

671.21

State Environmental Quality Review  
Greystone on Hudson Residential Subdivision

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 Planning Board ("the Planning Board"), as Lead Agency, makes the following findings.

**I. INTRODUCTION**

**Name of Action:**

Greystone on Hudson Residential Subdivision

**Name of Applicant:**

Broadway on Hudson Estates LLC and River Towns Estates LLC

**Agency Jurisdiction(s):**

Village of Tarrytown Board of Trustees

- Dedication of open space parcel
- Extension of water and sewer districts to include Greenburgh portion of Greystone on Hudson

Village of Tarrytown Planning Board

- Subdivision Approval
- Site Plan Approval

Village of Tarrytown Architectural Review Board

- Architectural Review

Village of Tarrytown Department of Public Works

- Street Opening Permit for Greenburgh for Roundabend Road water connection

Town of Greenburgh

- Subdivision Approval
- Site Plan Approval

Westchester County Department of Health

- Water and Sewer Connections

New York State Department of Environmental Conservation

- General SPDES Permit

New York State Department of Transportation

- Highway Work Permit

New York State Department of State Division of Coastal Resources

- Coastal Zone Consistency Review

**SEQR Status:**

Type 1

**Date Final EIS Filed:**

April 6, 2012

## II. DESCRIPTION OF ACTION AND LOCATION

The project site is located at 612 South Broadway in the Village of Tarrytown, New York in Westchester County. The action involves an application by Broadway on Hudson Estates, LLC for the approval of a 9 lot residential subdivision (8 homes) on approximately 28 acres in the Village of Tarrytown (“Tarrytown”) and a 13 lot (12 homes) subdivision on approximately 56 acres in the Town of Greenburgh (“Greenburgh”) by River Towns Estates LLC. The Tarrytown parcel is identified on the tax map of the Village of Tarrytown as Sheet 29, Lot P42B and P42B2 and portions of adjacent parcels and is located in an R-60 zone. The Greenburgh parcel is identified on the tax map of the Town of Greenburgh as 25-52-P247 and is located in an R-40 zone.

As part of this project a 21.7 acre parcel in Greenburgh will be donated to the Town of Greenburgh as open space and will be added to the adjacent Taxter Ridge Park. A conservation easement will be granted to the Village of Tarrytown to guarantee that Tarrytown residents maintain access to this open space in perpetuity. A trail(s) will be provided that links this open space parcel to Taxter Ridge Park through the proposed Jardim Estates East development proposed north of the project site. An additional open space parcel including a historic gateway will be donated to the Village of Tarrytown to connect with the Old Croton Aqueduct trail when leaving Lyndhurst.

## III. HISTORY AND COMPLIANCE WITH SEQRA REQUIREMENTS

The following is an overview of the project history and compliance with SEQRA requirements.

- September 7, 2011 the Applicant submitted an application for Subdivision Approval to the Village of Tarrytown.
- October 25, 2011 the Applicant submitted an application for Subdivision Approval to the Town of Greenburgh.
- October 25, 2011 the Applicant submitted an Environmental Assessment Form (EAF) to the Village of Tarrytown and the Town of Greenburgh.
- November 17, 2011 The Village of Tarrytown declared its Intent to be Lead Agency.
- December 8, 2011 the Village of Tarrytown Planning Board circulated the EAF and Notice of Intent to be Lead Agency to all Involved Agencies.

- January 12, 2012 the Village of Tarrytown Planning Board declared itself Lead Agency.
- January 12, 2012 the Village of Tarrytown Planning Board issued a Positive Declaration, which required the preparation of a Draft Environmental Impact Statement.
- January 19, 2012 the Applicant submitted a Draft Environmental Impact Statement (DEIS) to the Village of Tarrytown Planning Board.
- February 27, 2012 the Planning Board accepted the DEIS as complete for public distribution and scheduled a public hearing on the DEIS for March 26, 2012.
- March 26, 2012 the Planning Board held a public hearing on the DEIS at which the public had the opportunity to provide comments on the DEIS.
- March 26, 2012 the Planning Board closed the public hearing on the DEIS and established April 5, 2012 as the closing date for submission of written comments.
- April 6, 2012 the Applicant submitted a Final Environmental Impact Statement (FEIS).

