

617.21

State Environmental Quality Review
FINDINGS STATEMENT

Pursuant to Article 8 (State Environmental Quality Review Act – SEQRA) of the Environmental Conservation Law and 6 NYCRR Part 617, the Village of Tarrytown Board of Trustees and Planning Board as co-lead agencies, makes the following findings.

I. INTRODUCTION

Name of Action:

Ferry Landings

Description of Action:

Construction of 238 residential units, 65,000 square feet of commercial space, 15,000 square feet of retail space, a 22,500 square foot aquatic/recreation center, an addition to the Tarrytown Senior Center, public open space to include a 100-foot wide promenade along the waterfront and a 150-foot wide public park on the northwest portion of the site, and removal of the existing asphalt plant from the site.

Location:

West Main Street, Village of Tarrytown, Westchester County, New York
Tax Map Sheet 1, Block 0000, Parcels 13, 14, 15, 20, 21, 23, 24 and 24A

Agency Jurisdiction(s):

Village of Tarrytown Board of Trustees

- Zoning Amendments
- Special Permit
- Execution of Memorandum of Agreement with Ferry Landings, LLC

Village of Tarrytown Planning Board

- Site Plan Approval
- Subdivision Approval

Village of Tarrytown Architectural Review Board

- Site Plan Design Review

Village of Tarrytown Waterfront Advisory Committee

- Waterfront Consistency Review

Westchester County Planning Board

- County Planning Board §239-m Referral

Westchester County Department of Health

- Water and Sewer Connections

New York State Department of State

- Coastal Zone Consistency Review

New York State Department of Environmental Conservation

- NYSDEC General SPDES Permit
- Air Pollution Control Permits
- Protection of Waters/Excavation and Fill Permit

Date Final EIS Accepted:

December 21, 2005

II. HISTORY AND COMPLIANCE WITH SEQRA REQUIREMENTS

DEIS SUBMISSION

The DEIS for the proposed Ferry Landings development was first submitted by the applicant, Ferry Landings, LLC (the "Applicant"), in July 2004. The DEIS was accepted by the co-lead agencies, the Village of Tarrytown Board of Trustees ("Village Board") and the Village of Tarrytown Planning Board ("Planning Board") on October 25, 2004. The Project Site is bounded by West Main Street to the south, Metro North railroad tracks to the east, Division Street to the north and the Hudson River to the west. The Proposed Action described in the DEIS was for a mixed-use development of 88 townhouses, 40 loft apartments, 340,000 square feet of office space, and 10,000 square feet of commercial space, a public promenade and public open space. In addition to the Proposed Action, the DEIS evaluated the following three alternatives:

1) No Action Alternative. This first alternative analyzed a no-build scenario under which no residential or commercial development would take place on the site and it would remain in its current condition. Under this alternative existing heavy and light industrial uses on the site, including the asphalt plant, would remain in their present locations.

2) Full WGBD Incentive Alternative. The second alternative proposed a site design and layout that would take advantage of all the incentives provided for under the Village's Waterfront General Business District (WGBD). Under this alternative 366 residential units and 870,000 square feet of office and commercial space would be constructed on the site. This alternative proposed the relocation of the asphalt plant from its present location on the waterfront to the northeast portion of the property.

3) Lower Density Alternative. The third alternative provided for a development scenario that increased the residential component of the project to 438 units and reduced the commercial component to approximately 670,000 square feet of development. Like Alternative 2, this alternative proposed the relocation of the asphalt plant from its present location to the northeast portion of the property.

The first public hearing on the DEIS was held on September 8, 2004. In response to concerns expressed by the co-lead agencies regarding the density of proposed commercial uses on the Site and requests from the public for further time to comment, the comment period was extended and additional public hearings were held on September 27 and October 25, 2004. All public hearings were duly noticed and all persons present were given the opportunity to provide comment. The co-lead agencies accepted written comments from the public during this comment period. The public comment period was then closed on November 5, 2004.

DRAFT FEIS SUBMISSION

The Applicant submitted a draft FEIS for the project on December 9, 2004. This FEIS included responses to the verbal and written comments that were made during the DEIS comment period and proposed two modified alternatives based upon the concerns expressed by the co-lead agencies and the public. These alternatives were:

1) Alternative with Relocation of Asphalt Plant. This alternative proposed a reduction in both the residential and commercial components of the project to 228 residential units and 100,000 square feet of commercial space including 60,000 square feet of office space and 7,000 square feet of retail. Similar to the DEIS alternatives, this alternative included the relocation of the asphalt plant to the northeast portion of the Site.

2) Alternative with Demolition of Asphalt Plant. This alternative proposed the removal of the asphalt plant from the Site and the construction of 298 residential units and 100,000 square feet of commercial space, including 90,000 square feet of office and 10,000 square feet of retail.

Despite the decreases in density offered by these alternatives, the Village Board of Trustees and Planning Board felt that the draft FEIS did not fully address public concerns regarding density on the site and potential adverse environmental impacts, particularly with regard to traffic. The co-lead agencies, therefore, did not accept this FEIS as complete, but circulated it for review and comment.

LAWSUIT AGAINST FERRY LANDINGS LLC AND VILLAGE OF TARRYTOWN FILED BY VILLAGE OF SLEEPY HOLLOW AND ROSELAND/SLEEPY HOLLOW LLC

In October and November 2004, respectively, the Village of Sleepy Hollow and Roseland/Sleepy Hollow, LLC (the developer for Sleepy Hollow's nearby development on the former General Motors site) filed suits against the Village of Tarrytown, Tarrytown Planning Board, and Ferry Landings LLC. In these lawsuits Sleepy Hollow and Roseland sought to vacate certain zoning amendments and a negative declaration of environmental significance that would allow the immediate relocation of the existing asphalt plant to the northeast portion of the Site.

Following full submission of answering affidavits and briefs, the Supreme Court Westchester County ruled on or about January 31, 2005 that while Tarrytown had taken the requisite "hard look" under SEQRA in reaching a negative declaration on the relocation of the asphalt plant, the zoning amendments and negative declaration would be vacated for impermissibly segmenting the relocation from consideration of the remainder of the Proposed Action.

PREFERRED ALTERNATIVE IN RESPONSE TO VILLAGE AND PUBLIC COMMENTS

In January of 2005 the co-lead agencies retained planning consultant BFJ Planning to review the draft FEIS document and serve as a liaison between the Village and the Applicant in order to assist in developing a preferred alternative for the Site that responded to the Village's concerns and those of the community, and to ensure substantive and procedural compliance with SEQRA.

