RESOLUTION ISSUING A SEQRA DETERMINATION OF SIGNIFICANCE NEGATIVE DECLARATION OF THE TOWN BOARD OF THE TOWN OF GREENBURGH WITH RESPECT TO THE APPLICATION SUBMITTED BY RAY CATENA, FOR PROPERTY LOCATED AT 50 YELLOWSTONE AVENUE, 436, 450, 460 & 468 TARRYTOWN ROAD, WHITE PLAINS, ALSO KNOWN AND DESIGNATED ON THE TAX ASSESSMENT MAP OF THE TOWN OF GREENBURGH AS VOLUME 7, SECTION 21, SHEET 20, BLOCK 1, LOTS 1 & 2 AND VOLUME 7, SECTION 21, SHEET 23, LOTS P-64, P-64B & P-64B2, FOR A PROPOSAL TO MAKE VARIOUS IMPROVEMENTS TO AN EXISTING AUTO CENTER

WHEREAS, on December 11, 2008, Ray Catena (the “Applicant”), formally filed a Site Plan application pursuant to Section 285-58 of the Zoning Ordinance of the Town of Greenburgh for a proposal to: (1) demolish two vacant buildings; (2) construct a new 8,150 sq. ft. auto dealership; (3) construct a new 1,875 sq. ft. carwash; (4) construct a 6,254 sq. ft. expansion of an existing auto service center; (5) reconstruct an existing curb cut and construct a twenty-four (24) foot wide ramp; and (6) add new landscaping throughout the site; and

WHEREAS, the Property is known and designated on the Tax Assessment Map of the Town as Volume 7, Section 21, Sheet 20, Block 1, Lots 1 & 2 and Volume 7, Section 21, Sheet 23, Lots P-64, P-64B & P-64B2 and consists of approximately 226,947 square feet (5.21 acres), located in the IB Intermediate Business District of the Town; and

WHEREAS, the Application contained a full Environmental Assessment Form together with supplemental information (the “EAF”) prepared by John Meyer Consulting, PC., dated December 12, 2008 and last revised on July 17, 2009; and

WHEREAS, at its regularly scheduled work session on May 27, 2009, the Town Board reviewed the Application and the EAF, and discussed the Application and the proposed Project with the Applicant and its consultants; and

WHEREAS, at its regularly scheduled meeting on May 27, 2009, the Town Board: 1) declared its intent to act as Lead Agency for review of the Application and all related actions under the State Environmental Quality Review Act (“SEQRA”); 2) directed the circulation of the Application and EAF to all potentially involved agencies together with a notice indicating the Town Board’s intention to be Lead Agency; and 3) referred the Application to the Planning Board for the Planning Board’s recommendation in accordance with the requirements of Section 285-58D.(3) of the Zoning Ordinance of the Town; and

WHEREAS, more than thirty (30) days have passed since the date the Application and EAF were transmitted to potentially involved agencies, and no agency has objected to the Town Board becoming Lead Agency for review of the Application and all related actions under SEQRA; and
WHEREAS, on July 15, 2009, the Planning Board held a public discussion on the Site Plan Application and public hearing on a wetland/watercourse and Planning Board steep slope permit application, and on July 29, 2009, made a recommendation to the Town Board in accordance with the requirements of Section 285-58D.(3) of the Zoning Ordinance, voting unanimously to recommend that the Town Board make a negative declaration on the proposed action, based on the Planning Board’s review of the environmental impacts, as summarized in Appendix A; and

WHEREAS, at its regularly scheduled meeting on August 4, 2009, the Town Board: 1) declared itself to be Lead Agency for the review of the Application and all related actions thereto; and 2) scheduled a public hearing on the Application for August 4, 2009; and

WHEREAS, notice of the public hearing was thereafter duly published as required by law; and

WHEREAS, on August 4, 2009, the Applicant appeared at the Town Board’s regularly scheduled work session to present modifications to the proposed Project made in response to comments received from the Planning Board and the community at Planning Board meetings on July 1 and July 15, 2009; and

WHEREAS, the Town Board has conducted an independent review and analysis of the entire record as well as the potential environmental effects from the proposed Project and finds that it will promote harmonious growth in the Town;