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

**IV. 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 Planning Board, upon due consideration of the Draft and Final EIS, and information derived from public hearings and meetings of the Planning Board during the course of this SEQRA review, find that the Proposed Action will not have a significant adverse impact on land use, zoning and public policy for the following reasons:*

The Proposed Action, which calls for the development of 8 single family homes in the Village of Tarrytown and 12 single family homes in the Town of Greenburgh, is compatible with land uses in the surrounding area. Deed restrictions on the property will prevent any further subdivision of the residential lots, which will guarantee retention of the established density on the site.

The Proposed Action includes the donation of a 21.7 acre parcel in Greenburgh to the Town as open space with a conservation easement to the Village of Tarrytown to provide general pedestrian access to this open space in perpetuity. The conservation easement will be created prior to the final Village of Tarrytown subdivision approval even though the Greenburgh land that is subject to the conservation easement will not yet be subdivided at that time. Once the Greenburgh property has been subdivided, the Town, the County of Westchester and the State of New York will have 180 days within which to accept the transfer of the 21.7 acre open space parcel. If the Town, the County and the State refuse the transfer or do not act on the offer within the 180 day time frame, then the applicant must transfer the property to a not-for-profit conservation organization, pursuant to ECL 49-0305(3)(a).

The Proposed Action also includes the donation of a parcel to the Village of Tarrytown to provide a connection to the Old Croton Aqueduct. The private roadway within the site adjacent to the Tarryhill subdivision will be relocated to reduce impacts on the Tarryhill neighborhood. Other public improvements included in the project are a parking lot on Taxter Road to serve Taxter Ridge Park and the development of a trail to connect the donated open space parcel with the Jardim East subdivision north of the site and Taxter Ridge Park.

The project site is zoned R-60 in the Village of Tarrytown and R-40 in the Town of Greenburgh. The lots exceed the minimum lot size for the zones in which they are located.

Tarrytown lots range in size from 96,195 to 141,338 square feet; Greenburgh lots range in size from 87,903 to 239,415 square feet. The Proposed Action is being developed as a cluster subdivision in accordance with §305-131 of the Village of Tarrytown's zoning code. As required under this section, the applicant prepared a conventional subdivision plan for the project site, which showed 14 lots in the Village of Tarrytown and 33 lots in the Town of Greenburgh. Based on feedback from the Village and the applicant's vision for development of the property, the Proposed Action is a cluster subdivision with substantially fewer lots and a 21.7 acre open space parcel, which will be donated to either the Town of Greenburgh or a not-for-profit conservation organization, as outlined above, with access to the Village of Tarrytown in perpetuity via a conservation easement.

The Village's cluster subdivision provisions grant the Planning Board the authority to "modify all lot and bulk regulations, including lot width, frontage, setbacks, yards, floor area ratios and building height, if it makes findings that three of the criteria for such modifications, hereinafter [in the code] set forth, have been met." The criteria that have been met by the Proposed Action include the following:

- 305-131(e)[3] Environmentally valuable, sensitive lands and other resources are protected
- 305-131(e)[4] The open space is enhanced
- 305-131(e)[5] Linkages to other open space areas are provided

The Planning Board has determined that the Proposed Action is consistent with these criteria and therefore, supports allowing an increase in building height and an increase in floor area for the proposed residences. Gross floor area will be less than 15,000 square feet, as provided for in the Village code. As specified in the code, up to 15,000 square feet of gross floor area is allowed for lots greater than 76,230 square feet in size.

