as another of its objectives to “preserve community character by protecting existing open space.” (Comp Plan at 52) Presently, 2.3 acres of the 7.45 acre Site are covered with asphalt paving. The 2013 Saw Mill Lofts would reduce impervious surface (including buildings, sidewalks, walkways, streets and parking areas) to 1.9 acres. A total of 5.5 acres of the Site (0.77 acres of which is underwater) would remain as open space. Of this, a 1.82 acre open space parcel would be dedicated to the Village. In addition, existing open space would be enhanced by the provision of a pedestrian bridge over the Saw Mill River. The bridge would be open to the public and would enhance the South County Trailway as an open space amenity.

d. Diversify the tax base.

One of the strategies under this objective is to consider rezoning the “Ciba-Geigy site” to “other uses (such as exclusive commercial uses) [that] will protect community character

while encouraging land uses that have the potential to generate greater tax revenues than costs to the Village.” (Comp Plan at 49) (The Board of Trustees has not proposed rezoning the Site.) Although the Proposed Action does not include rezoning, other sections of this Recommendation have shown that the 2013 Saw Mill Lofts are consistent with the character of the surrounding community and that the projected tax revenues will exceed the costs of Village services. (See pages 12-13 and 34-39.)

Another strategy under this objective is to “require [a] fiscal impact analysis” for development of any of the large tracts. “The fiscal impact study would compare the costs against the revenues to the Village and School District . . . , and conduct school enrollment projections.” (Comp Plan at 51) Such an analysis was prepared by the Applicant and reviewed by Urbanomics, an independent economic development and fiscal analysis firm retained by the Planning Board. The results of this analysis are found in the Socioeconomics section of this document, beginning at page 33.

One more strategy under this objective is to “encourage fiscally neutral or positive development.” (Comp Plan at 51) As discussed in the Socioeconomics section of this Recommendation, the results of the fiscal analysis referred to above are that both the Village of Hastings-on-Hudson and the Ardsley School District would realize a net benefit from the 2013 Saw Mill Lofts. In this context, it should be noted that the Comprehensive Plan recognizes that “affordable housing . . . may supersede a fiscally positive utilization of a property.”

e. Evaluate development for compliance with the Comprehensive Plan.

Another strategy of the Comprehensive Plan is to “evaluate any development application to ensure that the proposed project complies with the objectives of this Comprehensive Plan.” (Comp Plan at 52) The Planning Board has done just this.

f. Ensure that the Village remains affordable to a wide variety of people.

An objective in the “Quality of Life” section of the Comprehensive Plan is to “ensure that the Village remains affordable to a wide variety of residents.” (Comp Plan at 90) The 2013 Saw Mill Lofts include 12 affordable units, which will increase the stock of rental apartments available to households at approximately 60 percent of the Westchester County median income.

g. Continue to provide a range of housing types.

A related strategy is to “provide a range of housing types.” (Comp Plan at 95) Roughly 55% of the housing in the Village is single-family homes. The Comprehensive Plan directs the Village “to encourage the development of a variety of housing options in the Village, both rental and ownership, which may be more affordable to some households than single-family ownership.” (Comp Plan at 95) The 66 apartments in the 2013 Saw Mill Lofts would provide a variety of housing options.

h. Ease the property tax burden on Village residents.

Another objective of the “Quality of Life” section is to “ease the property tax burden on Village residents.” (Comp Plan at 97) As discussed in the Socioeconomics section of this Recommendation, at pages 34-39, the Proposed Action is projected to generate a revenue surplus over its incremental costs for both the Village and the Ardsley School District.

i. Minimize stormwater runoff.

An objective of the “Sustainable Infrastructure” chapter of the Comprehensive Plan is to “minimize stormwater runoff.” (Comp Plan at 82) The 2013 Saw Mill Lofts will result in 0.4 acres less of impervious surface than is now on the Site, meaning there would be less stormwater runoff than currently exists. Even though storm water detention *for quantity* is not required for this Site by the NYSDEC, a Stormwater Pollution Prevention Plan (“SWPPP”) is required to protect water quality. The SWPPP prepared for the 2013 Saw Mill Lofts utilizes two bioretention basins and other devices, which will reduce peak rates and volumes of runoff from the Site, as well as improve the quality of the water. The stormwater impacts of the Proposed Action are discussed in more detail in the Stormwater Management section of this document, at pages 24-25. These bioretention basins also further a stated design method of the Comprehensive Plan, “The creation of detention ponds, which are basins designed to temporarily detain runoff.” (Comp Plan at 83)

j. Preserve, protect and restore wetland.

Another objective of the “Sustainable Infrastructure” chapter is to “preserve, protect and restore wetlands.” (Comp Plan at 85) As discussed in subsection b above, the Planning Board verified the location of any wetland on the Site. The only wetland is a narrow band along the streambanks of the Saw Mill River, and the 2013 Saw Mill Lofts will not require disturbance of the wetland, except to install the pedestrian bridge to the South County Trailway. Construction of the bridge is likely to require authorization from the United State Army Corps of Engineers and a permit from the NYSDEC.

k. Establish and maintain buffer areas along the Saw Mill River.

A strategy to protect water bodies is to “establish and maintain buffer areas along the Hudson and Saw Mill Rivers.” (Comp Plan at 85) The MUPDD regulations require a 50 foot setback from the Saw Mill River. The buffers for the proposed 2013 Saw Mill Lofts are 60 to 87 feet for the northernmost building, 55 to 60 feet for the affordable building, and 88 to 105 feet for the southernmost building. The Proposed Action also includes landscaping enhancements along the riverbanks.

l. Encourage sustainable design and construction.

One more objective of the “Sustainable Infrastructure” chapter is to “encourage sustainable design and construction in the Village.” (Comp Plan at 77) According to the

Applicant, the 2013 Saw Mill Lofts will be built to comply with the New York State Energy Research and Development Authority (NYSERDA) Low-rise Residential New Construction Program. This program requires strict adherence to the EPA Energy Star Homes requirements and requires premium ventilation systems, high quality air sealing, optimal insulation, energy efficient windows, and energy efficient appliances and lighting. The precise requirements are listed on the NYSEERDA web site.

A strategy under this objective is to “incorporate considerations of climate change in the SEQR process.” (Comp Plan at 77) The Planning Board asked Langan Engineering to consider adding a discussion of energy use and green house gas (GHG) emissions to its report. The Board also reached out to NYSDEC’s (DEC) Office of Climate Change. Both responded that GHG evaluations are typically done for large-scale, high-energy demand, potentially high emission projects. They did not believe a GHG evaluation would be appropriate for the Proposed Action. Langan did suggest, however, that the Applicant provide information about energy efficiency. As discussed in the previous paragraph, that information was provided. NYSDEC suggested that the Applicant consider ways to connect to public transportation (which the Applicant has done with the sidewalk to the bus stop) and to provide ways to install renewable energy equipment, such as roof mounted solar panels, in the future.

m. Provide and maintain pedestrian trails.

An objective in the Circulation chapter of the Comprehensive Plan is to “provide and maintain trails so pedestrians can enjoy recreational walks.” (Comp Plan at 70) While the 2013 Saw Mill Lofts does not provide a trail, it does provide much improved access to the South County Trail. The Proposed Action includes the construction of a pedestrian bridge to connect the Site to the South County Trailway. It also includes the creation of a new trailhead with 10 public parking spaces on the residential portion of the Site. Both the bridge and the parking spaces will be on the property of, and the responsibility of, the owner of the two market-rate buildings.

4. Conclusion

No significant adverse impacts on land use and zoning are anticipated for the 2013 Saw Mill Lofts, which are in character with surrounding land uses, and consistent with the MUPDD and the Village’s newly enacted Comprehensive Plan. Therefore, no mitigation measures are required.

B. Geology, Soils and Topography

Geotechnical investigations indicate that most of the Site was previously filled, first for a Westchester County sewer trunk line and later for the construction of the former Ciba Geigy office complex. Approximately 2 to 17 feet of fill was placed on the Site. Most of the Site, including the areas where the buildings would be situated, is covered with up to

17 feet of fill, consisting of fine to medium sand with some silt gravel and cobbles. Below this layer is an organic clayey silt layer ranging from one to four feet in thickness. This is probably the original ground surface. Groundwater is approximately five feet below grade surface, and bedrock is approximately 25 feet below grade. The top level of soils is considered to be poor from the perspective of support for a foundation, as the fill was not compacted when originally placed on the Site. Thus, construction of the project would require compaction. The precise methodology would be determined during site plan review, although such method is expected to be one of several standard approaches, such as excavation and stabilization with gravel and geotextile fabric, vibratory compaction or dynamic compaction. A condition of site plan approval should be that the Village's engineer be included in the inspection of all compacted soil in the field prior to construction of any structure on the Site.

Neither the buildings (including the below grade parking) nor utilities would be placed below bedrock, so no blasting would be undertaken.

The Site is generally gently sloping, with sharp grades near the Saw Mill River. Approximately 90 percent of the Site has slopes at or less than 15 percent. About one percent of the Site has grades from 15-25 percent, and about nine percent has grades over 25 percent (the banks of the Saw Mill River).

Approximately 4.4 acres of the Site would be disturbed as a result of grading and excavation necessary for construction of the proposed project. (For the 2006 Saw Mill Lofts 4.7 acres would have been disturbed.) The proposed project would disturb 0.17 acres with slopes of 15 percent or greater. The Applicant would need to comply with the Village Steep Slopes provisions of Chapter 249 of the Village Code.

As described in the Section on Aquatic and Terrestrial Resources, the Applicant would comport with, and go beyond, State requirements to address stormwater management and sedimentation and erosion controls.

With implementation of the conditions stated above, the 2013 Saw Mill Lofts is not expected to have any adverse impacts on geology, soils, and topography.