Through a public process that included two public workshops held on June 16 and June 30, 2005, BFJ Planning worked with the Village and the Applicant to develop a preferred alternative that reduced potential adverse environmental impacts, addressed concerns raised by the Village and the public, and provided for a site plan proposal acceptable to all parties. The Applicant, BFJ Planning, and the co-lead agencies also sought and received input from Westchester County, the New York State Department of State, and

Scenic Hudson, and the public on this **Preferred Alternative**, which included the following elements:

- 238 residential units
- Reduction in the commercial square-footage on the site to 80,000 square feet of commercial development, including 65,000 square feet of office space and 15,000 square feet of retail
- Removal of the asphalt plant from the Site
- Expansion of public open space to include a 100-foot wide promenade along the waterfront and a 150-foot wide public park on the northwest portion of the site
- Enhancement of public access to the waterfront via a public road to the waterfront park
- Preservation of key viewsheds to the waterfront
- Limitation of building height to 45 feet for a pitched roof and 42 feet for a flat roof
- Relocation of the proposed site for the new Village Hall
- Relocation of the proposed site for the Aquatic/Recreation center

REVISED FEIS SUBMITTED AND ACCEPTED AS COMPLETE

The Applicant then revised the FEIS to include this Preferred Alternative. The revised FEIS also responded to all comments that had been made by involved and interested agencies and the public during both the DEIS public hearings and the public workshops held in June 2005. This revised FEIS was accepted by the Village Board of Trustees and Planning Board on December 20, 2005 and a Notice of Completion was filed. The FEIS and Notice of Completion were circulated and filed with involved and interested agencies on December 21, 2005. Copies were also made available to the public at the Village Clerk's office, the Village Library, and on the Village's website. The co-lead agencies received written comments on the revised FEIS from STV, Inc., consultants for the Village of Sleepy Hollow, Scenic Hudson, Westchester County and a member of the public. The co-lead agencies have responded to these written comments within the recommendations of these Findings.

MEMORANDUM OF AGREEMENT

As part of the Proposed Action, the Applicant and the Village have negotiated a proposed Memorandum of Agreement, which sets forth the mutual rights, obligations, and requirements of the Applicant and the Village governing development and construction of the proposed Ferry Landings project. The provisions of the proposed Memorandum of Agreement (MOA) include, but are not limited to certain construction and demolition work to be performed by the Applicant on behalf of the Village and the Applicant's obligations regarding the Aquatic Center, expansion of the Senior Center, the riverfront esplanade and waterfront park.

In the proposed Memorandum of Agreement the Applicant has agreed to construct twelve affordable housing units off-site, subject to SEQRA review. These units were originally proposed to be provided on the Ferry Landings site as part of the Proposed Action and were included in the total number of residential units on the Site. However, as part of the MOA it has been decided that these units will be provided off-site on the property currently occupied by Village Hall. Redevelopment of the Village Hall site with these

affordable housing units will occur subsequent to site plan approval for the Proposed Action on the Ferry Landings site and details regarding these units are unknown at this time. An Environmental Assessment Form will be required for this action. The Applicant should initiate the site plan process for these units within sixty days of approval of the site plan for the Proposed Action. As part of the MOA, the Applicant will contribute \$1 million towards the construction of a new Village Hall, police station, and courthouse by the Village off-site on an existing surface parking lot across from the H-Bridge. An Environmental Assessment Form will be prepared by the Village for this action.

The SEQRA process will be completed upon the adoption of a Findings Statement and the certifications provided for in the SEQRA regulations.

III. FACTS AND CONCLUSIONS IN THE EIS RELIED UPON TO SUPPORT THE DECISION AND ITS FINDINGS

SUMMARY OF SPECIFIC FINDINGS

A. Land Use, Zoning and Public Policy

The Village of Tarrytown Board of Trustees and Planning Board, upon due consideration of the Draft and Final EIS, and information derived from public hearings and meetings of the Board of Trustees and Planning Board during the course of this SEQRA review, find that the Preferred Alternative will not have a significant adverse impact on land use, zoning and public policy for the following reasons:

The Project Site is zoned Waterfront General Business District (WGBD) and is in the Water-Related Industry Overlay (WRIO) Zoning District. The WGBD was established on the Project Site in 1998 in order to encourage the orderly redevelopment of Tarrytown's waterfront. This zoning designation is consistent with the planning objectives set forth in the Village's Local Waterfront Redevelopment Program (LWRP). Principal permitted uses in the district include conference centers, hotels, restaurants, boat and watercraft sales and rental, marinas, yacht clubs and boat clubs, commercial ferry operations, gift shops and artist studios, ice cream parlors, schools, places of worship, community services centers, passive and active recreational facilities, and cultural and educational facilities. In addition, the following uses are allowed in the district by special permit: warehousing, business and professional offices, single or multiple-family residential uses, computer manufacturing, machine shops, plumbing establishments, railroad stations, and amenities or improvements that the Village Board determines will promote the public's use of the waterfront. The Water-Related Industry Overlay district provides for the continued and expanded operation of existing water-related industry, including the asphalt plant, office and garage uses and allows for outdoor storage and indoor and outdoor parking. The Preferred Alternative will require the adoption of certain bulk and area zoning amendments, which have been analyzed in the revised FEIS.

The Site is currently occupied by heavy and light industrial uses, open materials storage and small office uses. The Site has historically been used for industrial purposes. Presently, specific uses on the site include an asphalt plant operated by Peckham Materials, a one-story building occupied by Barrier Oil, a one-story maintenance garage and office building previously occupied by Anchor Motor Freight, a two story building occupied by the Village's Department of Public Works, and paved areas utilized for school bus parking, truck and auto storage, the auction of automobiles, and staging and loading of automobiles onto auto-transport trucks.

Surrounding land uses in the vicinity of the Site include light industrial, residential, retail and commercial uses. At the foot of Wildey Street, north of the H-bridge and west of Cortlandt Street, there are several light industrial and retail uses, including an electrical and heating supply business, a modular molding distributor, a truck storage facility for Tarry Fuel, an office and garage for Robison Oil, and a building occupied by Tarrytown Bakery. Pierson Park, the Tarrytown Boat Club, Striped Bass Restaurant, Losee Park, the

Washington Irving Boat Club and Sunset Cove Restaurant are located south of the Project Site. East of the railroad tracks at the southeast corner of Cortlandt and Wildey Streets is a commercial plaza containing commercial business and retail uses. The Metro-North Railroad's Tarrytown station is located south of Main Street at Depot Plaza. Asbury Terrace apartments is located at the intersection of Cortlandt and Main Streets across from the railroad station. The Village of Sleepy Hollow borders the Village of Tarrytown North of Division Street. The largest land uses along the Sleepy Hollow waterfront include Ichabod's Landing, a 44 unit residential development on 2.5 acres north of the Castle Oil site and the 98-acre former GM production facility site, which is currently proposed for redevelopment as mixed-use development known as Lighthouse Landing. The Lighthouse Landing project is currently under SEQR review by the Village of Sleepy Hollow.