The Proposed Action is consistent with local and county policies, including the Village's Draft Local Waterfront Revitalization Program (LWRP) and the County's Patterns for Westchester policy document. The Proposed Action complies with the LWRP by preserving the character of the existing stone wall along South Broadway, restoration and preservation of the historic tree lined road within the site, maintaining a 30-foot buffer along the Old Croton Aqueduct, and preserving open space. The Proposed Action is required to address the Village's affordable housing regulations. As outlined in the Village code, for residential developments of eight or nine units, one affordable unit must be created by the applicant. Such unit may be provided off site upon approval by the Village Board of Trustees. The applicant is working with the Village to determine a location for the required affordable housing.

## **B. Natural Resources**

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

### Wildlife

There are no listed protected species or habitats on the site. With development of the site under the Proposed Action disturbance of the site will be minimized and natural areas protected to the maximum extent practicable. There may be temporary displacement of the different wildlife species on the property; however, a wildlife corridor will remain that connects to large open space tracts of land. This will allow the free movement of species throughout the site. A trail corridor will be provided connecting the site to Taxter Ridge Park via the Jardim Estates East subdivision north of the property. In addition, a 21.7 acre open space parcel will be donated as open space in perpetuity, protecting it from development and preserving wildlife habitats. This parcel includes wooded and wetland areas, which will be protected from disturbance. Further, wetlands on the site will be protected, minimizing disturbance of amphibians and reptiles.

### Wetlands

There are three wetland areas on the site, all on the Town of Greenburgh portion of the property. Wetland A is primarily a watercourse or intermittent drainage channel, which passes south to north through the 21.7 acre open space parcel to be donated to the Town of Greenburgh or a not-for-profit conservation organization, as outlined in Section IV.A above. This wetland will not be disturbed as a result of the Proposed Action and a 100 foot wetland buffer area will be maintained. Wetland B is in the mid-section of proposed Greenburgh lots 9 and 10. This wetland will not be disturbed and will be protected by a 100 foot wetland buffer, which will not be disturbed.

Wetland C is in the northeasterly portion of proposed lots 2 and 3 and the northerly portion of proposed lots 5, 6 and 7 in the Town of Greenburgh. This wetland will not be disturbed by any development. However, the wetland buffer area will be disturbed in some locations. A minimum wetland buffer area of 35 feet will be maintained around this wetland and a 100 foot buffer will be maintained where practicable. The portion of wetland buffer between 35 and 100 feet will be temporarily disturbed during construction for installation of stormwater lines and permanently disturbed for installation of two forebays and an attenuation pond, which are required for implementation of the stormwater protection plan. The intermittent drainage channel that feeds Wetland C results primarily from the overflow of the Village of Tarrytown water storage tank. This

channel will be eliminated as a result of improvements to the tank and an underground storm drainage pipe will be provided. Portions of the former drainage channel for this overflow will be replaced by home and driveway construction.

Where the 100 foot buffer is to be disturbed temporarily for construction, it will be promptly restored and planted with dense native woody plant species. Where portions of the 100 foot buffer areas in Wetland C are to be permanently disturbed, the storm drainage system has been designed to assure continued water flow, which is to be pre-treated in the water quality facilities to be installed. Additional mitigation will be provided by improving the density and diversity of native woody plant species within natural buffer areas which will not be disturbed.

The intermittent water course caused by the Village of Tarrytown water storage tank overflow, which will be removed, will not diminish the ecological characteristics of the site. This area does not serve as a habitat for protected wildlife or vegetation, does not serve marine wildlife and does not serve water quality functions. Its only function was to channel some runoff and some over flow from the water storage tank. This function is to be replaced by a stormwater pipe system. The principal mitigation for removal of this wetland/water course is the donation by the Applicant of a 21.7 acre natural open space parcel.