C. Hazardous Materials

The Proposed Action would not result in any adverse impacts from hazardous materials in soils or groundwater at the Site. The Site is a former parking lot for Ciba Geigy. There were underground petroleum storage tanks ("USTs") associated with Ciba Geigy, but these were not located on the Site, but across Route 9A at the former Ciba Geigy facility. Groundwater and soil investigations performed by several environmental consulting firms in connection with the 2006 Saw Mill Lofts proposal verified that any spills that may have occurred from these USTs, or at other off-site locations, have not substantively impacted soils or groundwater on the Site. These firms agreed that the Site

posed no substantive hazardous material concerns for the environment or the health of future Site occupants. The 2013 Saw Mill Lofts proposal involves essentially the same grading and excavation. Langan Engineering reviewed the reports on the 2006 Saw Mill Lofts and concluded that further soils and groundwater investigations are not necessary.

1. Hazardous Materials Investigations

In connection with the 2006 Saw Mill Lofts, Ecosystems Strategies, Inc. (“ESI”), on behalf of the Applicant, and AKRF, Inc. (“AKRF”), on behalf of the Planning Board, confirmed that no substantive soil or groundwater contamination exists on this Site.

The Site was extensively sampled for both organic and inorganic compounds. McLaren/Hart (“M/H”), another qualified environmental consultant, took 20 soil borings on the Site and analyzed the associated soil samples for PCBs, metals, volatile organic compounds, semivolatile organic compounds, pesticides and total petroleum hydrocarbons. The results of those tests were summarized in ESI’s October 2000 Environmental Site Assessment.

M/H also performed groundwater sampling in April 2000, and ESI performed a second round of groundwater sampling in October 2000. Those data documented the absence of chemical contamination in the groundwater. Based on these analyses, ESI concluded, and AKRF confirmed, that the Site has been accurately and comprehensively characterized and the Site is suitable for residential development. Langan Engineering reviewed their reports and agreed that no further testing is necessary.

2. Potential Ciba Geigy Oil Spill Impacts

No impacts from petroleum spills have been identified on the Site. Although NYSDEC records identify four petroleum spills on a property identified as “444 Saw Mill River Road”, ESI’s review of relevant documents strongly suggests that these spills are related to off-site petroleum USTs on the adjoining Ciba Geigy property. NYSDEC records confirm that “Ciba Geigy” is the location of these spills, and the Ciba Geigy USTs were not located on this Site. NYSDEC has “Closed” these spill numbers as meeting agency remedial criteria. Moreover, soil sampling conducted on the Site found no concentrations of petroleum hydrocarbons in excess of NYSDEC regulatory guidance. ESI therefore concluded that any contamination from these off-site spills has not impacted the Site and does not warrant a concern in the event of its development.

Responding to comments on the SFEIS on the 2006 Saw Mill Lofts, AKRF reviewed additional reports prepared for CIBA Geigy by M/H in April 2000 and summarized their independent assessment in a letter dated June 2004. Like ESI, AKRF found that “the ground water data collected as part of this investigation . . . provides confirmatory data for the groundwater samples which showed no impact. The soil data provides adequate characterization for subsurface soils, which also show no impact.” AKRF stated that “[t]he only data gap that may exist is related to surface soils” in that the prior “use of the

parking lot could have resulted in minor surface spills or oil drips from parked vehicles.” However, redevelopment of the Site would remove or cap any minor surficial contamination that, in any event, all of the environmental experts concluded would not result in any significant impacts to public health or the environment.

Langan Engineering reviewed the reports of ESI, M/H and AKRF and agreed that no further soils or groundwater testing was required.

3. Potential AKZO Site Impacts

Trichloroethane (“TCA”) and several other chlorinated solvents were identified in groundwater at the former Stauffer (AKZO) Chemical property on Lawrence Street in Ardsley, approximately 2,500 feet upstream of the Site. However these contaminants were not detected in groundwater samples at the Site.

Wells on the Site have been sampled on two occasions for TCA as well as for other chlorinated solvents, with no detectable concentrations identified at any on-site well. In addition, NYSDEC found that “exposure to contaminated groundwater is unlikely as the area is served by public water supplies.”

Langan reviewed the results of this testing and concluded that the sub-grade parking areas in the two market-rate buildings presumably would be installed to depths greater than five feet below the groundwater table and, therefore, a waterproofing/vapor barrier would be installed below the building slabs. A waterproofing/vapor barrier would also be installed under the affordable building, which would be built slab-on-grade.

4. Mitigation

Although there is no evidence that VOCs in groundwater have migrated on to the Site from off-site sources, any potential impacts from vapors entering any future buildings would be mitigated by waterproofing/vapor barriers installed below the building slabs of all three buildings. The waterproofing/vapor barriers, if they are at least 20 mils thick, would mitigate soil vapor intrusion concerns. Langan also recommended that, “prior to excavation and off-site disposal of soil, excess excavated material should be characterized for off-site disposal.”

D. Aquatic and Terrestrial Resources

An objective of the Comprehensive Plan is to preserve and protect wetland and water bodies, and the Village considers the Saw Mill River to be a significant natural resource. As stated earlier, because of the severe rain events in recent years and increased sensitivity to flooding and stormwater issues, the Planning Board asked Langan Engineering to analyze the impacts of the 2013 Saw Mill Lofts on stormwater, the Saw Mill River, the floodplain, and related environmental issues especially carefully.

1. Summary

The Site borders the Saw Mill River for approximately 1,080 feet. Although relatively level along Route 9A, the Site is steeply sloped near the banks of the river. Though not channelized in the area of the Site, the river is relatively straight, narrow and shallow. There are no NYSDEC-regulated wetlands on the Site; however, federally-regulated wetland does exist in fairly narrow bands along the river. This wetland is not ecologically diverse or productive, although it supports some fish and wildlife tolerant of human activity. Activity within the stream bank area is regulated by NYSDEC.

The Site provides few aquatic or terrestrial ecological functions or benefits. Previous use of the Site as a parking lot has resulted in a diminished diversity of vegetation. As noted, there is a narrow vegetated band along the Saw Mill River, and from this point westward the Site has more ecological value. Existing open space on the west side of the river provides an undisturbed green space associated with the South County Trailway, but the Site itself has undergone significant disturbance and does not provide an important corridor or green space function. No threatened or endangered species have been identified on the Site, and based on habitat analyses, they are not likely to use the Site.

The Proposed Action would not cause any significant adverse aquatic impacts, as there would be no significant impacts to the quantity or quality of water that recharges or runs off the Site into the Saw Mill River or the narrow band of Site wetland along the river. The Proposed Action would result in more groundwater recharge and less impervious surface runoff than exists under existing conditions. To ensure that there is no net increase in stormwater flow from the Site or pollutant loadings to the river in this area, the Applicant has prepared a preliminary Stormwater Pollution Prevention Plan (“SWPPP”) for the Proposed Action. The SWPPP, which is developed in conformance with applicable NYSDEC manuals and guidelines, calls for two bioretention basins that would treat a majority of the Site’s runoff. Hydro dynamic separators and infiltration would be used to treat the runoff on other portions of the Site.

Prior to construction, the Applicant must prepare a final SWPPP and obtain coverage under the NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activities. The Applicant would be subject to the terms of that Permit and would need to comply with its conditions and requirements.

The 2013 Saw Mill Lofts would not result in any significant impacts to terrestrial resources because the Site and its immediate environs are suburbanized, have been previously developed and partly paved, and so provide wildlife habitat of only limited value. The wildlife species that have been observed on the Site, and could be displaced by its re-development, are common suburban species. However, to offset any potential impacts, the project would provide for preserved and proposed vegetative plantings, both along the stream bank and within the property. This would tend to provide higher value habitat for birds and animals than exists at present.

The potential impacts on aquatic and terrestrial resources and mitigation associated with the Proposed Action are further discussed below.

2. Aquatic Resources

a. The Saw Mill River

The buildings for the Proposed Action would be located more than 50 feet from the Saw Mill River, as required by the MUPDD regulations. The northernmost building would be approximately 60 to 87 feet from the river; the affordable building, 55 to 60 feet; and the southernmost building, 85 to 105 feet. The parking for the buildings and internal road system is located on the east side of the buildings. (Parking for the trailhead is west of the southernmost building, at the entrance to the pedestrian bridge.) The only activities that would occur in proximity to the Saw Mill River, within the 50-foot NYSDEC regulated stream bank area, would be the installation of the bioretention basins, which are an integral part of the stormwater management plan, possibly a retaining wall, naturalistic landscaping, and the pedestrian bridge across the river to the South County Trailway.

The Applicant indicated that pesticides and herbicides will be used on the Site. Langan Engineering recommended that the Planning Board require the developer to explore ecologically safe practices for pest and growth control, in order to protect the river. Details on pesticide and herbicide use will be developed during site plan review. The Applicant has also stated that the 40-50 foot strip behind the buildings and along the Saw Mill River will be a “no-mow” area landscaped with a low maintenance seed mix and native plantings, trees and shrubs, which will reduce the need for pesticides and herbicides. Finally, the proposed bioretention stormwater treatment facilities would filter pesticide or herbicide run-off into the Saw Mill River.

b. Groundwater

The Proposed Action would not adversely impact the quantity or quality of groundwater resources on the Site. Although the project would result in 1.9 acres of impervious surface coverage (*e.g.*, surface covered by buildings and pavement) on the Site, this is less than the 2.3 acres of impervious surfaces that now exists on the Site. In sum, the project would reduce imperviousness (*i.e.* increase the permeability) from existing conditions, and so would not negatively impact groundwater recharge or the hydraulic balance of the Site. In addition, the proposed SWPPP water quality features (discussed on page 25 of this document) would tend to enhance groundwater recharge.

