

617.21  
Appendix F  
State Environmental Quality Review  
**NEGATIVE DECLARATION**  
Notice of Determination of Non-Significance

Project Number \_\_\_\_\_

Date October 20, 2022

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

The Village of Hastings-On-Hudson Planning Board as lead agency, has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

**Name of Action:** 1 Warburton Avenue - MR-1.5 Zoning Map Amendment and Residential Townhouse Development.

**SEQR Status:** Type I   
Unlisted

**Conditioned Negative Declaration:** Yes   
No

**Description of Action:**

The proposal involves modifying the zoning on the Site from the R-10 – One-Family Residence District to the MR-1.5 – Multi-Family District. This rezoning is proposed to allow for the development of a 21-unit multi-family townhouse project and associated site improvements on the property that formerly supported the Riverview Catering Hall. 18 units will consist of 2 bedrooms plus a den and average 2,440 square feet. 3 of the units will comply with AFFH requirements, and consist of 2 bedrooms and average 1,440 square feet. The southernmost unit on the east side of Warburton Avenue is located in the City of Yonkers.

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

The Action is located on 1 Warburton Avenue, Hastings-On-Hudson and is more specifically known and identified as Tax Map Section 4.160, Blocks 166 and 167, Lots 1,3,4 and 7

**REASONS SUPPORTING THIS DETERMINATION:**

(See 617.6(g) for requirements of this determination; see 617.6(h) for Conditioned Negative Declaration)

See Attached

If **Conditioned Negative Declaration**, provide on attachment the specific mitigation measures imposed.

**For Further Information:**

Contact Person: Mary Ellen Ballantine, Planning Board Secretary

Address: 7 Maple Avenue, Hastings-On-Hudson, NY 10706

Telephone Number: 914-742-2327

**For Type I Actions and Conditioned Negative Declarations, a Copy of this Notice Sent to:**

Commissioner, Dep't of Environmental Conservation, 625 Broadway, Albany, NY 12233-0001

NYSDEC Region 3, 21 South Putt Corners Road, New Paltz, NY 12561

Mayor, Village of Hastings-On-Hudson, 7 Maple Avenue, Hastings-On-Hudson, NY 10706

Applicant (if any)

Other Involved Agencies (if any)

The proposal involves modifying the zoning on the Site from the R-10 – One-Family Residence District to the MR-1.5 – Multi-Family District. This rezoning is proposed to allow for the development of a 21-unit multi-family townhouse project and associated site improvements on the property that formerly supported the Riverview Catering Hall. 18 units will consist of 2 bedrooms plus a den and average 2,440 square feet. 3 of the units will comply with AFFH requirements, and consist of 2 bedrooms and average 1,440 square feet. The southernmost unit on the east side of Warburton Avenue is located in the City of Yonkers.

Specific impacts relating to the proposed action are addressed below:

1. The Proposed Action involves rezoning the Site from the R-10 One Family Residence Zoning District to the MR-1.5 Multi-Family Residence Zoning District (a small portion containing the existing catering hall building is already zoned MR-1.5). The rezoning only applies to the Site, and will not impact any other properties. The proposed multi-family townhouse development is classified as a permitted principal use in the MR-1.5 zoning district.

The proposed townhouse development represents an appropriate use of the Site in a manner consistent with the character of the surrounding neighborhood, while providing for the diversification of the Village's housing stock along with the inclusion of Affirmatively Furthering Fair Housing units.

Once rezoned, the Proposed Action would not comply with the 16' front yard setback (which is half the height of the proposed buildings). A 10' front yard setback is proposed for the eastern parcel and a 7' front yard setback is proposed for the western parcel.

Additionally, the western parcel would not comply with the single side yard setback of 10' (0' is proposed), and the rear yard setback of 30' (6' is proposed).

The design and configuration of the Proposed Action, while non-compliant as noted above, actually serves to mitigate potential adverse environmental impacts on the rock slope, the adjacent aqueduct and the residences located to the east of the Site. As a result, the Planning Board finds that the Proposed Action will result in impacts to the Site, however, those impacts will be minor and do not constitute significant adverse land use or zoning impacts.