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Greenburgh, as follows:

1. The Town Board has reviewed and considered the entire record of the Application, including all materials submitted by or on behalf of the Applicant, the EAF, the Planning Board recommendation, the testimony at the public hearings held on August 4, 2009; and

2. The Town Board has considered the potential impacts of the proposed Project in light of the criteria set forth in the SEQRA regulations (6 NYCRR Section 617.7(c)) and the representations made by the Applicant; and

3. Having thoroughly reviewed the record and determined that the proposed development of the Project will not have significant adverse environmental impacts, the Town Board hereby issues a Negative Declaration of Environmental Significance; and

4. The Town Board’s specific findings and determinations in support of this Negative Declaration are recited at length in the attached Negative Declaration of Environmental Significance and are hereby incorporated into this Resolution by reference; and

BE IT FURTHER RESOLVED, that the Commissioner of Community Development and Planning is hereby directed to ensure a summary of this Resolution and attachment is published on the appropriate Environmental Notice Board.

Submitted: 07/28/2009
Notice of Determination of Non-significance

Project Number: TB# 08-08

Date: August 4, 2009

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

The Town of Greenburgh, Town Board, located at Greenburgh Town Hall, 177 Hillside Avenue, White Plains NY, as lead agency, determines that the “Proposed Action” described below will not have a significant effect on the environment and a Draft Environmental Impact Statement should not be prepared.

Name of Action: Case No. TB 08-08 Ray Catena - 50 Yellowstone Avenue, 436, 450, 460 & 468 Tarrytown Road, White Plains, N.Y.

SEQR Status: Type 1 ■
Unlisted □

Conditioned Negative Declaration: Yes □
No ■

Description of Action: A site plan, Planning Board steep slope permit and wetland/watercourse permit application for a proposal to make various improvements to an existing auto center. The improvements include: (1) demolish two vacant buildings; (2) construct a new 8,150 sq. ft. auto dealership; (3) construct a new 1,875 sq. ft. carwash; (4) construct a 6,254 sq. ft. expansion of an existing auto service center; (5) reconstruct an existing curb cut and construct a twenty-four (24) foot wide ramp; and (6) add new landscaping throughout the site. The project, as proposed, currently requires area variances for building coverage, impervious coverage, and yard setbacks from the Zoning Board of Appeals (ZBA), and special permits pursuant to Sections 285-31(5) & 285-31(3) of the Zoning Ordinance from the ZBA. The applicant proposes approximately 18,000 sq. ft. of watercourse buffer area ground disturbance in the approximately 45,300 sq. ft. of adjacent watercourse buffer area. The applicant is proposing 1,476 sq. ft. of disturbance on 15-25% slopes (STEEP SLOPES), 1,913 sq. ft. of disturbance on 25-35% slopes (VERY STEEP SLOPES) and 1,626 sq. ft. of disturbance on 35+% slopes (EXCESSIVELY STEEP SLOPES).

Location: The property consists of approximately 5.21 acres and is situated on the north side of Tarrytown Road approximately 200 ft. west of the intersection of Yellowstone Avenue. The property is located in the IB Intermediate Business District and is designated on the Town Tax Map as Volume 7, Section 21, Sheet 20, Block 1, Lots 1 & 2 and Volume 7, Section 21, Sheet 23, Lots P-64, P-64B & P-64B2.

Reasons Supporting This Determination:
This determination of significance is based upon the Environmental Assessment Form (EAF) that was prepared by the applicant and upon the criteria contained in Section 617.7 of SEQR.

The Town Board has conducted its own independent review and analysis of the information provided and the potential environmental effects from the proposed project. It has reviewed a revised Part 1 of the long Environmental Assessment Form (EAF), the Town’s Environmental Clearance Forms, Site Plan Application Forms, Steep Slopes and Wetlands Clearance Forms, a recommendation from the Planning Board and project plans prepared by the applicant and its consultants. They have also taken public comment on the application.
Based upon all of the information generated for the proposed project and its own careful and thorough independent review and public discussion of the potential environmental effects, the Town Board directed Planning staff to complete a revised Part 2 of the full EAF, which it incorporates here by reference. The EAF has aided the Town Board’s determination. As described more fully in Part 2 of the EAF, the Town Board has identified a number of small to moderate potential impact with respect to impact on land, the impact to the watercourse, drainage flow or patterns and surface water runoff, impact to air, noise and odor, and transportation that will result from the proposed project.