The 2013 Saw Mill Lofts would have standard foundation drainage systems connected to the existing stormwater system, and would ultimately drain to the Saw Mill River. Since the river currently receives both surface and groundwater flows from the Site, no net change in flow to the river is anticipated.

c. Wetland and stream banks

There are no NYSDEC regulated wetlands on the Site; however, federally-regulated wetland does exist in fairly narrow bands along the river. Because the wetland limits might have changed since the 2006 Saw Mill Lofts approval, the Planning Board had the Applicant re-assess the wetland delineation on the Site, and had this delineation confirmed by Langan Engineering. It was confirmed that the only wetland is the narrow band along the streambanks of the Saw Mill River. This small area of wetland along the river does not depend on groundwater recharge from the Site to sustain its hydrology; rather, it depends on the water level in the river itself. The Site contributes only an insignificant amount of runoff and groundwater to the Saw Mill River relative to its entire watershed. As discussed below, the proposed development of the Site would not significantly impact water levels in the river. Accordingly, the Proposed Action would not negatively impact the hydrology of the existing wetland.

This wetland is not ecologically diverse or productive and, though it supports some fish and wildlife tolerant of human activity, it is of limited aquatic value.

The project would include a pedestrian bridge to be constructed in the stream bank area close to the wetland. This bridge would enhance access to the South County Trailway, and so serves an important public recreation function. The bridge would also serve as a link from the Site to another part of the Village. Nevertheless, as mitigation for possible impacts from this activity, the Applicant would enhance existing stream bank vegetation (except for in the immediate area at the bridge), and install new landscaping and stream bank stabilization measures. Those measures would include the use of native plant species that are particularly suitable for stream bank stabilization and filtering (e.g., shrub dogwood species, pussy willow, viburnum). These native species are also fruit bearing plants, which provide food, cover and nesting opportunities for songbirds and small mammals, which would tend to enhance the existing low diversity wetland community.

Moreover, the NYSDEC regulates construction within the stream banks and over the Saw Mill River. Any such construction would need to comply with NYSDEC Stream Protection Permit criteria, including the mitigation of any adverse impacts. Construction of the bridge is also likely to require authorization from the United State Army Corps of Engineers. These permits will have to be received before bridge construction can begin.

The 2013 Saw Mill Lofts have been laid out to concentrate development in the most level areas of the Site, so only 0.17 acre of steep slopes, as defined by the Hastings-on-Hudson Code, would be disturbed. A substantial portion of the steep slopes on the Site border the eastern edge of the Saw Mill River above the wetland; these will remain substantially undisturbed. Steep Slopes review, under Chapter 249 of the Village Code, will be required at the time of site plan review. At that time, retaining wall (if required) design calculations should be provided, and review of the steep slopes and retaining wall should take into consideration the soils as identified in the geotechnical report. If slide-prone soils are present, an added safety factor would be required.

d. Stormwater management

The 2013 Saw Mill Lofts would result in more than one acre of disturbance on the Site and would therefore require coverage under the NYSDEC's SPDES General Permit #02-01 for Stormwater Discharges from Construction Activities, and must conform to NYSDEC requirements for stormwater management. In order to obtain coverage under the General Permit, the Applicant must prepare a SWPPP in accordance with the General Permit requirements and NYSDEC design criteria. The General Permit requires the SWPPP to include control measures to mitigate potential increases in stormwater quantity from the creation of impervious surfaces and to reduce impacts from pollutants and sediments in runoff by employing permanent water quality control measures. In addition, the SWPPP must include a sediment and erosion control plan to be implemented during the construction phase.

The Applicant has prepared a draft SWPPP for the Proposed Action, which addresses stormwater quality and soil erosion and sediment control in accordance with NYSDEC requirements. It would also be subject to review by the Village engineer. A final approved SWPPP along with a SPDES permit must be obtained before any land disturbance for the project can begin on the Site.

i. Stormwater quantity

The New York State Stormwater Management Design Manual does not require any stormwater quantity control measures on the Site because it discharges to the Saw Mill River. The Manual provides that properties that discharge into fourth order streams need not detain stormwater on-site for quantity control purposes. The Saw Mill River is a fourth order stream with an approximately 22 square mile drainage area, and therefore the Manual does not require the project to employ any on-site detention for water quantity purposes.

Nevertheless, the SFEIS runoff and flow rate analysis shows that the Proposed Action would, in fact, decrease peak rates of runoff and runoff volumes from the Site for the 1, 10 and 100 year storm events. This decrease results from the project's reduction in impervious coverage for the Site, and the use of bioretention basins and other infiltration practices that would reduce surface runoff volumes.

Runoff from other sites upgradient in the watershed (including properties to the east across Route 9A) would continue to be captured and conveyed through the Site to the river via existing stormwater culverts. The Applicant anticipates that the project would use existing culverts that traverse the Site to convey stormwater. During the installation of the stormwater system the Applicant would ascertain the condition of these culverts to determine their integrity. If, in the opinion of the Village engineer, the culverts warrant repair or replacement, the Applicant would make those improvements to the satisfaction of the Village engineer. As a result, the Proposed Action would not cause, and may tend to reduce, adverse impacts from stormwater quantity.

ii. Stormwater quality

The Proposed Action provides for increased stormwater quality elements from those required under the General Permit. As reflected in the preliminary SWPPP, the project would use two bioretention basins and other devices to treat runoff. The bioretention systems would be constructed in accordance with the NYSDEC Stormwater Design Manual, and are sufficiently sized to control the “first flush” water quality volume of runoff from all on- and off-site impervious or disturbed areas that drain into these practices.

Langan Engineering reviewed the preliminary SWPPP and concluded that the 2013 Saw Mill Lofts proposal “appears to provide an increase in water quality controls [over the 2006 approved Saw Mill Lofts] and utilizes up-to-date BMP’s [best management practices] for controlling stormwater runoff.” Therefore, it is not expected to cause any adverse stormwater quality impacts.

Langan did, however, recommend that the Applicant identify who will be responsible for the continual maintenance of stormwater controls on-site such as the underground infiltration chambers and the duration in which they are inspected. The Applicant responded that a single management entity would manage the entire developed portion of the Site (the three residential lots) including oversight of maintenance of the stormwater controls. The Applicant (or its agent or successors) will be responsible for maintenance of stormwater controls on the developed site during its ownership of the Site. If the market-rate buildings are converted to condominiums, the condominium association would be responsible for its share of the maintenance obligation.

e. Flood plain

For the most part, the 2013 Saw Mill Lofts and appurtenances would be constructed outside the 100-year flood plain. The only activity that would occur within the flood plain would be the footings for the pedestrian bridge to the South County Trailway, placement of a small amount of fill, and possibly the construction of a retaining wall.

The minor amount of grading associated with the pedestrian bridge is not expected to result in any adverse impacts. The proposed bridge would be above the base flood elevation of 122.0. Moreover, the construction would occur in accordance with the requirements of a NYSDEC Stream Protection permit and an Army Corps of Engineers permit, further assuring the absence of any significant adverse impacts to the river from this project element.

The Applicant’s engineer prepared an analysis of the volume of fill that would be provided within the 100-year flood plain under the Proposed Action. This analysis shows that the proposed placement of 100 cubic yards of fill in the floodplain would reduce flood storage by less than 1% of the total available flood storage volume. Given the 22-square mile watershed that contributes flow to the river, this quantity of fill would not

result in any measurable increase in downstream flood elevations.

Finally, rainfall that infiltrates into the ground through pervious areas under existing conditions is not stored within the soil, but moves quickly downward through the subsurface soil layers into ground water. The portion of the rainfall that would infiltrate into the ground through pervious areas under post-development conditions would also pass downward by gravity through the soil layers to groundwater. Since there would be a reduction in impervious areas under post-development conditions, there would not be a reduction in the amount of rainfall that would infiltrate into the ground and reach groundwater. As a result, the proposed underground parking area would not affect ground water recharge or on-site stormwater runoff from the Site.

3. Terrestrial Resources

The 2013 Saw Mill Lofts would not result in significant adverse impacts to terrestrial ecology because the area of disturbance is largely existing paved parking area and low quality grass area. The Proposed Action would actually increase the value of terrestrial ecology by providing more extensive vegetated buffers between proposed buildings and the Saw Mill River than currently exist.

a. Plants

The project would not significantly impact plant species on the Site. While two endangered plant species are known to the area—Reflexed Sedge (imperiled) and Torrey’s Mountain-mint (critically imperiled)—plant inventories were conducted on the Site in 1995, 2001, 2009, and on August 20, 2013, and neither of these species was living on or near the Site. Thus they are not expected to be present or impacted by the project.

Existing trees would be preserved where possible along the periphery of the development. Two of the three existing Norway spruces on the Site would be preserved. SaveATree, a tree consulting firm, did a risk and health assessment of the three Norway spruces and created a plan to protect the trees during construction.

The Village’s Tree Preservation law applies to “designated trees” that are a minimum of 12 inches dbh (diameter at breast height). The Code requires that removal of such trees be avoided where possible, and that an application for Tree Removal Permit be submitted to the Village Building Inspector when cutting of trees is unavoidable. There are 35 trees on this Site that meet the definition of a “designated tree.” The Proposed Action would require the removal of six “designated trees,” including the Norway spruce. This impact would be mitigated by the proposed buffer area plantings.

To protect the trees on Site, clearing limits lines will be demarcated on the Site with appropriate fencing prior to commencing any activity. No trees in healthy condition beyond the marked limits of disturbance will be disturbed.

b. Wildlife

The wildlife habitat on the Site has limited value because it is already a partially paved site in a highly suburbanized environment. The Site is not considered important potential habitat for federally listed species. Wildlife species that would be displaced by the project are common species. The Site does not have any of the characteristics of habitat that might even potentially be used by either the Indiana bat or bog turtle, which are two of the endangered species most common in this part of the State. Other common reptile species, such as the box turtle, are more likely to use the large park and cemetery areas near the Site than this previously developed location. In any event, the Proposed Action would preserve open space sufficient to support such species, and would provide enhanced buffer plantings where they are more likely to reside.

