RESOLUTION ISSUING A NEGATIVE DECLARATION FOR THE SEQRA DETERMINATION OF THE TOWN BOARD OF THE TOWN OF GREENBURGH WITH RESPECT TO A ZONING TEXT AMENDMENT TO SECTION 285-25 OF THE ZONING ORDINANCE, ENTITLED “OB OFFICE BUILDING DISTRICT AS IT RELATES TO HOTEL ACCESSORY USE IN THE OB DISTRICT

WHEREAS, the Town Board of the Town of Greenburgh finds it necessary to amend the following section of the Zoning Ordinance: Section 285-25 entitled, “OB Office Building,” to allow additional accessory uses in the OB District, with respect to hotels allowed pursuant to 285-25(A)(4)(c) of the Zoning Ordinance; and

WHEREAS, pursuant to Section 617.6(a)(1) of the regulations of the State Environmental Quality Review Act (“SEQRA”), as soon as an agency receives an application for funding or approval of an action, it must, among other things, make a preliminary classification of the action under SEQRA; and

WHEREAS, a full Environmental Assessment Form was prepared by Town staff; and

WHEREAS, on November 14, 2018, the Town Board adopted Resolution CD-2 – 09/12/18 (1) declaring its intent to act as Lead Agency for review of the Amendment and all related actions under the State Environmental Quality Review Act (“SEQRA”) and (2) referring the Zoning Text Amendment to the Planning Board for report and recommendation; and

WHEREAS, under SEQRA, the actions directly and indirectly proposed are classified as “Type 1,” pursuant to Section 617 of the regulations of the SEQRA; and

WHEREAS, Town staff circulated the Application and EAF to all potentially Interested and Involved Agencies together with a notice indicating the Town Board’s intention to be Lead Agency for the action; and

WHEREAS, the Planning Board, at a regularly scheduled work session meetings on October 3, 2018 and October 17, 2018, discussed the proposed local law, and made a positive recommendation to the Town Board associated with the proposed Zoning Text Amendment and issued a related report; and

WHEREAS, on October 24, 2018, the Town of Greenburgh Town Board held a public hearing on the proposed Zoning Text Amendment; 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, the Town Board has conducted a coordinated review (Planning Board, Westchester County – Interested Agencies) and analysis of the entire record as well as the potential environmental effects from the proposed Action and finds that all impacts have been mitigated to the greatest extent possible;
NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Greenburgh, as follows:

1. The Town Board, as Lead Agency in a coordinated review (Planning Board, Westchester County – Interested Agencies), has reviewed and considered the entire record of the Petition, including all materials submitted by or on behalf of the Applicant, the EAF, the Planning Board recommendation and related report; and

2. The Town Board has considered the potential impacts of the Proposed Action 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 Action will not have significant adverse environmental impacts, the Town Board hereby issues a Negative Declaration related to the SEQRA determination; and

4. The Town Board’s specific findings and determinations in support of this Negative Declaration are recited at length in the attached Determination of Non-Significance and are hereby incorporated into this Resolution by reference; and
Date: November 14, 2018

Project Number: Case No. TB 18-24 Chapter 285 Zoning Text Amendment (Hotel Accessory Use - OB District)

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 Board of the Town of Greenburgh, located at Greenburgh Town Hall, 177 Hillside Avenue, Greenburgh NY, as lead agency, has determined that the “Proposed Action” described below will not have a significant effect on the environment and a Draft Environmental Impact Statement is not required.

Name of Action: Case No. TB 18-24 Chapter 285 “Hotel Accessory Use – OB Office Building District” (Zoning Text Amendment)

SEQR Status: Type 1 ■
Unlisted □

Conditioned Negative Declaration: Yes □
No ■

Description of Action: A Zoning Text Amendment (Town Board approval) to Section 285-25 of the Code of the Town of Greenburgh law to amend Section 285-25 of the Code of the Town of Greenburgh, entitled “OB – Office Building District,” to allow additional accessory uses in the OB District with respect to hotels allowed pursuant to 285-25(A)(4)(c).