The proposed development of the Tarrytown waterfront under the Preferred Alternative is consistent with public policy for the redevelopment of the Hudson River waterfront as expressed in the *Village of Tarrytown's Comprehensive Plan*, *Westchester County Greenway Compact Plan*, *Regional Plan Association's Third Regional Plan: A Region at Risk*, and Draft *Local Waterfront Revitalization Program (LWRP)*. These plans call for appropriate water-related development on the Hudson River, which will be achieved with the proposed Preferred Alternative.

The Preferred Alternative includes the development and dedication of an approximately 2.5 acre waterfront park, the creation of open green space and an Aquatic/Recreation Center on the Site. The Preferred Alternative incorporates a 1,100-foot long greenway along the Hudson River, which is 100 feet wide at the southern end and 150 feet wide at the northern end. This northern portion of the greenway will be designed and utilized as a public park. Consistent with the Village's design criteria which call for expanded public access to the waterfront, a public parking area with spaces reserved for handicapped vehicles and a public roadway leading directly to the park are included in the design. The greenway and park connect directly to the Village park system and are consistent with Tarrytown's master plan for its waterfront.

As part of the Proposed Action and memorialized in the proposed Memorandum of Agreement, the Applicant is also contributing \$1,000,000 towards a new Village Hall for the Village. The new Village Hall will be located in the parking lot on the east side of the train station adjacent to the fire station. The Proposed Action also includes a 22,500 square foot Aquatic Center and 2,000 square foot outdoor deck to be built by the Applicant and owned and operated by the Village, which is also set forth in the proposed Memorandum of Agreement. As a result of numerous public meetings, at the Village's request the Applicant has agreed to locate the Aquatic Center on the site of the former DPW building on West Main Street. This building will be an attractive, modern facility that will be actively utilized by the Tarrytown Schools on a scheduled basis for swim training and on a recreational and leisure basis by residents of Tarrytown. The availability of this Aquatic Center will also increase public access and use of the waterfront.

During the public comment period concern was expressed about viewsheds of the Hudson River from the Village. Questions were raised whether the Proposed Action would impair such views. The Applicant was asked to complete detailed studies of viewsheds, which are fully described in the FEIS. The Applicant has produced a physical model of the Site and

surrounding area and a computerized 3-D model. The 3-D model provides for views from all angles. Images of the vantage points from the GM site, Ichabod's Landing, Kingsland Park, Hudson Street, Division Street, Asbury Terrace, Franklin Towers, Rivercliff, Whispering Hill and Main Street are included. Views from the Hudson River, the H-bridge, and Pierson Park are also included in the FEIS.

In response to public comments and the Village's concerns over building heights, the height of buildings on the Site has been limited to 45 feet for pitched roofs and 42 feet for flat roofs, including mechanical and electrical equipment. Upon review of the Applicant's viewshed analysis, the co-lead agencies find that the Preferred Alternative will not have a significant impact on views of the Hudson River and request that the Applicant make every effort to increase the view corridors shown in the revised FEIS in the development of the detailed design for the Site.

While the Preferred Alternative in the FEIS provides a site plan illustrating the location of the proposed uses, the square footage of buildings and the location and size of the waterfront promenade and public park, it does currently not provide the level of detail regarding design and building architecture necessary for final site plan approval by the Planning Board and Architectural Review Board. The details of the site design will be developed by the Applicant in consultation with the Village's Planning Board and Architectural Review Board as part of the site plan review process following SEQR. Specific elements to be addressed through this process include the following:

- **Architectural design of the buildings, including style and materials.**
 - In the FEIS the Applicant has committed to using high quality materials for building facades including brick and limestone, or materials of similar quality.
 - Details of the architectural design of the buildings on the Site will be developed with the Architectural Review Board and Planning Board.
 - Architectural design should reflect the Site's proximity to the river as well as the historic character of the Village, but should not necessarily imitate Main Street architecture.
 - Elevation drawings for each building on the Site must be provided.

- **Building heights.**
 - Building heights will not exceed 45 feet for pitched roofs and 42 feet for flat roofs, including mechanical and electrical equipment that may be located on the roof and parapets.
 - Roof elevation is to be calculated from existing grade (existing grade is established from mean sea level).
 - Building height for pitched roofs is to be taken from the ridge of the roof.
 - Architectural treatments that may add aesthetic interest to building design such as cupolas and chimneys may be excluded from the calculation of building height, subject to review and approval by the Planning Board.
 - Heights of individual buildings must not exceed those stated in the FEIS unless an exception is granted by the Planning Board. These heights are as follows:

<u>Building</u>	<u>Height</u>
Existing Office	26'
Existing County Asphalt Office	35'
Riverhouse	39'
Townhouses	38.5'
Center Court	37.5'
Lookout Building	42'
North Point Park Residences	38'
Garden Residences North	42'
Garden Residences South	42'
Georgetown Courtyard	35'

▪ **View corridors.**

Width of view corridors must, at a minimum, be consistent with those shown on the site plan for the FEIS Preferred Alternative, as follows. The Applicant should make every effort to increase these view corridors in the development of detailed design for the Site.

<u>View Corridor</u>	<u>Width</u>
Southern	50'
Central	100'
Northern	80'

▪ **Impervious surfaces.**

Design of impervious surfaces on the Site, including small parking areas, crosswalks and sidewalks, will be subject to review and approval by the Planning Board and Village Engineer.

▪ **Stable building.**

Determination of the feasibility of the reuse of the former stable building and consideration of appropriate cultural uses for this building should be explored. Demolition and/or reuse of this building will require approval by the Planning Board.

▪ **Open space.**

- A landscaping plan for the Project Site must be provided.
- Plantings must be native, mature species.
- Street trees must be provided along all roadways within the Project Site. Their location and type must be indicated on the landscape plan.
- Organic fertilization must be used on all open space areas, unless an exemption is granted by the Planning Board.
- The Applicant will be responsible for the maintenance of all landscaped areas on the Site, title to which will be retained by the Applicant, with the exception of the waterfront park and riverwalk, which will be conveyed to and be the responsibility of the Village.