2. The Proposed Action will result in a temporary change in existing air quality as a result of the demolition of the catering hall and the preparation of the site and subsequent development of townhouses and associated site improvements; however, this activity is not expected to result in a significant

negative impact. These temporary impacts to air quality will be carefully monitored by the Building Department and will be mitigated through the implementation of an approved construction management plan that will be submitted with the Building Permit, as well as through a continual reliance on construction Best Management Practices and equipment repair and maintenance.

No long-term air quality impacts will result from the residential townhouse development, which will incorporate individual electric heat pumps, which do not generate emissions. No significant adverse air quality impacts will result from the Proposed Action.

3. The Proposed Action requires that the rock face located on the eastern parcel be cut back to an exposed height of between 22 – 30 feet. Rock excavation will be required to achieve the final grade elevation between 82.0 and 94.0. Rock removal will be accomplished through mechanical means utilizing line drilling and the use of a pneumatic hammer or splitter. No blasting will be utilized.

The rock face will be stabilized with a combined system of rock slope scaling and a rockfall net with rock bolts and anchors. If necessary, rock benching with heights no greater than 8' would be accomplished, under the supervision of a geo-technical engineer. As the scaling program is completed, a rock netting system consisting of steel wire mesh will be installed. Rock bolts and anchors may also be installed. A survey will be conducted to ensure the bolts do not impact the adjacent Aqueduct. An energy dissipation barrier "catch ditch" will be installed at the base of the rock face consisting of pea gravel, wood chips and top soil.

A pre-condition survey of all structures, streets and utilities will be undertaken, and periodic monitoring shall occur during construction including the use of crack monitoring gauges and elevation and lateral position control points. Vibration levels at the Aqueduct and neighboring structures and utilities shall occur using seismograph vibration monitors placed at strategic locations.

The implementation of these mitigation measures will ensure that no significant adverse impacts will result from the required removal of rock.

4. In addition to the rock excavation, site grading will be required to accommodate the Proposed Action. In total, approximately 8,600 cubic yards of excess material will be removed from the Site. This potentially adverse impact will be mitigated through the installation of soil erosion and sedimentation control devices in accordance with the site plans and specifications. These devices will be designed and installed in accordance

with New York Standards and Specifications for Erosion and Sediment Controls.

The soil erosion and sediment control plan will minimize the downstream erosion hazard by controlling runoff at its source, minimizing runoff from disturbed areas and de-concentrating stormwater runoff.

During construction, site assessments and inspections shall be conducted in accordance with the approved SWPPP. This shall include an assessment of the Site prior to the commencement of construction and a certification in an inspection report that the appropriate erosion and sedimentation control measures have been adequately installed or implemented to ensure overall preparedness of the Site for the commencement of construction. Following the commencement of construction, site inspections shall be conducted by a qualified professional at least every seven (7) calendar days and within 24 hours of the end of the end of a storm event of 0.5 inches or greater. The site contractor shall be responsible for implementing measures and correcting deficiencies noted during site inspections.

5. Approximately 1.05 acres of the 3.01-acre site is currently covered by impervious surfaces. The Proposed Action will result in modifications to existing impervious surfaces, including the construction of the new townhouse buildings, parking areas, driveways and associated improvements. This will result in the addition of approximately 0.06 acres (2,614 square feet) of additional impervious surfaces. Runoff from these surfaces will be controlled through the implementation of a Stormwater Management Plan, prepared in support of the application. This plan has been designed in accordance with the Westchester County Best Management Practices Manual for Construction Related Activities, and will assure that the post development runoff rates will be equal to or less than the pre-development rates for the various storm events.

