

Appendix A

Village's Adopted Findings
on 2007 Plan

RECOMMENDATION OF THE VILLAGE OF HASTINGS-ON-HUDSON PLANNING BOARD AND FINDINGS STATEMENT PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT FOR THE PROPOSED MUPDD SAW MILL LOFTS DEVELOPMENT

I. INTRODUCTION

This document constitutes both the recommendation of the Village of Hastings-on-Hudson Planning Board to the Village Board of Trustees, pursuant to the Mixed Use Planned Development District regulations (Section 295-72.3 of the Village Zoning Code), and the Planning Board's Findings, as Lead Agency pursuant to the State Environmental Quality Review Act ("SEQRA"), with respect to the applications by GDC Holdings, L.L.C. for Concept Plan Approval and site plan and other approvals for the proposed MUPDD Saw Mill Lofts development. (The document is referred to hereinafter as the "Recommendation".) The Concept Plan is for a mixed use (primarily live-work) 60-unit 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 Sheet 22, Section 11, Lots P.4 and P.4-A.

GDC Holdings, L.L.C. ("GDC" or the "Applicant") has also applied to the Planning Board for site plan and other approvals attendant to its proposed development. Planning Board review of these applications is dependent upon the approval of the Board of Trustees of the Concept Plan Approval under the Mixed Use Planned Development District ("MUPDD") regulations. The request for Concept Plan Approval, together with GDC's applications for Planning Board approval of the MUPDD Saw Mill Lofts, is collectively described herein as the "Proposed Action."

This Recommendation is predicated upon the Planning Board's review of the administrative record in the matter, including: the Supplemental Environmental Impact Statement prepared for the Proposed Action, which includes, as described below, the Environmental Impact Statement prepared for the previous proposal for development of the Site with a ShopRite supermarket; the comments of and memoranda from the Planning Board's independent consultants on the Proposed Action and the Supplemental Environmental Impact Statement; and comments from the public.

II. FACTS AND CONCLUSIONS RELIED UPON TO SUPPORT THE RECOMMENDATION

A. The Site

The 7.45 acre Site is situated in the northeastern portion of Hastings-on-Hudson, between State Route 9A and the Saw Mill River Parkway. It includes two existing paved parking lots, which comprise 2.3 acres, and 5.15 acres of vacant land. The Site is bounded on the east by the right-of-way of Route 9A and on the west by the Westchester County South County Trailway. 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 Town of Greenburgh-Village of Hastings-on-Hudson municipal boundary and a parcel of land that contains a warehouse building approximately 48,000 square feet in size. A portion of the Site (approximately 0.77 acres) is land under the Saw Mill River. Thus, the potentially developable portion of the Site is approximately 6.68 acres.

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 the Ciba-Geigy Corporation (“Ciba-Geigy” or “Ciba”) 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 leased and/or sold by the owner for uses consistent with the Town of Greenburgh's General Industrial District Zoning Classification.

The Site was used primarily for parking for the Ciba Geigy complex. It was then used as overflow parking for Ardsley Park and subsequently used by a local automobile dealership for storage of automobile inventory. It is now vacant. A Westchester County sewer easement traverses the Site in a north-to-south direction.

The downtown area of Hastings-on-Hudson is situated approximately two miles to the southwest of the Site. The downtown of the Village of Ardsley lies about one mile to the north of the Site, linked to the Site by Route 9A. The Village of Dobbs Ferry is about 2 miles to the 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 south of Ravensdale Road, west of Route 9A, known as Nepera Park, which is part of the Village. There are also residential areas northeast of the Site, across the New York State Thruway, in Greenburgh and Ardsley, and to the northwest of the Site in Dobbs Ferry.

The Site fronts on Route 9A for approximately 1,080 feet. Site depth 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 average distance from Route 9A to the top of the River bank is roughly 240 feet. The Site was apparently filled early in the century. The River in the vicinity of the Site, though not channelized, is relatively straight, narrow and shallow.

B. Overview of the History of the Proposed Action

During the time it was owned by Ardsley Partners, the Site was zoned as Limited Industry (“LI”) under the Village Zoning Code. This use 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.

In April 1995, Ardsley Partners submitted applications to develop the Site with a 50,000+ square foot ShopRite supermarket, which was also 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 the environmental review of this proposal under SEQRA, and required the preparation of an 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 also denied the applications for site plan and subdivision approval.

In its SEQRA findings, the Planning Board found that the proposed supermarket would have “significant, unmitigated adverse environmental effects that, even when considering social, economic and other relevant factors, are not acceptable.” Specifically, the Planning Board determined that the proposed supermarket and associated parking were “too large for the Site, causing significant adverse impacts to visual quality . . . would generate significant adverse traffic impacts, exacerbating existing congestion on the intersections along Route 9A and elsewhere . . . [and] would have significant adverse socioeconomic impacts on downtown Hastings, Dobbs Ferry and Ardsley, which would change the character of those downtown areas” (Section T, Summary of Findings, P. 76-77). The Planning Board concluded that any benefits associated with having the Site developed with a large, modern supermarket would be outweighed by its significant adverse environmental impacts.

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, GDC¹ submitted a site plan application for a project identified as Riverwalk Village, which included 157 rental apartment units constructed in a townhome style. Because the Site was still zoned LI, and such zoning did not at that time allow residential use, GDC sought a rezoning of the site to a residential district. At the time of application, GDC suggested rezoning the Site to an existing residential Village zone known as MR 1.5. This district would have permitted the proposed development, although a height variance would have been required.

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 impact statement prepared for the ShopRite project, as much of the information in that document remained relevant and germane to the Riverwalk Village proposal.

The Supplemental Draft EIS (“SDEIS”) for the Riverwalk Village was deemed complete in April 2002. Because GDC sought a rezoning of the Site, the Board of Trustees and the Planning Board held a joint public hearing on June 4, 2002 with respect to the SDEIS and requested rezoning; the hearing on the SDEIS was closed at the June 20, 2002 meeting of the Planning Board and the comment period for the SDEIS closed on July 8, 2002. At the public hearing, concerns were raised about certain aspects of the proposed development, including the number of units, impacts on traffic and the asserted isolated nature of the Site in relation to its residential use.

The Westchester County Planning Board commented on the proposed rezoning. Although the Board expressed support for the proposal’s inclusion of affordable units and its connection to the South County Trailway, it commented that the proposed 157-unit residential project did not conform to the objectives outlined in Patterns, the County’s long term land use planning policy document. Specifically, the County Planning Board expressed its concern regarding the potential for worsening traffic congestion along the Route 9A corridor and noted that the Riverwalk proposal would not maintain or enhance the Site’s open space character due to its size and design.

The Applicant submitted a proposed Supplemental Final EIS (“SFEIS”) for Planning Board review in October 2002, which included proposed responses to these and other comments made on the SDEIS. Around that time, the Board of Trustees was considering whether to modify the Village Zoning Code to allow the inclusion of mixed use buildings in CC districts in order to encourage residential development above ground floor retail. Such an amendment would have the effect of allowing mixed uses in LI districts, as CC uses are allowed in LI zones. The Board of Trustees adopted the CC district amendment in January of 2003.

¹ The original applicant was Ginsburg Development Corporation, for which GDC was subsequently substituted.

The Applicant submitted a revised draft SFEIS in September of 2003. However, during the summer of that year the Board of Trustees was considering whether the uses and zoning for the Site should be studied in the absence of a specific application. The Board of Trustees held a public hearing on July 15, 2003 to consider instituting a moratorium on development. A moratorium was adopted by the Board of Trustees on August 27, 2003. 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 ("STA"), a planning consulting firm, to assist with the zoning review. In its report submitted in December 2003, STA 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." (STA Report at page 5.) To achieve this goal, STA recommended certain types of low-impact uses, including residential and mixed used developments. STA found that "the use that best achieves the objectives is a small, moderate to high-end residential development with primarily small units." (STA Report at page 5.) After several months of evaluation and refinements of the concepts suggested in the STA Report, the Planning Board recommended creation of a new zone, entitled Mixed Use Planned Development District (MUPDD), which would allow either for 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, the Applicant submitted a revised draft SFEIS to the Planning Board. The revised SFEIS included two preferred alternatives to the Riverwalk Village proposal – a MUPDD Saw Mill Lofts plan that included 54 live/work units and 6 affordable units (the proposal currently under consideration), intended to be consistent with the MUPDD, and a LI Saw Mill Lofts plan that included 54 live/work units, 6 affordable units and 20,000 square feet of ground floor retail, intended to be consistent with the LI district as modified by the amendment to the CC district regulations.

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 Applicant subsequently amended the proposed SFEIS to describe the Riverwalk Village and LI Saw Mill Lofts plans as alternatives to the MUPDD Saw Mill Lofts Proposed Action.

As noted, the MUPDD regulations require the Board of Trustees to approve a Concept Plan. The Applicant submitted a Concept Plan for the MUPDD Saw Mill Lofts project to the Building Inspector in October 2005. The Board of Trustees conducted a preliminary review of the MUPDD 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, consistent with the MUPDD regulations.

The Applicant submitted revised iterations of the SFEIS in December 2005 and in January and February of 2006, in response to comments by the Planning Board, the Planning Board's consultants and the public. On February 16, 2006, the Planning Board accepted the February 2006 SFEIS as complete and adopted a Notice of Completion for the SFEIS. A joint public meeting of the Planning Board and Village Board of Trustees was held on March 7, 2006 for the Planning Board to accept public comment on the SFEIS and to continue the Board of Trustee's public hearing on the Concept Plan.

C. The Proposed Action – The MUPDD Saw Mill Lofts

The MUPDD Saw Mill Lofts would develop the Site with 60 units, of which 54 would be market rate live-work units and six would be affordable units consistent with the Village Affordable Housing Guidelines. The live/work units would provide a unique housing type for the Village.

The site plan and specifics of the development described below are subject to the Board of Trustees' approval of the Concept Plan and the Planning Board's site plan and subdivision review, including the design and size of the proposed affordable units.

There would be two buildings on the Site, with 30 units per building. Each building would consist of three floors, plus a below grade parking level. Each floor would have ten units accessible from a central corridor and would be served by an elevator that goes to the parking level. The ground level units could also have a second exterior door into the work space. The buildings would be 40 feet tall. The Applicant has indicated that the building would be architecturally designed to appear like an adaptive reuse of a former commercial/industrial building. The Planning Board would review the architecture in the context of site plan review; the Village Architectural Review Board would be responsible for approving the final architectural detailing.

The individual live/work units would range in size from 1,400 to 2,550 square feet, and be a mix of six one-family bedroom units, 42 two-bedroom units and six three-bedroom units. The "work" portion of the space in each unit would typically comprise approximately 1/3 of the total unit's area, but not more than 800 square feet. The affordable units would be two bedroom and average 1,160 square feet and would not include a separate work space.

Use of the nonresidential space (i.e., the work space of the live-work units) would be governed by the MUPDD regulations, which permit the following uses as accessory to the principal residential use:

- The office or studio of an architect, artist, dentist, engineer, lawyer, musician, teacher, physician, or similar profession, but not including veterinarians.

- Customary home occupations (as defined in Chapter 295-5 of the Village Zoning Code).
- Specialty retail sales, such as antiques, books, crafts, art or similar specialty items.