#### Vegetation

The Project Site consists primarily of upland woods, which are characterized by an understory of herbaceous plant material, woody shrubs, minor trees and major trees. The plants in the understory are fairly sparse, reflecting over browsing by deer. The major tree species include oak, maple, tulip tree, hickory, ash, birch, cherry and beech. Trees of 36 inch (bdh) or greater as well as uncommon trees of significant size (such as shagbark hickory and American elm) and a 60 inch beech tree have been identified as specimen trees, which will be preserved on the site. On the Tarrytown portion of the site approximately 50 percent of the property will remain in its natural state without disturbance of trees, shrubs, vines or herbaceous plants. Approximately 38 percent of the property will be re-landscaped with a combination of native and non-invasive, non-native species. On the Greenburgh portion of the site (excluding the 21.7 acre open space parcel) approximately 70 percent of the property will be retained in its natural state and 25 percent will be re-landscaped with a combination of native and non invasive, non-native species. The applicant will work with the Village's landscape consultant to determine appropriate plantings for the project site. Site plantings should be attractive year round and as deer resistant as possible. Appropriate landscaped screening will be provided for all abutting neighbors, including Tarryhill residences and the Ding/Shue and Coppola properties.

### Soil Resources and Topography

The predominant soil type on the site is Charlton-Chatfield complex (rolling, very rocky), followed by Charlton Loam and Chatfield-Charlton complex (hilly, very rocky). There are small rock outcroppings scattered throughout the site. On the Tarrytown portion of the site 19.4 percent of the land consists of slopes of 15% or greater. On the Greenburgh portion of the site that is proposed for development (excluding the 21.7 acre open space parcel) 36 percent of the land consists of steep slopes ranging from 15-25%; 11.7 percent of the site consists of steep slopes 25-35% and 7.2 percent of the site has slopes greater than 35%.

The proposed residences have been carefully sited to minimize disturbance to steep slopes. No homes have been sited on slopes greater than 25%. A small portion of the proposed roadway through the site is through slopes of 25%. This is in order to restore the existing historic tree lined carriage trail road and preserve specimen trees. Construction on the site will result in the disturbance of soil due to the construction of roads, residences and stormwater control structures. 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 regularly and following any storm event of 0.5 inches of rain or greater. After construction is completed all bare soils will be covered with vegetation and erosion will be controlled by the stormwater management system.

### Stormwater Management

In the Village of Tarrytown the project site generally drains from east to west and includes seven watershed areas. In the Town of Greenburgh the site generally drains from south to north and includes six watershed areas. There are currently flooding impacts to South Broadway (Route 9) as a result of flows through the project site, which emanate from five adjacent off-site properties. The flow from these adjacent properties that causes the flooding is to be addressed as part of the project's Stormwater Management Plan. This plan provides for a pipe to carry the water from the existing underground pipes to Tarryhill Pond.

The proposed plan will result in substantial mitigation of peak storm flooding impacts on Route 9. Post development rate of runoff will be significantly improved over pre development runoff. Prior to construction a Stormwater Protection Plan (SWPP), which will detail plans for monitoring and maintenance of the stormwater management system on the site will be submitted to the Village of Tarrytown for review and approval by the Village Engineer. A construction sequencing plan will be provided, which will include erosion control measures that will be undertaken during construction and after completion of each construction phase.

### C. Traffic and Circulation

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

Vehicular access to the site will be provided via South Broadway (Route 9). This entranceway will go through the South Broadway buffer in order to connect with the existing roadway on the site. Use of the existing roadway is intended to create less overall disturbance on the project site. Emergency access will be provided via Roundabend Road in order to provide a secondary access point in and out of the site to address safety. A break-away gate is and will continue to be provided at this location to limit access for emergencies only. This access way should be paved with a material that can be plowed to allow access for emergency vehicles.

The internal roadway on the project site will be a private roadway; roadway maintenance will be the responsibility of the Homeowners' Association. Along the southern portion of the site the internal roadway adjacent to the Tarryhill subdivision will be relocated to reduce impacts on the Tarryhill neighborhood. In order to preserve the historic, tree-lined roadway on the northern portion of the site, the internal roadway will be 18 foot wide in this location. In addition, in order to utilize the existing internal roadway and minimize disturbance to neighboring properties, portions of the roadway will have a grade above 10% with a maximum grade of 12%. In order to minimize glare/light pollution and impacts on adjacent property owners, no street lights are proposed on the internal roadway on the project site.