Additionally, approval of the project shall be conditioned upon compliance with all applicable Phase II stormwater regulations, including the preparation of a Stormwater Pollution Prevention Plan (SWPPP) and the filing of a NYSDEC State Pollution Discharge Elimination System (SPEDES) General Permit, as required. These measures will assure that the Proposed Action will not result in any significant adverse stormwater runoff impacts.

6. The Proposed Action is estimated to require approximately 8,400 gpd of water to be drawn from the Yonkers Water District, and would generate an equivalent amount of sanitary wastewater that would be discharged into the North Yonkers Sewer District, or as an alternative into the existing County sanitary trunk sewer that borders the Site. This wastewater will ultimately treated at the Yonkers Joint Wastewater Treatment Plant.

In correspondence dated September 15, 2022, the City of Yonkers Superintendent of Water confirmed that the City of Yonkers water system can support both the domestic and fire protection water usage for the Proposed Action.

In a Will-Serve letter dated October 6, 2022, the City of Yonkers City Engineer confirmed that Yonkers will provide sanitary sewer service to the Site, subject to the following conditions:

- Prior to approval by the City of Yonkers Planning Board, the Applicant shall provide additional information to the satisfaction of the City of Yonkers Department of Engineering.
- The sanitary sewer line shall be approved by the Westchester County Health Department.
- The sewer line located within the City of Yonkers shall be dedicated to the City.

Subject to these conditions, no significant negative impacts will result from the Proposed Action.

7. Long-term noise impacts are not anticipated as a result of the operation of the new townhouses. Building mechanical and HVAC equipment will be located on the roof, and will be enclosed and sound attenuated. The existing rock face will further serve to block Site related sounds.

Short-term noise impacts are limited to construction related activities. Construction activities are anticipated to generate noise levels of in the vicinity 85dBA measured at 50' from the noise source.

Short-term noise impacts shall be mitigated by maintaining construction equipment in good working order and providing mufflers. Construction hours will be limited to conform to Chapter 193 of the Village Code - Noise ordinances. No permanent long-term noise impacts are anticipated.

8. The Proposed Action is projected to generate a total of between 11 and 13 weekday peak hour vehicle trips (3 entering and 8 exiting trips for a total of 11 AM peak hour trips and 8 entering and 5 exiting trips for a total of 13 PM peak hour trips). The volume of traffic generated by the Proposed Action will not adversely affect the surrounding roadway network, nor will it result in any discernable change to nearby intersection levels-of-service. The two site driveways are projected to operate at Level-of-Service B or better during the peak hours.

By way of comparison, the previous catering hall use generated approximately 172 peak hour vehicle trips (86 entering and 86 exiting trips) and the existing school bus facility also generates significantly higher trip generation rates than would the Proposed Action. As a result, it is anticipated that the Proposed Action will not result in any significant adverse traffic impacts.

9. The proposed 21-unit multi-family townhouse project has the potential to generate school-aged children. Utilizing the actual school children generation rates from comparable near-by developments, the Proposed Action is estimated to generate 0.63 school-aged children. This low number is a function of the type of housing proposed, and the lack of family and children-oriented amenities provided, and the relative availability of more traditional housing types in the immediate market area at a similar price point (such as single-family homes with a yards) that are more suitable for families with children.

To provide a worst-case assessment of the potential for school-aged children generation, the Applicant conducted an assessment utilizing the "Rutgers" multipliers. This formula is recognized as a very conservative estimate, and routinely results in over-estimates of school aged children. Utilizing the Rutgers multipliers, a total of 7-school-aged children might be generated from the proposed development.

The Proposed Action is projected to generate \$405,500 annually in real estate taxes, of which \$273,031 would be taxes attributable to the Hastings-On-Hudson Union Free School District. According to the School Year Financial Transparency Report for the Hastings School District provided by the New York State Department of Education, the total cost for each student is \$29,391.03, however this cost includes various fixed costs which do not vary with enrollment. The educational costs per student is \$22,509.11. Nevertheless, for the purposes of this analysis, a rounded total cost figure of \$30,000 per student was utilized.

