

14-20-7(2/87)-9c
SEQR

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

Project Number: PB# 17-36

Date: May 18, 2022

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

The Town of Greenburgh Planning Board, as Lead Agency, has determined that the “Proposed Action” described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

Name of Action: PB 17-36 Zappico Subdivision – Vacant Lots – Old Colony Road, P.O. Hartsdale, New York

SEQR Status: Type 1
Unlisted

Conditioned Negative Declaration: Yes
No

Description of Action: A Planning Board preliminary subdivision, steep slope permit, wetland/watercourse permit, and tree removal permit application for a proposal consisting of the subdivision of two (2) existing tax lots, in order to create four (4) zoning compliant lots, for the purposes of constructing four (4) single-family residences. Proposed Lot 1 would consist of 58,339 sq. ft. Proposed Lot 2 would consist of 23,729 sq. ft. Proposed Lot 3 would consist of 16,995 sq. ft., and proposed Lot 4 would consist of 14,956 sq. ft. The applicant proposes 20,193 sq. ft. of disturbance on 15-25% slopes (STEEP SLOPES), 9,058 sq. ft. of disturbance on 25-35% slopes (VERY STEEP SLOPES) and 26,002.5 sq. ft. of disturbance on 35%+ slopes (EXCESSIVELY STEEP SLOPES). The applicant proposes to disturb approximately 641 sq. ft. of the 1,236 sq. ft. of regulated watercourse area on the subject property, associated with the proposed piping of an on-site open watercourse, and approximately 29,743 sq. ft. of the 46,235 sq. ft. of regulated watercourse buffer area on the subject property. The applicant proposes the removal of eighty (80) regulated trees, requiring a tree removal permit from the Planning Board. The applicant has prepared a landscaping plan which calls for the planting of seventy-one (71) trees and an assortment of seventy-two (72) foundation shrubs and plants, as replacements.

The properties consist of approximately 114,110 sq. ft. and are situated on the south side of Old Colony Road, opposite the intersection of Old Colony Road and Midvale Road. The properties are located in the R-10 One-Family Residence District, and are designated on the tax map of the Town of Greenburgh as Parcel ID: 8.360-259-11 & 12.

Reasons Supporting This Determination:

This determination of significance is based upon the Full Environmental Assessment Form (Full EAF) that was prepared by the Applicant and upon the criteria contained in Section 617.7 of SEQRA.

The Planning Board conducted a review and analysis of the information provided and the potential environmental effects from the proposed project. It has reviewed a Part 1 of the Full EAF, the Town’s Environmental Clearance Form, Steep Slope and Wetland/Watercourse Clearance Forms, Steep Slope Permit Application Form, Wetland/Watercourse Permit Application Form, Subdivision Application Form, Tree Removal Permit Application Form, and project plans prepared by the applicant. The Planning Board also has received comments from Town professional staff, the Town’s traffic consultant, and the Conservation Advisory Council.

The Town of Greenburgh Planning Board held pre-submission conferences on January 17, 2018 and April 4, 2018. The Town of Greenburgh Planning Board held work sessions on April 17, 2019, July 15, 2020, and April 20, 2022. The Town of Greenburgh Planning Board held public hearings on June 5, 2019, July 2, 2019, July 17, 2019, and September 4, 2019 (adjourned to an unspecified date, without discussion) for the application.

As a result of the Planning Board’s review, the project was modified as follows:

1. The total number of residential lots to be developed in connection with the proposal was reduced down, from ten (10) to four (4), in order to eliminate any curb cuts onto Pipeline Road, preserve areas of steep slope, rock outcroppings, trees, lessen impervious surface coverage of the site, and to lessen overall site disturbance.
2. The proposed on-site stormwater management system has now been designed to handle a 100-year storm event, above the 25-year storm event required by Town Code.
3. The project plans were revised to include a 5’ wide sidewalk from the northerly edge of the driveway of proposed Lot 1, to the northerly property line of proposed Lot 4.
4. The landscaping plan was revised to include a more diverse planting scheme, including additional native species.
5. In connection with a recommendation issued by the Conservation Advisory Council, the applicant has agreed to no further or future subdivision of the lots.

Based upon all of the information generated for the proposed project and its own careful and thorough review and discussion of the potential environmental impacts, the Planning Board directed Planning staff to complete Part 2 of the Full EAF, which it incorporates here by reference. The Full EAF has aided the Planning Board’s determination. As described in Part 2 of the Full EAF, the Planning Board has identified a number of small potential impacts with respect to: (1) impact on land; (2) impact on transportation; and (3) impact on flooding and drainage.

PROJECT IMPACTS AND THEIR MAGNITUDE

1) IMPACT ON LAND USE/ZONING

Will the Proposed action create a material conflict with an adopted land use plan or zoning regulations?