Nonetheless, Langan Engineering recommended that the Applicant submit a new Rare Species Information Request to the New York State Natural Heritage Program (“NHP”) and a Threatened and Endangered Species Information Request to the National Oceanic and Atmospheric Administration (“NOAA”), to ensure that no changes have occurred regarding the potential presence of rare species and habitat on or in the vicinity of the project Site. The Applicant sent those letters in May 2013. The NOAA responded that there are no listed or proposed threatened or endangered species and/or critical habitat for listed species in the vicinity of the Site. The NHP responded that in the past two plant species (Sedge and Torrey’s Mountain Mint) were documented in the vicinity of the Site. Plant inventories were conducted on the Site in 1995, 2001, and 2009, and neither plant was found on the Site. On August 20, 2013, Applicant’s consultant, a Professional Wetland Scientist, visited the Site and conducted a search for the species on the Site, and for 50 feet in each direction of the pedestrian bridge, and found none of either species.

4. Conclusion

The 2013 Saw Mill Lofts would not cause any significant adverse impacts to aquatic or terrestrial resources. The only potential impacts to the Saw Mill River may occur in connection with building a pedestrian bridge to the South County Trailway. The impacts from such construction would be mitigated by enhanced and new natural plantings along the river banks. The stormwater control system for the project has been designed to reduce stormwater flows from existing conditions and provide appropriate stormwater treatment through bioretention basins and other features. Moreover, the Proposed Action would not result in any significant unmitigated impacts to terrestrial resources. The Site does not currently provide high value terrestrial plant or animal habitat, but significant trees would be preserved and 5.5 acres of open space retained on the Site. The creation of substantial vegetative buffers along the Saw Mill River would enhance the existing ecological value of the Site and mitigate any potential impacts to terrestrial ecological resources.

E. Traffic, Circulation and Parking

1. History of Traffic Study

The traffic study done of the 2006 Saw Mill Lofts analyzed the following intersections: (In part, it updated traffic studies done in connection with the Riverwalk proposal.)

- NYS Route 9A and Jackson Avenue/Ravensdale Road
- NYS Route 9A and Lawrence Street
- NYS Route 9A and Ashford Avenue
- NYS Route 9A and Site Driveways
- NYS Route 9A and Ardsley Park/Ciba Driveways
- Saw Mill River Parkway and Lawrence Street
- NYS Route 9A and Farragut Avenue
- NYS Route 9A and Fuller Avenue
- NYS Route 9A and Colony Street
- NYS Route 9A and Thruway I-87 On Ramp
- NYS Route 9A and Thruway I-87 Off-Ramp
- Jackson Avenue and Sprain Road
- Jackson Avenue and S. Sprain Road (Stew Leonard's Access Road)
- Ravensdale Road and Farragut Parkway
- Broadway/Farragut Parkway and Main Street/Chauncy Way

The analyses were conducted for the Weekday AM and Weekday PM Peak Hours, which were determined to be 8:00 to 9:00 AM and 4:30 to 5:30 PM, respectively.

The capacity analysis for the intersections was performed based on the Highway Capacity Manual and provided Levels of Service ("LOS")¹, volume/capacity ratios, and average vehicle delays for the intersections studied.

The study showed that when the projected additional trips generated by the 2006 Saw Mill Lofts (38 trips during the AM peak hour, and 44 trips during the PM peak hour) were added to existing traffic and that projected for other not yet built developments (*i.e.*, 45 Main Street, 422 Warburton, West Main Street apartments, Gel-Sprain development in Greenburgh), the LOS did not change significantly from the levels that would exist if the Proposed Action were not built. However, operation improvements were recommended for the Saw Mill River Road/Jackson Avenue/ Ravensdale Road intersection and the Route 9A/Lawrence Street intersection. These recommendations became conditions of the Concept Plan approval for the 2006 Saw Mill Lofts:

¹ Levels of Service range from A to F, with A being the best operating conditions and F indicating serious and generally unacceptable conditions. For signalized intersections, the *Highway Capacity Manual* methodology calculates average delay encountered by drivers along intersection approaches. For unsignalized intersections, the capacity analysis is based upon the use of "gaps" in traffic streams by vehicles crossing through or turning into that traffic.

1. The Applicant shall seek the approval of the NYSDOT to install an upgraded signal controller upgrade and modified signal phasing operations at the Saw Mill River Road/Jackson Avenue/Ravensdale Road intersection to reduce the westbound (Jackson Avenue) delays at this intersection.

2. The Applicant shall undertake sight distance improvements at the Saw Mill River Road/Lawrence Street intersection and signal timing modifications at the Lawrence Street/Saw Mill River Parkway intersection.

3. The Applicant shall conduct a signal warrant analysis at the intersection of Lawrence Street and Route 9A six months after the project has been opened for occupancy. The Applicant would contribute its fair share to the cost of installing a signal at that intersection in the event that NYSDOT determines that a signal is warranted.

Although the 2006 Saw Mill Lofts never started construction, these improvements were made in connection with other developments. At Saw Mill River Road/Jackson Avenue/Ravensdale Road, left turn lanes were added to each approach, a separate right turn lane was added to the northbound approach, and the traffic signals were modified. At Route 9A and Lawrence Street, a traffic light was installed.

2. Scope of Traffic Study on 2013 Saw Mill Lofts

The Planning Board was especially concerned about traffic from the 2013 Saw Mill Lofts in light of substantial development proposed for areas close to the Site, some of which was not taken into account in the 2006 study. Maser Consulting, the Applicant's traffic engineer, conducted an updated traffic study for the 2013 Saw Mill Lofts, which was reviewed by Langan Engineering. This study took into account the following proposed developments:

- Rivertowns Square (Dobbs Ferry)
- Ardsley Park re-occupancy (Greenburgh)
- Austin Avenue development (Yonkers)
- Gel-Sprain development (Greenburgh)
- Ridge Hill (remaining development) (Yonkers)
- Mercy College expansion (Dobbs Ferry)
- Stop & Shop expansion (Dobbs Ferry)
- Waterwheel (Ardsley)
- South Westchester Executive Park (Yonkers)

The trip generation estimated for the 2013 Saw Mill Lofts was 41 weekday trips during the AM peak hour (7:45 to 8:45 AM) and 46 during the weekday PM peak hour (4:45 to 5:45 PM). The four intersections closest to the Site were analyzed: Route 9A and

Lawrence Street, Route 9A and Ravensdale/ Jackson Avenue, Route 9A and the north driveway of the Site, and Route 9A and the south driveway of the Site.

Maser concluded that the intersections would be able to accommodate the additional traffic from the 2013 Saw Mill Lofts without a significant change in the Levels of Service and operating conditions. Specifically, it found that at Route 9A and Lawrence, the current LOS is “B” at peak periods. Taking into account future traffic from other developments through 2018, but not the proposed project (“No-Build” conditions), the overall LOS would be “C.” Adding the 2013 Saw Mill Lofts (“Build” conditions), the overall LOS would be maintained at “C.” At Route 9A and Ravensdale Road/Jackson Avenue, the LOS is currently “D” and, according to Maser, would remain at “D” under future No-Build and Build traffic volumes. At Route 9A and the south driveway, LOS “B” would be experienced during the peak hours. At Route 9A and the north driveway, LOS “C” would be experienced during peak hours. As to the other area intersections, Maser believed the traffic from the 2013 Saw Mill Lofts “will be accommodated without any significant change in operations in comparison to the No-Build Conditions.”

Maser pointed out that in association with the Rivertowns Square development the intersection of Route 9A and Lawrence Street will be reconstructed to accommodate the traffic from that project as well as other background projects, including the 2013 Saw Mill Lofts. “If the Saw Mill Lofts is completed prior to the completion of the Rivertowns Square project and its related improvements, then minor signal timing changes could be made to accommodate any increase in volume from Saw Mill Lofts.”

Langan Engineering’s review of the Maser traffic study concluded that the methodology used by Maser was “consistent with traffic impact study practices,” and that Maser’s “finding that the proposed [2013] Saw Mill Lofts development would not lead to any significant adverse traffic impacts is reasonably based on the data reviewed by Langan.” Langan found that the existing traffic volumes were calculated properly; it agreed with the traffic volume assumptions that Maser used for the developments listed above; and concurred with the estimates of peak hour traffic to be generated from the 2013 Saw Mill Lofts. On the capacity analyses, Langan “concur[red] with the findings that the proposed development will not generate any significant adverse traffic impacts.”

Langan did find, however, that, with the additional traffic from the 2013 Saw Mill Lofts, at Route 9A and Lawrence, in the PM peak period, although the overall LOS would be “C,” the average delay along the northbound approach would increase from 37.7 seconds to 44.7 seconds, bringing that approach to LOS “D”. At Route 9A and Ravensdale/ Jackson, the overall LOS would be “D” in the PM peak period, but the delay along the northbound approach would increase from 73.1 seconds to 77.4 seconds, to LOS “E.” Langan did not consider these delays a significant adverse impact. “It is our opinion that the anticipated increases in delays at the study area intersections . . . would be minor, particularly in light of the small number of peak hour trips generated by the project.”

3. Proposed Traffic Mitigation

Langan concurred with Maser's recommendation that after the 2013 Saw Mill Lofts are fully occupied, the developer should coordinate with the New York State Department of Transportation to make any necessary adjustments to signal timing at the Route 9A/Lawrence Street and Route 9A/Jackson/ Ravensdale intersections.

4. Parking and Circulation

The 2013 Saw Mill Lofts would include a total of 126 parking spaces, including 70 subsurface parking spaces (35 spaces per building) and 56 at-grade parking spaces. 10 of the at-grade spaces would be public parking for the trailhead at the pedestrian bridge to the South County Trailway. The 116 spaces for the residential use exceed the Zoning Code's requirement of 115 spaces.