Locations: OB Office District, Town of Greenburgh, N.Y.

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 SEQRA.

The Town Board has conducted a coordinated review (Planning Board, Westchester County – Interested Agencies) and analysis of the information provided and the potential environmental effects from the proposed project. It has reviewed Part 1 of the Full Environmental Assessment Form (EAF), prepared by Town staff.

The application was reviewed and discussed at the Planning Board work session on May 2, 2018 and May 16, 2018.
Based upon all of the information generated for the proposed project and its own careful and thorough independent review of the potential environmental effects, the Town Board directed Planning staff to complete a 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 small potential impact that will result from the proposed action with respect to Zoning.

1) PROJECT IMPACTS AND THEIR MAGNITUDE

A) IMPACT ON LAND

Zoning
In determining the suitability of a zoning text amendment, Article IX of the Code of the Town of Greenburgh establishes criteria for consideration, which encompasses the Planning Board Report to the Town Board.

§ 285-64B(1) Concerning a proposed amendment involving a change in the Zoning Text.

(a) Whether such change is consistent with the aims and principles embodied in the chapter as to the particular districts concerned;

   The proposed Office Building (OB) District local law would allow cafes and bakeries as an accessory use within hotels, and would not restrict those uses from having an independent access point to allow for off-site consumption. The OB District does not have a stated intent identified in its section of the Zoning Ordinance, 285-25. The Zoning Ordinance, as identified in 285-2 Purpose, establishes criterion A through K. The following are most applicable:

   B. The assurance of adequate and necessary sites for residence, industry, commerce, recreation, open space and public and quasi-public uses;

   K. The encouragement of flexibility in the design and development of land in such a way as to promote the most appropriate use of lands, to facilitate the adequate and economic provision of streets and utilities, to preserve the natural and scenic qualities of open lands and to enhance and protect the environmental quality of the Town.

   The proposed addition of cafes and bakeries as an accessory use within hotels is consistent with the above.

(b) Which areas, land uses, buildings and establishments in the Town will be directly affected by such change and in what way they will be affected;

   The addition of cafes and bakeries within hotels, in the OB District, would allow them as permitted uses within the OB District. It is anticipated that new café and bakery uses would be located within existing or newly constructed hotels within the OB District, with related building and/or site retrofits/updates/construction, in connection with a building permit. These uses can complement the services/amenities of hotels. There are two (2) existing Hotels within the six (6) OB Districts of the Town. There is one (1) property with a high probability for a potential application to apply these uses. There currently is interest in adding a Starbucks Café to the Sheraton Hotel at 600 White Plains Road. The remainder of the properties within OB Districts of the Town would have low to no probability for potential applications related to the subject uses.
A detailed analysis of each of the areas of the Town, zoned OB – Office Building District, is attached as an appendix to this report.

(c) The indirect implications of such change in its effect on other regulations; and

The indirect implications of allowing cafes and bakeries within hotels, located in the OB Districts of the Town, are that similar considerations may be looked at in other Districts of the Town.

(d) Whether such proposed amendment is consistent with the aims of the official planning policies of the Town of Greenburgh.

The recently adopted Greenburgh Comprehensive Plan constitutes the official planning policy of the Town of Greenburgh. The proposed amendments and recommendations represent consistency with the following Comprehensive Plan goals and policies:

Policy 11.2.1.4, retain and stimulate small businesses and mature industries such as distribution, financial and professional services, food and beverage and health care; Policy 11.9.1.4, Review the zoning ordinance to ensure that permitted, special permit and accessory uses contain enforceable provisions to provide for the protection and promotion of the public health, safety, convenience, comfort and general welfare; and, Policy 12.2.1.6, Review permitted, special permit and accessory uses to ensure that viable uses consistent with the environmental and economic development goals of the Plan are not precluded.

B) IMPACT ON AIR
The “Proposed Action” will not affect air quality. Any subsequent proposal for accessory uses for hotels within the OB District will be the subject of a building permit application and if not requiring site plan approval, would be a Type II Action under SEQRA.