The applicant’s proposal involving the subdivision of two (2) existing tax lots, in order to create four (4) zoning compliant lots, for the purposes of constructing four (4) single-family residences, is a permitted use under the Town’s zoning ordinance. The Town Building Inspector has reviewed the application and has determined that the project, as proposed, is in accordance with all Town zoning regulations.

2) IMPACT ON LAND

Will the proposed action result in a change in the use or intensity of use of land?

The proposed action consists of the subdivision of two (2) existing tax lots, in order to create four (4) zoning compliant lots, for the purposes of constructing four (4) single-family residences. Proposed Lot 1 would consist of 58,339 sq. ft. Proposed Lot 2 would consist of 23,729 sq. ft. Proposed Lot 3 would consist of 16,995 sq. ft., and proposed Lot 4 would consist of 14,956 sq. ft.

The applicant proposes 20,193 sq. ft. of disturbance on 15-25% slopes (STEEP SLOPES), 9,058 sq. ft. of disturbance on 25-35% slopes (VERY STEEP SLOPES) and 26,002.5 sq. ft. of disturbance on 35%+ slopes (EXCESSIVELY STEEP SLOPES). The applicant proposes to disturb approximately 641 sq. ft. of the 1,236 sq. ft. of regulated watercourse area on the subject property, associated with the proposed piping of an on-site open watercourse, and approximately 29,743 sq. ft. of the 46,235 sq. ft. of regulated watercourse buffer area on the subject property. The applicant proposes the removal of eighty (80) regulated trees, requiring a tree removal permit from the Planning Board. The applicant has prepared a landscaping plan which calls for the planting of seventy-one (71) trees and an assortment of seventy-two (72) foundation shrubs and plants, as replacements.

All grading activities will be required to conform to the plan entitled, "Grading & Utilities Plan," Sheet 3/8, dated 12/11/18, last revised 04/05/22, and prepared by Jeffrey A. Econom, P.E., NYS Lic. No. 070939. All areas outside the limits of disturbance will remain undisturbed.

3) IMPACT ON COMMUNITY CHARACTER

Will the proposed action impair the character or quality of the existing community?

The subject property is located in a well-established residential neighborhood. The applicant's proposal is consistent with the character of the surrounding residential community and is, therefore, likely to have no adverse impact.

4) IMPACT ON CRITICAL ENVIRONMENTAL AREA (CEA)

Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?

The proposed action will not affect any Critical Environmental Areas (CEA).

5) IMPACT ON TRANSPORTATION

Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?

The applicant is proposing four (4) new curb cuts along Old Colony Road, to access the proposed homes. The applicant's proposal has been reviewed by the Town Police Department's Traffic & Safety Unit and the Town's traffic consultant for the project. The Town Police Department's Traffic & Safety Unit requested that the applicant consider providing driveway turnarounds, to allow vehicles to pull head out onto Old Colony Road. The applicant revised its plans to accommodate this request. The Town's traffic consultant recommended that additional off-street parking be provided (because on-street parking in the vicinity of the project site is not permitted), and that sightlines be increased due to the slope and curvature of the roadway. The applicant updated its plan to provide for up to five (5) off-street parking spaces at each residence, where two (2) are required by Town Code, and to provide sightlines that exceed the minimum required by accepted traffic safety standards. In addition, the applicant has proposed a sight distance easement across the frontage of proposed Lots 3 and 4, to keep these sightlines clear of obstructions.

At the request of the Planning Board, the project plans were revised to include a 5' wide, approximately 300' long sidewalk from the northerly edge of the driveway of proposed Lot 1, to the northerly property line of proposed Lot 4, which represents a significant improvement over existing conditions.

The proposed action is not anticipated to generate a noticeable change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway.

6) IMPACT ON ENERGY

Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?

The proposed action will not result in an adverse impact to energy or sources of energy.

7) IMPACT ON WATER/WASTEWATER

Will the proposed action impact existing:

- a. public / private water supplies?
- b. public / private wastewater treatment utilities?

The proposed action will not negatively impact any public or private water supplies or wastewater treatment utilities.

8) IMPACT ON HISTORIC, ARCHAEOLOGICAL, ARCHITECTURAL OR AESTHETIC RESOURCES

Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?

The proposed action will not result in adverse impacts to historic, archaeological, architectural or aesthetic resources.

9) IMPACT ON NATURAL RESOURCES

Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?

The proposed action consists of subdivision of two (2) existing tax lots, in order to create four (4) zoning compliant lots, for the purposes of constructing four (4) single-family residences. Proposed Lot 1 would consist of 58,339 sq. ft. Proposed Lot 2 would consist of 23,729 sq. ft. Proposed Lot 3 would consist of 16,995 sq. ft., and proposed Lot 4 would consist of 14,956 sq. ft.