- **Waterfront park and riverwalk.**
 - The subdivision plan for the site must identify the waterfront park as a separate tax parcel.
 - The waterfront park is to be dedicated to the Village by the developer.
 - The waterfront park and riverwalk will be designed by a firm selected by the Village.
 - The riverwalk must extend from the Hudson River shoreline to River Street, along Division Street and then to Hudson Street.
 - Minimum building setbacks for the waterfront park must be as follows: 150 feet from the water on the western side of the northern portion of the Site; 120 feet from the water in the central portion of the Site; and 100 feet from the water on the western side of the southern portion of the Site.
 - The buildings along the northern portion of the Site west of River Street must be setback at least 50 feet from the property line.
 - The riverwalk must be at least 10-15 feet wide in all locations.
 - A landscaped buffer must be provided between building frontages and the riverwalk.
 - Needs of both pedestrian and bicycle traffic must be considered in the design of the riverwalk.
 - The possibility of providing space for a Village information kiosk at the end of Main Street, a seasonal vendor such as an ice cream stand, and public restrooms within the waterfront park should be explored.
 - The provision of access to the waterfront for non-motorized boating should be considered.

- **Design of Aquatic/Recreation Center.**
 - Design of this building should incorporate Green Building techniques as promoted by the U.S. Green Building Council, provided that construction costs are in accordance with the Memorandum of Agreement.

- **Commercial uses.**
 - The type and placement of retail and commercial uses will be determined as part of the site plan approval process.
 - Retail uses should generally be located on the ground floor of commercial buildings and should be sited to promote the public's use of the Site, waterfront and river views. Second floor retail uses may be allowed if approved by the Planning Board during site plan review.
 - As part of the site plan approval process, the Applicant will work with the Village to relocate a portion of the retail use currently proposed for the mixed-use building to the County Asphalt office building. In particular, the Applicant should explore the possibility of providing a riverfront restaurant facility on the Site.
 - As part of the site plan approval process, the Applicant will work with the Village to explore the possibility of reconfiguring the existing office building formerly occupied by Anchor Freight to provide for a more attractive entryway to the Site.
 - If banks or real estate offices are located on the ground floor of any commercial building on the Site, they will be considered part of the 65,000 square feet of commercial space required as part of this development and not part of the required 15,000 square feet of retail space.

B. Natural Resources

The Village of Tarrytown Board of Trustees and Planning Board, upon due consideration of the Draft and Final EIS and information derived from public hearings and meetings of the Board of Trustees and Planning Board during the course of this SEQRA review, find that the Preferred Alternative will not have a significant adverse impact on natural resources for the following reasons:

The topography of the Site will not change significantly as a result of the Proposed Action. The Site is largely flat and existing grade ranges from five to eleven feet above mean sea level with the highest elevation along the Site's eastern boundary and the lowest elevation on the western side of the Site near the Hudson River. Proposed grading of the site would retain existing elevations on the majority of the property with the exception of the Riverhouse, Townhouse, Center Court, and North Point Park Residences where 2.5 to 4 feet of fill will be added. The Proposed Action involves construction of buildings within the 100-year flood plain. Areas on the site that are within this floodplain will be raised and graded.

The predominant soil type on the Site is Urban Land. Construction on the site will result in disturbance of soil due to the construction of roads and stormwater control structures, the excavation of foundations, and the removal and stockpiling of topsoil. Potential erosion and sedimentation on the Site will be managed through an Erosion and Sediment Control Plan, utilizing best management practices. During construction erosion control devices will be inspected at least once a week and following any storm event of 0.5 inches of rain or greater. After the Proposed Action is completed all bare soils will be covered with vegetation and erosion will be controlled by the storm sewer system and permanent swales that convey runoff.

There is currently no significant vegetation or natural habitat on the Project Site as it is mostly paved and utilized by light industrial operations. The Proposed Action will enhance wildlife and vegetation on the Site with the creation of green space and planting of a significant number of trees subject to Planning Board approval, including native species, which are expected to attract wildlife, including birds and small mammals. All development on the Site will occur inland of the existing shoreline and will not have an impact on the Hudson River.

Minimal impacts on air quality may result from construction activities on the Site; these impacts will be temporary and will be mitigated by measures to avoid the blowing of dust off-site. These measures will include the planting of vegetative cover at the property boundary to prevent off-site release; placement of all removed topsoil into a topsoil storage area that will be seeded with quick cover vegetation to prevent erosion; grading and gravelling of all roadways; wetting of roadways as needed; covering, washing and maintaining trucks and on-site equipment to minimize fugitive dust; maintenance of clearly delineated vehicle circulation patterns and access; and an on-site speed limit of 15 mph.

Details of the site design relevant to natural resources that will be developed by the Applicant in consultation with the Village's Planning Board as part of the site plan review process following SEQRA include:

- **Erosion and Sediment Control.**
An Erosion and Sediment Control Plan to control erosion and stormwater runoff during construction must be submitted as part of the site plan application.
- **Landscaping and street trees.**
As discussed in Section A, a landscape plan must be provided for the Project Site. The Applicant must provide street trees along all roadways and their location and type must be indicated on the landscape plan. The Applicant must also provide for landscaping along the eastern side of the waterfront park.
- **Hudson River**
No project elements may intrude onto the water other than provisions for water-dependent uses such as non-motorized boating.

C. Hazardous Materials

The Village of Tarrytown Board of Trustees and Planning Board, upon due consideration of the Draft and Final EIS and information derived from public hearings and meetings of the Board of Trustees and Planning Board during the course of this SEQRA review, find that remediation of hazardous materials on the Site will be adequately addressed through remediation activities that have occurred under the supervision of NYS Department of Environmental Conservation (NYSDEC) and continued supervision of remediation activities during project construction by an independent Environmental Monitor for the following reasons:

A substantial portion of the Project Site was subject to environmental remediation under New York State Department of Environmental Conservation's (NYSDEC) Brownfields Cleanup Program. Activities on the Site that caused the contamination that was the subject of the cleanup were a former Penske trucking terminal and maintenance facility on the southeast and central portions of the Site and a former Westchester Lighting manufactured gas plant (MGP). The MGP-related contamination was primarily in the form of dense non-aqueous phase liquid (DNAPL), mostly coal tar. The fuel storage and handling contamination was generally from petroleum products, which are light non-aqueous phase liquids (LNAPL). A Brownfields Cleanup Agreement (BCA) was executed by the Applicant with the NYSDEC to remediate this contamination in order to redevelop the Site. The remediation plan was prepared by Haley & Aldrich and is in accordance with the regulations of the New York State Brownfields Cleanup Program. This remediation plan was approved by NYSDEC on September 3, 2003.