A trail system will be provided on the property to provide pedestrian access from the project site through the adjacent proposed Jardim East subdivision to Taxter Ridge Park. Pedestrian and bicycle safety within the project site will be addressed by the applicant in consultation with the Planning Board as part of the site plan review process. If individual mail delivery is not provided by the postal service, a mail pick up area will be located on the site.

The Proposed Action is expected to generate 27 trips during the AM peak period and 26 trips during the PM peak period. In the traffic analysis cumulative impacts from the following proposed developments were considered:

- Lighthouse Landing (General Motors property)
- Hudson Harbor (portion not yet completed)
- 155 White Plains Road (expansion)

- Jardim Estates East
- JCC expansion

The cumulative impacts of these developments were considered in establishment of baseline traffic for the No Build condition. The Build condition is the sum of existing traffic, traffic anticipated from the proposed developments noted above and traffic expected to be generated by the proposed development. Level of Service (LOS) under existing conditions at the site entrance on Route 9 is C in the AM and PM peak periods. Under both the No Build condition (which includes cumulative impacts) and the Build condition, LOS will be D in the AM and PM peak periods.

The traffic analysis also considered existing sight distances at the site driveway approach to Route 9 and found that there is approximately 1,750 feet of sight distance to the left from the site driveway and 535 feet of sight distance to the right. Although the posted speed limit is 35 mph there is sufficient sight distance to see vehicles traveling well in excess of this speed.

#### **D. Fiscal Impacts**

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

The Proposed Action is expected to generate approximately \$545,700 in annual property tax revenue (\$245,712 in tax revenue to the Village and 300,000 in tax revenue to the Town), assuming that each home is sold at a price of \$5 million. Under this assumption, approximately \$1.3 million in school taxes is expected to be generated by the development. If the homes are sold for less than the \$5 million anticipated by the Applicant, then tax revenues would be less than those projected above. The chart below outlines tax revenues to the Village of Tarrytown and the Irvington School District at different price points ranging from \$2.5 to \$4.5 million. At these price points taxes to the Village of Tarrytown would range from \$123,000 to \$221,000 and taxes to the school district would range from \$841,000 to \$1.7 million.

| <u>Sales Price</u> | <u>Tarrytown Property Tax Revenue Range</u> |
|--------------------|---|
| \$4.5 million      | \$221,141                                   |
| \$4 million        | \$196,570                                   |
| \$3.5 million      | \$171,999                                   |
| \$3 million        | \$147,427                                   |
| \$2.5 million      | \$122,856                                   |

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| <u>Sales Price</u> | <u>Irvington School District Tax Revenue Range</u> |
|--------------------|--|
| \$4.5 million      | \$1,681,700  |
| \$4 million        | \$1,345,360  |
| \$3.5 million      | \$1,177,190  |
| \$3 million        | \$1,009,020  |
| \$2.5 million      | \$ 840,850   |

Fiscal impacts to the Village and Town for community services such as police, fire and solid waste removal are expected to be incremental and will be offset by property and school tax revenues at all price points.

### **E. Community Facilities and Services**

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

#### Schools

The project site is within the Irvington School District. The Proposed Action is expected to generate 17-21 students who would potentially attend school in the district. The proposed subdivision of the adjacent Jardim Estates East site is expected to generate 4-6 students. The Irvington School District projects a decrease in enrollment of 232 students by the 2018-2019 school year. Therefore, the school district is expected to have adequate capacity to accommodate new students that would be generated by these projects. Given that the Proposed Action will generate approximately \$1.3 million in tax revenue to the Irvington School District every year and the district is expecting a decrease in enrollment of over the course of the next six years, no impacts to the school district are expected.