Given the relatively modest size of the work space, GDC anticipates that these areas would be used primarily by artists or other similar sole practitioners. The Applicant does not anticipate that the work space would be used to support businesses with employees.

The Village Zoning Board of Appeals (“ZBA”) determined that 174 parking spaces were required for the project, and conditioned its decision on additional conditions to which the Applicant has agreed. Accordingly, GDC has agreed to file a deed restriction that would define the work area to be used only by the unit owner and one employee, limit visitors to studios, offices and personal services establishments uses to three per hour, prohibit the conversion of the work area to bedroom space, and prohibit certain types of businesses that, while permissible under the MUPDD, tend to generate greater number of visitors than artisan or similar uses (e.g., hair salons). The ZBA recommended that these conditions also be made part of project approval.

The Proposed Action would meet all setback requirements applicable to the Site under the Zoning Code. (The proposed setbacks and requirements are summarized in Table 7-1A and 7-1B of the SFEIS). Three driveways from Route 9A would provide access to the Site. The central driveway would provide ingress and egress, the southerly drive would be ingress only and the northerly driveway would be egress only.

The site layout places the two buildings in a north-south orientation along the central axis of the property to maximize setbacks from Route 9A and the Saw Mill River – which are approximately 100 feet. The buildings would be connected by an internal road that would run parallel to Route 9. The project would have 120 below grade parking spaces (60 spaces under each building) and 54 surface parking spaces, which could be used by visitors and the public.

Spacing between the two buildings maintains an east-west visual corridor between the two buildings and preserves existing trees on the site, including the three Norway spruce trees. Approximately 3.65 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. In addition, the Proposed Action provides for the donation to the Village of a 1.75 acre open space area on the south side of the Site. This area, which adjoins County-owned parkland to the south, is large enough for the Village to use for recreational purposes, such as constructing a ball field. The donation is related to the MUPDD regulations, which allow a density bonus for the donation of open space to the Village. In addition, the Applicant would need to pay recreation fees to the Village under the newly-enacted provisions of the Zoning Code, which are estimated to be up to \$465,000. (The fees are \$7,500 for each one- and two-bedroom unit and \$10,000 for each three-bedroom unit.)

The Applicant would, as part of the project, construct a pedestrian bridge that would connect the open space area on the Site to the South County Trailway. On-site parking would be accessible to the public to allow the Site to function as a trail head.

The project would result in approximately 4.0 acres of site disturbance, and less than 0.14 acres with slopes of 15 percent or more.

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 the detailed Stormwater Pollution Prevention Plan (“SWPPP”) would be prepared and be available for review 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.

A conceptual landscape plan has been prepared for the EIS process, and a detailed plan would be prepared for site plan review. 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 and a retaining wall.

GDC has proposed to construct a landscaped berm along the Site’s border with Saw Mill River Road, together with plantings and low stone walls.

Lighting has been designed to provide illumination of parking areas and along walkways. A hierarchy of lighting has been proposed, including mounted fixtures in parking areas, street lamps along walkways and pedestrian areas, and building-mounted lighting near building entrances. The parking areas would be illuminated to provide light levels sufficient for pedestrian safety, parked car security, and clarity of vehicular circulation. Lighting would be directed downward and a levels of illumination so that off-site light spillage would be controlled. Lighting is also proposed for the development entrance signs. 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 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 national 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.

The project would be occupied at all times. The hours of operation of the work units would vary depending on use, but would conform to applicable local regulations. Deliveries for the residential and nonresidential uses would occur during standard business hours. These deliveries would be delivered directly to each of the proposed units. Garbage pick up would occur by scheduled Village pick ups at the proposed trash bin areas. These locations will to be shown on the site plan during final site plan approval. There would not be a security guard restricting public access and the development would not be gated.

The real estate taxes currently paid by the site are approximately \$61,000, of which the Village share is \$11,000. The proposed project would increase the revenue to the taxing jurisdictions of approximately \$530,846 in annual tax revenues, of which the Village would receive approximately \$127,394. These numbers are based are current information, and are slightly less than referenced in the SFEIS.

D. Purpose and Need

The Applicant's stated purpose, beyond the realization of an investment opportunity, is to provide live-work residential units that would be unique to the Village and southern Westchester County.

E. Land Use and Zoning

The Proposed Action was designed to conform to the MUPDD, the zoning for the Site which became effective in October 2005. The MUPDD represents a component of the Village's comprehensive plan. Because the MUPDD was recently adopted after a moratorium on development, a study and report by STA and a recommendation by the Planning Board, it is an up-to-date element of the comprehensive plan. Consequently, the proposed project is presumably compatible with, and would not significantly adversely affect, the Village's land use planning and policy. Further, as discussed herein, the Proposed Action is generally consistent with Village and County land use plans.²

1. Zoning Requirements

The MUPDD is designed 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." Zoning Code §295-72.3. The MUPDD zoning was also designed "to minimize traffic impacts on adjacent and

² There were a number of comments on the SDEIS that raised the issue of whether the initial Riverwalk Village proposal was consistent with "Smart Growth" policies. That question is not germane to the MUPDD Saw Mill Lofts proposal, as the adoption of the MUPDD reflects the Village's determination that such uses are appropriate land uses.

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 implementation of the MUPDD Saw Mill Lofts plan would change the use and character of the Site from the current underutilized, vacant site to a mixed use live/work development. The proposed plan is permissible under MUPDD regulations. Zoning Code §295-72.3.B(5), Mixed-use residential buildings, and §295-72.3.D, Accessory Uses.³

The environmental impacts and economic ramifications of the proposed MUPDD Saw Mill Lofts development are discussed in different sections of this Recommendation. In reference to the relevant areas of concern identified in the above-quoted “Purpose and intent” clause of the zoning, this Recommendation also addresses the proposal’s impacts on traffic on adjacent and neighboring streets, its effects on the character of the neighboring properties and on environmentally significant resources, and the extent to which it would provide access to Village or County trailways. The Planning Board’s conclusions about the consistency of the Proposed Action with the purpose and intent of the MUPDD are discussed in a later section of this Recommendation.

2. Parking

The MUPDD Saw Mill Lofts plan provides a total of 174 spaces, including 54 surface grade parking spaces and 120 subsurface parking spaces. The parking to be provided is consistent with the determination of the ZBA with regard to the parking requirement for the proposed live/work units and mixed use development rendered on December 8, 2005. Therefore, the proposed project is not expected to have any significant adverse impacts on parking.

3. Neighboring Properties

The proposed plan would create a mixed use development that would be compatible with the surrounding mixture of land uses in the neighborhood. The proposed buildings would incorporate an industrial vernacular and be reminiscent of an adaptive reuse of former industrial buildings, and will be contextually and visually compatible with the historic industrial type structures located along the Route 9A corridor.

Mixed-use developments are commonly located between nonresidential uses and single-family residential neighborhoods or mixed use areas, and serve as a transitional use between commercial or transportation uses and less dense single-family uses. The proposed MUPDD Saw Mill Lofts would be situated between the Ardsley Park research park 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.

³ The subject property consists of two tax parcels, P-4 and P-4A, which would be combined to create the Site. If the two lots appear on a filed plat, a revision would require a subdivision.

Single family neighborhoods are located in the Village, to the west of the Site. To the south, on the western side of Route 9A, there is undeveloped land owned by the Westchester County Parks Commission, and further south near the Yonkers City limits is a small single family neighborhood. The Saw Mill River comes close to Route 9A as it winds through this area. 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.

Cemeteries are located to the east of the project site, on the east side of Route 9A, and are at a higher elevation than the project site and extend up the hillside leading to the NYS Thruway. These cemetery uses are also likely to remain in their present use in the foreseeable future. The proposed MUPDD Saw Mill Loft plan is not anticipated to have any significant adverse impacts on neighboring land uses.

4. Surrounding Land Use Patterns

According to the GDC, the MUPDD Saw Mill Loft project was designed with the goal of being consistent with the mixed use land use and zoning patterns that currently exist along Route 9A. The live/work units were created to accommodate a variety of professionals seeking home studios or offices.

Route 9A has, as discussed above, a mixed use development pattern. Recently proposed developments reflect that mixed character. Two miles north on Route 9A in Ardsley, a 175-unit senior development (the Woodlands at Ardsley) has been constructed and is being occupied, and 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.

The development of the MUPDD Saw Mill Lofts plan would change both the character and land use of the Site. The vacant, undeveloped site, which is partially paved, would be improved to contain mixed-use dwellings, with 1.75 acres of land donated to the Village for residential use. These changes, and the project's proposed live/work residences, would be consistent with the mixed use character present along Route 9A and are not considered significant in relation to overall land use patterns along the Route 9A corridor.

The Site frontage of 0.2 linear miles represents 2.25 percent of the 9.1 miles of road frontage along Route 9A between Ardsley and northern Yonkers. Approximately half of the Site's frontage is presently parking lots. Replacing this use the MUPDD Saw Mill Lofts plan would minimally impact the land use character of the corridor as a whole. Overall, the proposed project would be consistent with, and would not result in any significant adverse impacts to, surrounding land use patterns.

5. Project Relative to Municipal Land Use Plans

The MUPDD Saw Mill Lofts plan's consistency with the principal Village and County land use plans and planning documents is addressed below.

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(i) Greenlands of Hastings: The proposed project is consistent with the Greenlands of Hastings report prepared by the Village Conservation Commission in 1977. That report provided an inventory of open spaces within the Village, and identified the Site as a privately owned open space likely held for future expansion of the Geigy Chemical Corporation facilities. The proposed MUPDD Saw Mill Lofts plan is consistent with the report's anticipated future development of the site, rather than remaining as open space.

(ii) Village Planning Board Principles: The proposed project is consistent with the Village's 1988 Planning Board Principles, which is designed to foster land use that is appropriate to the location, size and character of the community. The relationship of the MUPDD Saw Mill Lofts plan to the specific land use policies set forth in the Principles document are as follows:

(a) Location: "All approaches to Hastings-on-Hudson are an important element in the environmental quality of the Village. Any proposed change in the visual approach should be reviewed by the Planning Board."

The proposed project would consist of two buildings designed to appear visually compatible with respect to scale, height and exterior design with other industrial and commercial type buildings along the Route 9A corridor. The buildings would be spaced along the north-south centerline of the property to provide maximum setbacks from Route 9A and the Saw Mill River. Landscaping, consisting of new shade and ornamental trees and shrubs in greater quantity than now exists, is proposed to further enhance the appearance of the project.

Views into the project while traveling Route 9A would change from a vacant lot with parking facilities to a developed view of articulated and landscaped buildings that are compatible with the character to the surrounding area. The buildings would be separated by wide spaces to maintain east-west view corridors through the property and to preserve existing trees.

The proposed buildings would be partially visible from the South County Trailway, particularly during winter months, and to a lesser extent from the Saw Mill River Parkway. Views of the proposed buildings from the Trailway and the Parkway would be similar to existing views of the adjacent warehouse building or existing commercial buildings further north. However, the existing vegetation within the Parkway lands, as well as new plantings at the Site, would help to buffer views from the west. There is

approximately 150 to 175 feet of existing vegetation between the Parkway and the Site which would buffer the views.

While a change in views from the Parkway and Trailway would result, this change is not considered a significant adverse visual impact since it would not substantially affect the use or overall character of these corridors.