Vehicular access for the 2013 Saw Mill Lofts would be from Route 9A with two curb cuts, one near the southern end of the Site, and one near the northern end of the Site. (This would be a reduction in curb cuts over what is presently on the Site.)

An on-site roadway would be constructed paralleling Route 9A and has been designed as a tree-lined neighborhood street, with parallel parking permitted. The width of this street would be 26 feet wide where there is parking on one side, and 33 feet wide where there is parking on both sides. (The width may change by a few feet during site plan review, depending on Fire Department requirements.) 40-foot long "drop-off" areas are provided at the curbs at the entrances to each of the buildings. These "drop-off areas," in addition to being a convenience for residents, provide fire access to the buildings.

5. Train Station Parking Demand

Maser, the Applicant's traffic consultant, estimated that 12 daily commuters would use Metro North. (See memo from Philip Grealey, dated August 7, 2013.) The Village leases 26 parking spaces from Metro North on River Street adjacent to the south-bound tracks. The cost is \$4 per day. The Village monitors use of these spaces and has found that more than half are still available after the morning rush hour.

The Applicant has offered to make arrangements with a local taxi company to coordinate a taxi shuttle service for residents who commute by train, to enable them to share a taxi at a negotiated reasonable rate, and perhaps reduce demand for parking at the train station.

Therefore, the proposed use is not expected to have a significant demand on parking at the train station.

6. Traffic During Construction

All construction-related staging and parking would occur on-site. Worker traffic is

projected to be generally off-peak, as the construction schedule dictates early AM arrival and early PM departure (*i.e.*, arrival and departures prior to the AM and PM peak hours described above). Trucks and construction-related vehicles would access the Site from Route 9A. The quantity and frequency of truck traffic would vary depending on the nature of the construction operations at a particular time. During certain construction operations, such as during grading operations, pouring of the concrete foundations and slabs, and paving, the truck traffic would be heavier.

Heavy construction equipment would be typically transported to the Site during off-peak hours. This equipment would remain on-site until the completion of the relevant portion of the work and subsequently demobilized, which also would typically occur off-peak. Other vehicles (delivery of materials, contractor vans, etc.) would arrive throughout the day. In general, materials would be stored on-site in secure holding areas and containers, and once building shells are complete, inside buildings to the extent possible. In addition to deliveries, construction waste in dumpster containers would be periodically removed.

Impacts during the construction phase would be temporary, and are not expected to be significant.

F. Air Quality

The SDEIS for Riverwalk Village, on which the SFEIS for the 2006 Saw Mill Lofts based its air quality study, analyzed the potential for significant adverse impacts on air quality associated with mobile sources (*i.e.*, traffic), stationary sources, odors, and construction activities. Screening analyses for mobile and stationary sources indicated that there was no potential for significant adverse impacts, and thus no detailed air quality analysis was required. Because the proposed 2013 Saw Mill Lofts plan would generate considerably fewer peak hour trips (approximately one half) than the Riverwalk Village proposal, and would be considerably smaller in scale, it would likewise not result in any significant adverse impacts on air quality.

Construction activities on the Site have a potential impact on local air quality caused by fugitive dust emissions, but implementation of standard fugitive dust emissions would prevent any significant adverse impacts. The proposed project would implement dust control measures during construction (*e.g.*, minimizing the area of the Site that is subject to disturbance at any one time, using mulch or other temporary covers on exposed soil areas, limiting the movement of trucks and construction equipment over exposed soil surfaces, covering haul trucks while in transit to the disposal site, and spraying water on unpaved areas subject to heavy construction vehicle traffic during dry weather) to ensure that fugitive dust levels are maintained below the state and federal ambient air quality standards on-site and at off-site properties. In addition, although exhaust emission from construction equipment is not as significant as fugitive dust generation, particulates from diesel exhaust emission would be controlled through proper tuning of vehicular engine and maintenance of air pollution controls. As noted earlier, these impacts would be

temporary in nature.

Because the proposed project is not anticipated to result in any significant adverse impacts to air quality, no mitigation is required beyond that recommended during construction.

G. Noise

For traffic to result in a perceptible noise increase it must double. As discussed in the “Traffic, Circulation and Parking” section above, traffic generated by the proposed 2013 Saw Mill Lofts would not double, and thus there would be no perceptible increase in noise levels, and thus no significant adverse traffic-related noise impacts.

Construction activities are anticipated to result in temporary elevated noise levels during occasional periods throughout the construction of the proposed project. Noise levels are projected to range between 65 dBA and 90 dBA depending on the proximity of construction equipment at any given time. Construction traffic is expected to be heaviest at the beginning of the construction process; other equipment, once on-site, is expected to remain there during the earth moving phase of the project.

To mitigate construction-related noise impacts, construction activity would be limited to the hours between 7:30 am and 8:00 pm on weekdays (exclusive of holidays), in conformance with Village regulations. In addition, all construction vehicles and equipment would be well maintained and operated in an efficient manner.

Because the proposed project would not result in any significant adverse noise-related impacts, no mitigation is required.

H. Socioeconomics

1. Social and Economic Benefits to the Village

a. Open space and access to Trailway

Under the 2013 Saw Mill Lofts plan, more landscaped open space would be present on the Site than currently exists, which would represent a social benefit to the community. In addition, the Applicant would donate 1.82 acres of the Site to the Village for potential use as active or passive open space. This donation would represent an economic and social benefit to Village residents. In addition, the provision of a pedestrian bridge to the South County Trailway, along with the provision of on-site parking available to the public, would also represent a social benefit.

b. Affordable housing

The 2013 Saw Mill Lofts would create 12 affordable housing units in the Village in an area of the Village where affordable housing has not previously been developed.

c. Revenues to the Village

As shown below, the 2013 Saw Mill Lofts are projected to be revenue positive on a marginal or incremental cost basis; *i.e.*, the market-rate properties will pay more in taxes than the marginal or incremental anticipated additional costs of the Village services. In addition, the developer will pay a one-time \$420,000 recreation fee, to be held in escrow for park and recreation purposes for the entire Village.

2. Population Projection

Based on the current unit profile, the 2013 Saw Mill Lofts would add a projected 157 persons (including 13-20 school-age children) to the Village population. This figure was based on the demographic multipliers published by the Rutgers University Center for Urban Policy Research. It was reviewed by the Planning Board's fiscal consultant, who thought the projection reasonable and considered the projection of the number of school children "conservative." For analysis purposes, a very conservative projection of 20 school-age children was utilized, all of whom were projected to attend public school.

3. Fiscal Analysis

a. Assessed value

The current assessed value of the Site is \$150,500. Currently, GDC pays a total of \$133,642 in taxes on the Site; the Village's share is \$21,174.

For projected assessed value, the Applicant estimated the total income value of the Saw Mill Lofts to be \$13,517,909. Using the 2012 equalization rates, the total assessed value of the property would be \$428,518 for the Village and \$454,202 for the Town/County/School Districts. Urbanomics agreed with this calculation.

b. Property tax revenues

The Applicant has estimated the 2013 Saw Mill Lofts plan would generate annual tax revenues of \$102,492 to the Village, \$47,441 to Westchester County, \$6,735 to the Town of Greenburgh, \$7,925 to the Saw Mill Valley Sewer District, \$4,630 to the Westchester County Refuse District, \$306,276 to the Ardsley School District, and \$10,710 to the Hastings-on-Hudson School District, for a total of \$486,209.

In the 2006 Saw Mill Lofts proposal, the Applicant estimated that the project would generate annual tax revenues of \$127,394 to the Village, \$61,316 to Westchester County,

\$5,377 to the Town of Greenburgh, \$11,562 to the West Woodland sewer district, \$7,354 to the Woodland Wayside refuse district, and \$325,197 to the Ardsley School District, for a total of \$530,846. The 2013 property tax estimates are materially lower than the estimates for the 2006 Saw Mill Lofts. The 2013 proposal has the same number of market rate units (54) as in 2006, although they are smaller because there are no work spaces. The 2013 proposal includes 12 affordable units, while the 2006 proposal had six. The applicable Village tax rate has gone up almost 30% since 2006 (2006 tax rate: \$184.33; 2013 tax rate: \$239.18). While the 2013 Proposed Action is somewhat smaller overall due to the lack of work spaces, it is not clear why the 2013 estimated assessed income and assessed values and, therefore, the estimated taxes are materially lower in light of the approximately 30% increase in the Village tax rates in the intervening period.

c. Projected costs

i. Village

In its expanded EAF, the Applicant analyzed the costs to the Village associated with the Proposed Action under both a per capita methodology using marginal costs and an incremental cost analysis. (For the 2006 Saw Mill Lofts proposal, the Applicant used a straight per capita comparison that did not use marginal costs, but did not do such a comparison for the 2013 Saw Mill Lofts.²) Marginal costs are those municipal budget line items that include costs that would more likely be influenced by population changes, *e.g.*, the number of police calls made, community service programs that are funded, and the parks and recreation budget. Considering all line items from the General Fund may overstate the current actual cost per each additional person in the Village, since many items in the budget are not affected – or not immediately or currently affected – by an increased population (*e.g.*, debt service, insurance, pension payments).

Under the per capita methodology using marginal costs (projected at \$5,172,166) and the incremental cost analysis used by the Applicant in 2013, the increased costs to the Village that would result from the Proposed Action’s estimated increase in population of 157 persons in the Village would be less than the projected tax revenues, and would result in an annual surplus to the Village ranging from approximately \$45,000 (per capita/marginal method) to \$89,492 (incremental method). In addition, the project would generate \$420,000 in one-time recreation escrow fees.

Urbanomics reviewed the socioeconomic and fiscal impacts portion of Applicant’s expanded EAF and found it to be “a thorough and thoughtful assessment.” The Planning

² The Planning Board asked Urbanomics, its economic development and fiscal analysis consultant, whether a straight per capita analysis should have been done of the 2013 Saw Mill Lofts. Urbanomics responded that it had never seen a straight per capita analysis included in a fiscal analysis and that, because “debt service and pensions are generally such a large part of municipal budgets, it would be incredibly unlikely for any project to have a net fiscal benefit.”