#### Police Protection and Fire

The Proposed Action will generate approximately 85 residents. Per the Tarrytown and Greenburgh codes, all the proposed residences will be equipped with sprinkler systems. The homes will also be fitted with state-of-the-art security systems. Therefore, it is anticipated that impacts to police and fire departments to serve the project site will be minimal.

#### Snow Removal and Trash Collection

All of the roads within the proposed subdivision will be private roads. Street cleaning, snow plowing and road maintenance will be the responsibility of the homeowners association. Trash collection will be provided by the Village of Tarrytown and the Town of

Greenburgh. The marginal cost of trash collection will be offset by the tax revenues to the municipalities that will be generated by the Proposed Action.

### Open Space and Recreation

The Proposed Action will increase open space in the Town of Greenburgh and access to open space by the Village of Tarrytown as a result of the donation of the 21.7 acre open space parcel. Access to this open space for the Village of Tarrytown will be guaranteed in perpetuity through a conservation easement to the Village. This easement must guarantee the use of the property for recreation purposes including, but not limited to walking, biking, hiking and other forms of recreation and outdoor education purposes and non-destructive scientific research. The conservation easement will be created prior to the final Village of Tarrytown subdivision approval even though the Greenburgh land that is subject to the conservation easement will not yet be subdivided at that time. Once the Greenburgh property has been subdivided, the Town, the County of Westchester and the State of New York will have 180 days within which to accept the transfer of the 21.7 acre open space parcel. If the Town, the County and the State refuse the transfer or do not act within the 180 day time frame, then the applicant must transfer the property to a not-for-profit conservation organization, pursuant to ECL 49-0305(3)(a).

The project is not expected to generate significant impacts to existing Village and Town parks and recreation facilities. Any incremental impacts to existing facilities will be offset by the tax revenues to the municipalities that will be generated by the Proposed Action. Recreation fees are to be provided by the applicant in accordance with Village subdivision regulations.

### **F. Utilities and Infrastructure**

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

#### Domestic Water

The Proposed Action is expected to generate a water demand of 8,000 gallons per day at a rate of 400 gallons per day per residence. In the Village of Tarrytown homes will be served by a connection to an existing 16 inch water main located near the Town of Greenburgh/Village of Tarrytown boundary line and by a connection to the Village's existing water main located within South Broadway. The homes in Greenburgh will be connected to the Village of Tarrytown's existing 16 inch water main. The Greenburgh residences will be charged for their water use at out-of-Village water rates, which are

currently 50 percent more than in-Village water rates. The water system has adequate pressure and capacity to serve this new demand.

### Sanitary Sewer Services

The residences in both Tarrytown and Greenburgh will be connected to the Village of Tarrytown's sanitary sewer system. As part of the environmental review process, the Village of Tarrytown requested that sanitary sewer monitoring be performed at the Village's existing sanitary sewer manhole at the intersection of Walter Street and Route 9. The 30-day monitoring commenced on November 2, 2011. At the end of the 30-day period the data collected demonstrated adequate capacity for the 20 homes to be constructed on the project site. The applicant will work with the Village Engineer to implement measures that will offset the projected increase in flow through reductions in inflow/infiltration (I&I). The Tarrytown sewer system discharges into the Westchester County system. The effluent is treated at a service plant in Yonkers, which has adequate capacity to serve new demand expected to result from the Proposed Action.

### Solid Waste

The Proposed Action is expected to generate 106 cubic yards of solid waste per week at a rate of 5.3 cubic yards per home per week. This waste will be collected by the Tarrytown and Greenburgh Public Works Departments. The waste will be disposed of at the Westchester County Plant in Peekskill. The Proposed Action is expected to generate \$28,060 in tax revenue per year to the County Refuse District. It is expected that the incremental impacts of the additional solid waste disposal will be offset by this tax revenue.