Utilizing the worst-case 7 student estimate, the total educational costs for the Proposed Action would be \$210,000. Subtracting this figure from the annual school tax revenue results in an annual surplus of \$63,031. As a result, it can be concluded that the Proposed Action will not result in an adverse impact to the Hastings-On-Hudson Union Free School District.

10. The Proposed Action will result in a proportional increase in the demand for police, fire and EMS services. The Proposed Action will be constructed to fully conform with all building and fire code requirements, and will include modern site security measures. As a result, it can be concluded that the Proposed Action does not pose any unusual community service concerns.

It is projected that the Proposed Action will generate \$77,072 annually in Village taxes, which will adequately off-set the proportional increase in the demand for community services.

11. The project will not create any flooding impacts. While in close proximity to the Hudson River, The Site sits a a substantially higher elevation and is not located within a floodplain. The proposed stormwater management plan will assist in limiting localized runoff conditions onto adjacent properties.
11. No wetlands are located on or in the vicinity of the site. As a result, no wetland impacts are anticipated.
12. Approximately one-third of the Site supports the former catering facility, paved areas or similar developed impervious surfaces. The balance of the Site supports a variety of undeveloped areas including a wooded near the Aqueduct, exposed rock in the center of the Site, and landscaped areas on the western parcel. The Proposed Action will result in the removal of approximately 1 acre of existing trees and vegetation. A new landscaping plan is proposed to mitigate the loss of existing on-site vegetation. No significant adverse impacts are anticipated.
13. There will be no impact on significant habitat areas as a result of this project. No threatened or endangered species of animals or the habitat of such species have been identified on the Site according to the NYS Natural Heritage Inventory.
14. The EAF indicates that the Site is located in close proximity to Hudson River, which is a State Superfund site due to PCB sediments. The Proposed Action will have no impact on the Hudson River. There are no Recognized Environmental Conditions (REC's) on the Project Site. As a result, no adverse impacts resulting from the presence of hazardous substances are anticipated.
15. The Proposed Action is located adjacent to the Old Croton Aqueduct, which is listed on the State and National Registers of Historic Places. The rock removal protocol prepared by the applicant includes measures to ensure the integrity of the Aqueduct. In correspondence dated September 28, 2022, SHPO concluded that the Proposed Action would not result in any significant adverse impacts to historic or archeological resources, subject to the following conditions:
  - Protection plans for potential blasting and drilling into the rock slope located adjacent to the proposed housing development and near the Old Croton Aqueduct will be provided to Daniel Lewis at the Office of Parks, recreation and Historic Preservation for review and approval.

- Consider using neutral tones or finish colors sympathetic to the surrounding vegetation to reduce visibility from the Old Croton Aqueduct trail located above the proposed housing development.

Subject to these conditions, the Lead Agency finds that the no significant adverse impacts will result from the Proposed Action.

16. The proposed action will result in a change in the quantity and type of energy used at the Site. The new townhouses will result in a net increase in energy consumption due to their 24/7/365 operation when compared to the catering facility, which only operated periodically. However, the increase will be proportionally negligible. The applicant has committed to developing a sustainable building, utilizing electric heat pumps. The townhouses will be required to meet the Village's Green Building Code and Stretch Energy Code requirements. Significant adverse energy impacts are not anticipated.
17. The Proposed Action will generate approximately 2.16 tons/month of solid waste. Solid wastes will be collected by private carters and disposed of at an appropriate waste disposal facility. No adverse impacts are anticipated.
18. The proposed townhouse buildings have been designed to reflect an attractive architectural character, and will employ site landscaping and appropriate design features. As a result, it can be concluded that the architectural character of the new building and the design of the site will be appropriate.
18. The proposed project will not create a hazard to human health.
19. The action will not result in changes in two or more elements of the environment, which alone would not have a significant effect on the environment, but when considered together, would result in a substantial adverse impact on the environment.
20. The proposed action is not related to another action which would be funded or approved by an agency which, when considered cumulatively, would meet one or any of the aforementioned criteria.