(b) The Community:

(1) “Hastings-on-Hudson has a long tradition of a diverse population. Future development should maintain this tradition and ensure that housing and other amenities are available for people of varying ages, income level and lifestyles. Appropriate consideration should be given to developing and/or adapting housing opportunities for the elderly and handicapped.”

The proposed plan would create unique live/work spaces that would appeal to a wide variety of professionals seeking home offices or studios. Six affordable units would also be included to improve the housing inventory for households at approximately 80 percent of the median income.

(2) “The Village of Hastings-on-Hudson is a unified community with a central school, central library, community swimming pool, etc. Future building should continue this principle and discourage the construction of separate, closed enclaves.”

Day-to-day services, such as grocery stores, dry cleaners, etc. would not be provided or allowed on-site. The Site is located between Route 9A and the Saw Mill River, and thus somewhat physically separated from areas to the east and west. As a mixed use development, however, the MUPDD Saw Mill Lofts plan and its commercial aspects would require public patronage of the businesses. The proposed project would not be an exclusionary community; it would not be an “enclave” that is gated or that otherwise discourages public access. The proposed development does not have what can be considered typical characteristics of a residential enclave such as a private recreational facility or private roads that are not accessible to the public. In addition, the project would include a pedestrian bridge to the South County Trailway to establish a connection between the Site and this heavily used community amenity as well as on-site parking for members of the public using the Trailway. These elements make the Proposed Action consistent with this Village policy.

(3) “Future development should reflect and preserve the present scale and character of the Village.”

In terms of scale, the MUPDD Saw Mill Lofts plan is designed to be consistent with the surrounding uses along Route 9A, which consist of one story warehouse buildings to the north and three to five story office/lab buildings in Ardsley Park to the east of Route 9A. Because of the topography in the area, the Ardsley Park buildings across from the site

rise generally between 30 and 110 feet above the elevation of Route 9A. By comparison, the MUPDD Saw Mill Lofts proposed plan would have buildings approximately forty feet tall, as compared to the elevation of Route 9A.

(c) Financial Base: “A strong fiscal base is essential to ensure the continuation of high quality community services, and reasonable property taxes that are affordable by people of varied income levels. Increasing the tax base is an important planning goal.”

The MUPDD Saw Mill Lofts plan is expected to have a positive impact on the Village in terms of tax revenues generated and services provided as described in the “Socioeconomics” section of these Findings.

(d) Land Use:

(1) “The total land area of Hastings is only one square mile, with hilly, rocky terrain, and old, narrow streets. The impact on traffic, parking, sewage, drainage, solid waste, soil conditions and air quality must be considered in any future development. Pedestrian circulation should be encouraged.”

The traffic and other environmental impacts of the proposed project are discussed in the corresponding sections of this Recommendation. Overall, the proposed project is not anticipated to result in significant adverse impacts with respect to any of the environmental concerns identified in this principle.

(2) “Green areas and public open-space provide essential environmental resources in an area of concentrated population and should be made available where possible throughout the community. Preservation of open-space is an important planning principle, to be balanced with recognition of the need for additional housing and other development.”

This principle identifies the value of open space, while also recognizing the need for development in the Village. The MUPDD Saw Mill Lofts proposed plan would create approximately 3.65 acres of landscaped open space, as well as donate 1.75 acres to the Village. Use of this area would also be enhanced by the provision of a pedestrian bridge over the Saw Mill River. The bridge would be open to the public and serve to enhance the South County Trailway as an open space amenity. In providing additional residential opportunities, and affordable units, the Proposed Action recognizes the need for additional housing in Hastings and surrounding areas.

e. Population Growth: “A vibrant population enriches the community. Hastings can absorb an increase in population consistent with the Village’s resources.”

The proposed MUPDD Saw Mill Lofts plan would increase the diversity and number of market rate and affordable housing units in the Village. The development is projected to

increase the Village population by approximately 118 persons, which is approximately a 1.5 percent increase.

f. Commercial District: “Commercial activities should be concentrated in the Central Commercial District. Restaurants and related marine and recreational businesses and convenience stores are also appropriate in the Waterfront District.”

The MUPDD Saw Mill Lofts proposed plan does not include any commercial space other than the proposed live/work units. The work space provided for each live/work unit would range from 400 to 800 square feet. Given the relatively modest size of this work space, it is anticipated that the space would be used primarily by artists or other similar sole practitioners. The deed restriction agreed to by GDC would ensure that no business would have more than one employee.

In sum, the proposed project is consistent with the relevant Planning Board Principles.

(iii) Vision Planning: Part 1 of the Vision Planning report provides an analysis of existing conditions. It indicates that the former Ciba-Geigy campus has been the subject of proposals for reuse, including mixed use residential development. The proposed project would provide for a use anticipated by the report.

Part 2 of the report addresses the perceived strengths, constraints and opportunities associated with a variety of different potential land uses within the Village, including use of the Site. Under “strengths” the report identifies modest property tax generation compared to the Site’s contribution to a sense of open space in the Village. Constraints include potential sprawl along the Route 9A corridor, traffic, and economic impacts. The proposed plan provides a balance between the goals of generation of taxes and the preservation of open space, particularly because the proposal would preserve a significant portion of the Site as open space.

(iv) A Community Vision for Comprehensive Planning and Strategic Action Plan: This document is founded on the basis of two primary goals: maintaining the Village’s existing character as a village community, and reestablishing a connection with the Hudson River.

The document identifies several findings that relate to the Proposed Action:

a. “Hastings is a mature village with few open areas that are either not built on, institutionally owned, or dedicated open space. Almost all residential areas are built out.”

The MUPDD Saw Mill Lofts plan would provide mixed use development with 60 new residential units in an underutilized area that is privately owned and is not dedicated open space. This Site can utilize the existing infrastructure services to support the project.

b. “Green area and open space are extensive and their maintenance is critical to the character of Hastings. The fact of open space, the appearance of having open space, and the access to open space are important and must be considered in planning, particularly if any of the few remaining undedicated larger tracts are developed.”

The MUPDD Saw Mill Lofts plan will maintain considerable open space on the Site and would maximize the setbacks along Route 9A and the Saw Mill River. The plan also separates the proposed buildings to protect existing trees and provide east-west view corridors.

c. “In the commercial district as well as the residential areas, traffic flow, pedestrian circulation and parking are major concerns and must be considered carefully, particularly in any growth plans.”

As discussed under the “Traffic and Transportation” section of this Recommendation, the MUPDD Saw Mill Lofts plan would generate limited vehicular traffic, and proposed mitigation measures would lessen congestion at the critical Route 9A (Saw Mill River Road) – Jackson Avenue/Ravensdale Road intersection. A total of 174 off-street parking spaces would be provided, which the ZBA found to be appropriate for the uses proposed. Walkways will be provided on-site for pedestrian circulation.

d. “Hastings has and wishes to retain a diverse and dynamic population. Economic factors that are tending to sharply increase housing prices would, over time, reduce this diversity. Hastings should strive to maintain its traditional mix of age, income level and lifestyles.”

The MUPDD Saw Mill Lofts plan would provide unique live/work opportunities that are expected to be attractive to a wide variety of individuals. In addition, the provision of six affordable units will enhance the inventory of affordable housing in the Village.

e. “Separate, enclosed residential enclaves should be discouraged.”

The MUPDD Saw Mill Lofts project would be open to the public, and is not a gated community. Day-to-day services, such as grocery stores, dry cleaners, etc. would not be provided or allowed on-site. The Site would be connected via a pedestrian bridge to the South County Trailway, which is a heavily used recreational amenity. The site plan provides for nonresidential parking at the Site, enabling Trailway users to park on the Site and then utilize the Trailway.

f. “Future development should provide housing and amenities for people of varying income levels and ages, including housing for the elderly.”

The proposed MUPDD Saw Mill Lofts plan provides elevator buildings which would be attractive to the “empty nester” market seeking an alternative housing type. The unique live/work opportunities are expected to be attractive to a wide variety of individuals. The affordable housing units will be available for those with incomes at or below 80 percent

of the median County income. The amenities at the site will include open space, a walking trail and a connection to the South County railway. Other conveniences such as limited retail uses and other services are expected to be available in the live/work spaces.

g. “New housing should be encouraged in already developed areas, including the waterfront and downtown. New housing on the large tracts will need to be designed to relate to and/or connect with existing neighborhoods and to preserve their open space character.”

The MUPDD Saw Mill Lofts plan provides considerable open space. As noted above, the property is proximate to commercial development and residential areas in the Village, as well as the Town of Greenburgh and the Villages of Ardsley and Dobbs Ferry. A pedestrian bridge will connect to the South County Trailway.

Consistent with the concept of the conservation overlay zone proposed in A Community Vision, the project maximizes the setbacks between the buildings and Route 9A in the front and the Saw Mill River in the rear by placing the buildings along the north-south centerline of the property. The front setback between the buildings and Route 9A is approximately 100 feet, while the setback from the building to the River ranges from 95 to 105 feet. The buildings have also been spaced to protect existing trees and provide east-west view corridors.

h. “Hastings can absorb an increase in population, but such an increase should be limited to the capacity of the community infrastructure.”

The Site is served by existing infrastructure, including water and sewer mains, and other utilities, as well as public transportation services. As discussed in the “Community Services” section of this Recommendation, no significant adverse effects are anticipated on existing community services or infrastructure.

i. “New residential development should be designed to produce more village and school tax revenues than any additional costs of village and school services attributable to the development.”

As discussed in the “Community Services” section of this Recommendation, the project is expected to be revenue positive to the Village and Ardsely School District.

In sum, the Proposed Action is consistent with the relevant provisions of A Community Vision.

(v) Stuart Turner & Associates Report:

The STA report (December 2003) recommended that the Site support mixed use, 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. The

existing MR-0 zone, with modifications relating to setbacks, was identified as an appropriate zone to achieve the recommended type of development for the site.

The STA study recommended that the “preferred use of the site would be for multiple residential purposes” with an appropriate density of 10-12 units per acre and also recommended “low impact complementary uses such as studios, antique shops, galleries, crafts studios, home offices, etc.”

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. The proposed MUPDD Saw Mill Lofts project is consistent with the recommendations of the STA report and the subsequently adopted MUPDD.

Westchester County

(i) Route 9A Corridor South Study: The redevelopment of the former Ciba-Geigy property for office, business, and some residential use is identified in this December 1994 report of the Westchester County Departments of Transportation, Planning and Public Works, with a year 2000 completion date.

The proposed MUPDD Saw Mill Lofts project is a mixed-used development and would generate low volumes of traffic (See Traffic and Transportation section of this Recommendation.) Moreover, the Applicant has proposed improvements at nearby intersections in the Route 9A corridor that are expected to improve the levels of service at those intersections. Therefore, the proposed project is consistent with the County study.

(ii) Patterns for Westchester: This document provides a framework to guide the County Planning Board and local municipalities on physical development within Westchester County. The “Patterns for Westchester” map calls for “High Density Urban Development” (HDU 4-6) on virtually all of the Ardsley Park property, with a recommended gross residential density of between six and 26 dwelling units to the acre. At the time that Patterns was prepared, the project site was used for parking for Ciba-Geigy.