The remediation plan addressed the following areas of identified contamination:

- Holder and Tar Well Area
Contaminated soils and all holder walls and floors were removed and taken off site to a permitted NYSDEC treatment and disposal facility. The excavations were backfilled with clean soil meeting NYSDEC criteria.
- Western and Northern DNAPL Areas
A sheet pile barrier was installed to isolate any DNAPL from the Hudson River. A recovery trench collected DNAPL for off-site treatment at a NYSDEC permitted treatment and disposal facility.
- LNAPL Area
Free petroleum product was removed from the water table utilizing a recovery trench and specialized petroleum skimming pumps. Contaminated soils were removed and taken off-site to a NYSDEC permitted treatment and disposal facility. The excavation was backfilled with clean soil meeting NYSDEC criteria.
- River Sediment Area
Contaminated river sediments were removed and taken off-site to a NYSDEC permitted treatment and disposal facility. The dredged areas were capped with clean backfill meeting NYSDEC criteria.

These remediation actions were performed under the supervision of an on-site project manager from NYSDEC. The work began in May 2004 and was completed in January 2005. The remedial actions were performed in accordance with a site-specific community health and safety plan approved by the NYSDEC and NYS Department of Health (NYSDOH). The record of the remediation work performed was presented to the NYSDEC on March 30, 2005 in a Post Remediation Report. This report was reviewed and accepted by the NYSDEC on April 18, 2005.

Soil gas vapor testing was performed on the Site during pre-remediation investigation in conjunction with NYSDEC and NYSDOH. These tests determined that soil gas vapor is not an exposure pathway of concern on the Project Site. However, as a cautionary measure, a vapor management system consisting of vapor barriers and sub-slab depressurization systems will be incorporated into the construction plans for all newly constructed buildings on the Site. This will ensure that soil vapors do not become a problem on the site in the future. During construction a soil vapor sampling program will be performed and reviewed by the NYSDEC and NYSDOH to confirm the adequacy of the soil vapor management system.

In response to public concerns expressed during the DEIS comment period, the existing County Asphalt Plant operated by Peckham Industries will be removed from the Site as part of the Preferred Alternative. This area was included in the Brownfields Cleanup Program for the entire Project Site and was subject to the remediation plan prepared by Haley & Aldrich, which was approved by NYSDEC in September 2003. The disposition of the plant materials and equipment will be the responsibility of the operator, Peckham Industries, Inc., and will be performed in accordance with all applicable regulations. The plant consists of modular units, including a bag house, fugitive dust system, conveyers, pug mill, rotary dryer, burner assembly, exhaust stack, bin storage silos, above ground storage tanks, aggregate bins, and the control house. These units are anchored in place

to concrete footings and surface slab foundations and will be disassembled for removal. All support vehicles and equipment, including all consumable stored materials (aggregate, millings, liquid asphalt, and fuel) used in the operation of the plant will likewise be removed in their entirety. Operating permits for the plant will be closed in accordance with all applicable laws and regulations. The timing of the plant removal will coincide with the completion of the major site work for the development.

The land area of the asphalt plant was subject to soil testing and sampling as part of the remediation of the Project Site under NYSDEC's Brownfields Cleanup Program. In conjunction with the removal of the asphalt plant the NYSDEC approved remediation plan requires additional sub-surface investigation on the asphalt plant site. This investigation must include proper closure of any above and below ground storage tanks. The investigation will also include three soil borings and one soil vapor probe within the plant footprint with sampling and chemical analysis of soil and vapor for target compound list (TCL) compounds. The investigation plan for these borings and probes will be submitted to NYSDEC for review and approval and the results of the investigation will be presented to NYSDEC for analysis. In the event of a finding of contamination the Applicant will remediate the site in accordance with NYSDEC standards.

In response to concerns regarding the adequacy of environmental remediation activities on the Site that were raised during the SEQRA review process, the Village of Tarrytown hired an independent environmental consultant, EEA, Inc., to review the environmental remediation work conducted at the Ferry Landings development Site. As part of this peer review, EEA, Inc. made several recommendations regarding issues on the Site that must be addressed prior to the issuance of building permits and certificates of occupancy. Compliance with these recommendations will be conditions for the issuance of such permits and certificates. In order to ensure that commitments made with NYS DEC and the recommendations made by EEA, Inc. are carried out, the Applicant will provide for an independent environmental monitor, chosen by the Village, who must be on-site during construction. This monitor will ensure follow-through on post-remedial actions required by NYS DEC and recommendations of EEA, Inc. as follows:

Post-remedial actions required by NYS DEC include:

- Compliance with the DEC approved Operation, Maintenance and Monitoring Plan to ensure the effectiveness of barrier walls and recovery trenches.
- Compliance with the DEC approved Site Management Plan for treatment of soils during design and construction to protect site workers and residents from any possible future exposure to untreated subsurface soil.
- The implementation of institutional controls in the form of deed restrictions to require compliance with the approved Site Management Plan and to prevent the use of groundwater beneath the Site as a source of potable or process water without necessary water quality treatment.
- Annual certification by the property owner(s) that the institutional controls and engineering controls are still in place, have not been altered, and are still effective.
- A Community Health and Safety Plan, to include air monitoring, to protect the community during construction.

Recommendations made by EEA, Inc. include:

- The on-slab construction of all residences must include a vapor barrier and an active venting system, since the remediation was conducted to the site criteria for in situ soils and reuse of the on-site soil to 10 ppm for total BTEX and 500 ppm total Poly Aromatic Hydrocarbons (PAH). In the event that an active venting system is not needed, the blower can be turned off and the system will act as a passive venting system. A comprehensive soil gas sampling program must be developed and initiated in all areas of the site where buildings intended for occupancy will be constructed or existing buildings will be reoccupied following remediation of the site. The data from this investigation should be evaluated to determine the need for active versus passive soil gas ventilation systems beneath the future residential dwellings and commercial building.
- Green areas not covered by structures or roads must be capped with two feet of clean fill. A NYS DEC approved demarcation layer must be placed between the clean fill and the in situ soils.
- In areas where future demolition is planned such as the County Asphalt Plant, subsurface testing must be conducted after demolition to determine if residual contamination is present in these areas. If contamination is found, it must be remediated to NYS DEC standards by the Applicant.
- Information concerning the migration of contamination (LNAPL) via the utility trenches must be provided by the Applicant.
- A subsurface investigation must be conducted for properties transferred to the Village that were excluded from the Brownfield Cleanup, specifically the DPW site (parcels 13 and 14) and the Barrier Oil site. If contamination is found, these properties must be remediated to NYS DEC standards by the Applicant.
- Homeowner/condominium association documents must disclose that the Site was a former Brownfield and must provide for any other disclosures required by NYS DEC or any other state or federal agency.