C) IMPACT ON PLANTS AND ANIMALS
The “Proposed Action” will not affect any threatened or endangered species on the site. Any subsequent proposal for accessory uses for hotels within the OB District will be the subject of a building permit application and if not requiring site plan approval, would be a Type II Action under SEQRA.

D) IMPACT ON AGRICULTURAL LAND RESOURCES
The “Proposed Action” will not affect agricultural land resources. Any subsequent proposal for accessory uses for hotels within the OB District will be the subject of a building permit application and if not requiring site plan approval, would be a Type II Action under SEQRA.

E) IMPACT ON AESTHETIC RESOURCES
The “Proposed Action” will not affect aesthetic resources. Any subsequent proposal for accessory uses for hotels within the OB District will be the subject of a building permit application and if not requiring site plan approval, would be a Type II Action under SEQRA.

F) IMPACT ON HISTORIC AND ARCHAEOLOGICAL RESOURCES
The “Proposed Action” will not have any impact on historic and archeological resources. Any subsequent proposal for accessory uses for hotels within the OB District will be the subject of a building permit application and if not requiring site plan approval, would be a Type II Action under SEQRA.
G) IMPACT ON OPEN SPACE AND RECREATION
The “Proposed Action” will not affect any open space or recreational areas. Any subsequent proposal for accessory uses for hotels within the OB District will be the subject of a building permit application and if not requiring site plan approval, would be a Type II Action under SEQRA.

H) IMPACT ON CRITICAL ENVIRONMENTAL AREAS
The “Proposed Action” is “Type I” under SEQRA. Any subsequent proposal for accessory uses for hotels within the OB District will be the subject of a building permit application and if not requiring site plan approval, would be a Type II Action under SEQRA.

I) IMPACT ON TRANSPORTATION
There is no anticipated affect upon the transportation system. Any subsequent proposal for accessory uses for hotels within the OB District will be the subject of a building permit application and if not requiring site plan approval, would be a Type II Action under SEQRA.

J) IMPACT ON ENERGY
There is no anticipated affect upon the community’s sources of fuel or energy supply. Any subsequent proposal for accessory uses for hotels within the OB District will be the subject of a building permit application and if not requiring site plan approval, would be a Type II Action under SEQRA.

K) NOISE AND ODOR IMPACT
There is no anticipated affect from noise and odor impacts associated with the proposed project. Any subsequent proposal for accessory uses for hotels within the OB District will be the subject of a building permit application and if not requiring site plan approval, would be a Type II Action under SEQRA.

L) IMPACT ON PUBLIC HEALTH
There is no anticipated affect upon public health and safety. Any subsequent proposal for accessory uses for hotels within the OB District will be the subject of a building permit application and if not requiring site plan approval, would be a Type II Action under SEQRA.

M) IMPACT ON GROWTH AND CHARACTER OF COMMUNITY OR NEIGHBORHOOD
There is no anticipated negative impact upon growth or character of the community neighborhood as proposed. Any subsequent proposal for accessory uses for hotels within the OB District will be the subject of a building permit application and if not requiring site plan approval, would be a Type II Action under SEQRA.

Conclusion
The Town Board has conducted a coordinated review (Planning Board, Westchester County – Interested Agencies) and analysis of the entire record and the potential environmental effects from the proposed project. It has reviewed a Part 1 of the Full Environmental Assessment Form (EAF), prepared by the Applicant and its consultants.

The Town Board has completed a careful and thorough review of the identified areas on the Environmental Assessment Form. Based upon all of the information generated for the proposed project and its own careful and thorough coordinated review and public discussion of the potential environmental effects, the Town Board has determined that the potential small impact outlined in Part 2 of the EAF will be minimal.
As a result of their 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, and that the “Proposed Action” will not have a significant effect on the environment and that any effect will be mitigated to the greatest extent practicable, and, therefore, the preparation of an Environmental Impact Statement (“EIS”) is not required.

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

N/A

For Further Information:

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