According to the “Patterns for Westchester” map, HDU 4-6 appears to be indicated only for the northernmost portion of the project site (i.e., the first 350 to 400 feet south of the municipal boundary), with “Other Protected Open Space” indicated on the balance. Of the Site’s ±7.5 acres, it appears that approximately six acres fall in this open space category.

Because the Site is privately owned, already partially developed with parking lots and is currently zoned for mixed use and nonresidential development, it does not meet the definition of “other protected open space” set forth in Patterns, i.e., “land maintained for watershed or reservoir protection, large municipal parks, cemeteries, nature preserves and lands in private hands that are permanently protected.” The overall density proposed for

the site is consistent with Patterns' recommendations, particularly by maintaining 5.4 acres of open space.

Additionally, Patterns defines "High Density Urban" areas as concentrated centers and transportation corridors that already have and can support significant development. Such areas typically include a mix of uses, including multiple-family residential uses such as that proposed under the MUPDD Saw Mill Lofts plan.

The MUPDD Saw Mill Lofts plan is further consistent with the following specific policies articulated in Patterns:

- (i) Policy One: Channel development whenever possible to centers where infrastructure can support growth, where public transportation can be provided efficiently, and where redevelopment can enhance economic viability.

The Site is situated in an area with existing infrastructure to support the development. Westchester County Bee-Line Bus System also provides transportation service in the area.

- (ii) Policy Two: Enhance the appropriate functions of the County's corridors by adapting already developed sections into efficient and attractive multi-use places, by protecting the quality of scenic routes and by making road and transit improvements that would reduced congestion and ease of movement on travel routes.

The property is located in an already developed area across from the existing Ardsley Park. It would create an efficient and attractive multi-use site. Setbacks and landscaping would be provided along Saw Mill River Road to help maintain the open space scenic quality of this portion of the roadway. As a live/work project with reduced density, the project is designed to minimize peak hour traffic. The proposed improvement to the Route 9A and Jackson Avenue/Ravensdale Road intersection would decrease waiting time.

- (iii) Policy Six: Encourage a range of housing types that are affordable to renters and home buyers, with each municipality addressing its needs for affordable housing as well as a share of the regional need.

The proposed MUPDD Saw Mill Lofts plans would add 60 units to Village housing, including six affordable units.

Finally, in its discussion of land use and the relationship of potential new development with existing development, Patterns (at page 23) states: "[t]he addition of multi-family housing to corridors developed primarily with commercial or office use could capitalize on some existing infrastructure without adding significant demands and help create mini-centers. Such development can enhance opportunities for public transportation services, bicycling and pedestrian movement." The MUPDD Saw Mill Lofts plan would place

multi-family housing in the already developed Route 9A corridor, consistent with this principle.

Finally, the Westchester County Planning Board , in its review of the proposed MUPDD, found that the district is consistent with Patterns. The County Planning Board also noted that: “We commend the [MUPDD] legislation’s incentive of density bonuses in return for land dedicated to the Village for open space or recreation facilities.” (Letter from Edward Burroughs, AICP, Deputy Commissioner, dated October 25, 2005.)

In sum, the proposed project is consistent with the relevant aspects of Patterns.

6. Conclusion

No significant adverse land use, zoning, or public policy related impacts are anticipated under the Proposed Action, which is consistent with the MUPDD and, accordingly, with the Village’s comprehensive plan. Therefore, no mitigation measures are required. The Applicant has nonetheless proposed certain site design and layout elements, including maximizing front and rear yard setbacks, landscaping, preserving view corridors, compatible architectural styles, connection to the South County Trailway, and providing ground level nonresidential uses that are open to the public.

F. 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 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. This reflects the historic filling noted above. Below this layer is an organic clayey silt layer ranging from one to four feet in thickness. This is probably the original ground surface. Bedrock is at least 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 the 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. 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).

About four acres of the Site would be disturbed as a result of grading and excavation necessary for construction of the proposed project. The proposed project would disturb

less than 0.14 acres with slopes of 15 percent or greater. The Applicant would need to comply with the Village Steep Slopes provisions of Section 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.

1. 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. However, the underground petroleum storage tanks ("USTs") associated with Ciba Geigy were not located on the Site, but across Route 9A at the former Ciba Geigy facility. Groundwater and soil investigations performed by several qualified environmental consulting firms have 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 agree that the Site poses no substantive hazardous material concerns for the environment or the health of future Site occupants.

a. Hazardous Materials Investigations

Ecosystems Strategies, Inc. ("ESI"), on behalf of the Applicant, and AKRF, Inc. ("AKRF"), on behalf of the Planning Board, have confirmed that no substantive soil or groundwater contamination exists on this Site.

The Site has been 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 ("VOCs"), semivolatile organic compounds ("SVOCs"), pesticides and total petroleum hydrocarbons. The results of those tests are summarized in ESI's October 2000 Environmental Site Assessment (ESA).

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.

b. 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.⁴ 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, AKRF reviewed additional reports prepared for CIBA Geigy by McLaren/Hart 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.

c. Potential AKZO Site Impacts

Trichloroethane (“TCA”) and several other chlorinated solvents have been 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 are not impacting groundwater 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 has found that “exposure to contaminated groundwater is unlikely as the area is served by public water supplies...” Therefore, development of the Site will not result in any potential significant impacts from off-Site groundwater contamination sources.

3. 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 the presence of the subsurface parking structures, which would be ventilated. This system would ensure that, in the improbable event such vapors occur, the buildings would remain safe for use.

G. Aquatic and Terrestrial Resources

The Site borders the Saw Mill River for approximately 1,080 feet. Although relatively level along Route 9A, the property is steeply sloped near the banks of the River. Though

⁴ On one of the spill numbers the address is 44 Saw Mill River Road, but that appears to be an error; there is no such address associated with the former Ciba-Geigy facility.

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 wetlands do exist in fairly narrow bands along the River. These wetlands are not ecologically diverse or productive and, though they support some fish and wildlife tolerant of human activity, are of limited aquatic value. 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, asphalt surfaces over a large portion of the Site and regular maintenance to keep the Site open. 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 existing 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 previous 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 wetlands 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 a system of 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 proposed project 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, and more open space than under either of the proposed alternatives.

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

1. Aquatic Resources

a. The Saw Mill River

The buildings for the Proposed Action would be located between 95 and 112 feet from the Saw Mill River. The parking and internal road system is located on the east side of the buildings. The only activities that would be in proximity to the Saw Mill River, within the 50-foot NYSDEC regulated stream bank area, would be the installation of the proposed bioretention basins, which are an integral part of the SWPPP, naturalistic landscaping, and the proposed pedestrian bridge across the River to the South County Trailway.

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 2.1 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 (e.g. bioretention basins and infiltration practices) would tend to enhance groundwater recharge.

The proposed project buildings 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. Wetlands And Stream Banks

The small areas of wetlands along the river do not depend on groundwater recharge from the Site to sustain their hydrology; rather, they depend 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 wetlands.

The project would include a pedestrian bridge being constructed in the stream bank area in proximity to wetlands. This Bridge would enhance recreational 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. These 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, 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.

d. Stormwater Management

The Proposed Action 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. This SWPPP would be finalized before any land disturbance for the project can begin on the Site. (See Appendix M of the SFEIS). The preliminary Stormwater Quality Plan is provided as SFEIS Figure 6-1.

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 which 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 (if the Proposed Action is approved) 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 project provides for increased stormwater quality elements from those required under the General Permit. As reflected in the preliminary SWPPP, the project would use four bioretention systems, one Vortechnic unit as a pretreatment system, and a second Vortechnic unit to treat runoff from the driveway to the northerly building. These Best Management Practices (“BMPs”) would treat stormwater runoff from the Site before it discharges into the Saw Mill River.

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.

A Vortechnic stormwater unit would also be used to pretreat runoff from a small area of the Site before discharge into three rows of StormTech infiltration chambers. Runoff from a second limited area of the Site would be treated by an additional Vortechnic device. In accordance with the NYSDEC Design Manual, the Vortechnic systems are sized to treat the first flush runoff from the Site and to pass all storm events, up to and including the 10-year event to minimize potential of resuspension of solids.

The final design of the system would be undertaken as part of the NYSDEC Stormwater General Permit and site plan approval processes. Based on the above design, however, the Proposed Action would not cause any adverse stormwater quality impacts.

e. Flood Plain

All project buildings and road improvements would be constructed outside the 100-year flood plain. The only elements that would occur within the 100-year flood plain would be the footings for the pedestrian bridge to the South County Trailway, placement of a small amount of fill and 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 NGVD. Moreover, any such construction would occur in accordance with the terms and conditions of a NYSDEC Stream Protection 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 79 cubic yards of fill in the floodplain would reduce flood storage by 1/3 of 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 condition, 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

2. Terrestrial Resources

Neither the Proposed Action, nor its alternatives, would 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 three endangered plant species are known to the area—Reflexed Sedge (imperiled), Field Beadgrass (critically imperiled), Torrey's Mountain-mint (critically imperiled)—the last reported sighting for each of these endangered species was over 100 years ago. 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. The three existing Norway spruces on the Site would be preserved. One of the spruce trees, however, appears unhealthy and may have to be removed for safety purposes.

The Village's Tree Preservation Ordinance pertains to "designated trees" on the Site that are a minimum of 12 inches dbh (diameter at breast height). The ordinance 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 only three or four “designated trees”, including those which may be identified as unhealthy. This minimal impact would be more than mitigated by the proposed buffer area plantings.

b. Wildlife

The SDEIS indicates in Table 3.3-1 the wildlife species that have been observed or detected on the Site as wildlife species that could potentially occur on the Site. However, as described in the Riverwalk SDEIS, as well as in the ecological analyses conducted for the ShopRite proposal, the wildlife habitat on the Site has limited value because it is already a partially paved site in a highly suburbanized environment.

Wildlife species that would be displaced by the project are common species. The Site is small, partially paved, and in an urbanized area and is not considered important potential habitat for federally listed species. This 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 area plantings where they are more likely to reside.

6. Conclusion

The Proposed Action 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 that would provide for increased recreational public access 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 5.4 acres of open space retained on the Site. The creation of substantial vegetative buffers along the Saw Mill River approximately 100 feet in depth, would significantly enhance the existing ecological value of the Site and mitigate any potential impacts to terrestrial ecological resources.

H. Traffic And Transportation

Located in the Route 9A corridor, the Site is near to several key intersections with that roadway, including the intersections with Jackson Avenue/Ravensdale Road, Lawrence

Street and Ashford Avenue. To determine the impacts of the proposed development, 15 intersections including those noted above, were examined. 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 Applicant's Traffic Study for the April 2002 SDEIS determined then-current conditions by the use of manual and machine traffic counts conducted during the October through December 2000 period at the intersections identified below. These intersections were selected when the Applicant proposed to construct the much larger Riverwalk Village project, which would have generated greater traffic volumes than the currently proposed MUPPD Saw Mill Lofts Plan.