1) PROJECT IMPACTS AND THEIR MAGNITUDE

A) Impact on Land
The property consists of approximately 5.21 acres. The applicant is proposing 1,476 sq. ft. of disturbance on 15-25% slopes (STEEP SLOPES), 1,913 sq. ft. of disturbance on 25-35% slopes (VERY STEEP SLOPES) and 1,626 sq. ft. of disturbance on 35+% slopes (EXCESSIVELY STEEP SLOPES). The disturbance was classified as having small to moderate impact on the site and the applicant has provided sufficient mitigation through recommendations from the Town Engineer, and adherence to safety protocol measures set forth in the Town’s Steep Slope Ordinance, and conditions of approval.

Steep Slope Conditions and Grading
There will be a total of 105 cubic yards proposed to be cut from the site and 170 cubic yards are proposed to be filled. The material generated by excavating the slopes will be properly stockpiled in accordance with the New York State Department of Environmental Conservation’s Standards and Specifications for Erosion and Sediment Control, dated August 2005. Regraded areas will be replaced with improved with parking lot areas and landscaping.

The Bureau of Engineering further stipulates that the work to be performed, as described in this Slope Clearance Form/Steep Slope Permit Application, will utilize the following minimal erosion control measures as necessary to prevent onsite erosion and downstream sedimentation: installation of tree protection measures; installation and maintenance of silt fence immediately downstream of disturbed areas; the stockpiling and protection of topsoil as required; seeding and restoration of disturbed areas; and the cleaning of silt deposition from downstream areas and drainage utilities resulting from the work. All work noted above and covered under this permit shall comply with the recommendations noted in “New York State Guidelines for Urban Erosion and Sediment Control.”

Stormwater
Stormwater runoff from the existing impervious surfaces on the developed site, including the buildings and parking areas and the proposed areas will be collected and conveyed via underground storm pipes to an outfall prior to reaching the Manhattan Park Brook. An oil/grit separator is proposed at the outfall in response to Planning Board comments which will provide treatment for the “first flush” of drainage which passes through the system. The separator will be in line with the proposed drainage system and will provide treatment for all of the stormwater runoff exiting the site. The oil/grit separator will be sized to treat stormwater runoff from the parking lots as well as overflow from the building rooftops. The separator will also be designed to treat the proposed car wash sanitary effluent discharge. The applicant has proposed a series of fern plantings within the buffer to mitigate some of the impacts, including filtration of run-off. The proposed project would remove a minor amount of existing impervious surface from the site, and replace it with landscaped islands. The project proposes 90% impervious lot coverage, representing an improved design from a stormwater runoff perspective. The existing lot contains 92% of impervious lot coverage.

All storm water control measures for this project are to be consistent with the New York State’s Stormwater Design Manual, dated August 2004. The site will be designed to address existing and proposed condition peak runoff rates, which reflect a twenty-five (25) year, twenty-four (24) hour rainfall of six (6) inches. During construction, as well as after project completion, the applicant shall be required to retain all professional resources necessary to comply with the Stormwater Management Control Permit requirements, including treatment provisions for post-development stormwater runoff quality. The plans shall be consistent with the New York State Department of
Environmental Conservation’s Standards and Specifications for Erosion and Sediment Control (Blue Book), dated August 2005, the plans and implementation for which shall be subject to the approval of the Bureau of Engineering.

**Surface and Groundwater**
The existing lot contains 92% of impervious lot coverage, above the maximum required percentage (80%). The proposed project would remove a minor amount of existing impervious surface from the site, and replace it with landscaped islands. The project proposes 90% impervious lot coverage. The “Proposed Action” will not affect surface or groundwater. Runoff from all impervious surfaces, including, but not limited to, the parking lots and overflow from the building rooftops, will be directed to an outfall equipped with an oil/grit separator.