## **G. Historic, Visual and Cultural Resources**

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

### Historic and Visual Resources

No remaining historic resources have been identified on the project site. The Proposed Action will restore the historic tree-lined carriage trail along the northern portion of the site, which led to the former Greystone Mansion and outbuildings. The portion of the site in the Town of Greenburgh is located behind the Copolla/Nigerian Embassy ridge and is

not visible from Lyndhurst, the Old Croton Aqueduct or the Tappan Zee Bridge. Views of the Hudson River from neighboring properties will not be affected by the Proposed Action.

The Proposed Action will have no adverse impacts on the National Historic Landmark/ National Register listed Old Croton Aqueduct. The nearest house will be 410 feet from the Old Croton Aqueduct and set back 340 feet from South Broadway. In addition, the Proposed Action includes the donation of land along the southern border of the Old Croton Aqueduct that includes the existing gateway to the Village of Tarrytown. At present there is no break in the stone wall on the east side of South Broadway, therefore the donated entrance will significantly improve access to the trail.

The Lyndhurst gatehouse on South Broadway is the closest historic structure to the project site. The majority of the site will be screened by the large trees on the Lyndhurst property. The low density of the Proposed Action and the large lot sizes will preserve much of the natural topography and tree lines, resulting in no overwhelming intrusion to the viewscape from the limited portions of the Lyndhurst property that have seasonal (winter) views of the property. The proposed homes will be historic in nature and compliment the historic district adjacent to the project site.

#### Cultural Resources

A detailed report analyzing cultural resources on the project site was prepared by Historical Resources Inc. (HPI). HPI found no evidence of pre-contact cultural resources on the site. Much of the site has been disturbed during multiple episodes of construction, demolition, and grading throughout the site's history. HPI found that some areas contained artifacts; however, none of the artifacts found were in intact archaeological contexts and most dated to the 20<sup>th</sup> Century.

#### **H. Construction Impacts**

*The Village of Tarrytown Planning Board, upon due consideration of the Draft and Final EIS, and information derived from public hearings and meetings of the Planning Board during the course of this SEQRA review, find that the Proposed Action will not have a significant adverse construction impacts for the following reasons:*

Outdoor construction activities that would generate potential noise or dust impacts will comply with Tarrytown and Greenburgh code requirements and will be limited to 8 AM to 6 PM weekdays and 8 AM to 6 PM on Saturdays. No such work will be performed on Sundays or public holidays. Construction vehicles should approach the site from the north.

There are a number of noise abatement measures that reflect standard engineering practices, guidelines, and requirements for construction-related activities that will be utilized to minimize or reduce potential noise impacts during construction. The following steps will be taken as appropriate to minimize sound levels generated during construction:

- Maintain exhaust silencers on mobile equipment (such as bulldozers, trucks, and cranes) in working condition.
- Maintain mechanical equipment such as trucks, compressors, and cranes in good working condition and shut equipment down when it is not in use (i.e., instead of unnecessary idling).
- Keep noisy equipment as far from site boundaries as possible.
- Utilize noise attenuated air compressors.
- If rock crushers are to be utilized, manufacturer recommendations for best management practices for noise suppression will be followed.

#### *Dust Mitigation*

Construction activities may generate fugitive dust, which may temporarily increase localized levels of total suspended particulates. The following steps will be taken to mitigate these potential impacts:

- If the level of rock crushing activity exceeds applicable US Environmental Protection Agency (EPA) limits, the operation will require adherence to the EPA, AP-42 emission factors for rock crushing and National Ambient Air Quality Standards for inhalable particulates. These standards require that there shall not be more than 150 micrograms of PM-10 particles per cubic meter at the property line measured on a 24-hour basis. The applicant will operate the crushers under a system that will not exceed these limits.
- Wherever possible, equipment and conveyors are to be covered by a tarp; or a dry dust collection system will be installed which involves use of a vacuum with hoods and duct work that will direct dry dust particles to a bag house which is periodically emptied.
- Alternately, there will be wet suppression technology where water under very high pressure will produce a mist either into the inlet of the crusher, on top of the screen, or at conveyor transfers.