1. NYS Route 9A and Jackson Avenue/Ravensdale Road
2. NYS Route 9A and Lawrence Street
3. NYS Route 9A and Ashford Avenue
4. NYS Route 9A and Site Driveways
5. NYS Route 9A and Ardsley Park/Ciba Driveways
6. Saw Mill River Parkway and Lawrence Street
7. NYS Route 9A and Farragut Avenue
8. NYS Route 9A and Fuller Avenue
9. NYS Route 9A and Colony Street
10. NYS Route 9A and Thruway I-87 On Ramp
11. NYS Route 9A and Thruway I-87 Off-Ramp
12. Jackson Avenue and Sprain Road
13. Jackson Avenue and S. Sprain Road (Stew Leonard's Access Road)
14. Ravensdale Road and Farragut Parkway
15. Broadway/Farragut Parkway and Main Street/Chauncy Way

The capacity analysis for the intersections was performed based on the Highway Capacity Manual (with different modules used for signalized and unsignalized intersections). This methodology provided Levels of Service ("LOS"), volume/capacity ratios, and average vehicle delays for the intersections studied.⁵ The Traffic Study used LOS C as the design standard for acceptable traffic conditions, consistent with Village policy.

1. Existing Conditions

With the rezoning of the Site to the MUPDD and the change of the proposed project to the MUPDD Saw Mill Lofts Plan, the Traffic Study was updated to reflect more recent traffic conditions. The study area remained the same, even though the proposed project would generate far less traffic than the previously proposed Riverwalk Village project.

⁵ 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.

In November 2005, new ATR traffic counts were collected for the Route 9A and Ravensdale Road and Jackson Avenue corridors. In general, the new counts were higher than the year 2000 existing base data contained in the SDEIS, with some typical daily variations. Accordingly, the year 2000 base traffic volumes used in the original Traffic Study were updated to better reflect 2005 existing traffic volumes by applying a total growth factor of 12%. This growth factor was applied to all of the intersections analyzed except for the Route 9A/Ashford Avenue intersection and on the Saw Mill River Parkway through volumes. For the Route 9A/Ashford Avenue intersection, the updated Traffic Study used data compiled in 2004 that was provided by the New York State Department of Transportation (“NYSDOT”) to update the analysis at that intersection based on the new intersection configuration/operation. Similarly, based on NYSDOT data for the Saw Mill River Parkway, the volumes on that road were increased by an annual average growth factor of 1.5%.

In addition, updated manual traffic counts were collected at the intersection of Ravensdale Road and Kent Avenue during the weekday morning and afternoon peak hours during In January 2006. The traffic counts identified current turning movements at the intersection and the subsequent intersection capacity analysis determined that traffic would operate at an acceptable LOS C or better with the MUPDD.

The resulting updated 2005 traffic volumes for each of the studied intersections are summarized on Figures 2 and 3 in the updated Traffic Study, which is annexed as Appendix K to the SFEIS.

2. The 2007 Future No-Build Conditions

The Updated Traffic analysis projected traffic for the future baseline (Future No-Build) Conditions (i.e., without considering the proposed project), for the year 2007, the Applicant’s projected project completion year (the Build Year). This is a change from the original Traffic Study contained in the SDEIS, which used a Build Year of 2003.

The original Traffic Study included several No-Build projects as well as a background growth factor to determine Future No-Build conditions. At the request of the Planning Board, the Applicant reassessed the future No-Build projects to determine whether those projects are still valid and likely to be constructed, and to determine which new proposed projects are to be constructed and thus should be incorporated into the No-Build analysis. Since the issuance of the SDEIS, some of those projects have been built, and thus were reflected in the growth factor applied to calculate 2005 existing conditions. The 2005 existing traffic volumes were projected to the 2007 Build Year using a background growth factor of 2.4% per year, for a total of 4.8% additional growth. In addition, traffic for other proposed developments in the area for which traffic studies were previously completed (Main Street Apartments, Division Street Apartments, West Main Street Apartments – Village of Hastings-on-Hudson and Gel-Sprain-Town of Greenburgh) were added to obtain the 2007 No-Build traffic volumes.

The resulting 2007 No-Build traffic volumes for each of the studied intersections are summarized on Figures 4 and 5 in the updated Traffic Study, which is annexed as Appendix K to the SFEIS.

3. The 2007 Future Build Conditions

In order to assess the potential traffic impacts from the Proposed Action, the updated Traffic Study compared the Future No-Build conditions at the studied intersections with the conditions at those intersections if the proposed project is constructed (the Build conditions). To calculate the number of trips generated by the MUPDD Saw Mills Lofts project, a range of trip generation rates was developed based on assumptions as to the number of residents who would be expected to work at home, the number of employees per unit, the number of visitors/patrons per unit, etc. The range of generated trips varied from a low of 24 trips to a high of 78 trips in the PM peak hour, the peak hour with the highest trip generation.

The analysis for the MUPDD Saw Mill Lofts project was performed using a mid-range rate of 44 trips in the PM peak hour. However, in order to conservatively assess potential impacts from the proposed project, a 90 trip generation scenario for the Riverwalk Village alternative was also analyzed, which would generate a greater number of PM peak hour trips than even the upper range (78 trips) of PM peak trips for the MUPDD Saw Mill Lofts project. A mid-range trip generation of 38 trips in the AM peak hour was also utilized in the updated Traffic Study. Similar to the approach for the PM peak, to conservatively assess the potential traffic impact from the proposed project, a projected 74 trip generation scenario for the Riverwalk Village alternative was also analyzed for the AM peak period, which represents the upper range of the potential trips generated by the MUPDD Saw Mills Lofts project during that period.

The projected additional trips generated by the Proposed Action were added to the 2007 Future Build existing conditions, and the LOS for the selected intersections was calculated using the current Highway Capacity Software (“HCS”) available. That analysis revealed that the LOS did not change significantly from the levels presented in the 2007 No-Build Conditions. Based on the results of the capacity analysis for the No-Build and Build Conditions, traffic operation improvements were recommended at the Saw Mill River Road/Jackson Avenue/Ravensdale Road intersection and the Saw Mill River Road/Lawrence Street intersection.

The results of the updated traffic impact analysis are summarized at Table 8-2 of the SFEIS.

In addition, a sensitivity analysis was performed for the “five corners” intersection (Farragut Avenue, Broadway, Main Street and Chauncy Way) that assumed a 25% Metro-North Railroad commuter use for the 157-unit Riverwalk Village alternative, and concluded, through HCS analyses, that there was no change to the LOS at this intersection even with the higher traffic volume assignment to the railroad station associated with that alternative. (That analysis is annexed as Appendix E to the updated Traffic Study, annexed to the SFEIS as Appendix K). Since the commuter traffic from the MUPDD Saw Mill Lofts project, with

its smaller scale and live/work component, would generate lower traffic volumes than the Riverwalk Village alternative, it would not significantly impact the LOS at that intersection.

Another sensitivity analysis was performed for the potential Ridge Hill Village Development in the City of Yonkers, and included as Appendix F to the updated Traffic Study. That analysis examined the effect of the Ridge Hill project at the Route 9A/Saw Mill River Road/Jackson Avenue/Ravensdale Road intersection. That analysis noted that the FEIS for the Ridge Hill proposal identified additional improvements that would be needed to accommodate traffic generated by that project, including providing turning lanes at the Route 9A (Saw Mill River Road)/Jackson Avenue/Ravensdale Road intersection. The sensitivity analysis further concluded that, in any event, the added traffic from the MUPDD Saw Mill Lofts project would not change the LOS at that intersection.

4. Proposed Traffic Mitigation

Although the Proposed Action would not result in any significant traffic impacts at any of the studied intersections, the Applicant has offered to upgrade the traffic signal controller and modify traffic signal phasing operations at the Saw Mill River Road/Jackson Avenue/Ravensdale Road intersection. Both the initial and updated Traffic Study indicated that conditions at this intersection under current conditions operate at an unacceptable LOS F for the westbound (Jackson Avenue) approach, with excessive delays during the PM peak hour. The updated Traffic Study concludes that the proposed mitigation measures would reduce the westbound (Jackson Avenue) delays in the PM peak hour from 298 seconds (nearly 5 minutes) in the No-Build scenario, to about 70 seconds (just over 1 minute) in the Build condition. To accomplish this reduction, slightly longer delays would be experienced on other approaches, but this incremental delay would not deteriorate No-Build LOS conditions. Furthermore, the other approaches have lower volumes than the major westbound approach so that there would be an overall improvement at that intersection; the overall LOS would improve from an “F” under existing conditions to a “D” in the Build condition with the proposed mitigation.

The mitigation measures proposed by the Applicant would have significant benefits at this intersection, and are appropriately imposed in light of the current conditions. The mitigation would more than offset the Proposed Actions contribution of 1% of the traffic at this intersection. In addition, the applicant has proposed and would be required to undertake sight distance improvements at the Saw Mill River Road/Lawrence Street intersection. GDC would also conduct signal timing modifications at the Lawrence Street/Saw Mill River Parkway intersection, and will prepare 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 new traffic signal is warranted at this currently unsignalized location.

5. Parking and Circulation

The proposed project would include a total of 174 parking spaces, including 54 at-grade parking spaces and 120 subsurface parking spaces (60 spaces per building). Vehicular access for the MUPDD Saw Mill Lofts project would be from Route 9A with three curb cuts, one near the southern end of the site, which would provide ingress only, one near the northern end of the site, which would provide egress only, and a centralized drive which would provide both ingress and egress. Each curb cut would provide access to or from the below grade parking for one building, as well as to surface parking.

The Village Code does not provide specific parking requirements for the live/work units proposed for the Saw Mill Lofts project. However, the applicant requested an interpretation from the ZBA as to the appropriate number of spaces for the project. The ZBA concluded that 174 spaces was appropriate because that number provided 1.75 spaces for the 60 residential units averaging two bedrooms each, and also provided one parking space for each of the 46 working spaces that could not accommodate retail specialty use, and one space for each 200 square feet of retail use, plus an additional four spaces. The ZBA also included certain proposed conditions that would assure the adequacy of this number of spaces. (The ZBA determination is Appendix N to the SFEIS.) The Planning Board finds that, per the ZBA's determination, and with the application of the ZBA's conditions, the number of parking spaces is sufficient.

6. Train Station Parking Demand

The proposed project contains units that are designed as live/work units. Accordingly, it is expected to yield a low number of commuters, and thus generate only modest demand for parking at the train station, which could be satisfied by existing on-street parking. Using a reasonable worst-case assessment that assumed that 25% of residents would commute (thus discounting the live-work concept), the maximum number of commuters during peak periods would be about ten vehicles. A review of metered parking spaces indicated that typically there are between 10-15 "all day" parking spaces available located on the west side of Maple Avenue (excluding the 2-hour metered parking on the east side of Maple Avenue or at Village Hall). Therefore, the propose use is not expected to have a significant demand on parking at the train station.

7. 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.

I. Air Quality

The SDEIS for the Riverwalk Village alternative 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 MUPDD Saw Mill Lofts plan would generate considerably fewer peak hour trips (approximately one half) than the Riverwalk Village alternative, and be considerably smaller in scale than that project, it would likewise not result in any significant adverse impacts on air quality.

The SDEIS concluded that construction activities on the project site had a potential impact on local air quality caused by fugitive dust emissions, but that the implementation of standard fugitive dust emissions would prevent any significant adverse impacts.

Because the proposed project is not anticipated to result in any significant adverse impacts to air quality, no mitigation is required. Nonetheless, the following air quality measures would be incorporated.

1. Traffic

As indicated, the air quality screening analyses demonstrated that traffic generated by the proposed project would not result in significant adverse air quality impacts. This is also true of the primary intersections examined with the implementation of various signal timing changes proposed by the applicant, which are discussed in the “Traffic” section of this Recommendation.