**Wetland and Watercourse Conditions**
A watercourse (Manhattan Park Brook) is located along the easterly property line of the subject property. The total area of the watercourse, and adjacent 100 ft. buffer area is approximately 45,300 sq. ft. The watercourse and 100 ft. buffer area on the project site have been accurately delineated and confirmed by the Town’s Wetland Consultant. No disturbance is proposed within the regulated watercourse. Total disturbance to the 100 ft. buffer area is projected at approximately 18,000 sq. ft., and will predominately occur within previously disturbed areas, mainly within the existing paved parking area.

The subject property is located immediately adjacent to Manhattan Park Brook. The watercourse has been previously altered and channelized from prior land use activities. In addition, the buffer area has been significantly encroached upon by prior land use disturbance and alteration. Existing fencing is located right at the top of the bank of the watercourse. Large trees are present at the top of the bank that run the entire length of the watercourse channel. Sections of the buffer that do not include fencing consist of invasive ground covers and grass. Due to the dense tree canopy the watercourse channel is heavily shaded and, due to limited space, little shrub layer is evident. A majority of the proposed activities, including the auto service building expansion; the smart car auto dealership and test track, retaining walls, parking ramps, etc., are located within the regulated 100 ft. watercourse buffer area. The majority of the proposed changes are, however, within previously disturbed footprints that include hard surfaces or impervious surfaces.

The applicant proposes to improve the watercourse buffer area by removing trash and debris along the west buffer of the Manhattan Park Brook. The application has been referred and has been reviewed by the Town’s wetland consultant for the project and by the Conservation Advisory Council. At the recommendation of the Town’s wetland consultant, the applicant has proposed a series of fern plantings within the buffer to mitigate some of the impacts, including filtration of run-off and replacement of non-native species. The applicant is also replacing an existing, run-down, wooden fence with a new fence that will prevent debris from being placed along the banks of the watercourse.

**B) IMPACT ON AIR**
The “Proposed Action” will result in a temporary impact to air quality as a result of the soil excavation. The possible impacts to the area have been deemed small to moderate. Rock blasting, if necessary, will be conducted in accordance with all applicable regulations.

**C) IMPACT ON PLANTS AND ANIMALS**
The “Proposed Action” will not affect any threatened or endangered species on the site.

**D) IMPACT ON AGRICULTURAL LAND RESOURCES**
The “Proposed Action” will not affect agricultural land resources.

**E) IMPACT ON AESTHETIC RESOURCES**
The “Proposed Action” will not affect aesthetic resources. The applicant has submitted a proposed landscaping plan that indicates plantings are proposed along the western property boundary, which contains residences and commercial uses adjacent to the site. Landscaping is also proposed along the frontage of the lot, subject to New York State Department of Transportation approval, that will improve the site’s appearance from a prominent and heavily traveled corridor in the Town of Greenburgh.
F) IMPACT ON HISTORIC AND ARCHAEOLOGICAL RESOURCES
The “Proposed Action” will not affect any site or structure of historic, prehistoric or paleontological importance.

G) IMPACT ON OPEN SPACE AND RECREATION
The “Proposed Action” will not affect any open space or recreational area in the vicinity.

H) IMPACT ON CRITICAL ENVIRONMENTAL AREAS
The “Proposed Action” is a “Type I” under SEQRA, as listed under § 200-16(C) of the Town Code of the Town of Greenburgh. A small portion of the proposed work will be performed in a steep slope area for the construction of a ramp which will allow increased internal vehicular movement and result in fewer vehicular trips through an existing entrance of Yellowstone Avenue. Disturbances to these portions of steep slopes are in areas that have been previously disturbed. The Town Board has evaluated the project as a whole and has identified the potential impacts to be small to moderate.

I) IMPACT ON TRANSPORTATION
The site will be accessed from Tarrytown Road utilizing existing curb cuts and the reconstruction of an existing curb cut. Tarrytown Road is heavily trafficked by automobiles and is serviced by the Westchester Bee-Line Bus service. The project is not anticipated to generate a significant amount of traffic. The application was sent to the New York State Department of Transportation for comment.