D. Stormwater Management

The Village of Tarrytown Board of Trustees and Planning Board, upon due consideration of the Draft and Final EIS and information derived from public hearings and meetings of the Board of Trustees and Planning Board during the course of this SEQRA review, find that the Preferred Alternative will not have a significant adverse impact on stormwater management for the following reasons:

The Project Site is currently comprised of 95 percent impervious surface area. The Proposed Action will reduce impervious area on the Site, returning approximately 40 percent of the surface to green space or porous surface. Currently runoff from the Site travels over land to catch basins and then discharges into the Hudson River. Existing runoff from the asphalt plant contains grease, sediment, oil and other nutrients. Under the Proposed Action impervious surface areas on the Site will be designed to capture and filter sediments and pollutants on the Site before they reach the Hudson River significantly improving stormwater runoff conditions on the Site.

A full Stormwater Pollution Prevention Plan (SWPPP) has been developed by the Applicant in accordance with the 2003 New York State Pollution Discharge Elimination System (SPDES) General Permit for Stormwater Discharges Associated with Construction Activities

GP 02-01 and the NYSDEC New York State Stormwater Design Manual. The SWPPP meets all NYSDEC requirements with respect to treatment on the Site and will be subject to further review by the Village Engineer in conjunction with site plan review. No requests will be made for waivers from the NYSDEC guidelines. The Applicant will not only meet, but will exceed NYSDEC guidelines as the quantity of runoff from the Site will be reduced by greater than twenty percent.

In addition, the Proposed Action will eliminate the industrial area from the waterfront and provide significant greenspace on the Site. After construction stormwater runoff will be reduced even further with the addition of the proposed landscaping amenities, which will be installed throughout the site. A buffer of landscaping will be installed along the existing shoreline to further reduce any potential runoff to the Hudson River.

E. Traffic, Circulation and Parking

The Village of Tarrytown Board of Trustees and Planning Board, upon due consideration of the Draft and Final EIS and information derived from public hearings and meetings of the Board of Trustees and Planning Board during the course of this SEQRA review, find that the Preferred Alternative with the required mitigations will not have a significant adverse impact on traffic, circulation and parking for the following reasons:

The main vehicular access to the Project Site will be provided via the H-bridge, which crosses over the Metro-North railroad tracks. Traffic crossing the bridge will have the option to turn either left or right to enter the Site. The Site itself will have two full length east-west roadways that will terminate in cul-de-sacs, two north-south roadways, and several other internal roadways providing access to the residential, commercial and office uses on the Site. Proposed Site access connections are provided in locations that provide adequate sight distance for entering and existing vehicles.

Pedestrian access to the Project Site will be provided from West Main Street and Division Street. Pedestrian access across the H-bridge is currently provided by sidewalks on the eastern side of the roadway. A pedestrian overpass providing access to West Main Street may be considered by the Village in cooperation with Metro-North Railroad in the future when the new Village Hall is constructed on the east side of the railroad tracks. The reopening of the pedestrian tunnel beneath the railroad tracks could potentially provide additional pedestrian access to the Site in the future as well. The Site's pedestrian circulation system will provide for access from the Tarrytown Marina, train station commuter parking area, and Pierson Park, as well as the Village of Sleepy Hollow via the riverwalk that will traverse the western edge of the property. Sidewalks should be provided on both sides of roadways within the project to facilitate pedestrian circulation. Walkways and open spaces between buildings on the Site will be open and accessible to the public, as determined in site plan review.

The Site is located adjacent to the Tarrytown train station and this location, together with access to bus service, provides for multi-modal transportation access to and from the Site. The Tarrytown Train Station is located approximately 0.25 miles from the Project Site and is served by Metro North Commuter Railroad's Hudson Line. In addition, the train station serves as a Bee-Line bus stop, providing service to the Bronx, Yonkers, Dobbs Ferry, Ardsley, Irvington, Elmsford and White Plains. Bus service also connects Tarrytown to

Ossining and Port Chester, as well as to the White Plains Trans-Center. The Tappan Zee Express bus also connects Rockland County to the Tarrytown Train Station. It is expected that the convenience and availability of public transportation will reduce traffic generated by the Proposed Action.

Anticipated site-generated traffic for the Preferred Alternative is much lower than that originally anticipated under the Proposed Action in the DEIS. The traffic evaluation in the DEIS included existing traffic for the asphalt plant as part of the existing traffic volumes on the area roadway network. As a result of the removal of the asphalt plant under the Preferred Alternative there will be a reduction in traffic volumes on the H-bridge and in the vicinity of the Project Site, which will improve the operations projected at area intersections. The removal of the asphalt plant will reduce the amount of truck traffic using the H-bridge by twenty vehicles during the peak hour.

The Preferred Alternative also provides for a significant reduction in commercial floor area from the 350,000 square feet proposed in the DEIS to 80,000 square feet under the Preferred Alternative. This change in commercial floor area has further mitigated expected traffic impacts on the local road system and on Route 9 by over half during the weekday AM and PM peak periods. Traffic during the weekend peak hour has also been reduced although not by as great a percentage. All uses on the Site as proposed under the Preferred Alternative, including residences, commercial buildings, the Aquatic/Recreation Center and the waterfront park are expected to generate a total of 197 trips during the weekday AM peak period and 209 trips during the weekday PM peak period, compared to the 490 and 481 trips that were expected during these respective periods under the development scenario originally proposed in the DEIS. During the weekend peak hour the Preferred Alternative will generate 142 trips, compared to the 179 trips that were expected under the original proposal.

Comments made as part of the public review process noted that the intersection of Beekman Avenue and Cortlandt Street was not included in the traffic analysis. This intersection was not identified as part of the Scoping Document for the Ferry Landings Traffic Study. In response to these comments, however, the Applicant conducted a separate capacity analysis for this intersection utilizing available information. This analysis indicated that the level of service would remain the same for the No-Build and Build conditions.

The condition of the H-bridge was the subject of an examination by an independent structural engineer, Pustola & Associates, PE. The engineering firm concluded that the bridge is structurally sound and capable of handling the projected traffic volumes. The engineers suggested cosmetic improvements to the bridge, including underside painting, and repair of the guardrail. In addition, the Planning Board suggested that a feature at the apex of the bridge be created to provide for a sense of arrival at the waterfront.

The construction of Ferry Landings will be phased, comparable to the phasing of Ichabod's Landing in Sleepy Hollow. The Applicant estimates that an average of 60-70 workers will be on-site during construction of the project. The number of workers will vary with each phase of construction with fewer workers during the site work and early phases and more workers during the later phases. The hours of delivery of building materials to

the Ferry Landings construction site will be staggered to reduce the impacts of construction traffic.