2. Construction Activities

The proposed project would implement dust control measures during construction activities (e.g., minimizing the area of the site which 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 emissions 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.

J. Noise

1. Traffic

The SDEIS for the Riverwalk Village alternative analyzed the potential for significant adverse noise impacts associated with traffic and construction. For traffic to result in a perceptible noise increase it must double. As discussed in the “Traffic and Transportation” section above, traffic generated by the proposed MUPDD Saw Mill Lofts project would not double, and thus there would be no perceptible increase in noise levels, and thus no significant adverse traffic-related noise impacts.

2. Construction Activities

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.

3. Proposed Mitigation

To mitigate construction-related noise impacts, construction activity would be limited to the hours between 7:00 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 traffic-related impacts, no mitigation is required.

K. Socioeconomics

1. Open Space

Under the MUPDD 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. Under the Proposed Action, the Applicant would donate 1.75 acres of the Site to the Village for potential use as active or passive open space. Based on the prevailing market value of land, this donation would represent a substantial donation to the Village and would be an economic benefit to local residents. In addition, the

provision of a pedestrian bridge to the South County Trailway, as well as the provision of on-site parking available to the public, would also represent a social benefit.

2. Population Projection

Under the MUPDD Saw Mill Lofts plan, an average of two bedrooms per unit is proposed. The projected resident population is 118 persons, which includes approximately 10-16 school age children, based on population multipliers published by the RH Consulting Study and the Urban Land Institute (ULI) in the Development Impact Assessment Handbook (1994), data gathered and presented in the SFEIS, and additional analyses of potential school-aged children established through consideration of other condominium projects in Hastings-on-Hudson and adjacent communities, both within and without the Hastings School District, and projects within the Ardsley School District (See generally the Memorandum from Molly MacQueen of STV, dated 4/14/06).

To be conservative, the SFEIS assumed that 16 school age children would be generated by the proposed project. However, recent information from the Ardsley School District suggested that this number could be higher if only residential developments within that District, rather than from other locations, were considered. STV reviewed data provided by the School District and from other sources, and compared the generation of students from five different residential condominium developments in the Ardsley School District. This analysis, which is contained in the April 14, 2006 STV Memorandum, considered several approaches to estimating the number of school children. Based only on residential developments in Ardsley, STV concluded that 17-18 school children would be generated. When considering the type of development (e.g., the extent of recreational amenities appealing to families, housing type and size), the estimated number of school children dropped to a range of 13.6 to 16.9 students. When three residential developments in Hastings and Irvington were considered, the number of children expected to be generated by the proposed project was 14.

These analyses confirm that the SFEIS estimate of 16 is a reasonable expectation of new student generation to the public schools, based on consideration of housing size and type, number of bedrooms, typical student generation from typical projects and the nature of the proposed units. In addition, the fiscal analysis provided below takes into account a revised tax generation assessment recently conducted by the Village, which somewhat lowered the revenue projected to be generated by the proposed development. The use of this information, rather than the higher revenue numbers in the SFEIS, is also conservative.

3. Fiscal Analysis

a. Property Tax Revenues

The MUPDD Saw Mill Lofts plan is projected to 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. As noted, these revenues are somewhat lower than those contained in the SFEIS, which did not have the benefit of the very recent Village tax generation projections.

b. Projected Costs

The SFEIS analyzed the costs to the Village associated with the proposed project under both a per capita methodology and an incremental cost analysis. Under each approach, the incremental municipal costs that would result from the proposed project's estimated increase in population of approximately 118 persons in the Village would be outweighed by the projected revenues set forth above, and would result in an annual surplus to the Village ranging from approximately \$56,000 to \$111,000. In addition, it is estimated that the project could provide up to \$465,000 in recreation escrow fees.

In sum, the proposed project is not expected to result in any significant adverse fiscal impacts to the Village; it is expected to result in a revenue surplus over its incremental municipal and educational costs.

Per Capita Methodology

Utilizing this methodology, the proposed project is projected to generate estimated per capita municipal costs of \$939. Approximately 64 percent of this amount, or \$601, would be raised by the property tax levy. As noted earlier, the MUPDD Saw Mill Lofts plan is projected to increase the population of the Village by 118 persons. The current annual per capita resident cost for municipal services in the Village is \$1,457 (using most recent Census number and the 2006-2007 projected municipal service budget). The additional municipal costs generated by the proposed project to the Village are, therefore, projected to be \$70,918, annually. As noted above, overall revenues to the Village from the MUPDD Saw Mill Lofts plan are projected to amount to \$127,394. Thus, based on the total costs to the Village at \$70,918, an annual surplus of \$56,476 is projected to the Village of Hastings.

Incremental Cost Analysis

Most potential fiscal impacts on the Village budget, including police and fire protection, are expected to be incremental in nature. As described in the SDEIS, no investment in either equipment or personnel would be needed as a result of the Riverwalk Village alternative. Since the proposed MUPDD Saw Mill Lofts plan is less dense and includes a lower projected population than the Riverwalk Village alternative, it is expected that no such investment would be expected for the proposed project.

Most Village expenses are fixed, such as General Government Support Services (i.e., administration), Parks and Recreation, etc., and would not be affected by an incremental increase in Village population associated with the proposed project. One incremental cost item that would be affected by the proposed project would be solid waste collection

service. The 2006-2007 municipal budget allocates \$774,324 for the annual collection of approximately 6,189 tons of solid waste materials, which represents a cost of \$125 per ton. The proposed MUPDD Saw Mill Lofts plan is projected to generate approximately 90 tons of solid waste material annually. Based on this estimate, the cost to the Village for the MUPDD Saw Mill Lofts plan is projected to be \$11,260. Collection service at the site is expected to occur twice a week (once for regular collection, once for recycling).

Solid waste collection services would represent the single greatest ongoing annual expenditure of the Village government in association with the proposed MUPDD Saw Mill Lofts plan. On an annual basis, these services would involve a fraction of the Village's trash collection expenditures. The proposed internal drives and stormwater management infrastructure would be privately owned and maintained, and no new road maintenance or snow removal would be required. Other potential fiscal impacts on the Village budget, such as police (911) responses calls, are expected to be incremental in nature and are projected to be approximately \$5,000.

Based on an incremental cost analysis to the Village as a result of MUPDD Saw Mill Lofts plan, the net annual surplus to the Village is estimated to be approximately \$111,144, exclusive of the \$465,000 in recreation escrow fees that would be provided by the project.

In sum, the proposed project 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 incremental costs.

Ardsley School District

As discussed above, based upon an updated consideration of similar projects within the Ardsley School District only, the proposed MUPDD Saw Mill Lofts project is conservatively projected to add approximately 16-18 school age children to the population of the Village. Given the assessed value of the proposed development and the 2005/2006 school tax rate of \$470.5365, Saw Mill Lofts would generate a 2005/2006 school tax of \$325,197.

The Greenburgh Tax Receiver's Fact Sheet indicates that the total school budget for 2005/2006 is \$46,382,820, of which \$34,238,860 (or 73.8%) is the amount to be raised by real estate taxes. This information corresponds to the information on the Ardsley School District's website. The current Ardsley School District enrollment of 2,313 students would yield a total per-student cost of \$20,053 ($\$46,382,820/2,313$), of which \$14,800 per student is raised by real estate taxes ($\$20,053 \times 0.738$). In addition, using the \$17,673 "instructional" or marginal cost provided at the March 7, 2006 joint meeting by Ardsley School Board Trustee Joanne Sold, the marginal cost per student raised by taxes is \$13,042 per student ($\$17,673 \times 0.738$). Using the more conservative cost of \$14,800 per student, the \$325,197 in taxes generated by the Saw Mill Lofts project, using the Assessor's estimate of assessed value, could support between 22 and 25 students depending upon whether total or marginal costs were considered.

It should be noted that the above estimated marginal/instructional cost of \$17,673 represents approximately 88.1% of the total per student cost (\$17,673/\$20,053), which is uncharacteristically high. Marginal costs are often in the 70% to 80% range, but this higher larger multiplier is assumed to retain the conservative nature of the analysis. In reviewing the 2005/2006 school budget, all of the program/instructional costs (\$35,491,920), plus all administrative costs (\$4,645,190), plus a \$740,539 portion of the total capital costs (\$6,245,710) were used to arrive at the \$17,673 marginal cost (\$17,673 x 2,313 students = \$40,877,649). Like municipal administrative costs, educational administrative costs, such as the costs for central administration, principals, vice principals, etc., and capital costs do not increase proportionately with each new student and are not included in the calculation of marginal costs. If only program/instructional costs are considered, and administrative and capital costs excluded, the marginal cost per student would be approximately \$15,345 (\$35,491,920/ 2,313 students), which represents 76.5% of the total cost of \$20,053 per student. Of this marginal cost, 78.3%, or \$11,325 per student, would be raised by real estate taxes. If this marginal cost was used with the Assessor's estimate of assessed value, the \$325,197 in taxes from the proposed Saw Mill Lofts project would support the cost of 28 students.

However, even with the application of the far more conservative cost-per-student raised by real estate taxes, the proposed MUPDD Saw Mill Lofts project would range from being better than revenue neutral to significantly revenue positive for the Ardsley School District. Significant adverse impacts would not result.

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. At worst, the project would be budget neutral.

L. 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. The Village Police Department indicated that it does not have concerns associated with the proposed project. It is anticipated that many of the owners of the live/work units would have private security systems installed on their respective units. These measures would be expected to deter criminal activity and assist local law enforcement.

2. Fire and Emergency Medical Services

The proposed MUPDD Saw Mill Lofts plan is expected to only minimally impact public safety services such as emergency medical services. The Applicant has committed to constructing the buildings using a fire resistant design, conforming to building code requirements, including fire sprinkler systems. The buildings will be three stories and 40 feet in height, so as not to create unique fire protection demands.

3. Solid Waste

The proposed MUPDD Saw Mill Lofts plan is expected to generate approximately 90 tons of solid waste per year. This includes recycled materials separated into metals, plastics and glass, and cardboard and newspapers, which is expected to comprise approximately one half of the amount (+/- 45-49 tons). The refuse and recycled materials would be collected by the Village for transport and disposal.

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 8,300 tons and is not expected to have a significant impact on the provision of waste collection services. Nevertheless, mitigation of impacts associated with solid waste disposal from this project would include source separation of recyclable materials.

4. Water Supply

Water demand for the MUPDD Saw Mill Lofts plan is conservatively estimated to be 11,540 gallons per day (gpd), with maximum daily flows estimated at 23,080 gpd, about half that of the Riverwalk Village alternative.

United Water of New Rochelle, the public water supplier to the Site, has informed the Applicant that there is sufficient water and water pressure to service the project site. United Water indicated that the water demand of the Riverwalk Village plan would not pose an adverse impact. This should therefore be true for the MUPDD Saw Mill Lofts plan, which would have less demand than the Riverwalk Village alternative.

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 a privately owned and maintained by the Applicant or the 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 11,536 gpd. No adverse impacts to the receiving plant in the City of Yonkers are anticipated from this volume, as the plant has adequate excess capacity.