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As a result of the Planning Board's review of the project, the total number of proposed lots was reduced down from 10 to 4, resulting in significant increase in the preservation of steep slopes, rock outcroppings, and trees.

10) IMPACT ON FLOODING & DRAINAGE

Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?

The proposed action is expected to create stormwater runoff from new impervious surfaces. The applicant has prepared a Preliminary Stormwater Pollution Prevention Plan which must comply with NYSDEC SPDES General Permit No. GP-0-20-001 and Chapter 248 of the Code of the Town of Greenburgh. The applicant must obtain Phase II Stormwater Permit approval from the NYSDEC, prior to any construction, as appropriate, if the total project area of land disturbance is greater than 1 acre.

Stormwater runoff from the existing site reaches the downgrade road shoulder and storm sewer system along Aqueduct Drive primarily through surface sheet flow transitioning to shallow concentrated flow. A portion of the existing site drainage area is collected by the eroded watercourse on the property which is fed by existing Town storm sewer piping along Old Colony Road. Stormwater runoff directed to the site from Old Colony Road converges with other surface runoff leaving the property at a series of catch basins located on the western shoulder of Aqueduct Drive.

The project proposes to create four (4) new individual building lots in conformance with the bulk density requirements for the Town of Greenburgh R-10 zoning district. Each lot would contain a new residential dwelling, asphalt pavement driveway, and walkway area. Individual lot impervious cover varies between 2,665 square feet and 2,922 square feet maximum. Land area immediately surrounding each dwelling is proposed as grass lawn.

Newly installed yard drain basins are proposed for the collection of stormwater runoff from all new impervious cover and portions of grass lawn areas on each lot. Collected stormwater runoff is planned to be routed to newly installed subsurface stormwater infiltration pipe systems located in each lot's rear yard, requiring stormwater management control permits through the Town's Bureau of Engineering, which must be approved prior to the submission of any building permit for any such lot.. The balance of subdivision drainage areas not collected by stormwater management practices to be installed will continue to follow the existing flow path of runoff towards Aqueduct Drive. A new storm sewer pipe connection is proposed for the conveyance of runoff flows between the existing Town 18" pipe outfall from Old Colony Road and 18" pipe inlet near Aqueduct Drive. Two new drainage manholes and 30 inch diameter HDPE compose the pipe connection and will improve the conveyance potential of the existing channel by increasing flow capacity for larger storm events and eliminating continued erosion of the hillside and resulting maintenance to

the Town’s MS4 sewer system. As detailed in the applicant’s Subdivision Drainage & Tributary Watershed Analysis, prepared by Robert Philip Wasp, P.E., NYS Lic. No. 095995, dated June 23, 2019, and last revised March 16, 2020, the peak runoff rate and total runoff volume will be reduced up to the 100 year design storm event, when comparing pre-existing conditions to post-development conditions, exceeding the requirements of Town Code Chapter 248. This is likely to assist in reducing the overall stormwater loads on the Aqueduct Drive storm sewer system.

During the construction phase, the applicant will be required to install the following protection measures: soil stockpiling; silt fencing; a stabilized construction entrance; and tree protection measures. The sediment and erosion control measures will be installed prior to any major soil disturbances, and maintained until permanent protection is established, as directed by the Bureau of Engineering. All measures will be maintained in good working order at all times. All sediment and erosion control measures must be inspected on a regular basis, and after each heavy rainfall to ensure proper operation as designed. All work will meet the applicable provisions of the “New York State Guidelines for Urban Erosion and Sediment Control.” All areas outside the limits of disturbance will remain undisturbed. The applicant will comply with all requirements of Town Code Chapter 248 – Stormwater Management.

11) IMPACT ON ENVIRONMENTAL RESOURCES & HUMAN HEALTH

Will the proposed action create a hazard to environmental resources or human health?

The proposed action will not create a hazard to environmental resources or human health.

Conclusion

The Planning Board has conducted a 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 Full EAF, the Town’s Environmental Clearance Forms, Steep Slope and Wetland/Watercourse Clearance Forms, Steep Slope Permit Application Form, Wetland/Watercourse Permit Application Form, Subdivision Application Form, Tree Removal Permit Application Form, and project plans prepared by the applicant and its consultants. The Planning Board also has received comments from Town professional staff and the Town’s traffic consultant for this project.

The Planning Board has completed a careful and thorough review of the identified areas of environmental concern. 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 Planning Board has determined that the potential small to moderate impacts outlined in Part 2 of the Short EAF, individually as well as cumulatively, will be minimal.

After review of the proposed project, the Planning Board has determined that a negative declaration will be issued related to the potential impacts for the “Proposed Action” outlined in Part 2 of the Full EAF, and that the “Proposed Action” will not have a significant effect on the environment, will be mitigated to the greatest extent practicable, will not have a significant effect on the environment, 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:

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