Under the Proposed Action adequate parking to meet the needs of the various uses on the Project Site will be provided. The total number of parking spaces required on the Site based on the Village's zoning code is 941 spaces. This includes 595 spaces for residential, 241 spaces for office, 45 spaces for retail and 60 spaces for restaurant. 216 residential spaces will be accommodated in private garages. For a mixed-use development located in close proximity to mass transit facilities, it is expected that actual parking demand will be less than that required by zoning. Peak parking demand periods for different uses such as residential, office and restaurant are not expected to coincide and it is anticipated that the Site's location near to the Metro North Railroad station will reduce the number of cars that can be expected on the Site. As a result, a 20 percent transit credit can be applied to the Site, resulting in a total parking requirement of 580 spaces. This calculation is based on a 20 percent credit for the total required parking minus private garages as follows:

941 required spaces - 216 garage spaces = 725 remaining required spaces
725 spaces x 20% = 145 credit spaces
725 remaining required spaces - 145 credit spaces = 580 required spaces

As stated in the FEIS, the proposed plan provides for a total of 871 parking spaces, including 216 private garage spaces and 655 surface spaces. In addition, there are 22 surface spaces allocated for the DPW building and 124 spaces proposed for the Aquatic/Recreation Center. Spaces dedicated for the Aquatic/Recreation Center and the Senior Center were not included in the parking analysis provided in the FEIS. Any expansion of the DPW building on the northern edge of the site will require reconfiguration of parking spaces on the southern and western portions of the property, but should not affect the total number of spaces provided on the property. The specific location of all parking spaces on the Site will be finalized as part of the site plan approval process.

Mitigation of potential adverse impacts relevant to traffic, pedestrian and vehicular circulation and parking include the following required measures, which will be conditions of site plan approval. Some of these measures address concerns raised by STV, Inc. on behalf of the Village of Sleepy Hollow regarding mitigation of expected traffic impacts. The Village's traffic consultants have reviewed these mitigation measures and have determined that with their implementation the area roadways can adequately handle the anticipated traffic increases from the Preferred Alternative. The co-lead agencies have reviewed the traffic reports provided by the Applicant as well as written and verbal public comments and find that the following measures will adequately mitigate any potential adverse impacts related to traffic, circulation and parking:

▪ **Roadways and Traffic**

- All roadways within the project site must be built to public road standards and dedicated to the Village as public roadways, unless an exemption is granted by the Planning Board during site plan review.
- River Street must be slightly realigned as a T-intersection to enhance safety for vehicles entering and exiting the Site.

- New interconnected traffic signals should be installed at the H-Bridge ramp intersections to control traffic flow in order to address visibility and conflicting turning movements and increase the efficiency and capacity of these ramps.
 - The Village will petition New York State DOT to study the signalization of the intersection of Route 9 and West Franklin Street. If the State approves signalization of this intersection, the existing pavement may be restriped to provide a separate left turn lane on U.S. Route 9 northbound. Some pavement restriping on Franklin Street may also be required.
 - Signal timing modifications may be made to the intersection of Route 9 and Main Street/Neperan Road to reduce peak hour delays.
 - Signal phasing and timing at the Route 9/Beekman Avenue and Route 9 Bedford Road intersections may be modified to improve their efficiency and operation.
 - New signage should be installed along Route 9 and the various approach roads to efficiently direct traffic to and from the Ferry Landings development.
- **Traffic Calming**
- The cost of all traffic-related improvements that are required directly as a result of the project will be the sole responsibility of the Applicant in addition to the roadway and traffic improvements described above and will include:
 - Traffic calming in the Miller Park neighborhood to slow traffic
 - Pedestrian improvements to the H-Bridge
 - Design and construction of the intersection of the Project Site and River Street.
This design of this intersection will be determined by the Village.
 - The Applicant must make a fair share contribution to the cost of the following traffic improvements outlined in the EIS, which are not required solely due to the Proposed Action. The Village would seek similar fair share contributions from other applicants. The Applicant's traffic engineer will meet with the Village's traffic engineers to discuss a fair share cost for such traffic improvements, including:
 - Striping adjustments on Franklin Street
 - Signalization at the H-Bridge intersections
 - Possible installation of a traffic signal at the intersection of Broadway and Franklin Street
 - If the Villages of Sleepy Hollow and Tarrytown establish a jitney bus service to serve their respective waterfront areas prior to the issuance of certificates of occupancy for the Ferry Landings site, the Applicant must make a fair share contribution to such jitney service.
- **H-Bridge**
- Pedestrian linkages with the H-Bridge must be clearly established.
 - The Site must be designed to allow for connection to a potential future pedestrian bridge or a reopened pedestrian tunnel below the Metro-North Railroad tracks, which may be pursued by the Village at a later date.
 - Pedestrian safety issues on the H-Bridge must be addressed in cooperation with the Village.
 - As stated in the Memorandum of Agreement, subject to consent of regulatory agencies, the Applicant will be responsible for cosmetic improvements to the H-Bridge, including underside repainting and repair of the guardrail. The creation of a feature at the apex of the bridge to create a sense of arrival at the waterfront will be developed in conjunction with the Planning Board.

▪ **Pedestrian Circulation**

- Safe pedestrian crossings must be provided throughout the Site. Crosswalks should be designed with brick pavers or other appropriate materials that enhance the aesthetic quality of the development.
- Sidewalks must be provided along all roadways within the Project Site and must be dedicated to the Village as public sidewalks, which will be owned and maintained by the Village of Tarrytown. Sidewalk widths must comply with Village standards.
- The pedestrian circulation system throughout the Site must provide clear access and linkages from the Village to ensure that this area does not become a private, residential enclave.
- Clear pedestrian access to public amenities and commercial uses on the Site must be provided.

▪ **Parking**

- Adequate public parking must be provided at locations convenient to facilities that will serve the public, including the riverwalk, and commercial and retail buildings. A public parking area should be provided at the terminus of the northern cul-de-sac adjacent to the waterfront park.
- Parking spaces that are not provided in private garages or driveways will be available for general public use.
- Signage specifying public parking areas for visitors to the waterfront park must be provided.
- No parking should be allowed on the internal roadway that comes into River Street.
- Parking for the Aquatic Center should not be sited on the south side of the building.

F. Socioeconomic/Fiscal

The Village of Tarrytown Board of Trustees and Planning Board, upon due consideration of the Draft and Final EIS and information derived from public hearings and meetings of the Board of Trustees and Planning Board during the course of this SEQRA review, find that the Preferred Alternative will not have a significant adverse socioeconomic/fiscal impact for the following reasons:

The 238 residential units proposed on the Site are projected to introduce approximately 533 new residents to the Village of Tarrytown. This is a 4.8 percent increase over the Village's existing population. The residential units on the Site will be one and two bedroom loft apartments and two and three bedroom townhouses. Of these units 108 will be townhouses and 130 will be condominiums.