A new system of gravity sanitary service lines and manholes would be provided for the MUPDD 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 MUPDD Saw Mill Lofts plan will average two bedrooms per unit, and will feature elevator buildings without playground facilities. Based on these design elements, it is not expected that development will attract many families with school age children. As discussed in the “Socioeconomics” section of this Recommendation, based on the same demographic multipliers used in the SDEIS for the Riverwalk Village alternative, 10 to 16 school age children are projected to reside at the proposed MUPDD Saw Mill Lofts. For analysis purposes, the conservative projection of 16-18 school-age children was utilized, all of whom were projected to attend public school. The small number of students spread over multiple grades would represent a very small percentage of the total enrollment (less than one percent).

7. Recreation

The proposed MUPDD Saw Mill Lofts plan would add a projected 118 persons (including 16-18 school-age children) to the Village population. To the extent that the 1999 Inventory Analysis identifies a shortage of softball and soccer 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 up to \$465,000, 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. The proposed MUPDD Saw Mill Lofts plan provides approximately 5.4 acres of open space, including 1.75 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 proposed project is not expected to result in any significant adverse impacts with respect to community services.

M. Visual Resources

The proposed MUPDD Saw Mill Lofts plan would contain 5.4 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 the three prominent spruce trees on the site. Considerable landscaping 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 project would not result in any significant adverse impacts to visual resources.

N. Alternatives

The Supplemental EIS (“SEIS”) addressed a variety of alternative uses of the Site, including uses for which the Site is or was zoned, or which would have required a zoning amendment. These alternatives included the initial Riverwalk Village residential development, which would have required a rezoning of the Site when it was first proposed and would still require a zoning amendment, and the LI Saw Mill Lofts mixed-use proposal, which would require a rezoning of the Site back to its previous LI status. In addition, the SEIS considered office/laboratory and warehouse/light industrial uses of the Site, and the prior EIS for the ShopRite project considered that large-scale retail use. The No Action alternative was also considered. As discussed below, of the alternatives that are feasible and reasonable, the proposed MUPDD Saw Mill Lofts project has the least environmental impacts while providing substantial fiscal and other benefits to the Village. (A detailed chart summarizing the comparison of environmental impacts and benefits of the range of alternatives considered in the SEIS as well as the proposed ShopRite development is contained in Table 1-1 of the SFEIS.)

1. No Action Alternative

Under the No Action alternative, the Site would remain vacant and undeveloped, without physical changes other than those needed to maintain its current use as excess parking for Ardsley Park. This alternative would not meet the objectives of the Applicant. It would also not meet the objectives of the Site’s MUPDD zoning, which is designed to facilitate creative uses of the Site that are not possible under conventional zoning. The benefits of the proposed project would not be achieved, including unique live/work housing, an increase in the Village’s overall housing inventory, affordable housing opportunities, increased revenues to the Village from taxes and the payment of the recreation fee, and the opportunity for the Village to acquire 1.75 acres of open space from the Applicant for recreational use.

2. Commercial Development Alternatives

Development of the Site for business and professional office use (other than medical or dental) is permissible under the MUPDD. Zoning Code § 295-72.3.B(4). There does not appear to be a market demand for office space on the Site. Office space has continued to be available for re-occupancy at nearby Ardsley Park, and is also available at the Southern Westchester Executive Park. Further, there is currently a great deal of vacant office space in the County. (See July 1, 2002 Letter from GDC, which is part of Appendix B to the SFEIS, and April 11, 2006 Memorandum from STV.) Given the availability of existing space, it does not appear probable that construction of a new office building would be underwritten at the Site. Office use is thus not a reasonably foreseeable use, and not a reasonable alternative to the proposed project.

Assuming, however, that such a use were reasonable, a typically sized office building (approximately 90,000 square feet) would have a footprint of approximately 45,000 square feet and 225 surface parking spaces, consistent with Village Zoning Code requirements. Overall, including on-site roads and walkways, this use would have an impervious surface of approximately 3.7 acres, as compared to the 2.1 acres of impervious surface of the MUPDD Saw Mill Lofts proposal. There would be no open space, as compared to the 5.4 acres for the Proposed Action. An office use would generate 172 vehicles during the weekday AM peak hour and 180 vehicles during the weekend PM peak hour, slightly over four times the traffic for these peak periods that would be generated by the Proposed Action. Office use would generate approximately 319 permanent jobs and contribute approximately \$596,000 in taxes, of which about \$139,000 would be Village property taxes and \$385,000 would be Ardsley School District taxes (which would not be offset by costs associated with additional students). No land would be donated to the Village for recreational uses, and the Village would not receive a recreation fee of up to \$465,000. No affordable housing would be constructed.

A laboratory use on the Site would require a special permit under the MUPDD regulations. Zoning Code § 295-72.3.C(1). There does not appear to be demand for such a use on the Site. As reflected in information provided in the aforementioned Applicant's July 1, 2002 submission and the April 11, 2006 Memorandum from STV, the Site would not compete favorably with numerous other locations in the County that could accommodate new laboratory space. Moreover, key elements for laboratory space include flexibility for future growth and proximity to affordable housing; neither of these criteria (as well as other criteria) would be met due to the limited size of the Site and the absence of nearby affordable housing.

Assuming, however, that such a use were reasonable, a laboratory building of approximately 98,000 square feet would have a footprint of 49,000 square feet and 245 parking spaces consistent with Village Zoning Code requirements. Overall, including on-site roads and walkways, this use would have an impervious surface approximately 50 percent greater than the Proposed Action: 3.35 acres as compared to the 2.1 acres for the MUPDD Saw Mill Lofts proposal. There would be no open space, as compared to the 5.4 acres for the Proposed Action. A laboratory use would generate 134 vehicles during the weekday AM peak hour and 131 vehicles during the weekend PM peak hour, almost

three times the traffic for these peak periods than would be generated by the Proposed Action. This use would generate approximately 242 permanent jobs and contribute approximately \$864,000 in taxes, of which about \$202,000 would be Village property taxes and \$558,000 would be Ardsley School District taxes (which would not be offset by costs associated with additional students). No land would be donated to the Village for recreational uses, and the Village would not receive a recreation fee of up to \$465,000. No affordable housing would be constructed.

A warehouse use would require rezoning to LI. However, the Site was recently rezoned from LI, which permitted such a use, to MUPDD, which does not permit such a use. It does not appear reasonable to assume that the Site would be rezoned back to LI, particularly in light of the STA study and rezoning of the Site to the MUPDD. Assuming that such a rezoning would occur, the traffic from this use would be slightly less than the Proposed Action, and taxes would be slightly less than 50 percent of the tax revenues than would be contributed by the MUPDD Saw Mills Lofts project. No land would be donated to the Village for recreational uses, and the Village would not receive a recreation fee of up to \$465,000. No affordable housing would be constructed.

3. Residential Development Alternatives

A range of residential alternatives was also evaluated in the SEIS. All but the proposed MUPDD Saw Mill Lofts would require a zone change. Even the LI Saw Mill Lofts alternative, which in many respects is comparable to the Proposed Action, would necessitate rezoning the Site back to its prior LI District designation or to a new zoning classification. Given the moratorium that culminated in the STA study recommending a MUPDD-type of zoning, and the adoption of the MUPDD itself, it is not reasonably foreseeable that the Site would be rezoned again, particularly to its former LI status. Nonetheless, the range of impacts from the alternatives (laid out in Table 1-1 of the SFEIS) is reflected by a comparison among the Proposed Action (60 live-work units), the LI Saw Mill Lofts mixed-use alternative (with 60 units and up to 20,000 square feet of ground floor commercial space), and the initial Riverwalk Village alternative (157 rental units).

The Proposed Action and the LI Saw Mill Lofts alternative would be roughly comparable in terms of building footprint, the number of units, the number of affordable housing units, the school age population, and the recreation fee. Each would include the pedestrian bridge to the South Trailway. The market-rate units in the Proposed Project would range in size from 1,400 to 2,250 square feet, with the work space portion typically comprising about one-third of this size. The market-rate live/work units in the LI Saw Mill Lofts alternative (from 30 to 54) would be approximately 1,950 square feet, of which roughly half would be on the ground floor.

The Proposed Action would consist of two mixed-use buildings, while the LI Saw Mill Lofts alternative would feature three buildings, each of which would include a total of up to 20,000 square feet of ground floor commercial space (which would be restricted by the Applicant to specialty retail uses). The LI Saw Mill Lofts alternatives would have increased impervious coverage (2.9 versus 2.1 acres) and almost double the traffic in both

the weekday AM and PM peak hours. The Proposed Action would generate somewhat higher Village and school taxes (\$580,000 versus \$555,000) but somewhat fewer permanent jobs (± 54 versus ± 80).

Although the Proposed Action would generate less traffic than the LI Saw Mill Lofts alternative, the traffic mitigation measures for both projects would be the same. The Proposed Action would also have more open space than the LI Saw Mill Lofts alternative: 5.4 acres versus 4.5 acres.

The Riverwalk Village alternative reflects the higher end of impacts from a residential project. This alternative would consist of 157 rental apartments, including 99 one-bedroom units and 58 two-bedroom units. There would be seven townhouse style buildings and a central elevator building with a health club and outdoor pool. There would be 16 affordable units. The footprints of the buildings would be similar to that of the Proposed Action and LI Saw Mill Lofts alternative, although the Riverwalk Village buildings would not be set back as far from Saw Mill River Road as would the buildings under the other two residential developments under consideration. The Riverwalk Village project would also involve more grading than the other two projects. The Riverwalk Village alternative would have 3.5 acres of impervious surface, as compared to the 2.1 acres for the proposed Action. And the Riverwalk Village alternative would have only 1.72 acres of open space, as compared to the 5.4 acres for the Proposed Action. There would be no donation of 1.75 acres of open space to the Village in the Riverwalk Village proposal.

The population of the Riverwalk Village alternative would be nearly 100 percent larger, and the traffic generation would also be significantly higher, than the Proposed Action. The Riverwalk Village alternative was projected to generate 75 AM peak hour trips and 90 PM peak hour trips. The MUPDD Saw Mill Lofts, in contrast, is projected to generate 38 trips during the AM peak hour and 44 trips during the PM peak hour. Although neither project would result in significant adverse traffic impacts, this conclusion for the Riverwalk Village alternative is dependent on the Applicant's provision of jitney service to the train station during weekday commuting hours to reduce the use of vehicles and thereby mitigate potential impacts, including those on commuter parking at the Metro-North train station. Other than the provision of jitney service, the traffic mitigation measures for both projects would be the same.

The Riverwalk Village alternative would generate somewhat higher tax revenues (\$616,000 versus \$580,000) and was projected to generate roughly the same number of school children. The Village would receive the recreation fee under either project. The MUPDD Saw Mill Lofts alternative would create ± 54 permanent jobs, while the Riverwalk Village alternative would create only five such jobs.

4. Conclusion

Overall, with respect to the residential alternatives, only the proposed MUPDD Saw Mill Lofts alternative comports with existing zoning on the Site. The environmental impacts

of the Proposed Action are generally less than those of the other residential alternatives, assuming they would be able to receive the necessary change in zoning. The commercial development alternatives that comport with the Site's current zoning (i.e., office and laboratory use) are not reasonably foreseeable uses on the Site due to lack of demand for such uses. Further, a change of zoning that would accommodate either the other residential uses or commercial uses is not reasonably foreseeable, given the moratorium, the STA study and the recent adoption of the MUPDD.