### *Blasting*

Blasting requiring rock excavation will be avoided to the maximum extent practicable. All blasting operations will adhere to New York State and Village of Tarrytown ordinances governing the use of explosives. Proper program guidelines will be established to follow Tarrytown and Greenburgh regulations and other applicable State and federal regulations prior to the undertaking of this activity. In addition to obtaining applicable blasting certifications and complying with all blasting safety requirements, a Blasting Plan will be implemented. A Blasting Inspector will be on-site for all blasting events.

### *Construction Monitoring*

The following monitoring plan will be implemented in order to ensure that construction activities are carried out to specifications:

- 1) The Applicant will provide the Building Inspector and Village Engineer with a staging and construction plan to identify the location of construction equipment, construction materials and debris on the site. This plan will be submitted prior to any site disturbance.
- 2) The Applicant will appoint a foreman who will be in charge of assuring that all construction activities are in accordance with the monitoring plan.
  - a) The Foreman will prepare a written weekly inspection and maintenance report, which will be submitted to the Village Engineer until the proposed Stormwater Management Plan is determined to be fully installed
  - b) A certified engineer will inspect all erosion and control measures during and after rainfalls
  - c) Erosion and sedimentation problems will be identified and corrected as soon as possible with immediate notification to the Village Engineer
  - d) Additional hay bales, silt fencing and wood stakes will be stored on site in case of emergency
  - e) The following steps will be taken to protect existing trees:
    - i. The applicant will submit an updated tree survey for each lot at the time of site approval to ensure the accuracy of the tree survey over time;
    - ii. Fences will be put around trees to protect their roots in areas of construction in accordance with the Tarrytown Tree Ordinance;
    - iii. On days when trees are scheduled to be removed the applicant's landscape architect and the Foreman and/or the applicant/owner will be present to supervise and ensure that only trees that are supposed to be removed are removed. The tree removal schedule will be provided to the Village Engineer; and

- iv. No construction vehicles, equipment or materials will be stored under a tree or within a tree's drip line. Fences must be provided to protect existing trees in the construction area.
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- 3) A construction bond will be required to ensure the proper installation and maintenance of sediment and erosion control measures. The applicant will be required to install all sediment and erosion control measures and make sure that they are in place and functioning throughout the entire construction process. Such measures will be monitored by the Foreman who will immediately report any problems to the Village Engineer.
  - 4) The Applicant will submit a schedule for all earthwork and land disturbance to the Village Engineer or his/her designee for approval prior to commencing site work. The Applicant will notify the Village Engineer or Building Inspector with confirmation at least 48 hours in advance of any site disturbance to inspect the installation of erosion and sediment control devices and tree and stream protection measures.
  - 5) The stormwater management/drainage plan for the site will be submitted to and approved by the Village Engineer and will be included in the project's Stormwater Pollution Prevention Plan as required by NYSDEC Phase II Stormwater Regulations.

**GENERAL FINDINGS**

Name of Action: Greystone on Hudson Residential Subdivision

**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 social, economic, and other essential considerations from among the reasonable alternatives thereto, the action approved is one that minimizes or avoids significant adverse environmental impacts to the maximum extent practicable; and
- 3) Consistent with social, economic, and other essential considerations, to the maximum extent practicable, significant adverse environmental impacts identified in the environmental impact statement 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

Village of Tarrytown Planning Board

Name of Agency

|                                   |                               |
|-----------------------------------|-------------------------------|
| _____                             | <u>Chairperson</u>            |
| Signature of Responsible Official | Title of Responsible Official |
| <u>Stanley Friedlander</u>        | <u>5/17/2012</u>              |
| Name of Responsible Official      | Date                          |

1 Depot Plaza, Tarrytown, New York

Address of Agency