Board asked Urbanomics whether the Proposed Action met the Comprehensive Plan’s requirement that:

The fiscal impact study would compare the costs against the revenues to the Village and the School District from a proposed development, analyze the community-wide fiscal consequences of municipal land use policies, and conduct school enrollment projections. The fiscal impact study should follow a methodology in common use, such as that described in the most recent versions of Rutgers University's Center for Urban Affairs publications entitled "The Fiscal Impact Handbook," "The New Practitioner's Guide to Fiscal Impact Analysis" or other methodology acceptable to the Planning Board.

Urbanomics responded that “The requirement was met using acceptable practices.”

In response to questions raised by the Planning Board, the Applicant also provided a further analysis using the per capita/marginal method, including more budget items (totaling \$7,170,722), and more recent census numbers, which are discussed below. The Planning Board then adjusted the analysis to more accurately reflect the portion of taxes paid by residential properties. The result of this analysis is an annual surplus of \$17,241. This analysis was not commented on by Urbanomics, but produces a more conservative result than the method it found to be acceptable.

(a) Per capita methodology

As discussed above, the Applicant used a per capita methodology using marginal costs. Using the 2012-13 Village budget of \$13,366,244, the Applicant determined the marginal costs to be \$5,172,166. The Applicant estimated the marginal costs conservatively by taking the entire line item from the Village budget for the service-based departments. Within line items there are costs that are fixed rather than marginal; however, the entire department budget was used to project a more conservative analysis. The line item amounts included in the calculation were taken directly from the Village’s 2012-13 adopted budget. As stated above, the entire line item was included, with the exception of the Department of Public Works (DPW), which was limited to the line item attributed to garbage collection because the Applicant believed that no new public roads would be created because of the 2013 Saw Mill Lofts and because the development would maintain its own stormwater system. The costs used to calculate the marginal per capita costs to the Village were:

Law enforcement	\$2,667,950
Parks and recreation	\$761,961
Public works (garbage collection only)	\$755,660
Fire and public safety	\$728,872
Community service	\$257,723

Total \$5,172,166

The analysis assigned 75% of this amount, or \$3,879,125, to residential land uses. Of that amount, 74%, or \$2,870,533, was raised by the property tax levy. That figure was then divided by 7,849, the 2010 U.S. Census estimate of the total number of persons in the Village. This analysis results in a per capita marginal cost to be raised by taxes of \$367 per person. That figure multiplied by 157, the projected population of the 2013 Saw Mill Lofts, amounts to \$57,619. Thus, the estimated additional cost to the Village for the 157 residents would be \$57,619, or approximately \$45,000 less than the projected taxes of \$102,492. As stated above, Urbanomics, the Village’s fiscal consultant, believed this methodology was well-accepted and confirmed the calculations.

Subsequently, the per capita/marginal cost analysis that was submitted with the EAF was revised by the Applicant to include additional budgetary items requested by the Planning Board and to use the 2012 population estimate of 7,917 persons (2012 U.S. Census Population Projection). In this new analysis, the total DPW departmental budget was used (rather than the partial DPW budget that included only garbage collection). In addition, all line item costs were included from the Library and Pool Funds, including personal services, equipment, capital outlay and contractual expenses. The resulting departmental and fund costs are as follows:

Law enforcement	\$2,667,950
Parks and recreation	\$ 761,961
Public works	\$1,949,542
Fire and public safety	\$ 728,872
Community service	\$ 257,723
Library fund items	\$ 583,105
Pool fund items	\$ 221,569
Total	\$7,170,722

The Planning Board reviewed 2012 Village tax assessment data and believed that 81% of the marginal cost should be assigned to residential uses (based on the total residential properties’ share of the assessed value of all taxable property in the Village) – rather than the 75% used by the Applicant – resulting in \$5,808,285. Of that amount, 74%, or \$4,298,131, was raised by the real estate tax levy. That figure was then divided by 7,917, the 2012 U.S. Census estimate of the total Village population, resulting in a per capita marginal cost to be raised by taxes of \$543 per person. That figure multiplied by 157, the projected population of the 2013 Saw Mill Lofts, amounts to \$85,251. Thus, Village costs for the Proposed Action would be \$85,251, for a surplus of \$17,241 per year.

(b) Incremental cost analysis

The Applicant also projected the costs to the Village by using an incremental cost methodology. That analysis assumes that many Village expenses are fixed, such as,

administration, and would not be immediately or currently affected by an incremental increase in population. Most potential fiscal impacts on the Village budget, including police and fire protection, are expected to be incremental in nature. No current investment in either equipment or personnel would be needed as a result of the 2013 Saw Mill Lofts.

One incremental cost item that would clearly be affected by the Proposed Action would be solid waste collection. The 2012-13 Village budget allocated \$755,660 for the annual collection of approximately 9,700 tons of solid waste, including recyclables and yard waste. This represents a cost of \$78 per ton. The proposed 2013 Saw Mill Lofts plan is projected to generate approximately 100 tons of solid waste material annually. That would result in a cost to the Village for the 2013 Saw Mill Lofts of \$7,800. Solid waste collection services would represent the single greatest ongoing annual expenditure of the Village government in association with the 2013 Saw Mill Lofts.

Other potential fiscal impacts on the Village budget, such as police (911) responses, are expected to be incremental in nature and are projected to be approximately \$5,200. The proposed internal road and sidewalk, along with stormwater management infrastructure, would be privately owned and maintained, and no new road maintenance or snow removal would be required.

The total incremental Village costs were estimated at \$13,000. The Village tax revenue is projected to be \$102,492, resulting in an annual net surplus of \$89,492. Urbanomics believed this methodology was well-accepted as well.

(c) Conclusion

The Proposed Action is not expected to result in any significant adverse fiscal impacts to the Village. On the contrary, it is expected to result in a revenue surplus over its costs, whether analyzing it using a per capita with marginal costs approach or an incremental cost approach.

ii. Ardsley School District

As discussed above, the 2013 Saw Mill Lofts project is projected to add approximately 13-20 school-age children to the population of the Village. For purposes of this analysis, it was assumed, most conservatively, that 20 children would go to public schools. Because all of the residential buildings are located in the Ardsley School District, students will attend the Ardsley schools.

The Applicant used a per capita marginal cost methodology for estimating the costs to the Ardsley School District of the 2013 Saw Mill Lofts. (They used a similar methodology in 2006 but called it an incremental cost analysis.) The budget for the 2012-13 school year for the Ardsley School District totaled \$57,892,124, of which, according to the Applicant, \$32,479,065 was spent on direct instructional and transportation costs. Of

this, approximately 80%, or \$25,983,252, is derived from property taxes, with the remainder coming from state aid and other sources. The enrollment for 2012-13 is 2050 students. So, the education costs for instruction and transportation raised through property taxes amount to \$12,675 per student. The costs for the 20 students estimated from the 2013 Saw Mill Lofts would be \$253,500. As stated above, the projected taxes to be paid to the School Districts would be \$316,986. Again, Urbanomics reviewed this analysis and believed it to be reasonable.

In sum, the proposed project is not expected to result in any significant adverse impacts to the Ardsley School District, but rather would result in a budget surplus to the District.

I. Community Services

1. Police

Hastings-on-Hudson has one of the lowest crime rates in Westchester County. The area of the Site is currently a low crime area with few, if any, traffic-related problems. On August 27, 2013, the Applicant met with Police Chief Bloomer, Lieutenant Dosin and Francis Frobel, the Village Manager to discuss any possible impacts on the Village Police Department. The Police Department stated that it did not have concerns about the 2013 Saw Mill Lofts.

2. Fire and Emergency Medical Services

The proposed 2013 Saw Mill Lofts plan is expected to impact public safety services such as emergency medical services only minimally. The proposed buildings would be constructed using a fire resistant design, conforming to building code requirements, including fire sprinkler systems. The buildings are a maximum of three stories and 40 feet in height, so as not to create unique fire protection demands. The grading and utility plans for the Proposed Action show hydrant locations acceptable to the Fire Department. The Applicant has met with the Fire Inspector and one of the Fire Chiefs to determine exactly how much the access road in front of the two market-rate buildings must be widened to accommodate fire demands for three-story buildings. Whatever amount is finally decided, there is adequate room to widen the road. Details of the road and fire access will be further reviewed during final site plan review.

3. Solid Waste

The proposed 2013 Saw Mill Lofts plan is expected to generate approximately 100 tons of solid waste per year. This includes refuse, recycled materials, and yard waste. The refuse and recycled materials would be collected and disposed by the Village. Collection service at the Site is expected to occur three times a week (once for regular

collection, twice for recycling). Designated pick-up areas for refuse and recyclables would be incorporated into the layout during the site plan approval process. All garbage pick up areas would be located within fenced and screened enclosures.

The solid waste that is anticipated from the Saw Mill Lofts plans represents approximately one percent of the Village's annual waste generation of 9,700 tons and is not expected to have a significant impact on the provision of waste collection services.

4. Water Supply

Water demand for the 2013 Saw Mill Lofts plan is conservatively estimated to be 11,775 gallons per day (gpd).

United Water of New Rochelle, the public water supplier to the Site, informed the Applicant that it will provide water service to the development. At such time that a request for service is made, United Water will analyze the project's effect upon their system at that location, and if any supplemental measures are needed to ensure adequate service pressure, those will be provided by the Applicant.

The existing 8-inch diameter water line on the east side of Route 9A would service the project Site. Fire hydrants would be provided on the Site in proximity to each building. Backflow prevention devices of the type approved by the New York State and Westchester County Health Departments would be installed on both the domestic and fire supply lines. The proposed water distribution system on the Site would be privately owned and maintained by the owner(s) of the residential buildings or a condominium association. Ownership of this system would begin at the tap to the existing water line on Route 9A. The Applicant would be responsible for installing the proposed tap.