Total projected tax revenue for 2011-2012 as a result of the Proposed Project will be approximately \$4.06 million. This is an increase of approximately \$3.6 million over existing tax revenues generated by the property. Of the total additional tax revenue that will be generated by the Site upon completion of the project, the Village of Tarrytown will receive approximately \$936,000, the Town of Greenburgh will receive \$35,000, Westchester County will receive \$390,000, and the Union Free School District of the

Tarrytowns (UFSDT) will receive \$2.2 million. This is a significant increase over the proposed action in the DEIS, which would have generated a total of approximately \$2.6 million in tax revenues.

Based on the Proportional Valuation Method municipal costs associated with the Proposed Action are expected to be approximately \$217,000 annually. Given these costs, the Village of Tarrytown can expect a net fiscal benefit of \$840,000 per year as a result of the project. Costs to the UFSDT associated with educating the additional 47 students that are expected to result from the Proposed Action will be approximately \$768,000, including state aid. 83 percent of these costs, or \$637,000, will be met by property tax revenues and the remainder will be met through aid from other sources including rental of real property, interest, building and transportation aid, County sales tax distribution and BOCES aid. Therefore, taking into account the contribution of property taxes towards the cost of educating these additional students, the net fiscal benefit of the Proposed Action to the school district will be approximately \$1.6 million per year.

These tax revenue projections are based on the assumption that the townhouses on the Site will be sold as single-family homes in order to maximize tax revenues to the Village. Therefore, as stated in the Memorandum of Agreement, the townhouses on the Site must be sold as fee-simple, single-family units, which will be a condition of site plan approval.

G. Community Facilities and Services

The Village of Tarrytown Board of Trustees and Planning Board, upon due consideration of the Draft and Final EIS and information derived from public hearings and meetings of the Board of Trustees and Planning Board during the course of this SEQRA review, find that the Preferred Alternative will not have a significant adverse impact on community facilities and services for the following reasons:

The Proposed Action is expected to generate approximately 12,000 pounds of solid waste per week. This is a significant reduction in the amount of solid waste that would have been generated by the site under the original DEIS proposal, which would have produced approximately 15,000 pounds of solid waste per week. Solid waste will be handled by the Village, which has adequate capacity to treat the solid waste that will be generated by the Proposed Action.

Anticipated water demand from the Proposed Action is expected to be 83,000 gallons per day. This is an increase of approximately ten percent over the water that would have been demanded by the original DEIS proposal. The Village of Tarrytown's engineer has indicated that the Village has sufficient water capacity to service the proposed project under the Preferred Alternative. Wastewater that is expected to be generated by the Preferred Alternative is similar to expected water usage and the development is expected to generate 83,000 gallons of wastewater per day. The Westchester County Sewer Authority has adequate capacity in gravity sewer trunk lines, pump stations, and the Yonkers Wastewater Treatment Facility to treat this additional wastewater.

The Proposed Action will generate approximately 47 new school-age children based on multipliers provided in the 1994 Urban Land Institute Development Impact Handbook. These additional children represent a two percent increase in total school enrollment and

would bring the district's enrollment to 2,670 students. Although the school district is currently over capacity, it plans to begin a significant renovation and expansion program in 2006 that will increase capacity to 2,900 students.

The details of the site design relevant to community facilities and services that will be developed by the Applicant in consultation with the Village's Planning Board include:

- **Village Hall**

The Applicant will contribute up to \$1 million towards construction of a new Village Hall, police station and courthouse on an existing surface parking lot across from the H-bridge. The design of the building will be controlled by the Village.

- **Aquatic/Recreation Center**

The Applicant will construct a 22,500 square foot aquatic/recreation center on the site of the former DPW building on West Main Street. The building will be designed to incorporate Green Building techniques as promoted by the U.S. Green Building Council.

- **Senior Center**

The Applicant will construct an addition to the Senior Center within sixty days of site plan approval, per the Memorandum of Agreement.

H. Cultural Resources

The Village of Tarrytown Board of Trustees and Planning Board, upon due consideration of the Draft and Final EIS and information derived from public hearings and meetings of the Board of Trustees and Planning Board during the course of this SEQRA review, find that the Preferred Alternative will not have a significant adverse impact on cultural resources for the following reasons:

Until filled in during the late 19th Century the Project Site was part of the Hudson River. From that time until the present the Site has been home to ongoing industrial operations. No significant historic or archaeological resources are present on the property. An old stable building is located on the Site. While this building is not a designated historic site, it could potentially be reused as a culturally-oriented space such as an art gallery, theater, dance studio or similar use and serve as a reminder of the industrial heritage of the Site. Plans to demolish or reuse this building will require approval by the Planning Board.

As discussed in Section A, the possibility of providing space for a Village kiosk at the end of Main Street within the waterfront park should be explored. This kiosk could serve as a cultural resource on the Site, providing information on historic sites, restaurants, shops, parks and other points of interest in the Village.

I. Construction Phasing

- As part of the site plan approval process the Applicant must provide an infrastructure phasing plan detailing segments of streets, parking areas and walkways that are to be completed as part of each phase of construction.
- Construction must be adequately phased subject to approval by the Village in order to minimize impacts to commuter and other traffic.
- Construction on the Site will occur between 8:00 AM and 6:00 PM, Monday through Friday, per the Village Code. Construction on Saturdays, Sundays and legal holidays will require a special permit from the Village Engineer due to sensitivity to noise and traffic on such days.

GENERAL FINDINGS

Name of Action: Ferry Landings

CERTIFICATION OF FINDINGS TO APPROVE/FUND/UNDERTAKE

Having considered the Draft and Final EIS, and having considered the preceding written facts and conclusions relied upon to meet the requirements of 6 NYCRR 617.9, this Statement of Findings certifies that:

1. The requirements of 6 NYCRR Part 617 have been met;
2. Consistent with the social, economic, and other essential considerations from among the reasonable alternatives thereto, the action approved is one which minimizes or avoids adverse environmental effects to the maximum extent practicable; including the effects disclosed in the environmental impact statement, and
3. Consistent with the social, economic, and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the environmental impact statement process will be minimized or avoided by incorporating as conditions to the decision those mitigative measures which were identified as practicable.
4. (and, if applicable) Consistent with the applicable policies of Article 42 of the Executive Law, as implemented by 19 NYCRR 600.5, this action will achieve a balance between the protection of the environment and the need to accommodate social and economic considerations.

Name of Agency

Signature of Responsible Official

Title of Responsible Official

Name of Responsible Official

Date

Address of Agency