III. Summary of Recommendation for Concept Plan Approval and SEQRA Findings

A. Summary of SEQRA Findings

As detailed in the preceding sections of this Recommendation and summarized below, the proposed Saw Mill Lofts project would not have any significant adverse effects on the environment.

- The project is consistent with the MUPDD and with Village and County land use and public policy.
- 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.
- The project would have no significant adverse aquatic impacts to the Saw Mill River or the narrow band of wetlands 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 project would provide 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 addition, the Applicant would upgrade the traffic signal controller and modify traffic signal phasing operations at the important Saw Mill River Road/Jackson Avenue/Ravensdale Road intersection. Because of the low number of commuters that would be associated with live-work units, 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 of approximately \$111,144. The impacts of the approximately 16-18 school children to be generated by the project would result in a budget surplus for

the Ardsley School District – or at worst be budget neutral. The project would pay up to \$465,000 in recreation fees to the Village and include the donation of 1.75 acres of open space to the Village.

- The project would not result in any significant adverse impacts on community services.
- There would be a benefit to community services as the project would include six units of affordable housing and the land that would be donated to the Village could be used for recreation.
- Visual resources would not be significantly adversely affected.

There is no reasonable and feasible alternative to the MUPDD Saw Mill Lofts. Although office use is allowed under the MUPDD, there is no demand for such new uses and the traffic generated by this use would be slightly more than four times the traffic for the peak periods than would be generated by the Proposed Action. Laboratory use would require a special permit, but there is also no demand for this use. Alternative residential uses, including the LI Saw Mill Lofts and Riverwalk Village alternatives, would require zoning amendments. Such amendments are not reasonably foreseeable in light of the recent adoption of the MUPDD. Moreover, the environmental impacts of the MUPDD Saw Mill Lofts project are generally less than those of these other residential alternatives.

B. Recommendation for Concept Plan Approval

The Planning Board recommends that the Board of Trustees adopt the Concept Plan for Saw Mill Lofts 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.

1. 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 Saw Mill Lofts proposal.

a. The Proposed Action is Environmentally Sensitive

The 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 1.75 acres of open space that would be donated to the Village, 3.65 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, the three Norway spruces would not be removed (unless required by disease). 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.

b. The Proposed Action is Economically Beneficial

The Saw Mill Lofts development would increase the Village’s tax base. Currently, the real estate taxes the Village realizes from the Site are approximately \$11,000 (total taxes are \$61,000). With the development of Saw Mill Lofts, it is estimated that the Village’s share of the approximately \$530,846 in annual taxes would be approximately \$127,394.

In addition, the Saw Mill Lofts project would result in a one-time recreation fee to the Village of up to \$465,000 and the donation of 1.75 acres of open space to the Village.

c. The Proposed Action is Socially Desirable

The Saw Mill Lofts project is socially desirable for a number of reasons. First, the development would increase the population of Hastings-on-Hudson by approximately 118 persons, a 1.5% increase. Second, the flexibly designed live-work units should appeal to a wide variety of artists and professionals who would prefer to work at home. This type of housing does not exist in Hastings-on-Hudson and the surrounding communities. Third, the project includes six affordable two-bedroom apartments. Fourth, the Proposed Action includes the donation to the Village of 1.75 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 from the open space area on the site to the South County Trailway. The availability of parking on the site would allow the Site to function as a trail head.

d. The Proposed Action is Creative in its Mix of Uses

The live/work units are an entirely new housing stock for the Village. Given that the “work” portions of the units are not large, they are likely to attract a mix of professionals and artists.

e. The Proposed Action Would Minimize Traffic Impacts

Since the residents (or at least one of them) of the 54 live/work units would not have to travel to a separate place of business, the Saw Mill Lofts project would result in fewer vehicle trips than a typical multifamily development.

As discussed in the “Traffic and Transportation” section of this Recommendation, the MUPDD Saw Mill Lofts proposal would generate very little vehicular traffic and not impact the level of service at nearby intersections. Nonetheless, the proposal includes a signal controller upgrade and modified signal phasing operations at the intersection of Route 9A, Jackson Avenue, and Ravensdale Road to reduce the unacceptable delay times on westbound Jackson Avenue.

f. The Proposed Action Would Protect the Central Business District

The Saw Mill Lofts proposal does not include businesses serving the day-to-day needs of the residents, such as dry cleaners, grocery stores, pharmacies, banks or video stores. The residents, therefore, like other Hastings-on-Hudson residents, would use the downtown business district for those services. The types of uses conducted in the work areas of the units, such as studios and professional offices, are not likely to compete with downtown businesses.

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

Saw Mill Lofts would be architecturally designed to look like an adaptive reuse of a former commercial/industrial building, which type of building lines Route 9A in the area neighboring the Site. Along Saw Mill River Road, a landscaped berm and low stone walls would be constructed. New shade and ornamental trees and shrubs would be planted in greater quantity than now exist. Lighting on the site would be directed downward and would be at levels that would not result in off-site light spillage.

In addition, the proposed mixed-use 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.

h. The Proposed Action Respects Environmentally Significant Resources

As noted above, the 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 1.75 acres of the Applicant's property closest to the County park would be donated to the Village. The Proposed Action would preserve 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.

i. The Proposed Action Would Provide Access to the County Trailway

As mentioned above, the 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 trail head.

2. The Proposed Mix of 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 proposed Saw Mill Lofts development would result in less impervious surface than currently exists on the site. The buildings would be arranged to

maximize the distance of the project from Route 9 and the Saw Mill River and the views across the site.

3. The Potential Impacts of the Proposed Development are Largely Positive

As discussed in great detail above, the few potential negative impacts of the proposed 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 new form of housing stock, the addition of 118 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 the South County Trailway, the addition of six affordable housing units, recreation fees of up to \$465,000, and the creation of an attractive site on the west side of the 9A corridor.

C. Conditions to be Imposed

This Recommendation and the SEQRA Findings 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 under the regulations for the MUPDD District:

The Planning Board finds that the following conditions should be included as part of any project approval, to assure that the development would minimize potential environmental impacts and maximize project benefits.

- a. 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 detail plantings plan to be developed by the Applicant.
- b. 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.
- c. 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.
- d. During the installation of the stormwater system, the Applicant shall ascertain integrity of the existing culverts and, if in the opinion of the

Village engineer, the culverts warrant repair or replacement, the Applicant shall make those improvements to the satisfaction of the Village engineer.

- e. 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.
- f. 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.
- g. 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.
- h. 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.
- i. 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.
- j. All construction-related staging and parking shall be on-site.
- k. All vehicles and equipment during the construction process for the project, except for the pedestrian bridge, shall access the Site from and egress the Site to Saw Mill River Road.
- l. The Applicant and, subsequently, the Condominium Association shall be responsible for maintenance, repair and upkeep of the stormwater management system. If the Village engineer finds that the Applicant or Condominium Association, as applicable, has not fulfilled this obligation, the Village, after notice reasonable in the circumstances, shall undertake such maintenance, repairs and/or upkeep and backcharge the Applicant or Condominium Association, as appropriate, for the reasonable costs of such work.

- m. The design and average size of the affordable units should be comparable to the design and size of the residential portions of the market rate units.
- n. 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.

In addition, the Planning Board concurs with the conditions recommended by the ZBA as part of that agency's determination respecting the number of parking spaces required for the proposed project, and therefore incorporates such conditions in this Recommendation.

- o. The work/business establishment in the live/work unit must be operated by a legal resident of the unit.
- p. The work/business establishment in the live/work unit may have not more than one employee other than the legal residents of the unit.
- q. The following uses are not permitted in live/work units: barbershops, hair salons, nail salons, health clubs, day spas, building construction offices, offices for building cleaning and maintenance services, diaper services, dry-cleaning pick-up and delivery depots including on-site clothes pressing.
- r. No individual business/work area may be larger than 800 square feet.
- s. No business/work area can be sold or rented for use by anyone other than a legal resident of the live/work unit.
- t. Artist studios, offices, and personal service establishments in the live/work units shall be limited to no more than three visitors per hour.
- u. No business/work area may be converted to bedroom area.
- v. Any permissible retail use in a live/work unit must meet the established parking requirement in the Zoning Code (one space per 200 square feet).

This Recommendation is also based on the inclusion of the Conditions "l" through "t" listed above as restrictive covenants in a declaration of covenants and restrictions binding on the condominium and included in the offering plan for the Saw Mill Lofts development. In addition, the declaration shall contain the following provisions:

- " a. The provisions of this Declaration shall inure to the benefit of and may

be enforceable by each dwelling unit owner and by the Condominium Association.

" b. 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.

" c. 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."

Finally, in order to facilitate enforcement of the conditions recommended by the ZBA and noted above, the Planning Board agrees with the ZBA recommendation that individual certificates of occupancy be issued for each live/work unit in the Saw Mill Lofts development rather than for the buildings as a whole.

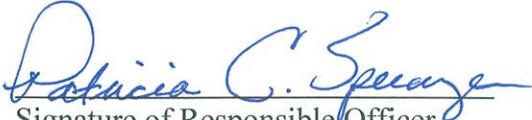
IV. Conclusion

Having considered the SDEIS and the SFEIS and the ShopRite DEIS and FEIS, including the comments on the SDEIS and the responses thereto, and the evaluations of its independent consultants, as well as other relevant documents and the environmental impacts, facts and conclusions disclosed in the FEIS and SFEIS (including the preceding written facts and conclusions), the Planning Board certifies that:

- The requirements of SEQRA, including 6 NYCRR § 617.9, have been met and fully satisfied;
- Consistent with the social, economic and other essential considerations, to the maximum extent practicable, adverse environmental effects of the Proposed Action -- the MUPDD Saw Mill Lofts mixed-use development -- (as set forth in Section III of this Recommendation/Findings Statement) have been minimized or avoided to the maximum extent practicable;
- Consistent with the social, economic and other essential considerations, from among the reasonable alternatives hereto, the Proposed Action -- the MUPDD Saw Mill Lofts mixed-use development -- constitutes the alternative which minimizes or avoids adverse impacts to the maximum extent practicable, including the effects disclosed in the EIS and set forth in Section III of this Recommendation/Findings Statement; and

- The Proposed Action -- the MUPDD Saw Mill Lofts mixed-use development - - as modified by the additional provisions set forth herein, is consistent with the Village of Hastings-on-Hudson's MUPDD regulations, and the Planning Board therefore recommends, subject to the specific recommendations herein, that the Village Board of Trustees approve the proposed Concept Plan for such development.

Planning Board of the Village of Hastings-on-Hudson, New York


 Signature of Responsible Officer

Patricia C. Speranza
 Name of Responsible Officer

Chairperson
 Title of Responsible Officer

4/20/06
 Date

Address of Agency: Hastings-on-Hudson Municipal Building
 Seven Maple Avenue
 Hastings-on-Hudson, NY 10706

Adopted by a motion made by:

Seconded by:

Approved by: ROLL CALL VOTE

ROLL CALL VOTE	AYE	NAY
Patricia C. Speranza (chairperson)	X	
Bill Logan	X	
David Hutson	X	
Fred Wertz	X	
William Smith	--	Absent --
Rhoda Barr	X	