5. Sewage Disposal

The anticipated wastewater load is conservatively estimated to be approximately the same as the average daily water flow of approximately 11,775 gpd. The Applicant contacted the Westchester County Department of Environmental Facilities, which confirmed that there are no capacity issues at the Yonkers treatment plant that would limit the 2013 Saw Mill Lofts from connecting to the County trunk sewer.

A new system of gravity sanitary service lines and manholes would be provided for the 2013 Saw Mill Lofts proposal consistent with the requirements of the Westchester County Departments of Environmental Facilities and Health.

As required by the Westchester County Department of Environmental Facilities, access to the Westchester County Saw Mill River Valley Trunk Sewer would not be altered. Access would be provided so County personnel can maintain the line. No building development is proposed within the sewer easement area.

6. Schools

The proposed 2013 Saw Mill Lofts will average two bedrooms per unit. As discussed in the “Socioeconomics” section of this Recommendation, based on the demographic multipliers used in the Expanded EAF and considered “conservative” by the Planning Board’s consultant, Urbanomics, 13 to 20 school-age children are projected to reside at the proposed 2013 Saw Mill Lofts. The Expanded EAF used the conservative projection of 20 school-age children for its analysis.

All three residential buildings would be located in the Ardsley School District, and the Expanded EAF assumed that all of the children would go to the Ardsley schools.

The small number of students spread over multiple grades would represent a small percentage of the total enrollment (less than one percent).

7. Recreation

The proposed 2013 Saw Mill Lofts would add a projected 157 persons (including 13-20 school-age children) to the Village population. To the extent that the Assessment of Park and Recreation Facilities and Fees in Lieu of Parkland, prepared in 2005, identifies a shortage of ball fields within the Village, the low number of children projected to be generated by the project would not significantly worsen that situation. The estimated recreation fee to be paid by the proposed project would be \$420,000, which could be used to provide or improve such facilities.

A pedestrian connection is proposed to the South County Trailway from the Site. This bridge would be open to the public, and 10 public parking spaces would be provided. The proposed 2013 Saw Mill Lofts plan provides approximately 5.5 acres of open space, including 1.82 acres of open space on the southern side of the Site to be donated to the Village. This area represents a benefit to the Village and could be developed for active recreation, such as a ball field.

8. Conclusion

The 2013 Saw Mill Lofts project is not expected to result in any significant adverse impacts with respect to community services.

J. Visual Resources

The proposed 2013 Saw Mill Lofts plan would contain 5.5 acres of open space. The buildings would be situated along the north-south centerline of the property, thereby maximizing the setbacks to the Saw Mill River and Route 9A. The proposed buildings would also be separated to provide an east-west visual corridor and to retain two of the three prominent spruce trees on the Site. Considerable landscaping along Route 9A and

throughout the Site is also proposed to improve aesthetics. Finally, the buildings will be designed to be architecturally compatible with existing light industrial style buildings along the Route 9A corridor. Accordingly, the Proposed Action would not result in any significant adverse impacts to visual resources.

IV. DETERMINATION OF NON-SIGNIFICANCE UNDER SEQRA

As detailed in the preceding sections of this Recommendation and summarized below, the Planning Board has taken a hard look at the potential environmental impacts of the proposed 2013 Saw Mill Lofts and concluded that the Proposed Action would not have any significant adverse effects on the environment.

- The Proposed Action is consistent with the MUPDD requirements, surrounding land uses, and the Village of Hastings-on-Hudson Comprehensive Plan.

- There would be no adverse impacts from hazardous materials in soils or groundwater at the Site. Groundwater and soil investigations confirmed that any spills that may have occurred from USTs on the former Ciba-Geigy site across Saw Mill River Road, or at other off-site locations, would pose no substantive hazardous material concerns for the environment or the health of future Site occupants. Test wells showed that there were no chlorinated solvents from the former AKZO property, on Lawrence Street, in the groundwater on the Site.

- The Proposed Action would have no significant adverse aquatic impacts on the Saw Mill River or the narrow band of wetland along the river. There would be greater groundwater recharge and less impervious surface runoff than exists under existing conditions. The SWPPP would treat runoff and protect the river's water quality.

- Impacts on terrestrial resources would not be significant, as the Site has been previously developed and partly paved, and so provides habitat of only limited value and then only to common suburban species. The Proposed Action would include extensive natural vegetative plantings along the river bank and within the property, thus providing enhanced wildlife habitat.

- The project would fill only a very small area of the 100-year flood plain, which would not result in any measurable increase in downstream flood elevations.

- There would be no significant traffic impacts at any of the studied intersections in the area of the Site. Nonetheless, a condition of the approval would be that, once the 2013 Saw Mill Lofts are fully occupied, the Applicant must coordinate with the New York State Department of Transportation to make any necessary adjustments to signal timing at the Route 9A/Lawrence Street and Route 9A/Jackson/ Ravensdale intersections.

- A maximum of 12 residents are expected to commute via Metro North. There

is adequate parking available at the train station. In addition, a condition of approval will be that the Applicant coordinate a taxi shuttle serve for residents of the 2013 Saw Mill Lofts. Therefore, there would be no significant impact on parking at the train station.

- Impacts during the construction phase would be temporary and not significant.
- Fiscal impacts would be positive, as the project is expected to generate annual net revenues to the Village, ranging from approximately \$17,000 to \$89,000, depending on the methodology used. The impacts of the 13-20 school children to be generated by the project would result in a budget surplus for the Ardsley School District of approximately \$60,000. In addition, the Proposed Action would pay \$420,000 in recreation fees to the Village and include the donation of 1.82 acres of open space to the Village.
- The project would not result in any significant adverse impacts on air quality, noise, or community services.
- There would be benefits to the community, as the Proposed Action would include 12 units of affordable housing; the donation of 1.82 acres of land to the Village, which could be used for recreation; and the construction and maintenance of a pedestrian bridge, with trailhead parking, to the South County Trailway.
- Visual resources would not be adversely affected; rather they would be improved.

Because the Proposed Action, as reflected in the 8/17/13 Schematic Site Plan and the Expanded EAF, will result in no significant adverse environmental impacts, the Planning Board issues a Negative Declaration under the State Environmental Quality Review Act.

V. RECOMMENDATION FOR CONCEPT PLAN APPROVAL

The Planning Board recommends that the Board of Trustees approve the Concept Plan for the 2013 Saw Mill Lofts, as reflected in the 8/17/13 Schematic Site Plan and the Expanded EAF, and permit the project to continue through site plan, subdivision, and Steep Slopes review. In making this recommendation, the Planning Board considered the following factors detailed in the zoning regulations for the MUPDD, Zoning Code § 295-72.3.G(2)(c):

- [1] The extent to which the application implements the legislative purposes and intent, as set forth in this section.
- [2] The proposed mix of land uses and their planned design and arrangement on the site, including compatibility with site conditions, and with neighboring streets and land uses.

- [3] The potential impact of the proposed development upon the areas in which it is located, and upon the Village and surrounding areas.

The fourth factor, “the adequacy of the phasing plan to ensure that the uses in each phase would be self-sufficient if future phases should be delayed or abandoned,” is not relevant to this project.

A. The Application Implements the Legislative Purposes of the MUPDD.

The legislative purposes of the MUPDD zoning are stated in the “Purpose and intent” section of the zoning regulations as follows:

To create planning and zoning flexibility in order to achieve environmentally sensitive, economically beneficial, and socially desirable development that is more creative in its mixture of compatible land use and design than is possible under more rigid, conventional zoning regulations. This type of zoning is also designed to minimize traffic impacts on adjacent and neighboring streets, protect the Hastings-on-Hudson central business district, protect the character of neighboring properties, respect culturally and environmentally significant resources, and provide access to Village and County trailways. § 295-72.3.A

The Planning Board believes that all of those purposes are furthered by the 2013 Saw Mill Lofts proposal.

1. The Proposed Action is Environmentally Sensitive.

The 2013 Saw Mill Lofts project is environmentally sensitive in a number of respects. First, as described in detail above, the Proposed Action would result in a decrease in impervious surface on the Site, compared to the parking lots now located there. Second, in addition to the 1.82 acres of open space that would be donated to the Village, 3.7 acres of open space would be provided on the Site. Third, the buildings would be arranged in a north-south orientation, to maximize the setbacks from Route 9A and the Saw Mill River; and they would be separated by wide spaces, to maintain east-west view corridors through the Site. Fourth, existing trees on the Site would be preserved to the greatest extent feasible, and, in particular, two of the three Norway spruces would not be removed. Fifth, the project includes landscaping along the Saw Mill River to stabilize the stream bank. These measures include the installation of plants and shrubs that would provide food, cover, and nests for songbirds and small mammals. Sixth, the Applicant has developed a stormwater management plan with stormwater management devices that are capable of fully treating the stormwater runoff from the Site and that provide treatment for water quality that exceed State requirements. Seventh, no aquatic or terrestrial resources would

be adversely affected by the project. Eighth, the project would not result in any adverse impacts on air quality and noise. Finally, no blasting would be required.

2. The Proposed Action is Economically Beneficial.

The 2013 Saw Mill Lofts development would increase the Village's tax base. Currently, the real estate taxes the Village realizes from the Site are approximately \$24,091 (total taxes are \$148,755). With the development of Saw Mill Lofts, it is estimated that the Village's share of the approximately \$486,209 in annual taxes would be approximately \$102,492. This exceeds the estimate of the cost of 157 new residents.

In addition, the 2013 Saw Mill Lofts project would require a one-time recreation fee to the Village of \$420,000. In addition, it includes the donation of 1.82 acres of open space to the Village and the construction and maintenance of a pedestrian bridge to the South County Trailway, with public parking at a trailhead.