Traffic Circulation, Driveway Location and Configuration
The site is currently accessed by four (4) curb cuts along Tarrytown Road and one (1) driveway from Yellowstone Avenue. The existing driveway provides access primarily to the upper portion of the site. The applicant is proposing a twenty-four (24) foot wide ramp connecting the lower and upper portions of the lot along the eastern portion of the site. The construction of a ramp will allow increased internal vehicular movement and result in fewer vehicular trips through an existing entrance on Yellowstone Avenue.

The proposed modifications include changes to the existing parking layout. Landscaped islands are proposed on the internal areas of the site. Portions of the lower paved area are proposed to be repaved and restriped. The applicant is reducing the amount of parking spaces from 334 to 261. This number of spaces, however, will remain above the required amount of 148 spaces. In terms of circulation, driveway location and configuration, the site modifications represent an improvement over existing conditions.

J) IMPACT ON ENERGY
There is no anticipated negative affect upon the community’s sources of fuel or energy supply. The applicant has outlined several construction methods and materials that will result in a more efficient use of energy. The EPDM roof liners for the proposed buildings shall be constructed with a “white membrane” and all new building signage shall incorporate Light Emitting Diode (LED). Low-E (Low-Emittance) coated double pane glazing is proposed in the Smart car dealership building which will reduce thermal gain during the summer. The applicant is proposing low-flow water fixtures within the new Smart car dealership. The applicant will be utilizing a water-recycle system for the proposed car wash.

K) NOISE AND ODOR IMPACT
There will be temporary minor noise impacts associated with the construction of the proposed project.

L) IMPACT ON PUBLIC HEALTH
There is no anticipated affect upon public health and safety.

M) IMPACT ON GROWTH AND CHARACTER OF COMMUNITY OR NEIGHBORHOOD
The proposed development of the site will remove a vacant and blighted former retail store and replace it with a new modern auto dealership. The applicant seeks to enhance the site through a significant upgrading in the quality and amount of landscaping.
Zoning Compliance

The “Proposed Action” will require area variances for encroachment into front, side and rear yards. In no instances will the proposed buildings or building additions encroach further than existing buildings, into the yards. Variances for exceeding the building and impervious surface covers also will be required. The existing lot contains 92% of impervious lot coverage, which is above the maximum required percentage (80%). The proposed project would remove a minor amount of existing impervious surface from the site, and replace it with landscaped islands. The project proposes 90% impervious lot coverage. The proposed site development would contribute 33% of building coverage, above the maximum required percentage (30%). The new building covers are in areas of the site that have been previously disturbed and almost entirely exist in areas where the surface currently is impervious.

Conclusion

The Town Board has conducted an independent review and analysis of the entire record and the potential environmental effects from the proposed project. It has reviewed a revised Part 1 of the long Environmental Assessment Form (EAF), the Town’s Environmental Clearance Forms, Site Plan Application Forms, Steep Slopes and Wetlands Clearance Forms, a recommendation from the Planning Board, and project plans prepared by the applicant and its consultants.

The Town Board has completed a careful and thorough review of the identified areas of environmental assessment form. Based upon all of the information generated for the proposed project and its own careful and thorough independent review and public discussion of the potential environmental effects, the Town Board has determined that the potential small and larger impacts outlined in Part 2 of the EAF, individually as well as cumulatively.

As a result, of its review of the proposed project, the Town Board has determined that a negative declaration be issued on the potential impacts for the “Proposed Action” outlined in Part 2 of the EAF, that the “Proposed Action” will not have a significant effect on the environment, was mitigated to the greatest extent practicable, and therefore does not require the preparation of an Environmental Impact Statement (“EIS”).

If Conditioned Negative Declaration, provide on attachment the specific mitigation measures imposed.
N/A

For Further Information:
Contact Person: Thomas Madden, AICP
Commissioner, Community Development and Conservation
Address: 177 Hillside Avenue
White Plains, NY 10607
Telephone Number: (914) 993-1505

Delivered by hand at:
Honorable Paul Feiner, Supervisor, Town of Greenburgh
Greenburgh Town Hall,
177 Hillside Avenue
Greenburgh, NY 10607

Interested and Involved Agencies:
The Westchester County Department of Planning
The New York State Department of Transportation

Environmental Notice Bulletin (ENB):
This document will be sent to the ENB and is accessible on the Department of Environmental Conservation’s website at http://www.dec.state.ny.us