3. The Proposed Action is Socially Desirable.

The 2013 Saw Mill Lofts project is socially desirable for a number of reasons. First, the development would increase the population of Hastings-on-Hudson by an estimated 157 persons, a 2% increase. Second, it furthers a strategy of the Comprehensive Plan to provide a range of housing types: 55% of the housing in the Village is single-family homes; the 66 apartments in the 2013 Saw Mill Lofts would provide a variety of housing options. Third, the project includes 12 affordable apartments in an area of the Village where none exists. Fourth, the Proposed Action includes the donation to the Village of 1.82 acres of open area at the southern end of the Site, adjacent to County-owned parkland. This area is large enough and configured appropriately for active recreational uses, such as a ball field. Fifth, the Proposed Action includes the construction of a pedestrian bridge to the South County Trailway, along with public parking spaces, so as to allow the Site to function as a trailhead. The residential development will be responsible for maintenance of this bridge.

4. The Proposed Action Would Minimize Traffic Impacts.

As discussed in the "Traffic and Transportation" section of this Recommendation, the 2013 Saw Mill Lofts proposal would generate very little vehicular traffic and would not impact the level of service at nearby intersections, except in a minor way at one approach at two intersections. That impact can be mitigated by adjustments to signal timing at the two intersections.

5. The Proposed Action Would Protect the Central Business District.

The 2013 Saw Mill Lofts proposal does not include any retail, service or restaurant uses; it is purely residential. The residents, therefore, like other Hastings-on-Hudson residents, would use the downtown business district for those services.

6. The Proposed Action Would Protect the Character of Neighboring Properties.

The 2013 Saw Mill Lofts would be architecturally designed with an industrial vernacular and would be contextually and visually compatible with buildings along Route 9A in the area neighboring the Site.

The Comprehensive Plan identifies this Site as a “gateway” to the Village and recommended significant setbacks and landscaped or naturally vegetated buffers. The three buildings will be set back from Route 9A approximately 94 feet, 115 feet, and 75 feet from north to south. Landscaping, consisting of extensive new shade and ornamental trees and shrubs, along with decorative low stone walls, are proposed along Route 9A. The on-site roadway paralleling Route 9A has been designed as a tree-lined street and will provide additional landscaping between Route 9A and the proposed buildings.

In addition, the proposed multifamily development would provide a transition between the industrial uses along Route 9A and the single-family neighborhoods to the west. With its large open space areas, it is also an appropriate transition from the industrial uses to the north and the County parkland at the southern border of the Site and the cemetery across Route 9A.

7. The Proposed Action Respects Environmentally Significant Resources.

As noted above, the 2013 Saw Mill Lofts project would not adversely affect stormwater runoff from the Site to the Saw Mill River. Such runoff would, unlike at present, be treated and would also be reduced to some extent due to the reduction in paved or other impervious areas on the Site. The buildings would not be constructed in proximity to the County parkland. The 1.82 acres of the Site closest to the County park would be donated to the Village. The Proposed Action would preserve two of the three Norway spruces on the Site, and would include a bridge to the South County Trailway. Landscaping would be installed along the Saw Mill River to stabilize the stream bank and to provide food and shelter for birds and small mammals.

8. The Proposed Action Would Provide Access to the South County Trailway.

As mentioned above, the 2013 Saw Mill Lofts project includes the construction of a pedestrian bridge from the Site to the South County Trailway, along with a parking area, which would result in the Site’s functioning as a trailhead. The owners of the market-rate buildings would be responsible for maintenance of the bridge and parking area.

B. The Proposed Land Uses and their Design and Arrangement on the Site Is Compatible Both with Site Conditions and with Neighboring Streets and Uses.

As noted above, the 2013 Saw Mill Lofts would be compatible with surrounding uses,

and the development would result in less impervious surface than currently exists on the Site. Views into the Site while traveling along Route 9A would change from a vacant lot with parking lots to a developed view of articulated buildings and landscaping compatible with the character of the surrounding area. The buildings would be separated by wide spaces to maintain east-west view corridors through the Site and to preserve existing trees.

C. The Potential Impacts of the Proposed Development Are Largely Positive.

As discussed in great detail above, the few potential negative impacts of the proposed 2013 Saw Mill Lofts have been mitigated. More importantly, also as detailed above, the project would result in a number of positive impacts, including the creation of a more apartments, the addition of 157 residents to the Village, an increase in the Village's tax base, the donation of open space to the Village, the construction of a pedestrian bridge to, and a trailhead for, the South County Trailway, the addition of 12 affordable housing units, recreation fees of \$420,000, and the creation of an attractive site on the west side of the 9A corridor.

VI. CONDITIONS TO BE IMPOSED

This Recommendation and the SEQRA Negative Declaration are based on the following conditions, which should be made conditions of the Planning Board's site plan approval and the Board of Trustees' approval of the Saw Mill Lofts Concept Plan:

1. Vegetation along the eastern Saw Mill River embankment shall be preserved and stabilized, and additional native shrubs and herbaceous species planted, in accordance with a detailed planting plan to be developed by the Applicant.
2. Subject to the approval of NYSDOT, a vegetated berm parallel to Route 9A shall be constructed and planted, in accordance with a detailed plan (which shall include plantings) to be developed by the Applicant.
3. The detailed SWPPP to be prepared for construction shall be consistent with the conceptual SWPPP prepared for the SFEIS (unless otherwise by the Planning Board). The SWPPP shall be subject to review by the Village engineer and must comply with all applicable state and local standards.
4. During the installation of the stormwater system, the Applicant shall ascertain the integrity of the existing culverts and, if in the opinion of the Village, the culverts warrant repair or replacement, the Applicant shall make those improvements to the satisfaction of the Village.
5. The Applicant shall confirm the Federal Emergency Management Agency 100-year

floodplain elevation prior to final site plan approval and must revise the design, if necessary, to comply with any revisions to the floodplain.

6. Waterproofing/vapor barriers must be installed below the slabs of the three buildings.
7. The Applicant shall remove the asphalt pavement from the property to be donated to the Village. Following removal of the pavement the Applicant will be responsible for vegetating the area from which the pavement is removed, in accordance with New York State Standards and Specifications for Erosion and Sediment Control.
8. Once the 2013 Saw Mill Lofts are fully occupied, the Applicant should coordinate with the New York State Department of Transportation to make any necessary adjustments to signal timing at the Route 9A/Lawrence Street and Route9A/Jackson/Ravensdale intersections.
9. All construction-related staging and parking shall be on-site.
10. All vehicles and equipment during the construction process for the project shall access the Site from, and egress the Site to, Saw Mill River Road.
11. Applicant shall arrange with a local taxi company to coordinate a taxi shuttle service for residents who commute by Metro North.
12. The Applicant and, subsequently, the owner(s) of the two market-rate buildings, shall be responsible for maintenance, repair and upkeep of the stormwater management system. If the Village finds that the Applicant or building owner(s) has not fulfilled this obligation, the Village, after notice reasonable in the circumstances, may undertake such maintenance, repairs and/or upkeep and backcharge the Applicant or building owners, as appropriate, for the reasonable costs of such work.
13. The Applicant shall submit the site plans to Westchester County for review and approval in regard to the Westchester County sewer easement and sewer trunk line on the Site, and shall comply with any requirements imposed by the County.
14. The buildings must comply with the New York State Energy Research and Development Authority (NYSERDA) Low-rise Residential New Construction Program.
15. The owner(s) of the two market-rate buildings shall be responsible for maintenance of the bridge to the South County Trailway and associated parking.
16. The Applicant shall follow the tree protection measures recommended by SavA Tree in its latter dated July 8, 2013 (attached).
17. The Applicant must comply with all requirements of the applicable State Building Codes, the Village of Hastings-on-Hudson Code, including the Green Building Code, and

any other applicable Codes.

18. The apartments in the affordable building must meet the maximum sizes permitted by the New York State Division of Housing and Community Renewal.

19. A certificate of occupancy has to be issued for the affordable building before a certificate of occupancy can be issued for either of the market-rate buildings.

20. This Recommendation is also based on the inclusion of the Conditions 8, 11, 12 and 15 listed above as restrictive covenants in a declaration of covenants and restrictions binding on the Applicant and any subsequent owners of the market-rate buildings. In addition, the declaration shall contain the following provisions:

“a. The Village of Hastings on Hudson is and shall be a third party beneficiary of the covenants set forth in this Declaration for enforcement purposes and so that it can timely act to prohibit the extinguishment of the covenants.

“ b. There shall be no modification of this Declaration without the approval of the Village of Hastings on Hudson, in writing, and filed in the Office of the Westchester County Clerk, Division of Land Records.”

VII. ADDITIONAL ACTIONS OF THE PLANNING BOARD

1. The Planning Board finds that the 2013 Saw Mill Lofts will generate the need for additional recreation facilities, and that a fee in lieu of parkland shall be assessed.

2. The Planning Board finds that the Proposed Action meets the affordable housing set aside requirement of § 295-112.1-A of the Zoning Code. Further, the Planning Board grants the 10% density bonus permitted by § 295-112.1A(9), that is, six additional units, three of which are affordable.

3. The Planning Board exercises its discretion pursuant to § 295-112.1-A(2) of the Zoning Code to permit the 12 affordable apartments to be located in one building, rather than distributed evenly throughout the development. The Planning Board asked Urbanomics to test GDC’s assertion that the affordable housing had to be in a separate structure rather than interspersed among the market-rate units. Urbanomics concluded: “The segregation of the low-income units from the market-rate development is not ideal from a planning perspective; however, given the necessities of financing as described in the application for HTF and HCR funding, as well as in the May 8 letter [from GDC], it is likely the most viable way to move forward with the project.” Urbanomics’ report on this issue is included with this Recommendation. The Planning Board persuaded the Applicant to locate the affordable building in between the two market-rate buildings, in order to make the affordable building a more integral part of the development. In addition, the buildings will be constructed in the same style and of the same materials.

